

Report of Director of Resources

Report to Executive Board

Date: 12th October 2011

Subject: Capital Receipts Incentive Scheme

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| Are specific electoral Wards affected? If relevant, name(s) of Ward(s): All Wards | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Are there implications for equality and diversity and cohesion and integration? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Is the decision eligible for Call-In? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number: | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

Summary of main issues

1. Currently the Capital Receipts policy only allows capital receipts to be earmarked for specific purposes where there is a need to re-locate or otherwise provide for a service following property being vacated.
2. In order to provide an incentive to localities to release and dispose of surplus land and property, it is proposed that a Capital Receipts Incentive Scheme is introduced which will allow Wards to retain a proportion of capital receipts, up to a maximum threshold, generated within the Ward.
3. Some categories of receipts will be excluded from this arrangement and these are set out in the report.
4. It is proposed that this new incentive scheme will be administered under the existing Ward Based Initiative scheme, the guidelines for which are included at Appendix A.

Recommendations

5. Members are asked to approve the principle of establishing a Capital Receipts Incentive scheme with effect from April 2012 following a period of consultation with elected Members.

1 Purpose of this report

- 1.1 The purpose of the report is to set out for Executive Board a proposal for the introduction of a capital receipts incentive scheme for local areas.

2 Background information

- 2.1 The capital receipts policy forms part of the Capital Strategy which was approved by Executive Board in February 2011. The capital receipts policy only allows ringfencing of receipts in cases where decanting from a property results in additional costs of re-provision
- 2.2 There are costs associated with holding land and buildings which are surplus to service requirements but often localities view disposal as a reduction in service or facilities even though buildings may not be required by services and may not be fit for purpose. Retaining a proportion of capital receipts for re-investment locally will ensure that localities see some benefit from releasing land and property which would otherwise remain vacant and unused.
- 2.3 The introduction of a capital receipts incentive scheme will allow Wards to bring forward surplus land and buildings for disposal with the Ward then retain a proportion of the capital receipts generated for re-investment within the Ward to meet local needs.
- 2.4 It is recognised however that some Wards will have fewer opportunities to bring forward sites for disposal and that land and property values in some Wards will be lower. The proposed scheme includes a pooling element of receipts generated which will ensure that all Wards will benefit from the scheme.

3 Main issues

- 3.1 In establishing a capital receipts incentive scheme for localities, it is important to protect the Council's current budget assumptions regarding the use of receipts. Also, there are also some corporate initiatives which require the use of Council sites (for example, for primary schools) and these must also be protected. It is proposed therefore that the following capital receipts are excluded from the scheme:
 - § all existing scheduled capital receipts to support the existing revenue budget and capital programme;
 - § sites required for delivery of other Council initiatives or services, for example, primary school places, affordable housing etc
 - § receipts from disposal of council offices
- 3.2 The key features of the proposed scheme are set out below:
 - § 20% of receipts generated will be retained locally up to a maximum of £100k per capital receipt with 15% retained by the Ward and 5% pooled across the Council and distributed to Wards on the basis of need.

- § The resources available to each Ward through this scheme will be added to the existing Ward Based Initiative scheme under which elected Members can put forward proposals for investment individually or collectively. The existing guidelines are included at Appendix A.
 - § Wards would only retain a share of a receipt after other legitimate calls on the receipt have been met. So for example, if there is a need to re-provide a service following release of a site, the cost of this will be first call on the receipt and the Ward would only retain a share of what is left after the re-provision has been funded.
- 3.4 There is potential for other resources to be available for investment within localities when development takes place within an area, in the form of S106 contributions and the Community Infrastructure Levy (CIL). It is intended that the capital receipts incentive scheme proposed would sit alongside these other processes. It is proposed therefore that the capital receipts incentive scheme will be reviewed when the new arrangements for S106 and CIL are in place to ensure the schemes are complimentary.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 This report is seeking approval in principle to the setting up of a capital receipts incentive scheme. It is proposed that consultation will take place with elected Members with a view to reporting back on an agreed scheme in February 2012 as part of the Capital Programme Review report.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 Under this proposal a proportion of capital receipts could be retained locally to support local capital investment including equality, diversity, cohesion and integration where these are local priorities.

4.3 Council Policies and City Priorities

- 4.3.1 This scheme, if approved, will be incorporated into the Council's Capital Receipts policy which is set out in the Capital Strategy. There are no other implications for Council policies and city priorities.

4.4 Resources and Value for Money

- 4.4.1 Allowing a proportion of capital receipts to be retained for local investment will mean that fewer capital receipts will accrue corporately and be available to fund the revenue budget and capital programme. However, it is anticipated that this will be compensated for through more sites for disposal coming forward than would otherwise be the case.

- 4.4.2 Using the existing Ward Based Initiatives scheme as the means of controlling and monitoring the use of these receipts will mean that no additional administration costs are incurred.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 There are no legal or Access to information issues arising from this report. The report is subject to call in.

4.6 Risk Management

- 4.6.1 There are no additional risks associated from this proposal.

5 Conclusions

- 5.1 The capital receipts incentive scheme will give Wards across the city an incentive to release surplus land and property thereby reducing the cost of holding property. By retaining a proportion of receipts locally, localities can see some direct investment in their areas as a result of the disposal.

6 Recommendations

- 6.1 Executive Board are asked to approve:

- (a) the setting up of a Capital Receipts Incentive scheme set out in section 3 of this report, with effect from April 2012
- (b) a period of consultation with elected Members on the proposed scheme.

7 Background documents

Capital Strategy – Capital Programme report Executive Board February 2011

Ward Based Initiative Scheme Guidance – attached

APPENDIX A

WARD BASED INITIATIVES

NOTES FOR THE GUIDANCE OF COUNCILLORS

1. INTRODUCTION

The Capital Programme Report to the Executive Board in February 2008 introduced the provision of £30,000 per ward (£10,000 per ward member), over a two year period commencing in 2008/09, for a Ward Based Initiative scheme, to provide Members with funding to progress minor schemes within their wards.

The report to Executive Board in April 2009 sought approval to extend the scheme by allowing Members to sponsor capital projects within their respective wards in the form of grants to voluntary organisations, with a further provision of £10,000 per ward (£ 3,333.33 per ward member).

This gave a total approval per Councillor of £ 13,333.33 for the lifetime of the scheme.

2. ELIGIBLE SCHEMES

2.1 The expenditure must be for the acquisition or improvement of any Council asset and must fall within the definition of capital expenditure as set out in the Capital Finance Regulations, this includes:

- § the purchase or laying out of land
- § the purchase or refurbishment of buildings to enhance the building rather than maintain it
- § the purchase of equipment for Council use (Schools, Libraries, Community Centres etc. – for schools, see Section 5.6 below)
- § CCTV

2.2 In the case of a grant to a voluntary organisation, who operate out of non-Leeds City Council (LCC) premises, it must be for capital works (as defined above) to their premises that will result in reduced running costs.

Ward members should ensure that the project / organisation for which the application is being made is not one in which a personal or prejudicial interest is held. You have a personal interest if an issue affects the well-being or finances of you, your family or your close associates more than other people who live in the area affected by the issue. Personal interests are also things that relate to an interest on your register of interests.

Prejudicial interests are personal interests that affect you, your family, or your close associates in the following ways:
their finances, or regulatory functions such as licensing or planning which affect them;

and which a reasonable member of the public with knowledge of the facts would believe likely to harm or impair your ability to judge the public interest.

If you have a prejudicial interest you must not seek to improperly influence the decision on the issue. This rule is similar to your general obligation not to use your position as a member improperly to your or someone else's advantage or disadvantage.

Where members have a prejudicial interest in a WBI application, they can ask their ward colleagues to apply for the grant on behalf of the organisation.

Where a grant payment is made through the WBI scheme, Councillors should note the following :-

- Each cheque will have a covering letter with it addressed to the organisation outlining details of the conditions of acceptance of the grant.
This will be attached to the cheque and in accepting the grant, the organisations must agree to the conditions of the grant.
- Organisations are required to provide receipts showing what the money has been spent on.
These should be sent to the Department of Resources as soon as possible after the grant has been spent.
- Should the organisation wish to spend the grant money for a purpose other than that originally indicated then the organisation is advised to contact the Councillor to see if this is possible, in which case the application process described above will have to be repeated.
- Should an organisation send the receipts to a Councillor showing what the money has been spent on, these should be forwarded to the Department of Resources to update the records.
- If an organisation fails to submit receipts then reminder letters are sent asking for receipts to be supplied.

2.3 Schemes must be consistent with the Council's approved Corporate Plan / Vision priorities and with Departmental Asset Management plans (see Section 4 below re approvals process)

2.4 Schemes must provide benefit to whole wards or communities and not confer private benefit to individuals.

3. FINANCIAL CRITERIA

- 3.1** The total scheme cost will be inclusive of fees for design and supervision and any other associated costs (Planning Permissions, Building Regulations etc).
- 3.2** Schemes must result in no additional revenue costs for the Council, unless these can be met from within existing departmental budgets.
- 3.3** Joint sponsorship of projects can be made with other ward members.

4. JOINT FUNDED SCHEMES

Departments can joint fund WBI schemes, only if such a programme of works is included in the Capital Programme. Any such matched funding by the sponsoring department would require that additional authority to spend be obtained independently of the WBI scheme.

5. INITIATING SCHEMES

- 5.1** **Applications must be made through the relevant sponsoring Department.** Only applications for a grant payment to a non-LCC voluntary organisation as defined in 2.2 above should be sent directly to the Director of Resources.

It is essential that proposals complement existing departmental service plans and strategies. Therefore, Councillors should discuss the scheme proposals with the Head of Service or a nominated officer. Section 10 shows a list of contacts in the areas of responsibility.

That Officer will be able to advise on:

- the Council's legal powers for such expenditure
- the estimated capital costs
- the potential revenue costs (and the likely ability of the service to meet those costs)
- whether the proposals are likely to secure approval.

- 5.2** The formal submission document, signed by the sponsoring Councillor(s) is to be forwarded by the responsible department, when the scheme is almost fully formed. The Head of Service with responsibility for the property must approve it as being within current Council policies, in the interests of the Council and as involving no more expenditure than is proportionate to the benefit to be achieved and is satisfied that there are no other reasons (including alternative proposals) which make it inappropriate to approve the proposal. Where the form is signed by 1 or 2 Councillors, the form should indicate whether the other Ward Councillor(s) have been made aware of the proposals.

- 5.3** Full details of the scheme should be provided to determine:

- whether and how the proposal meets the WBI eligibility criteria
- whether and how the proposal meets the WBI financial criteria
- whether and how proposals are consistent with approved Council priorities and the relevant Departmental Asset Management Plan
- whether any CCTV project meets the Community Safety criteria, details of which are available from the Community Safety Officer.
- that schemes relating to schools meet the criteria (see further below, para 5.6)

Insufficient detail can unfortunately delay the progress of a scheme while further information is sought.

All documentation (Guidance Notes, Contact Lists and Submission Forms) will be sent to Councillors and is also available on the Council Intranet). Any updates or alterations to such forms will be communicated to all councillors and Departmental nominated officers.

5.4 CCTV Schemes

All WBI proposals for CCTV schemes must comply with the Council's criteria for CCTV schemes as advised by the Community Safety Officer.

5.5 Energy Efficiency Schemes

As with all WBI projects, proposals must be capital in nature and be for Council assets or, in the case of a grant to a voluntary organisation, must be for works to their premises that will result in reduced running costs . Depending on the nature of the scheme and in order to support the sustainability agenda, the scheme will allow members to supplement the WBI funding with match funding from the Council's Energy Efficiency reserve.

The reserve was established as part of the 2006/07 revenue budget to provide pump priming funding to energy efficiency initiatives. Further revenue contributions have been made to the reserve each year since 2006/07 and it has also been supplemented by external funding of £90k p.a. over a four year period from Salix Finance which is a scheme operated by the Carbon Trust aimed at encouraging Local Authorities to create invest to save funds for reducing energy consumption.

All proposals in respect of environmental efficiency should be discussed in the first instance with the relevant contact officer who will advise on the merits of the proposal and on whether match funding would be available. In the majority of cases, funding will be made available as a loan, with a maximum payback period of 5 years. After the payback period, the service area will benefit from the ongoing efficiencies and the energy efficiency reserve will become ultimately self sustaining.

The funding has already been used to install new heating systems in Leisure Centres, install Automatic Meter reading equipment and to pilot the use of Biomass fuel technology (woodchip and wood pellets to replace coal). The

following are further examples of energy efficiency initiatives which members may wish to support with match funding from the reserve:

- Insulation including cavity wall, double glazing, roof
- Boilers
- Heating systems
- Combined Heat and Power
- Swimming Pool cover
- Voltage reduction equipment
- Heating and Lighting controls

In addition, one of the agreed priorities for the WBI scheme is capital investment in renewable technologies within schools, council owned community buildings or premises owned by voluntary organisations working within the local community; for advice on such investment, please contact George Munson, the Climate Change Officer.

5.6 **SCHOOLS**

All WBI proposals relating to schools must be assessed by the Property Services Division within Education Leeds using the six criteria set out as follows (the criteria will rank equally in determining whether the proposal will be supported):

1. **Condition**

The proposal should relate to building condition issues categorised as “poor” and identified as priority 1 or 2 as identified by the condition surveys carried out as part of developing the Education Department’s Asset Management Plan.

2. **OFSTED identified premises deficiencies**

The proposal should address premises deficiencies identified in the school OFSTED report that would directly contribute to the raising of standards.

3. **Curriculum Computers**

A priority for support would be for schools which fall below a minimum ratio of computers to pupils of
1:12 in Primary Schools and
1:8 in High Schools.

Proposals should be justified in terms of the overall deficiency of equipment at a school and/or support the essential renewal or replacement of equipment in line with the school ICT Development Plan.

4. **Capital for Revenue Savings**

Proposals should be cost effective in reducing future revenue expenditure e.g. energy efficient schemes, and may also contribute to improving the learning environment.

5. **School Security**

Proposals should improve the security and safety of pupils, staff, premises or equipment. Evidence of priority should be supported by a high level of reported incidents from the Property Services Division Incident Base.

6. **Developments/Improvements to Facilities**

Proposals to contribute to improved educational standards or to promote social inclusion will require the endorsement of the School Improvement Strategy Group.

7. **Grants for facilities co-located with schools**

Proposals which are for a facility based on a school site, for example a sports facility or a community centre, will not automatically be subject to the same prioritisation criteria as school schemes. The position will depend on the particular arrangements in force on each site. Where a grant is proposed for such facilities, then officer advice should be sought at the outset to clarify the position.

6. **Approvals Process**

When received by the sponsoring Department, the application will be checked to make sure :-

- there are sufficient funds available for the proposal to qualify within the financial limits.
- that the proposal meets the eligibility and financial criteria outlined above.
- that it is within the legal powers of the Council to make the grant.
- external organisations in receipt of grant awards will be required to enter into a legal agreement with the Council to protect the Council's investment in future. Legal requirements will be scaled dependant on the level of Council investment,
- that, in the case of grant payments to voluntary organisations, Councillors have no personal or prejudicial interests in that organisation.

The proposal will then be submitted by the sponsoring Department to the Director of Resources for approval.

Until all necessary approvals have been obtained, no firm commitments of funding can be given.

7. **Final Approval Stage**

Following the above approvals, a scheme will be set up in the Council's Capital Programme under the sponsoring Service area and the scheme will proceed like any other Council Capital scheme. This means that the Council's Financial Procedure Rules and Contract Procedure Rules must be followed with regard to tendering and appointment of contractors. The final stage is for a Chief Officer Approval form to be completed by the Department, which when approved, allows a contract for the work to be awarded.

8. Joint Funded Schemes

If, during the WBI process, it becomes apparent that the WBI element of the scheme exceeds or will exceed the approved amount, the Head of the sponsoring Service will seek agreement from the Councillor(s) to the revised cost before proceeding further (subject to the additional funds being available).

9. Position Statements

The Chief Officer Financial Development will maintain a record of the value of schemes relating to each ward, will undertake scheme monitoring and will provide other financial monitoring information as required.

10. Contact Points

Initial contact with Departmental Service Areas should be made to the officer named on the contact list attached. Ward Based Initiative matters will be co-ordinated within Financial Development by Keith Burton telephone number 2474294. Keith is based on the 3rd floor West of the Civic Hall.