

Time 5.30 pm **Public Meeting?** YES **Type of meeting** Executive

Venue Committee Room 3 - Civic Centre, St Peter's Square, Wolverhampton WV1 1SH

Membership

Chair Cllr Louise Miles (Lab)
Vice-chair Cllr Roger Lawrence (Lab)

Labour

Cllr Peter Bilson
Cllr Steve Evans
Cllr Val Gibson
Cllr Hazel Malcolm
Cllr Lynne Moran
Cllr John Reynolds
Cllr Sandra Samuels OBE
Cllr Paul Sweet

Quorum for this meeting is five Councillors.

Information for the Public

If you have any queries about this meeting, please contact the Democratic Services team:

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Wolverhampton WV1 1RL

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Some items are discussed in private because of their confidential or commercial nature. These reports are not available to the public.

Agenda

Part 1 – items open to the press and public

Item No. *Title*

1 **Apologies for absence**

2 **Declarations of interest**

MEETING BUSINESS ITEMS

3 **Minutes of the previous meeting - 15 January 2019** (Pages 5 - 12)
[To approve the minutes of the previous meeting as a correct record.]

4 **Matters arising**
[To consider any matters arising from the minutes.]

DECISION ITEMS (AMBER - DELEGATED TO THE CABINET (RESOURCES) PANEL)

5 **Business Rates Discretionary Reliefs** (Pages 13 - 38)
[To approve the extension of the Council's local scheme for business rates discretionary relief with effect from 1 April 2019]

6 **Future Use of Former Old Fallings Adventure Playground** (Pages 39 - 50)
[To declare the site surplus to the Council's requirements and consider the future use of the site]

7 **Schedule of Individual Executive Decision Notices** (Pages 51 - 56)
[To note the summary of open and exempt individual executive decisions approved by cabinet members following consultation with relevant employees]

8 **Exclusion of press and public**
[To pass the following resolution:

That in accordance with Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business as they involve the likely disclosure of exempt information on the grounds shown below]

Part 2 - exempt items, closed to press and public

9 **Procurement - Award of Contracts for Works, Goods and Services** (Pages 57 - 72)
[To approve the award of contracts for works, goods and services]

Information relating to the financial or business affairs of any particular person (including the authority holding that information) Para (3)

- | | | |
|----|---|---|
| 10 | <p>Land at Reedham Gardens - Housing Revenue Account Site Development (Pages 73 - 78)</p> <p>[To approve the development of the site for affordable residential development through the Housing Revenue Account]</p> | <p>Information relating to the financial or business affairs of any particular person (including the authority holding that information) Para (3)</p> |
| 11 | <p>Horseley Fields, Canalside South - Site Disposal (Pages 79 - 100)</p> <p>[To approve the Canalside South update]</p> | <p>Information relating to the financial or business affairs of any particular person (including the authority holding that information) Para (3)</p> |

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CITY OF WOLVERHAMPTON COUNCIL	Cabinet (Resources) Panel Minutes - 15 January 2019
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Attendance

Members of the Cabinet (Resources) Panel

Cllr Louise Miles (Chair)
Cllr Roger Lawrence (Vice-Chair)
Cllr Peter Bilson
Cllr Steve Evans
Cllr Val Gibson
Cllr Hazel Malcolm
Cllr Lynne Moran
Cllr John Reynolds
Cllr Paul Sweet

Employees

Dereck Francis	Democratic Services Officer
Tim Johnson	Managing Director
Ged Lucas	Strategic Director - Place
Kate Martin	Service Director - City Housing
Claire Nye	Director of Finance
Shelley Smith	Events and Marketing Officer
Meredith Teasdale	Director of Education

Part 1 – items open to the press and public

Item No. Title

- 1 **Apologies for absence**
Apologies for absence were submitted on behalf of Councillor Sandra Samuels OBE.
- 2 **Declarations of interest**
No declarations of interests were made.
- 3 **Minutes of the previous meeting - 4 December 2018**
Resolved:
That the minutes of the previous meeting held on 4 December 2018 be approved as a correct record and signed by the Chair.
- 4 **Matters arising**
There were no matters arising from the minutes of the previous meeting.

5 **Acquisition of Privately Owned Empty Property by Agreement or Compulsory Purchase: 76 Beckett Street, Bilston. WV14 9XW**

Councillor Peter Bilson presented the report seeking approval to authorise the acquisition of privately owned property 76 Beckett Street, Bilston, Wolverhampton by agreement or through compulsory purchase.

The proposal would ensure that the property provided much needed housing by prompting the owner to either act voluntarily or via enforcement through a CPO to bring the property back into use; ensure that the property does not continue to be visually detrimental to the area and does not continue to attract anti-social behaviour/ fly tipping; and ensure that the property has a positive financial impact on the public purse through additional New Homes Bonus funding and removing the on-going expenditure arising from anti-social behaviour.

Resolved:

1. That the Service Director of City Housing be authorised to negotiate terms for the acquisition of the property 76 Beckett Street, Bilston, WV14 7NT, and, in default of that acquisition, give authority for a compulsory purchase order (CPO) to be made under Part II Section 17 of the Housing Act 1985 in respect of the property.
2. That expenditure for the potential acquisition of the property, with subsequent capital receipts being recycled within the Empty Property Strategy programme be approved.
3. That in the event that the property is improved and re-occupied to the satisfaction of the Service Director of City Housing, the withdrawal of the property from the CPO be authorised.
4. That following any acquisition, the Service Director of City Housing be authorised to dispose of the property on the open market on condition that the property is refurbished and re-occupied within six or 12 months (as appropriate to the scale of the works).
5. That the Director of Governance be authorised to:
 - a. Take all reasonable steps as soon as it is reasonably practical to secure the making, confirmation and implementation of the CPO including the publication and service of all Notices and the presentation of the Council's case at any Public Inquiry.
 - b. Approve agreements with the owners of the property setting out the terms for the withdrawal of objections to the CPO, and/or making arrangements for re-housing or relocation of any occupiers.
 - c. Approve the making of a General Vesting Declaration (the property is brought into Council ownership via this process).
 - d. Approve the disposal of the whole and/ or parts of the property by auction, tender or private treaty.

6 **Acquisition of Privately Owned Empty Property by Agreement or Compulsory Purchase: 74 Rayleigh Road, Pennfields, Wolverhampton, WV3 0AP**

Councillor Peter Bilson presented the report seeking approval to authorise the acquisition of privately owned property 74 Rayleigh Road, Pennfields by agreement or through compulsory purchase.

The proposal would ensure that the property provides much needed housing by prompting the owner to either act voluntarily or via enforcement through a CPO to bring the property back into use; ensure that the property does not continue to be visually detrimental to the area and does not continue to attract anti-social behaviour/ fly tipping; and ensure that the property has a positive financial impact on the public purse through additional New Homes Bonus funding and removing the on-going expenditure arising from anti-social behaviour.

Resolved:

1. That the Service Director of City Housing be authorised to negotiate terms for the acquisition of the property 74 Rayleigh Road, Pennfields, WV3 0AP, and, in default of that acquisition, give authority for a compulsory purchase order (CPO) to be made under Part II Section 17 of the Housing Act 1985 in respect of the property.
2. That expenditure for the potential acquisition of the property, with subsequent capital receipts being recycled within the Empty Property Strategy programme be approved.
3. That in the event that the property is improved and re-occupied to the satisfaction of the Service Director of City Housing, the withdrawal of the property from the CPO be authorised.
4. That following any acquisition, the Service Director of City Housing be authorised to dispose of the property on the open market on condition that the property is refurbished and re-occupied within six or 12 months (as appropriate to the scale of the works).
5. That the Director of Governance be authorised to:
 - a. Take all reasonable steps as soon as it is reasonably practical to secure the making, confirmation and implementation of the CPO including the publication and service of all Notices and the presentation of the Council's case at any Public Inquiry.
 - b. Approve agreements with the owners of the property setting out the terms for the withdrawal of objections to the CPO, and/or making arrangements for re-housing or relocation of any occupiers.
 - c. Approve the making of a General Vesting Declaration (the property is brought into Council ownership via this process).
 - d. Approve the disposal of the whole and/ or parts of the property by auction, tender or private treaty.

7 **External Funding Update 2018**

Councillor John Reynolds presented the report seeking necessary approvals relating to the submission of bids for external funding. An overview of externally funded bids and their current status was also included in the report. The external funding would enable priority projects to proceed at a faster pace and with greater impact.

Resolved:

1. That authority be delegated to the Cabinet Member for City Environment and the Cabinet Member for Resources, in consultation with the Service Director of City Environment and Director of Finance, to approve the grant funding agreements relating to the Smart Intelligent Infrastructure Investment bid and to approve the necessary budgets if the bid is successful.
2. That authority be delegated to the Cabinet Member of City Economy and the Cabinet Member of Resources, in consultation with the Director Regeneration and Director of Finance to approve the grant funding agreements relating to the Cultural Development Fund bid and to approve the necessary budgets if the bid is successful.
3. That an increase of £14,717 to the capital programme for the Black Country Blue Network project, which is fully funded through section 106 monies, to maximise the use of existing European Regional Development Fund (ERDF) grant be approved.
4. That a revenue budget based on the Rough Sleeper Cold Weather fund allocation to the value of £20,000 which is fully funded be approved.
5. That it be noted that the ERDF bid for Smart Intelligent Infrastructure Investment has been submitted to the Ministry of Housing, Communities and Local Government as managing authority for ERDF and the outcome is awaited.
6. That it be noted that the bid for Cultural Development Fund monies has been submitted to the Department for Digital, Culture, Media and Sport and the outcome is awaited.
7. That it be noted that the bid for Controlling Migration Fund monies has been submitted to the Ministry of Housing, Communities and Local Government, and the outcome is awaited.

8 **Schedule of Individual Executive Decision Notices**

Resolved:

That the summary of open and exempt individual executive decisions approved by the appropriate Cabinet Members following consultation with the relevant employees be noted.

9 **Exclusion of press and public**

Resolved:

That in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business as it involves the likely disclosure of exempt information falling within the paragraph 3 of Schedule 12A of the Act.

10 **Review of Change in the Law Provision for Building Schools for the Future Phase 3c Private Finance Initiative**

Councillors Lynne Moran and Louise Miles presented the report on a proposal for the Council to take back the risk of a change in law in the Private Finance Initiative (PFI) Project Agreement for St Matthias School and Heath Park School in exchange for a financial consideration from the contractor (Amber Infrastructure Limited).

Resolved:

1. That subject to the outcome of negotiations, the full release of the change in law provision for the Private Finance Initiative (PFI) Project Agreement for St Matthias School and Heath Park School (PFI) be approved.
2. That subject to the outcome of negotiations, the Council enter into a Deed of Variation to the PFI Project Agreement for St Matthias School and Heath Park School (PFI) to take back the change in law risk for the Council.
3. That subject to the outcome of negotiations, the Council enter into any ancillary documents necessary for the Deed of Variation to take effect.
4. That authority be delegated to the Cabinet Members for Resources and Education and Skills in consultation with the Director of Finance to approve the details of the Deed of Variation and ancillary documents including details of any payment by the PFI Contractor to the Council.

11 **Procurement - Award of Contracts for Works, Goods and Services**

The Panel considered proposals for the award of contracts for works, goods and services.

Resolved:

1. That authority be delegated to the Cabinet Member for City Assets and Housing, in consultation with the Strategic Director for Place, to approve the award of a contract for Building Repairs and Maintenance when the evaluation process is complete.
2. Award the contract for Average Speed Enforcement Cameras to Jenoptik Traffic Solutions UK Limited of 43 Frimley Business Park, Frimley, Surrey, GU16 7SG, for a duration of four years from 1 February 2019 to 31 January 2023 for a total contract value of £898,629.
3. That authority be delegated to the Cabinet Member for Adults, in consultation with the Strategic Director for People, to approve the award of a contract for a Culturally Sensitive Support Service when the evaluation process is complete.

4. That authority be delegated to the Cabinet Member for Adults, in consultation with the Strategic Director for People, to approve the award of a contract for the provision of a Telecare Response Service.
5. That the Director of Governance be authorised to execute contracts in respect of the above as required.

12

Purchase and Development of Sites within the Bushbury Estate Management Board Area for New Build Council Housing

Councillor Peter Bilson presented the report which sought approval to the purchase of former Methodist Church site on Kempthorne Avenue, Low Hill and the development of the site for new build council housing. Smaller sites within the Bushbury Hill Estate Management Board (BHEMB) boundary area were also proposed to be considered for new build council housing following further site surveys being undertaken to assess each sites viability for development.

The proposal to acquire the former Methodist Church site would ensure that the site was developed within an agreed timescale providing much needed affordable housing units within the area and bringing back into use an area of land that suffers from issues of fly tipping on the site. The other smaller sites to be included within the Community Housing Fund bid will make better use of properties with larger garden areas to their side boundaries which tenants find difficult to maintain and have a negative appearance on the wider estate. This would also increase the numbers of affordable units for BHEMB to manage.

Resolved:

1. That the purchase of the Former Methodist Church site, Kempthorne Avenue, Low Hill and the development of several smaller sites within the Bushbury Hill Estate Management Board (BHEMB) boundary for new build council housing be approved.
2. That the expenditure of an estimated £325,000 to fund the proposed acquisition and development works, using Housing Revenue Account capital funds, combined with proposed bidding for Community Housing Fund grant from Homes England be approved.
3. That authority be delegated to the Cabinet Member for City Assets and Housing, in consultation with the Service Director of City Housing, to agree the details of the proposed site acquisition costs and development, along with all ancillary legal agreements and contracts.
4. That authority be delegated to the Cabinet Member for City Assets and Housing, in consultation with the Service Director of City Housing, to substitute alternative sites within the Estate Management Board area should more viable options be identified.

13

Property Management Partner

Councillor Peter Bilson presented the report which recommended, following a service review of the Council's commercial property management and an option appraisal, the procurement of a Property Management Partner for the part management of the Council's commercial property estate. The proposal would realise a more cost-

effective delivery of the landlord responsibilities for the assets i10, i11 and industrial portfolio thereby protecting the existing rental income with the opportunity to increase. There would be scope and flexibility to include further commercial assets into the partnership subject to financial viability and evidence of risk reduction in terms of ongoing maintenance and statutory compliance.

The partner would be accountable for the delivery of all services associated with managing a commercial portfolio thereby releasing a proportion of the Estates team's time to focus on strategic objectives.

Resolved:

That the progression of the procurement of a Property Management Partner for the commercial property estate (i10, i11 and industrial portfolio) currently managed by Corporate Landlord be approved.

14

Lease of Jonesfield Crescent Garage Site

Councillor Peter Bilson presented the report seeking delegated authority to approve a proposed 25-year lease of the Jonesfield Crescent garage site to the adjacent East Park Medical Practice for use as a car park, to support the planned extension of their neighbouring Medical Practice, subject to final agreement of the Council's Heads of Terms and Conditions of the disposal. It was also proposed that the existing garage tenants at Jonesfield Crescent be decanted to the nearby Purslet Road garage site, approximately 200 metres away, upon completion of necessary refurbishments to the Purslet Road site.

Resolved:

1. That authority be delegated to the Cabinet Member for City Assets and Housing, in consultation with the Service Director of City Housing, to approve a lease of Jonesfield Crescent garage site in East Park Ward, as shown on the plan attached at Appendix 1 the report, to the adjacent East Park Medical Practice, subject to final agreement of the Council's Heads of Terms and Conditions of the disposal.
2. That it be noted that as part of the agreement it is proposed that the Medical Practice/NHS would either undertake, or pay a sum towards, the necessary refurbishment work on the nearby garage site at Purslet Road, estimated to be in the region of £60,000, subject to final agreement of the Council's Heads of Terms and Conditions of the disposal.
3. That it be noted that the existing Jonesfield Crescent garage tenants would be decanted to the newly refurbished Purslet Road garage site, with the necessary support from the Council's managing agent, Wolverhampton Homes, subject to final agreement of the Council's Heads of Terms and Conditions of the disposal.
4. That the Medical Practice/NHS would be responsible for all future maintenance of the Jonesfield Crescent garage site, in its new use as a car park for visitors to the expanded East Park Medical Practice, subject to final agreement of the Council's Heads of Terms and Conditions of the disposal.

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CITY OF WOLVERHAMPTON COUNCIL	Cabinet (Resources) Panel 5 February 2019
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Report title	Business Rates Discretionary Reliefs	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Louise Miles Resources	
Key decision	Yes	
In forward plan	Yes	
Wards affected	All	
Accountable Director	Claire Nye, Director of Finance	
Originating service	Revenues and Benefits	
Accountable employee	Sue Martin Tel Email	Head of Revenues and Benefits 01902 554772 Sue.martin@wolverhampton.gov.uk
Report to be/has been considered by	Strategic Executive Board	15 January 2019

Recommendations for decision:

The Cabinet (Resources) Panel is recommended to:

1. Approve the following extensions to the local business rates discretionary relief policy:
 - a. In respect of revaluation support for one year from 1 April 2019.
 - b. In respect of charitable and voluntary organisations for one year from 1 April 2019.
 - c. In respect of local newspaper discount for one year from 1 April 2019.
 - d. In respect of retail discount for two years from 1 April 2019.
2. Delegate authority to the Head of Revenues and Benefits to award relief in individual cases, in respect of new categories d. above.

1.0 Purpose

- 1.1 To seek approval to extend the Council's local scheme for business rates discretionary relief with effect from 1 April 2019.

2.0 Background

- 2.1 Discretionary rates relief is granted under Section 47 of the Local Government Finance Act 1988.

- 2.2 The local scheme consists of different categories of relief based on Government guidance.

3.0 Discretionary Relief – Revaluation Support

- 3.1 In the March 2017 budget, the Government announced measures to provide additional support to businesses facing increases in business rates because of the national revaluation.
- 3.2 A four-year fund was allocated to local authorities to enable reductions in rates for those businesses most affected.
- 3.3 The amount allocated to Wolverhampton is shown in the following table:

2017-2018 £000	2018-2019 £000	2019-2020 £000	2020-2021 £000
392	190	78	11

- 3.4 Due to the significant difference in funding between years and the need to ensure the value of awards does not exceed the Government funding, the scheme has been reviewed annually and awards granted for one year at a time.
- 3.5 In 2017-2018 relief was 100% of the increase in rates payable resulting from the 2017 national business rates revaluation. In 2018-2019 relief was 70% of the increase.
- 3.6 Relief for 2019-2010 is recommended at 40% of the increase and in accordance with the criteria set out in appendix 1.
- 3.7 In line with Government requirements, the proposal has been shared with the Police and Crime Commissioner, the Fire and Rescue Authority and the West Midlands Combined Authority.

4.0 Discretionary Relief – Charitable and Voluntary Organisations

- 4.1 The existing scheme relating to charitable and voluntary organisations is set out in appendix 2. The scheme approved on 27 February 2018 expires on 31 March 2019.
- 4.2 This category of relief provides either up to 20% of liability for registered charities (to top up mandatory relief) or up to 100% of liability in the case of organisations that are not established or conducted for profit.

- 4.3 Relief for existing recipients is reviewed annually and each organisation is required to certify that they continue to fulfil the conditions for the relief to be granted.
- 4.4 The policy is based on Government guidance and sets out clear eligibility criteria against which applications are assessed. Authority to approve awards is delegated to the Cabinet Member for Resources in consultation with the Head of Revenues and Benefits.
- 4.5 This report does not contain any proposal to revise eligibility under the scheme. It is recommended that approval be given to continue the scheme for 2019-2020.
- 4.6 All organisations receiving an award will be given notice that the relief will end on 31 March 2020 and they will be notified of any new scheme developed to take effect from 1 April 2020.

5.0 Discretionary Relief – Local Newspapers and Retail Properties

- 5.1 In the October 2018 budget, the Government announced measures to provide business rates relief in respect of the above types of properties and businesses.
- 5.2 Relief for local newspapers was originally granted for two years from 1 April 2017, however the Government has announced an extension for 2019-2020. This category of relief provides a discount of up to £1,500 for office space occupied by a local newspaper. One business in the City is eligible for local newspaper relief. The scheme is set out in appendix 3.
- 5.3 Relief for retail businesses is a new category of relief that provides a discount of one third of the bill, after other reliefs, to occupied retail properties with a rateable value of less than £51,000. It will apply for two years from 1 April 2019 and it is estimated that between 300 and 500 businesses in the City could be eligible for this category of relief. The recommended scheme, which follows Government guidance, is set out in appendix 4.
- 5.4 Whilst the Council would be using discretionary powers to award the new categories of relief, reimbursement for the full cost of the relief is conditional on following Government guidance.

6.0 Evaluation of alternative options

- 6.1 The Council could choose not to extend the discretionary relief scheme. This option has been discounted for those categories that are fully funded by Government as the funding provides an opportunity to reduce rates bills for local businesses.
- 6.2 The Council could choose to top up the Government funding from its own resources. This option has been discounted because of the impact on the medium term financial strategy.

7.0 Reasons for decision(s)

- 7.1 The extension of the scheme for revaluation support is in line with the Government's aim of assisting businesses hardest hit by the revaluation and is aligned with the principles of other schemes across the region.

- 7.2 Extending the scheme for charitable and voluntary organisations continues support to a range of organisations providing support to vulnerable groups allowing the Council to foster good relations and enhance equal opportunities.
- 7.3 The creation of a new category of relief for retail businesses is in line with the Government's aim of supporting the retail sector.
- 7.4 Adopting the new categories of relief would benefit those individual businesses that would see a reduction in their rates liability and would benefit the Council due to a reduction in the amount of rates to collect

8.0 Financial implications

- 8.1 The City of Wolverhampton Council, as one of the constituent members of the West Midlands Combined Authority, is participating in a business rates retention pilot from April 2017, on a no financial detriment basis. The continuation of the existing 100% business rates retention pilots until 2019-2020 was confirmed as part of the Local Government Settlement issued on 6 February 2018. As a result of entering into this pilot, the Council will retain 99% of business rates, no longer receive revenue support grant and receive a top up grant adjustment to account for the net effect of the changes.
- 8.2 Under the 99% business rates retention scheme, the cost to the Council of awarding discretionary (charitable and voluntary organisations) relief in 2019-2020 will be in the region of £620,000.
- 8.3 There are no direct financial costs for awards under the revaluation support relief as the Council will be compensated by way of Section 31 grant up to the limit of £78,000 for 2019-2020. Awards are not expected to exceed this limit.
- 8.4 Furthermore there are no direct financial costs for awards under the local newspaper and retail relief as the Council will be compensated by way of Section 31 grant.
[MH/09012019/J]

9.0 Legal implications

- 9.1 Section 47 of the Local Government Finance Act 1988 gives discretionary power to billing authorities to grant partial or full relief to certain categories of non- domestic ratepayer. The Non-Domestic Rating (Discretionary Relief) Regulations 1989 allow for this relief to be restricted to a fixed period.
- 9.2 It will be for the Council to ensure that any relief granted does not transgress state aid rules. Any aid granted pursuant to the application of section 47 must therefore be determined as compatible with the internal market or some applicable regulation, such as the de minimis provisions (i.e. less than 200,000 euros over three consecutive fiscal years, to a single undertaking) or the general block exemption. Otherwise the aid could be regarded as unlawful.
[JSM 07012019 BSDR]

10.0 Equalities implications

10.1 A full equality analysis was completed two years ago in respect of the Business Rates Discretionary Policy which indicates that the Council's approach allows it to foster good relations and advance equal opportunities. Nothing has changed regarding relief for charities and voluntary organisations. The policy developed for all other areas is strictly in line with Government guidance to obtain 100% funding.

11.0 Environmental implications

11.1 There are no environmental implications arising from this report.

12.0 Human resources implications

12.1 There are no human resources implications arising from this report.

13.0 Corporate landlord implications

13.1 There are no corporate landlord implications arising from this report.

14.0 Health and Wellbeing Implications

14.1 There are no health and wellbeing implications arising from this report.

15.0 Appendices

15.1 Appendix 1 – Business Rates Discretionary Relief (Revaluation Support)

15.2 Appendix 2 – Business Rates Discretionary Relief (Charitable and Voluntary Organisations)

15.3 Appendix 3 - Business Rates Discretionary Relief (Local Newspapers)

15.4 Appendix 4 - Business Rates Discretionary Relief (Retail Discount)

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City of Wolverhampton Council

**Business Rates Discretionary Relief
(Revaluation Support) Policy**

Contents

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1. Introduction

- 1.1. This policy sets out circumstances in which relief can be awarded to ratepayers facing an increase in their rates bill because of the national business rates revaluation which took effect from 1 April 2017.
- 1.2. In the Spring Budget 2017 the Chancellor announced £300 million of additional funding to provide financial support to businesses whose rates bill had increased. City of Wolverhampton Council will receive £670,000 of this funding, spread over the four years from 2017/18 to 2020/21.
- 1.3. The Government advised councils to use discretionary powers under Section 47 of the Local Government Finance Act 1988 (as amended by the Localism Act) to develop a scheme for relief that will distribute the additional funding.
- 1.4. The amount of relief given to a business will be proportionate to the amount by which its rates bill has increased.
- 1.5. Relief will focus on small and medium sized businesses, over national and multi-national businesses, on the basis that the latter are more likely to be able to pay an increased bill and because they are likely to have a mixture of increases and decreases in rates bills across their estate nationally.

2. Purpose and principles of the policy

- 2.1. The purpose of this policy is to:
 - a) Ensure that all considerations for awards are dealt with in a fair, consistent and equal manner
 - b) Set a framework for how the Council will make the award
 - c) Make clear the limited criteria under which relief will be awarded.
- 2.2. The Council will identify those ratepayers who are eligible for revaluation relief under this policy framework.
- 2.3. This policy has been written in line with government guidance and awards will only be considered where the conditions to receive full reimbursement from Government are met. Any amendments to government guidance that further restrict the scope of awards qualifying for full reimbursement will take precedence over this policy.

3. Requirements for applications

- 3.1. Applications will not be required as eligibility can be determined from data held by the Council.
- 3.2. The Council will request any supporting evidence it considers necessary to properly assess the award.
- 3.3. Ratepayers must continue to pay any amount of rates that falls due whilst an award is under consideration.

4. Eligibility for the scheme and decision making

- 4.1. Relief will be available to businesses occupying properties which have a rateable value of less than £200,000 at 31 March 2017. Where a business has more than one property within the City with a combined rateable value of £200,000 or more then the business will not be eligible for relief under this scheme.
- 4.2. Relief for 2017-2018 will be awarded to eligible properties where the increase in rates payable after other reliefs is £25 per year or more. Calculated as the increase in the businesses annualised liability, against the same property, occupied by the same ratepayer from 2016-2017 to 2017-2018.
- 4.3. For the 2017-2018 financial year, relief will be awarded to cover the full amount of the increase, so that the ratepayer will see no increase in their 2017-2018 bill in comparison to their 2016-2017 bill because of revaluation.
- 4.4. For the 2018-2019 financial year, relief will be awarded to cover 70% of the increase so that the ratepayer will see no more than 30% increase in their 2018-2019 bill in comparison to their 2016-2017 bill because of revaluation.
- 4.5. For the 2019-2020 financial year, relief will be awarded to cover 40% of the increase, so that the ratepayer will see no more than 60% increase in their 2019-2020 bill in comparison to the 2016-2017 bill.
- 4.6. There is no limit to the number of properties against which a single business may receive relief under this scheme, subject to state aid rules and exclusions in section 5.

5. Exclusions

- 5.1. Relief will not be paid to ratepayers / properties in the following circumstances
 - a) Properties occupied by charitable or not for profit organisations or Community Amateur Sports Clubs that are eligible for mandatory or discretionary charitable relief
 - b) Properties that are unoccupied
 - c) Land and car parks
 - d) Properties occupied by City of Wolverhampton Council or any other precepting authority
 - e) Properties occupied by public sector organisations, including surgeries, health centres and hospitals
 - f) Ratepayers occupying properties on or after 1 April 2017
 - g) Properties that were not in the rating list on 1 April 2017 (relief will not apply where properties are entered into the rating list retrospectively)
 - h) Properties that are occupied by national and multi-national companies¹ with multiple hereditaments.

¹ A group of outlets owned by one company and with a presence in at least three UK regions (England - North East; North West; Yorkshire and The Humber; East Midlands; West Midlands; East of England; London; South East; South West, Wales and Scotland) or worldwide, with similar appearance and providing similar services or goods across the outlets.

6. Recalculation of reliefs

- 6.1. The amount of relief awarded under the revaluation support relief scheme will be recalculated in the event of a change of circumstances. This could include, for example, a backdated change to the rateable value, or the business moves out.
- 6.2. A recalculation could happen in any year of the scheme provided the qualifying conditions are met.

7. Other reliefs

- 7.1. Revaluation support relief will be calculated after the application of all other reliefs with the exception of relief for pubs.

8. Duration of awards

- 8.1. Relief will be applied from 1 April 2017 for the 2017-2018, 2018-2019 and 2019-2010 financial years only. The scheme will be reviewed and revised in order to distribute the reduced amount of government funding available in the remaining year, 2020-2021.
- 8.2. A revised bill will be issued reflecting any relief granted.
- 8.3. If a business moves out of a property, the relief will be apportioned to the date of leaving.
- 8.4. Ratepayers are required to notify the Council immediately of any change in circumstances that may affect their entitlement to relief.

9. State aid

- 9.1. The State Aid rules regulate public sector intervention, with the aim of ensuring fair competition and the proper functioning of the single market.
- 9.2. Relief will not be awarded in any circumstances where it appears that an award will result in the ratepayer receiving state aid that is above the De Minimis level. For most organisations, this is currently equivalent to €200,000 within a three-year period.
- 9.3. As awards, will be made without the need for an application, each ratepayer will be required to declare if receipt of relief under this scheme would result in them receiving state aid in excess of the De Minimis level.

10. Review process

- 10.1. There is no statutory right of appeal against a decision made by the Council regarding discretionary rate relief. However, the Council recognises that ratepayers should be entitled to have a decision reviewed if they are dissatisfied with the outcome.
- 10.2. The Council will accept a written request for a review of its decision. The request should include the reasons for requesting a review and any supporting information.
- 10.3. A request for review must be made within one calendar month of the date of the decision letter.
- 10.4. Reviews will be considered by an officer independent of the original decision maker.
- 10.5. The applicant will be notified of the outcome of the review in writing.

- 10.6. This review process does not affect a ratepayer's legal right to seek leave to challenge a decision by way of a Judicial Review.

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City of Wolverhampton Council

**Business Rates Discretionary Relief
(Charitable and Voluntary Organisations) Policy**

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1. Introduction

- 1.1. This policy sets out circumstances in which reductions in rate liability will be granted to charitable and voluntary, not for profit organisations.

2. Purpose and principles of the policy

- 2.2. The purpose of this policy is to:

- a) Ensure that all considerations for awards are dealt with in a fair, consistent and equal manner
- b) Set a framework for how the council will make the award
- c) Make clear the limited criteria under which relief will be awarded.

3. Requirements for applications

- 3.1. Applications will only be considered where a written application is received from a person properly authorised to make an application on behalf of the organisation.
- 3.2. The Council will request any supporting evidence it considers necessary to properly assess the merits of the application.
- 3.3. The ratepayer must allow a council officer access to the property by appointment during normal working hours within two weeks of the Council receiving the application if it is necessary to verify the use of the property.

4. Eligibility for the scheme and decision making

- 4.1. The following criteria are considered when deciding applications for discretionary rate relief and each application will be treated on its merits. The criteria set out below are consistent with recommendations of the Department for Communities and Local Government and local authority associations.
- a) The organisation should ensure that membership is open to all sections of the community and membership rates/subscriptions should not be set at such a high level as to exclude the general community. The club should, if required, be able to demonstrate the criteria by which applications for membership are consistent with the principle of 'open membership' and in accordance with equal opportunities policies.
 - b) Sympathetic consideration will be given to applications from groups who actively encourage membership from particularly disadvantaged groups in the community, e.g. young people or the disabled, elderly people and ethnic minorities.
 - c) Sympathetic consideration will be given to organisations who make their facilities available to people other than members e.g. schools.
 - d) Whether the organisation provide training for its members particularly the young.
 - e) Have the facilities available been provided by self-help or grants from other bodies? Self-help organisations may be considered more sympathetically for discretionary relief.
 - f) Does the organisation provide facilities which indirectly relieve the Council of the need to do so or do the facilities complement those provided by the Council?

5. Local criteria

5.1. The following local criteria have been adopted by the Council:

- a) Generally, no discretionary relief should be allowed to national charitable organisations - unless there are exceptional circumstances, *e.g. charitable animal welfare organisations providing local facilities.*
- b) Relief should not be given to sports or social clubs of industrial firms or other business organisations (assistance should be provided by the firm or organisation).
- c) Organisations who receive direct grant aid from the Council will receive maximum discretionary relief with a corresponding reduction in their grant, providing that this does not apply to schemes funded by the Government. However, in cases where the government funding regime assumes that local relief is being granted, this will be given providing that all other criteria is met. Relief will not be granted where government funding is available to meet the liability.
- d) Generally, the facility should be provided for the benefit of people living in the City.
- e) The Council has generally agreed not to allow any relief where in its opinion the body can support itself financially without the need for assistance from the Council in the form of discretionary rate relief.

6. Sports clubs

6.1. The following additional criteria apply specifically for sports clubs:

- a) More than 50% of the members should be active playing members.
- b) Generally, no relief should be allowed where a public admission fee is charged unless there are exceptional circumstances.
- c) Sympathetic consideration to be given to minority sports and where facilities are not provided by the Council.
- d) For those sports clubs that operate a bar, relief should not generally exceed 50% unless there are exceptional circumstances.
- e) Sympathetic consideration to be given to those organisations that are affiliated to local or national organisations with a view to developing their own interests and promoting Wolverhampton as a national or international venue.

7. Recalculation of reliefs

7.1. The amount of discretionary charitable relief will be recalculated in the event of a change of circumstances. This could include, for example, a backdated change to the rateable value, or the organisation moves out.

8. Other reliefs

8.1. Discretionary charitable relief will be calculated after the application of other reliefs as specified by the legislation.

9. Duration of awards

9.1. Relief will be applied from 1 April 2018 for 2018-2019 and from 1 April 2019 for 2019-2020 financial years only.

- 9.2. A revised bill will be issued reflecting any relief granted.
- 9.3. If an organisation moves out of a property, the relief will be apportioned to the date of leaving.
- 9.4. Organisations are required to notify the Council immediately of any change in circumstances that may affect their entitlement to relief.

10. State aid

- 10.1. The State Aid rules regulate public sector intervention, with the aim of ensuring fair competition and the proper functioning of the single market.
- 10.2. Relief will not be awarded in any circumstances where it appears that an award will result in the ratepayer receiving state aid that is above the De Minimis level. For most organisations, this is currently equivalent to €200,000 within a three-year period.

11. Review process

- 11.1. There is no statutory right of appeal against a decision made by the Council regarding discretionary rate relief. However, the Council recognises that ratepayers should be entitled to have a decision reviewed if they are dissatisfied with the outcome.
- 11.2. The Council will accept a written request for a review of its decision. The request should include the reasons for requesting a review and any supporting information.
- 11.3. A request for review must be made within one calendar month of the date of the decision letter.
- 11.4. Reviews will be considered by an officer independent of the original decision maker.
- 11.5. The applicant will be notified of the outcome of the review in writing.
- 11.6. This review process does not affect a ratepayer's legal right to seek leave to challenge a decision by way of a Judicial Review.

City of Wolverhampton Council

Business Rates Discretionary Relief

(Local Newspapers) Policy

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1. Introduction

- 1.1. This policy sets out circumstances in which a discount can be awarded to the office space occupied by local newspapers
- 1.2. In the Autumn Statement 2016 the Government announced its intention to provide funding to local authorities so that they can provide a discount to office space occupied by local newspapers. The Government advised councils to use discretionary powers under Section 47 of the Local Government Finance Act 1988 (as amended by the Localism Act) to develop a scheme for relief and agreed that provided government guidance is followed, councils would be reimbursed with the full cost of any relief granted.
- 1.3. The relief is up to a maximum of one discount per local newspaper title and per hereditament, and up to state aid limits. The amount of relief available under this policy is up to £1500.00 per year for a period of 2 years from 1 April 2017.
- 1.4. In the 2018 Autumn Budget the business rates discount of £1500 was extended to 2019-2020.
- 1.5. This policy will only continue for the period of reimbursement by the Government, which currently relates to 2017-2018, 2018-2019 and 2019-2020.

2. Purpose and principles of the policy

- 2.1. The purpose of this policy is to
 - a) Ensure that all applications are treated in a fair, consistent and equal manner
 - b) Set a framework for how ratepayers can apply for this relief
 - c) Make clear the limited criteria under which relief will be awarded
- 2.2. Each application will be considered on its individual merit but in making a decision on the award the decision maker will give due consideration to the requirements of the policy framework.
- 2.3. This policy has been written in line with Government guidance and awards will only be considered where the conditions to receive full reimbursement from Government are met. Any amendments to Government guidance that further restrict the scope of awards qualifying for full reimbursement will take precedence over this policy.

3. Requirements for applications

- 3.1. Applications will only be considered where a written application is received from the ratepayer, or where the ratepayer is an organisation, a person properly authorised to make an application on behalf of the organisation.
- 3.2. The Council will request any supporting evidence it considers necessary to properly assess the merits of the application.
- 3.3. Ratepayers must continue to pay any amount of rates that falls due whilst an application is under consideration.

4. Decision making framework

- 4.1. The relief is to be specifically for local newspapers and by that we mean what would be considered to be a “traditional local newspaper.” The relief will not be available to magazines.
- 4.2. The hereditament must be occupied by a local newspaper and wholly or mainly used as office premises for journalists and reporters.
- 4.3. The amount of relief is limited to a maximum of one discount per newspaper title and per hereditament.
- 4.4. The total amount of Government funded relief available for each newspaper title and hereditament for 2017-2018, 2018-2019 and 2019-2020 under this scheme is £1,500. The amount does not vary with rateable value. The eligibility for the relief and the relief itself will be assessed and calculated on a daily basis. The following formula should be used to determine the amount of relief to be granted for a particular hereditament:

Amount of relief to be granted = £1500 x A/B where:

A is the number of days in the financial year that the hereditament is eligible for relief;
and

B is the number of days in the financial year.

5. Duration of Awards

- 5.1. Relief will be applied from 1 April 2017 or the date of occupation if later.
- 5.2. A revised bill will be issued reflecting any relief granted.
- 5.3. If a business moves out of a property, the relief will be apportioned to the date of leaving.
- 5.4. The maximum period of award will be for the financial years 2017-2018, 2018-2019 and 2019/20.
- 5.5. The period of the relief may be extended if the Government extends the period for which it will reimburse the Council for the cost of the relief.
- 5.6. Ratepayers are required to notify the Council immediately of any change in circumstances that may affect their entitlement to relief.

6. State aid

- 6.1. Relief will not be awarded in any circumstances where it appears that an award will result in the ratepayer receiving state aid that is above the current De Minimis level. Each application must be accompanied by a statement signed by the appropriate person representing the business setting out the amount of state aid, including but not limited to discretionary rate relief, which the ratepayer has received within the previous three years. Applications will not be considered until this statement is received.

7. Review process

- 7.1. There is no statutory right of appeal against a decision made by the Council regarding discretionary rate relief. However, the Council recognises that ratepayers should be entitled to have a decision reviewed if they are dissatisfied with the outcome.
- 7.2. The letter notifying of the outcome of an application for relief will include instructions on how to request a review and the address where any request for review should be sent.
- 7.3. The Council will accept a written request for a review of its decision. The request should include the reasons for requesting a review and any supporting information.
- 7.4. A request for review must be made within one calendar month of the date of the decision letter.
- 7.5. Reviews will be considered by an officer independent of the original decision maker.
- 7.6. The applicant will be notified of the outcome of the review in writing.
- 7.7. This review process does not affect a ratepayer's legal right to seek leave to challenge a decision by way of a Judicial Review.

City of Wolverhampton Council

**Business Rates Discretionary Relief
(Retail Discount) Policy**

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1. Introduction

- 1.1. This policy sets out circumstances in which reductions in rate liability will be granted to occupied retail premises.
- 1.2. In the Budget 2018 the Government announced its intention to provide relief to retail businesses on a temporary basis. The Government advised Councils to use discretionary powers under Section 47 of the Local Government Finance Act 1988 (as amended by the Localism Act) to develop a scheme for relief and agreed that provided Government guidance is followed, Councils would be reimbursed with the full cost of any relief granted.
- 1.3. The amount of relief available under this policy is one third of the bill after mandatory reliefs and other discretionary reliefs funded by Section 31 grants have been applied. There is no relief under this scheme if the rateable value (RV) of the property is £51,000 or more.
- 1.4. This policy will only continue for the period of reimbursement by the Government, which currently relates to 2019/20 and 2020/21.

2. Purpose and principles of the policy

- 2.1. The purpose of this policy is to
 - a) Ensure that all applications are treated in a fair, consistent and equal manner
 - b) Set a framework for how ratepayers can apply for this relief
 - c) Make clear the limited criteria under which relief will be awarded
- 2.2. Each application will be considered on its individual merit but in making a decision on the award the decision maker will give due consideration to the requirements of the Policy Framework.
- 2.3. This policy has been written in line with Government guidance and awards will only be considered where the conditions to receive full reimbursement from Government are met. Any amendments to Government guidance that further restrict the scope of awards qualifying for full reimbursement will take precedence over this policy.

3. Requirements for applications

- 3.1. Applications will not generally be required as eligibility can be determined from data held by the Council.
- 3.2. The Council will request any supporting evidence it considers necessary to properly assess the merits of the application.
- 3.3. The ratepayer must allow a Council Officer access to the property by appointment during normal working hours within two weeks of the Council receiving the application if it is necessary to verify the use of the property.
- 3.4. Ratepayers must continue to pay any amount of rates that fall due whilst an application is under consideration.

4. Decision making framework

- 4.1. Relief will be granted to occupied business premises with a rateable value of less than £51,000 that are wholly or mainly being used as eligible shops, restaurants, cafes and drinking establishments as follows:
- a) Premises that are being used for the sale of goods to visiting members of the public:
e.g. florist, bakers, butchers, grocers, greengrocers, jewellers, stationers, off licence, chemists, newsagents, hardware stores, supermarkets, charity shops, opticians, post offices, furnishing shops/display rooms (such as: carpet shops, double glazing, garage doors), car/caravan show rooms, second hand car lots, markets, petrol stations, garden centres, art galleries (where art is for sale/hire)
 - b) Premises that are being used for the provision of services to visiting members of the public:
e.g. hair dressers, nail bars, beauty salons, tanning shops, shoe repairs/key cutting, travel agents, ticket offices e.g. for theatre, dry cleaners, launderettes, PC/TV/domestic appliance repair, funeral directors, photo processing, tool hire, car hire
 - c) Premises that are being mainly used for the sale of food and/ or drink to visiting members of the public:
e.g. restaurants, takeaways, sandwich shops, coffee shops, pubs, bars.
- 4.2. Relief will not be granted where the premises are being used for the provision of the following services:
- a) Financial services:
e.g. banks, building societies, cash points, bureau de change, payday lenders, betting shops, pawn brokers, cheque cashing shops
 - b) Other services:
e.g. estate agents, letting agents, employment agencies
 - c) Medical services:
e.g. vets, dentists, doctors, osteopaths, chiropractors
 - d) Professional services:
e.g. solicitors, accountants, insurance agents/ financial advisers, tutors.
 - e) Post office sorting office
 - f) Any premises that are not reasonably accessible to visiting members of the public.
- 4.3. In addition, the following establishments are considered to be not eligible for relief under this policy.
- a) Cinemas, theatres and museums
 - b) Nightclubs and music venues
 - c) Conference centres
 - d) Sports clubs, gyms or other membership establishments
 - e) Establishments wholly or mainly offering material of an adult or sexual nature
 - f) Bookmakers, amusement arcades and other gambling establishments
 - g) Nurseries, crèche and educational establishments

- 4.4. The above lists in 4.2 and 4.3 are not exhaustive and a decision will be made by a duly authorised officer on whether any other premises should be considered to be wholly or mainly used for eligible retail purposes.
- 4.5. The definition of retail applied here is the sale of goods and services to the public in relatively small quantities for use or consumption. To qualify for the relief premises must be **wholly or mainly**¹ being used for retail purposes as a shop, restaurant, cafe or drinking establishment. This is a test on use rather than occupation. Premises which are occupied but not wholly or mainly used as a shop, restaurant, cafe or drinking establishment **will not** qualify for the relief.
- 4.6. Establishments used for other assembly or leisure purposes are not considered to be eligible for this relief.
- 4.7. Ratepayers who occupy more than one property can claim the relief on each of their eligible properties subject to State Aid limits.
- 4.8. Relief will be calculated on a daily basis on the net liability after all other reliefs using the following formula:

$$\text{Amount of relief to be granted} = \frac{V}{3}$$

Where:

V is the daily charge for the property for the chargeable day after the application of any mandatory relief and any other discretionary reliefs that are Government funded ("Section 31 grants").

5. Duration of awards

- 5.1. Relief will be applied from 1 April 2019 or the date of occupation if later.
- 5.2. A revised bill will be issued reflecting any relief granted.
- 5.3. If a business moves out of a property, the relief will be apportioned to the date of leaving.
- 5.4. The maximum period of award will be for the financial years 2019/20 and 2020/21.
- 5.5. The period of the relief may be extended if the Government extends the period for which it will reimburse the Council for the cost of the relief.
- 5.6. Ratepayers are required to notify the Council immediately of any change in circumstances that may affect their entitlement to relief.

6. State aid

- 6.1. Relief will not be awarded in any circumstances where it appears that an award will result in the ratepayer receiving state aid that is above the current De Minimis level. Each application must be accompanied by a statement signed by the appropriate person representing the business setting out the amount of state aid, including but not limited to

¹ More than 50% of premises floor space, by use

discretionary rate relief, which the ratepayer has received within the previous three years. Applications will not be considered until this statement is received.

7. Review process

- 7.1. There is no statutory right of appeal against a decision made by the Council regarding discretionary rate relief. However, the Council recognises that ratepayers should be entitled to have a decision reviewed if they are dissatisfied with the outcome.
- 7.2. The letter notifying of the outcome of an application for relief will include instructions on how to request a review and the address where any request for review should be sent.
- 7.3. The council will accept a written request for a review of its decision. The request should include the reasons for requesting a review and any supporting information.
- 7.4. A request for review must be made within one calendar month of the date of the decision letter.
- 7.5. Reviews will be considered by an officer independent of the original decision maker.
- 7.6. The applicant will be notified of the outcome of the review in writing.
- 7.7. This review process does not affect a ratepayer's legal right to seek leave to challenge a decision by way of Judicial Review.

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CITY OF WOLVERHAMPTON COUNCIL	Cabinet (Resources) Panel 5 February 2019
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Report title	Future Use of Former Old Fallings Adventure Playground	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Peter Bilson City Assets and Housing	
Key decision	Yes	
In forward plan	Yes	
Wards affected	Old Fallings	
Accountable Director	Ged Lucas, Strategic Director, Place	
Originating service	Assets	
Accountable employee	Julia Nock	Head of Assets
	Tel	01902 550316
	Email	Julia.nock@wolverhampton.gov.uk
Report to be/has been considered by	Housing Leadership Team	10 January 2019
	Commercial Leadership Team	10 January 2019
	Strategic Executive Board	15 January 2019

Recommendations for decision:

The Cabinet (Resources) Panel is recommended to:

1. Formally declare surplus to the Council's requirements the former Old Fallings Adventure Playground.
2. Approve that the future use of the site and its feasibility for affordable council housing development (100% affordable homes, to be principally affordable rent Council housing, with a proportion of affordable home ownership to be considered as required by planning regulations) be explored.
3. Delegate authority to the Cabinet Member for City Assets and Housing in consultation with the Strategic Director for Place to approve the disposal or appropriation of the former Old Fallings Adventure Playground.

4. Delegate authority to the Cabinet Member for City Assets and Housing in consultation with the Service Director City Housing to approve the development of the site for Affordable Council Housing once feasibility studies and site investigations are complete.
5. Delegate authority to the Cabinet Member for City Assets and Housing in consultation with the Service Director City Housing to approve agreements including but not limited to deed of covenants, collateral warranties, assignments and such other ancillary agreements, including capital variations as may be necessary in order to facilitate housing development on this site and the adjacent garage site.

1.0 Purpose

- 1.1 To formally declare surplus to Council requirements the former Old Fallings Adventure Playground (Plan attached in Appendix 1).
- 1.2 To provide the outcome of the resident engagement sessions which took place in October and December 2018 regarding the future use of the former Old Fallings Adventure Playground.
- 1.3 To recommend the future use of the site is explored for affordable council housing via appropriation to the Council's Housing Revenue Account. Noting also that land assembly with the neighbouring Housing Revenue Account garage site may provide improved access for residential development.
- 1.4 To recommend that the future use of the site is approved for council housing subject to the completion of feasibility studies and site investigations.

2.0 Background

- 2.1 Old Fallings Adventure Playground was previously managed by the Play Service and over the last few years and more recently in the last year has been subjected to extensive vandalism. This has resulted in the Play Service ceasing their operation in June 2016 at the site and delivering their service across the City's open spaces in an outreach manner. Sessions are also delivered in response to identified neighbourhood issues e.g. anti-social behaviour.
- 2.2 The vandalism has left the older Peach Tree building unusable and the newest building in a state of significant disrepair. The buildings are now vacant and any users that rented out the spaces have now relocated. Both of the buildings have been securely boarded and following an assessment undertaken by Corporate Landlord require extensive repairs. The two buildings are currently costing Corporate Landlord c£15,000 per annum to maintain as a void site.
- 2.3 The outdoor climbing equipment has been removed due to health and safety risks.

3.0 Investment Requirements

- 3.1 The repair costs for the Peach Tree building would be in the region of £120,000 plus ongoing maintenance costs and preliminary costs for repairing the new building is £60,000, although it is expected these costs will increase when a full assessment of damage is undertaken.
- 3.2 The cost for security to prevent further vandalism to the buildings is £70 per week, an annual cost of £3,600.

4.0 Options

- 4.1 A number of options have been considered and these are detailed below:

- **Option 1** - Making good the two buildings in order to attract income generation through room rental. However, the rental income would not cover the investment expenditure and running costs of the building.
- **Option 2** - Community Asset Transfer has been considered but community groups have been disconcerted by the level of vandalism and the ongoing maintenance requirements for the two buildings and grounds.
- **Option 3** - Dispose of the site on the open market, however due to the challenging site and access issues, the likelihood of disposing is minimal. This would also limit the influence on what the site is used for and the input residents would have in the future of the site.
- **Option 4** – Demolish the buildings and undertake landscaping works to create a green space. This option would require investment and ongoing maintenance liabilities and could still attract anti-social behaviour to the neighbouring residents.
- **Option 5** - Appropriate to the Council's Housing Revenue Account (subject to further cost and viability investigations) for affordable Council housing (100% affordable homes, to be principally affordable rent Council housing, with a proportion of affordable home ownership to be considered as required by planning regulations).

5.0 Resident Engagement Sessions

5.1 Resident engagement sessions took place in October and December 2018 (following a leaflet drop to all surrounding properties/streets), however the sessions were poorly attended (four attendees in October and six in December). Local Councillors were in attendance on both occasions.

5.2 The residents received a presentation from Julia Nock, Head of Assets and Andrew Wolverson, Head of People and provided feedback to a number of questions/queries. The detail is included in Appendix 2 and summarised below:

- The residents main concern is there are not many places left for young people to go to in the local area and are saddened that the site has been subject to extensive vandalism.
- Although residents would prefer for the site to continue as a provision for young people, it is recognised there are a lack of volunteers and investment funds for this to be viable, and the majority of the residents concluded the only option available is for housing development as long as this is carried out by the Council.

5.3 During the resident engagement sessions, a questionnaire was circulated and four were returned out of a possible ten. The results of the questionnaire are as follows:

Question 1 – Should the Council advertise the site for a period of time for a community organisation to take on the management of the facilities?

Yes	2	No	2
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Question 2 – Do you believe that building more homes is the best use of the site in the long-term?

Yes	4	No	0
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Question 3 – If the site was to be developed, would you prefer the Council to develop the site with council housing or for the site to be placed on the open market?

Council Housing	4	Open Market	0
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Question 4 - Any Other Comments

- Sad it has come to this;
- Council housing is strongly needed, affordable housing is needed for the City (as long as it is a mixture of affordable houses and offered to the community first);
- Better to put houses on there to give people new adventures in a new home;
- Great idea – better than being derelict and vandalised all the time;
- As part of the housing development scheme can a children’s play area be considered.

6.0 Community Use Engagement

- 6.1 Prior to the last vandalism the newer building was utilised by a disability group called Give us a Break. This group used the facility once a month on a Sunday.
- 6.2 At the October resident engagement sessions a meeting was held with representatives from Give us a Break and discussions took place around alternative solutions for where the group’s needs could be met.
- 6.3 Further meetings have since taken place to investigate the potential for the group to use the Neil Docherty Centre in addition to their existing usage of the Brickkiln Centre. These were positive meetings which explored how the needs of the groups could be best met and discussions will be ongoing with the Head of Adult Provision to accommodate the group’s requirements.
- 6.4 Give Us a Break are currently working with their Committee to identify requirements in order to communicate back to the Council.

7.0 Recommendations

- 7.1 The site has a minimal value due to condition and location of the site. The two buildings require demolition, there is a pond requiring remediation and access would need to be considered as part of the development. The adjacent Housing Revenue Account garage site would may need to be included as part of a new housing development. This will require further work to determine if access and the garages can be demolished as part of the review of development for the site
- 7.2 Following the residents' engagement sessions and ongoing communication with Housing Development, it is therefore recommended to declare the former Old Fallings Adventure Playground surplus and appropriate the site to Housing Revenue Account for affordable housing (subject to further cost, viability investigations and planning consent). The local residents will be involved again as part of the planning phase.
- 7.3 If approved there will be no capital receipt to the General Fund due to appropriation to Housing Revenue Account for affordable Council housing. However, in accordance with accounting regulations an adjustment to each funds Capital Financing Requirement equal to the market value, which is £15,000, will be made.
- 7.4 It is recommended to demolish the two buildings prior to disposal/appropriation to eliminate the further risk of vandalism, anti-social behaviour and health and safety issues within the community. Subject to approval, Project and Works within Corporate Landlord will be commissioned to project manage the demolition which will be funded within the Council's Corporate Asset Management Fund.

8.0 Evaluation of alternative options

- 8.1 Five options have been explored regarding the future of former Old Fallings Adventure Playground. Options 1 (making good the buildings), 2 (Community Asset Transfer) and 4 (landscaping) have been rejected due to lack of income generation potential, future investment and maintenance requirements and potential ongoing anti-social behaviour to the neighbouring residents.
- 8.2 Option 3 (open market disposal) has been rejected due to the site being challenging in terms of access for a private housing development. There was also strong feedback from residents that they would want ongoing input into the future use of the site and this option would limit opportunity for this to happen if it were sold to a private developer.

9.0 Reasons for decision(s)

- 9.1 The recommended Option 5 will provide the best future use of the site. The site has a minimal valuation due to access constraints and is unlikely to be an attractive proposition for a private developer for either housing or other uses.

9.2 The recommendation is subject to further cost, viability investigations and planning consent which if approved will be undertaken by Housing Development. Local residents will have the opportunity to be involved in this process so that their concerns are listened to.

10.0 Financial implications

10.1 Should the recommendation for the appropriation of the site from the General Fund to the Housing Revenue Account be approved, the resulting transfer means the General Fund is foregoing any possible capital receipt that could be achieved if the site was sold on the open market. Accounting regulations require that when an asset transfers between funds, an amount equal to the market value is subtracted from the Capital Financing Requirement of the fund losing the asset and added to that of the fund gaining the asset. This will increase the notional borrowing level of the Housing Revenue Account and reduce that of the General Fund by £15,000.

10.2 Demolition costs will need to be identified following approval as it is recommended to demolish the two buildings prior to any housing development to eliminate the risk of further anti-social behaviour, vandalism and health and safety issues. The demolition will be considered in the formulation of the 2019-2020 Corporate Asset Management Fund.

10.3 Following demolition and appropriation the Council will no longer incur the £3,600 annual security costs and associated remediation works. Additionally, any new homes developed will generate ongoing Council Tax receipts into the General Fund.

10.4 The option recommended assumes the demolition of two buildings prior to disposal/appropriation to eliminate the further risk of vandalism, anti-social behaviour and health and safety issues within the community. Whilst, it is anticipated that the demolition works will be accommodated within existing capital Corporate Asset Management Funds, allocation of these funds to a specific demolition project will be subject of future reports to Councillors for approval.

[TT/10012019/P]

11.0 Legal implications

11.1 Advice will be taken from legal services during the appropriation to the Council's Housing Revenue Account and legal advice will be needed in respect of any formal legal documents that are entered into.

[TS/08012019/Q]

12.0 Equalities implications

12.1 An Equalities Impact Assessment has been undertaken against each option.

Option 1 – There would be equality implications and consideration would need to be given to design and approach, however not feasible due to financial viability.

Option 2 – There would potentially be equality implications depending on the organisation that would run the service, however not feasible due to financial viability.

Option 3 – There would be equality implications depending on the design mix of the housing development.

Option 4 – There would be equality implications and consideration would need to be given to design and approach of the landscaping, however not feasible due to financial viability

Option 5 – There would be equality implications depending on the design mix of the housing development

13.0 Environmental implications

13.1 The site will change use from an adventure playground to housing development and environmental implications will be considered as part of the planning process. This will include ground conditions, overshadowing and effect on outlook of neighbouring properties as part of the planning process

13.2 The demolition of the existing buildings and development of this site for housing will help reduce anti-social behaviour on the site.

14.0 Human resources implications

14.1 There are no human resource implications arising from this report.

15.0 Corporate landlord implications

15.1 Corporate Landlord currently manages the site as a void property and over the last 12 months the site has been subjected to severe vandalism forcing the buildings to close.

15.2 There is no alternative community use for this land and therefore Corporate Landlord support the recommendation to declare surplus and develop for affordable Council housing via the Council's Housing Revenue Account.

16.0 Health and Wellbeing Implications

16.1 There are no health and wellbeing implications arising from this report.

17.0 Schedule of background papers

17.1 Future Use of Former Old Fallings Adventure Playground - 5 September 2018 – Children, Young People and Families Scrutiny Panel.

18.0 Appendices

18.1 Appendix 1 – Plan of the former Old Fallings Adventure Playground.

18.2 Appendix 2 – Resident Engagement Discussion Points.

Appendix 1 – Plan of the Former Old Fallings Adventure Playground

CITY OF
WOLVERHAMPTON
COUNCIL

Old Fallings Adventure Playground



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Appendix 2 – Resident Engagement Sessions

Residents main concern is there are not many places left for young people to go to in the local area:

Council's response: Ensure residents are fully informed of what is on offer at the local community centres / hubs. It was apparent that residents were not aware of some of the activities that take place.

Residents complained about the inaccessibility of The Way in the City Centre to Low Hill young people. There is a lack of affordable transport and parents are struggling to afford bus fares, especially if there is more than one sibling:

Council's response: The Way have received external funding to promote access to The Way through an outreach programme. Employees agreed to raise the residents' concerns with The Way and to facilitate an opportunity for residents to meet directly with representatives of the organisation.

Although residents would prefer for the site to continue as a provision for young people, it is recognised there are a lack of volunteers and investment funds for this to be viable. The majority of the residents concluded the only option available is for housing development as long as this is carried out by the Council. The residents did specify they would like to be involved in the planning consultation process.

Council's response: The Council has explored with community groups the option to take over the management of the site, but unfortunately due to the level of investment and ongoing maintenance requirements this has not proved to be a viable option. The Council is able to explore the viability of developing the site for Council housing and will include residents' opinions as part of the planning consultation process.

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CITY OF WOLVERHAMPTON COUNCIL	Cabinet (Resources) Panel 5 February 2019
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Report title	Schedule of Individual Executive Decision Notices	
Decision designation	AMBER	
Cabinet member with lead responsibility	All	
Key decision	No	
In forward plan	No	
Wards affected	All	
Accountable director	Kevin O'Keefe, Governance	
Originating service	Democratic Services	
Accountable employee(s)	Dereck Francis Tel Email	Democratic Services Officer 01902 555835 dereck.francis@wolverhampton.gov.uk
Report to be/has been considered by	N/A	

Recommendation for noting:

The Cabinet (Resources) Panel is asked to:

1. Note the summary of open and exempt individual executive decisions approved by the appropriate Cabinet Members following consultation with the relevant employees.

Schedule of Individual Executive Decision Notices

Part 1 – Open Items

1. Corporate

None

2. People

None

3. Place

Decision maker	In consultation with	Date Approved	Contact Officer
Councillor Steve Evans	Service Director of City Environment	4 January 2019	Alison Shannon 01902 554561
Title and summary of decision			
Fees and charges 2019/2020 Approved a schedule of fees and charges relating to Bereavement Services and Environmental Services that was not included in the Fees and Charges Review 2019/2020 report to Cabinet (Resources) Panel on 6 November 2018.			
Decision maker	In consultation with	Date Approved	Contact Officer
Councillor Steve Evans	Director of Public Health	7 January 2019	Alison Shannon 01902 554561
Title and summary of decision			
Fees and charges 2019/2020. Approved a schedule of fees and charges relating to Leisure Services, Parking Services, Parks Strategy and Public Protection that was not included in the Fees and Charges Review 2019/2020 report to Cabinet (Resources) Panel on 6 November 2018.			
Decision maker	In consultation with	Date Approved	Contact Officer
Councillor Steve Evans	Service Director of City Environment	18 January 2019	Amanda Millard 01902
Title and summary of decision			
Transportation Network – Miscellaneous Traffic Regulation Orders			
<ol style="list-style-type: none"> Approved the recommended action to implement waiting and loading restrictions to parts of Cable Street and William Bayliss Drive (Plan T4/4027), 20mph speed limit to parts of William Bayliss Drive, Samuel Grove, Nuts and Bolts Road, Eureka Gardens and Rolling Mills Drive (Plan T3/1082), traffic calming to parts of William Bayliss Drive, Samuel Grove, Nuts and Bolts Road, Eureka Gardens and Rolling Mills Drive as shown on plan T3/1081 appended to the report. Approved the recommended action to implement waiting and loading restrictions to parts of Millfields Road, Tarmac Road, Ward Street as shown on plan T4/4095 appended to the report. 			

3. Approved the recommended action to implement waiting and loading restrictions to parts of Bankfield Road, Carder Crescent, Dudley Street, Hatfield Drive, Himley Close, Kellingley Gardens, Linton Croft, Nettlefolds Way, Prosser Street, Pickwick Place (Plan T3/1091). 20mph speed limit to parts of Arlidge Close, Bankfield Road, Barnett Close, Carder Crescent, Dudley Street, Hatfield Drive, Himley Close, Kellingley Gardens, Linton Croft, Nettlefolds Way, Prosser Street, Pickwick Place, Sheldon Close, Skemp Close (Plan T3/1092). Traffic calming to parts of Dudley Street, Nettlefolds Way as shown on plan T3/1093 appended to the report.
4. Approved the recommended action to implement waiting restrictions to parts of Camberley Crescent, Dovedale Road, Falcon Crescent, Grosvenor Road, Mount Road, Turner Avenue as shown on plan T4/3851A appended to the report.
5. Approved the proposed revocation (in part) of existing TROs (Traffic Regulation Orders) in Millfields Road, Tarmac Road, Ward Street, Bankfield Road, Carder Crescent, Dudley Street, Himley Close, Linton Croft, Nettlefolds Way, Prosser Street where necessary to allow the implementation of the new TROs.
6. Authorised the Director of Governance to implement the relevant traffic regulation orders.

Decision maker	In consultation with	Date Approved	Contact Officer
Councillor John Reynolds	Director of Regeneration	21 December 2018	Alison Shannon 01902 554561

Title and summary of decision

Fees and charges 2019/2020.

Approved a schedule of fees and charges relating to the Visitor Economy that was not included in the Fees and Charges Review 2019/2020 report to Cabinet (Resources) Panel on 6 November 2018.

Decision maker	In consultation with	Date Approved	Contact Officer
Councillor Peter Bilson	Director of Commercial Services	18 December 2018	Alison Shannon 01902 554561

Title and summary of decision

Fees and charges 2019/2020.

Approved a schedule of fees and charges relating to Facilities Management that was not included in the Fees and Charges Review 2019/2020 report to Cabinet (Resources) Panel on 6 November 2018.

Part 2 – Exempt Items

1. Corporate

Decision maker	In consultation with	Date Approved	Contact Officer
Councillor Louise Miles	Director of Finance	16 January 2019	Claire Nye 01902 555691
Title and summary of decision			
Unit4 Business World (Agresso) Support and Maintenance Approved the novation and extension of the contract for the Support and Maintenance of Unit4 Business World (Agresso) to Unit4 Business Software Limited of Eden House, Eden Office Park, 82 Macrae Road, Pill, Bristol, England, BS20 0DD for three years from 1 July 2018 to 30 June 2021, with the option to extend for a further period of three years, expiring 30 June 2024.			
Decision maker	In consultation with	Date Approved	Contact Officer
Councillors Louse Miles and Peter Bilson	Managing Director and Director of Finance	23 January 2019	Alison Shannon 01902 554561
Title and summary of decision			
Loan to WV Living In accordance with delegation approved by Cabinet on 14 September 2018: 1. Approved the terms of the fifth loan to WV Living, including a return on investment chargeable quarterly in line with the Loan Facility Agreement. 2. Approved the issue of the fifth loan to WV Living, to be issued in January 2019.			

2. People

None

3. Place

Decision maker	In consultation with	Date Approved	Contact Officer
Councillor Peter Bilson	Strategic Director for Place	15 January 2019	Julia Nock 01902 550318
Title and summary of decision			
Corporate Asset Management Fund – Approval of Schemes 2018/2019 Cabinet (Resources) Panel on 19 June 2018 approved delegated authority to the Cabinet Member for City Assets and Housing in consultation with the Head of Corporate Landlord (now Strategic Director of Place following the deletion of the Head of Corporate Landlord post) to initiate works in relation to emergency / priority works preventing building closure, the nature of which would not allow sufficient time to gain normal council approvals, to be confirmed through an Individual Executive Decision Notice. Approval had subsequently been given to an updated programme of works including 24 new projects to be funded from the Corporate Asset Management Fund.			

Decision maker	In consultation with	Date Approved	Contact Officer
Councillor Peter Bilson	Strategic Director for Place	15 January 2019	Julia Nock 01902 550318
Title and summary of decision			
Corporate Landlord – Land and Property Transactions – (IEDN 020)			
Approved the completion of the transactions listed below:			
<ol style="list-style-type: none"> 1. Wayleave agreements for the following sites: <ul style="list-style-type: none"> • Land at Moat Green Avenue, Wednesfield, • Land at Hylstone Crescent, Wednesfield • Land at Fairway Green, Stowlawn • Land at Wilkinson Avenue, Bradley • Land at Whiston Avenue, Wednesfield 2. Deed of variation - 2 Pitt Street, 67, 68, 70, 71, 72, 73, 75, 76, 80, 84, 85 Worcester Street, Wolverhampton. 3. Minor freehold disposal – land adjoining 135 Clarence Road, Bilston. 4. Long lease of gas governor at Bentley Bridge, Wolverhampton Road. 5. Long lease of gas governor at Wednesfield Way, Wednesfield. 6. Grant of new lease at 18 Queen Square. 7. Re-configuration of lease at 19 Queen Square. 			
Decision maker	In consultation with	Date Approved	Contact Officer
Councillor Peter Bilson	Director of Governance	22 January 2019	Robert Ball 01902 556905
Title and summary of decision			
Disposal of Former Wednesfield High Site			
Approved the transfer of the former Wednesfield High School site to the City of Wolverhampton Housing Company (WV Living) at the market value determined by the District Valuer.			

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