

**Please ask for:** Matt Berry

**Extension No:** 4589

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11 December, 2019

Dear Councillor,

**CABINET**

**4:00 PM ON THURSDAY, 19 DECEMBER, 2019**

**ESPERANCE ROOM, CIVIC CENTRE, CANNOCK**

You are invited to attend this meeting for consideration of the matters itemised in the following Agenda.

Yours sincerely,



T. McGovern,  
Managing Director

To: Councillors:

Adamson, G.	Leader of the Council
Alcott, G.	Deputy Leader of the Council and Town Centre Regeneration Portfolio Leader
Pearson, A.R.	Corporate Improvement Portfolio Leader
Bennett, C	Crime and Partnerships Portfolio Leader
Mitchell, Mrs. C.	Culture and Sport Portfolio Leader
Johnson, T.B.	Economic Development and Planning Portfolio Leader
Preece, J.P.T.L.	Environment Portfolio Leader
Martin, Mrs. C.E.	Health and Wellbeing Portfolio Leader
Kraujalis, J.T.	Housing Portfolio Leader
Woodhead, P.E.	<i>Invitee (non-voting Observer)</i>

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# **A G E N D A**

## **PART 1**

### **1. Apologies**

### **2. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members**

To declare any personal, pecuniary or disclosable pecuniary interests in accordance with the Code of Conduct and any possible contraventions under Section 106 of the Local Government Finance Act 1992.

### **3. Updates from Portfolio Leaders**

To receive and consider oral updates (if any), from the Leader of the Council, the Deputy Leader, and Portfolio Leaders.

### **4. Minutes**

To approve the Minutes of the meeting held on 13 November, 2019 (enclosed).

### **5. Forward Plan**

Forward Plan of Decisions to be taken by the Cabinet: December 2019 to February 2020 (Item 5.1 – 5.3).

### **6. Motions Referred from Council**

To consider the Motion submitted to Council on 6 November 2019 by Councillor Miss O. Lyons, in respect of Elmore Park, Rugeley (Item 6.1).

### **7. Recommendations from Scrutiny Committees**

To consider the recommendations agreed by the Community Scrutiny Committee at its meeting held on 26 November 2019 in respect of 'Carbon Literacy' training (Item 7.1 – 7.2).

### **8. Empty Dwellings and Council Tax**

Report of the Head of Finance (Item 8.1 – 8.8).

### **9. Proposed Improvements to the Play Area and Open Space at Penny Cress Green, Norton Canes**

Report of the Head of Environment and Healthy Lifestyles (Item 9.1 – 9.7).

### **10. Proposed Improvements to Public Open Space and Play Area Adjoining Fortescue Lane, Bonney Drive and Eaton Drive, Rugeley**

Report of the Head of Environment and Healthy Lifestyles (Item 10.1 – 10.6).

### **11. Cannock Chase Community Infrastructure Levy (CIL) Financial Year Report**

Report of the Head of Economic Prosperity (Item 11.1 – 11.10).

## **12 Revenues and Benefits Collection Report – Quarter 2**

Report of the Head of Finance (Item 12.1 – 12.6 + Not for Publication Appendices 1, 2 and 3 (Item 12.X – 12.17)).

Appendices 1, 2 and 3 of the Report are confidential due to the inclusion of information which is likely to reveal the identity of an individual, and information relating to the financial or business affairs of any particular person (including the Council).



**CANNOCK CHASE COUNCIL**  
**MINUTES OF THE MEETING OF THE**  
**CABINET**

**HELD ON WEDNESDAY 13 NOVEMBER 2019 AT 4:00 P.M.**

**IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK**

**PART 1**

PRESENT: Councillors:

Adamson, G.	Leader of the Council
Alcott, G.	Deputy Leader of the Council and Town Centre Regeneration Portfolio Leader
Pearson, A.R.	Corporate Improvement Portfolio Leader
Bennett, C.	Crime and Partnerships Portfolio Leader
Mitchell, Mrs. C.	Culture and Sport Portfolio Leader
Johnson, T.B.	Economic Development and Planning Portfolio Leader
Preece, J.P.T.L.	Environment Portfolio Leader
Martin, Mrs. C.E.	Health and Wellbeing Portfolio Leader
Kraujalis, J.T.	Housing Portfolio Leader
Woodhead, P.E.	<i>Invitee (non-voting Observer)</i>

**61. Apologies**

None.

**62. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members**

No other Declarations of Interest were made in addition to those already confirmed by Members in the Register of Members' Interests.

**63. Updates from Portfolio Leaders**

**Leader of the Council**

West Midlands Railway Industrial Action

The Leader advised that industrial action had been announced by the RMT union. As a result, no rail services would be operating on the Chase Line each Saturday until the end of the year, and nor would any rail replacement bus services be provided. This was extremely disappointing for passengers given the continual problems experienced since May 2019. This and other matters would be discussed at the reconvened meeting of the Chase Line stakeholders group on 22 November, where it was hoped a resolution could be agreed.

## **Crime and Partnerships**

### Policing Numbers for Staffordshire

The Portfolio Leader advised that discussions were taking place between members of the Police, Fire & Crime Panel and the Staffordshire Commissioner regarding the number of police officers allocated to Staffordshire Police, as there was a conflict between the numbers quoted by the Commissioner, and those published by the Home Office. The total difference was 90 officers, which was a significant number in terms of policing resource for the County. Clarity would be provided to Members once the actual position was known.

## **Environment**

### Rugeley Town Centre Bus Station S106 Works

The Portfolio Leader reported that Officers had been contacted by Staffordshire County Council advising that S106 funds were available from when Tesco opened its new store in Rugeley. This funding was ring-fenced for improvements to passenger transport facilities in and around Rugeley town centre.

The County Council was proposing to install 'Real Time Passenger Information' (RTPI) boards in the bus station, affixed to the wall of the Market Hall (subject to permission from the landlord) and also similar information boards on 'Totem' poles in the town centre itself.

Such systems were in operation in numerous towns and cities, and provided live information about the time and service number of the next bus due to depart from each stand. This information was extremely helpful to the bus passengers. The County Council approved and licensed all bus routes, as such, they would manage the system.

All buses operated in the District by Arriva were already equipped with the technology to link into the system. The same system was already operational in and around Cannock and Stafford, where Arriva was the main bus operator.

Cannock Chase District Council owned the bus station and shelters, hence the reason for the request.

The scheme would be funded from S106 money from the Tesco development. Subject to approval, the works were scheduled to be completed before the end of March 2020.

## **Housing**

### 100 Years of Social Housing

The Portfolio Leader advised that 2019 marked the centenary of councils being able to build social housing on a large scale. Alongside this, the Portfolio Leader, with the Leader of the Green Group, was due to undertake a visit on 14 November to a 'Passivhaus' housing scheme to understand more about how such schemes operated and could work in this District.

## **Town Centre Regeneration**

### Cannock Town Centre Partnership Events

The Portfolio Leader advised that the Cannock Town Centre Partnership had arranged two events to take place in the Cannock town centre in the run up to Christmas. The first would be a Christmas lights switch on and fireworks display on 30 November, and the second would be a lantern parade on 21 December.

Furthermore, St. Luke's Church would be hosting its annual Christmas tree festival in late November to raise money for charity.

## **Green Group Leader**

### LGA Climate Emergency Training

The Leader of the Green Group advised that he would be attending a two-day free training course later in November on the 'Climate Emergency', and would feedback any useful learning or information gained from the course.

#### **64. Minutes of Cabinet Meeting of 17 October, 2019**

RESOLVED:

That the Minutes of the meeting held on 17 October, 2019, be approved as a correct record and signed.

#### **65. Forward Plan**

The Forward Plan of Decisions for the period November 2019 to January 2020 (Item 5.1 – 5.3 of the Official Minutes of the Council) was considered.

RESOLVED:

That the Forward Plan of Decisions for the period November 2019 to January 2020 be noted.

#### **66. Financial Plan 2019-20 to 2022-23**

Consideration was given to the Report of the Head of Finance (Item 6.1 – 6.19 of the Official Minutes of the Council).

RESOLVED:

That:

(A) It be noted that no specific details existed in relation to the levels of funding the Council would receive from the Government with effect from 2021-22. The proposed new funding regime had been delayed by a year with the effect that the 2020-21 Budget effectively represented a rollover of the 2019-20 settlement, as adjusted for inflation. The Financing element of the Financial Plan therefore represented this authority's interpretation of how new funding regimes, yet to be finalised, would impact on existing forecasts, as compared to actual indicative funding levels provided by the Government.

(B) Subject to decision (A), above:-

(i) The Financial Plan 2019-20 to 2022-23, and the various scenarios that existed in relation to individual funding streams be noted;

- (ii) The forecast outturn for 2019-20 be approved;
  - (iii) The draft Capital Programme 2019-20 to 2022-23 be noted;
  - (iv) The General Fund working balance be set at a minimum of £1.0 million;
  - (v) The principles set out in the Council's Financial Plan and Budget Strategy be adopted in finalising the preparation of the 2020-21 budget.
- (C) It be noted that a submission was made to the Secretary of State for Local Government for an extension of the Business Rates Pilot to 2020-21. The Council and all members of the pilot continued to lobby for an extension with only Devolution pilots currently approved to roll forward to 2020-21. In the event that the request was not successful, the Council was seeking that pooling arrangements, with a similar membership, remained in place to avoid a levy on growth being applied in 2020-21.
- (D) The Financial Plan be updated as further details of the Government's proposed changes to its funding became available during the budget process.

### Reasons for Decisions

The report set out the Council's forecast financial position for the next three years, incorporating anticipated spending pressures and savings already identified. Financial resources available to the Council over the three-year period were also set out. The Financial Plan reflected the Government's current funding regime as adjusted for proposals currently being considered in the design of the new regime.

A new Financial Regime for Local Government was intended to be introduced with effect from 1 April 2020, but following the Government's One Year Spending Review, and the need to provide certainty of funding levels for 2020-21, this had now been delayed until 2021-22. Although this provided a degree of certainty for 2020-21, the ongoing funding for this Council remained unclear.

Potential scenarios in changes in funding had been developed to enable a Budget Strategy to be put in place. The Strategy was based upon an interpretation of the 'issues' being evaluated as part of the design stage of the new regime. An interpretation of potential changes – adopting a middle ground stance – was likely to result in:

- A deterioration of Business Rates following the reset of £0.7 million in 2021/22;
- A compensating increase in Business Rates from growth related to Mill Green in autumn 2020, but likely to be time limited for five years only;
- Legacy payment in relation to New Homes Bonus not being applicable to the 2020-21 allocation.

Due to the material amounts involved in the extreme scenarios for Business Rates and New Homes Bonus as set out in report paragraph 5.5.3, a best case scenario would provide a surplus of £0.222 million in 2022-23, whereas the worst case a deficit of £1,544 million. It was essential that a prudent approach was adopted until further details became available.

The revised Financial Plan therefore provided a framework for the preparation of detailed budgets. Its principles and those detailed in the approved Budget Strategy, subject to approval, would be used to prepare both the Revenue Budget and Capital Programme for consideration by Cabinet in January 2020.

The Secretary of State for Local Government announced that all pilots, other than for Devolution areas, would cease on 31 March 2020. In the event that lobbying by the Staffordshire-wide Business Rates Pilot was unsuccessful, the Council would be seeking to ensure a pooling arrangement, similar to pre-pilot, was put in place for 2020-21.

#### **67. Quarter 2 Performance Report 2019/20**

Consideration was given to the Report of the Head of Governance and Corporate Services (Item 7.1 – 7.28 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The performance information related to the Priority Delivery Plans, as detailed in Appendices 1 to 4 of the report be noted.
- (B) The actions that had been flagged with an Amber Triangle at quarter 2, which required amendment to the timescale or scope be noted.

#### Reasons for Decisions

Information for performance actions and indicators for quarter 2 2019/20 was included for relevant items in Appendices 1 to 4 of the report. The overall position for each Priority Deliver Plan was detailed in report section 5, indicating that 100% of the quarter 2 actions had been achieved or were in progress with minor slippage. The cumulative position for April to September indicated that in total, 82% of all actions had been achieved or were in progress with minor slippage.

#### **68. District Needs Analysis and Ward Profiles 2019/20**

Consideration was given to the Report of the Head of Governance and Corporate Services (Item 8.1 – 8.31 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The report and Appendices that formed the evidence base be noted.
- (B) Internal and External publication of the District Needs Analysis (including the District Profile) and Ward Profiles be approved.

#### Reasons for Decisions

The report and Appendices included a range of statistical and perceptions data available to the Council in order to assist with, and inform the priority setting and decision making processes. The information provided in the Appendices was intended to highlight and illustrate the key areas of significance in the District. It should be noted however that due to the frequently changing nature of statistical information, the documents were not intended to serve as a definitive position statement for the District.

The style of the District Needs Analysis 2019-20 had been revised in response to user feedback to be more concise and visual in order to enhance accessibility. Due to the wider use of 'infographics' in this year's report, the District Profile that was previously a standalone document had been included at the start of the District Needs Analysis document.

**69. Strategic Risk Register**

Consideration was given to the Report of the Head of Governance and Corporate Services (Item 9.1 – 9.19 of the Official Minutes of the Council).

RESOLVED:

That the Strategic Risk Register be approved, and the progress made in the identification and management of the strategic risks be noted.

Reason for Decision

All strategic risks and associated actions plans had been reviewed, and the Council risk profile was summarised as follows:

<b>Risk Colour</b>	<b>Number of Risks at 1 April 2019</b>	<b>Number of Risks at 30 September 2019</b>
Red	1	1
Amber	4	4
Green	0	0
<b>TOTAL</b>	<b>5</b>	<b>5</b>

**70. Permission to Spend – Cannock Town Centre**

Consideration was given to the Report of the Head of Economic Prosperity (Item 10.1 – 10.5 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The progress made by the Cannock Town Centre Partnership since its formation in November 2018 be noted.
- (B) Permission to spend a maximum of £34,500 from Section 106 monies deposited from the Mill Green project held by the Council be granted in order to extend the role of the Cannock Town Centre Partnership Officer post for a further 12 months.

Reasons for Decisions

The Cannock Town Centre Partnership (CTCP) was formed in November 2018, and whilst it was too early to fully evaluate how successful the it had been to date, there was evidence that it was moving in the right direction. The CTCP Board decided to establish the Partnership as a Community Interest Company (CIC) led by a board of 12 members, and a new Chair and Vice-Chair were in place. The CTCP was working to establish itself and was focusing on organising events in the town centre to increase footfall and the visitor experience.

The CTCP was supported by the Town Centre Partnership Officer (TCPO) role, which was hosted by the Council and funded from Section 106 monies received from the Mill Green development. The current funding of the TCPO role was due to expire on 31 May 2020, and there was no resource to continue funding this role from Council core budgets beyond this date. Currently the Partnership had not developed a financial strategy to sustain the role at the present time, given the period it has taken to properly establish itself.

There was sufficient remaining budget within the existing Mill Green Section 106 account, under the town centre improvements category, to fund the post for this extended period. The available balance from the Mill Green Section 106 was currently £50,604, and after deduction of the proposed extension, would leave a remaining balance of £16,104.

It was proposed that by extending the role for a further 12 months, this would be sufficiently long enough to give the Partnership the opportunity to further establish itself and identify opportunities to become self-sustaining.

The TCPO had built relations with the town since the formation of the Partnership Board in November 2018, and the desire to make improvements, via events etc. had grown, and more businesses were becoming involved with ideas and suggestions.

#### **71. Housing, Homelessness and Rough Sleeping Strategy 2018-23 – Update**

Consideration was given to the Report of the Head of Housing and Partnerships (Item 11.1 – 11.26 of the Official Minutes of the Council).

RESOLVED:

That the proposed Housing, Homelessness and Rough Sleeping Strategy 2018-2023, as attached at Appendix 1 to the report be approved, and the updated actions contained within it be agreed.

#### Reasons for Decisions

The updated Housing, Homelessness and Rough Sleeping Strategy 2018-2023 provided an update on rough sleeping context, and included additional actions to prevent and reduce occurrences of rough sleeping in the District.

The Housing, Homelessness and Rough Sleeping Strategy ensured that the Council would meet the Ministry of Housing, Communities and Local Government requirement to have an up-to-date Homelessness and Rough Sleeping Strategy available online by winter 2019.

#### **72. 27 Florence Street, Hednesford**

Consideration was given to the Report of the Head of Housing and Partnerships (Item 12.1 – 12.3 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) An open market disposal of the freehold interest in 27 Florence Street, Hednesford, be authorised, on terms and conditions to be agreed by the Head of Economic Prosperity.

- (B) Authority be delegated to the Head of Economic Prosperity to instruct agents to market the above property for sale and to take all other actions required to implement the decision.

Reasons for Decisions

Disposal of the freehold interest in the property would avoid the need for the Council to spend money upgrading it as it could be sold in its existing condition. The Council would receive a capital receipt that would be determined by market demand.

It was therefore recommended that 27 Florence Street, Hednesford, be declared surplus to Council requirements and offered for sale on the open market.

The meeting closed at 4:30 p.m.

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LEADER

**FORWARD PLAN OF DECISIONS TO BE TAKEN BY THE CABINET: DECEMBER 2019 – FEBRUARY 2020**

For Cannock Chase Council, a key decision is as an Executive decision that is likely to:

- Result in the Council incurring expenditure or making savings at or above a threshold of 0.5% of the gross turnover of the Council.
- Affect communities living or working in two or more Council Wards.

Further information about key decisions and the Forward Plan can be found in Sections 10 and 28 of the Council’s Constitution.

Representations in respect of any of matters detailed below should be sent in writing to the contact officer indicated alongside each item c/o Democratic Services, Cannock Chase Council, Civic Centre, PO Box 28, Beecroft Road, Cannock, Staffordshire, WS11 1BG or via email at [membersservices@cannockchasedc.gov.uk](mailto:membersservices@cannockchasedc.gov.uk)

**Copies of non-confidential items will be published on the Council’s website 5 clear working days prior to the relevant meeting date.**

<b>Item</b>	<b>Contact Officer / Cabinet Member</b>	<b>Date of Cabinet</b>	<b>Key Decision</b>	<b>Confidential Item</b>	<b>Reasons for Confidentiality</b>	<b>Representation Received</b>
Empty Dwellings and Council Tax	Head of Finance / Health and Wellbeing Portfolio Leader	19/12/19	No	No		
Proposed Improvements to the Play Area and Open Space at Penny Cress Green, Norton Canes	Head of Environment and Healthy Lifestyles / Culture and Sport Portfolio Leader	19/12/19	No	No		
Proposed Improvements to Public Open Space and Play Area Adjoining Fortescue Lane, Bonney Drive and Eaton Drive, Rugeley	Head of Environment and Healthy Lifestyles / Culture and Sport Portfolio Leader	19/12/19	No	No		
Cannock Chase Community Infrastructure Levy (CIL) Financial Year Report	Head of Economic Prosperity / Economic Development and Planning Portfolio Leader	19/12/19	No	No		

Item	Contact Officer / Cabinet Member	Date of Cabinet	Key Decision	Confidential Item	Reasons for Confidentiality	Representation Received
Revenues and Benefits Collection Report Quarter 2	Head of Finance / Health and Wellbeing Portfolio Leader	19/12/19	No	Yes (Appendices only)	Information which is likely to reveal the identity of an individual. Information relating to the financial or business affairs of any particular person (including the Council)	
General Fund Revenue Budget and Capital Programme 2019-20 to 2022-23	Head of Finance / Leader of the Council	30/01/20	No	No		
Housing Revenue Account Budgets 2019-20 to 2022-23	Head of Finance and Head of Housing & Partnerships / Housing Portfolio Leader	30/01/20	No	No		
Housing Revenue Account Capital Programmes 2019-20 to 2023-24	Head of Finance and Head of Housing & Partnerships / Housing Portfolio Leader	30/01/20	No	No		
Treasury Management Strategy, Minimum Revenue Provision Policy and Annual Investment Strategy 2020/21	Head of Finance / Leader of the Council	30/01/20	No	No		
Communications Strategy 2020-23	Head of Governance and Corporate Services / Corporate Improvement Portfolio Leader	30/01/20	No	No		
Economic Prosperity Strategy	Head of Economic Prosperity / Economic Development and Planning Portfolio Leader	30/01/20	Yes	No		
Cannock Town Centre Environmental Improvements	Head of Economic Prosperity / Town Centre Regeneration Portfolio Leader	30/01/20	No	No		

Item	Contact Officer / Cabinet Member	Date of Cabinet	Key Decision	Confidential Item	Reasons for Confidentiality	Representation Received
Cannock Town Centre Market Consultation	Head of Economic Prosperity / Town Centre Regeneration Portfolio Leader	30/01/20	Yes	Yes (Appendices only)	TBC	
Cannock Town Centre	Head of Economic Prosperity / Town Centre Regeneration Portfolio Leader	30/01/20	Yes	Yes	Information relating to the financial or business affairs of any particular person (including the Council)	
Quarter 3 Performance Report 2019/20	Head of Governance and Corporate Services / Corporate Improvement Portfolio Leader	27/02/20	No	No		
Social Media Policy for Employees and Members	Head of Governance and Corporate Services / Corporate Improvement Portfolio Leader	27/02/20	No	No		
Proposed Improvements to Play Area and Public Open Space, Green Lane, Rugeley	Head of Environment and Healthy Lifestyles / Culture and Sport Portfolio Leader	27/02/20	No	No		



**CABINET**  
**19 DECEMBER 2019**  
**MOTION REFERRED FROM 6 NOVEMBER 2019 COUNCIL – ELMORE PARK**

To consider the following Motion submitted in accordance with Council Procedure Rule 6 by Councillor Miss O. Lyons, Leader of the Opposition, which was referred to Cabinet from Council, held on 6 November, 2019 (draft Council Minute 51.(iii) 2019/20 refers):

“Elmore Park is a beautiful space and has been consistently awarded the prestigious Green Flag Award since 2010. It is a stone’s throw from Rugeley Town Centre and sits at the heart of our local community. A space to create memories.

Now more than ever, we must cherish parks and green spaces. As a Council, we must do all we can to promote them with pride and ensure that they are welcoming for local families. Elmore Park is an asset for several reasons – exposure to nature greatly benefits mental health, it provides a place for recreational and physical activity, it is a community hub for families to enjoy and, more than that, the trees are crucial in helping to remove pollutants and clean the air.

Despite the positives – the pet’s corner, space to play, the picnic area and lake - the Park is let down by its toilet provision. The toilets do not cater for disabled users, they do not have baby changing facilities or running water for visitors to wash their hands. The Council have installed waterless hand sanitisers and replaced the urinal in the gents, but they remain outdated, unhygienic and do little to contribute to the Park being a destination site.

Over 850 individuals signed my petition, the large majority being local residents. It has identified a local need. A need to modernise the Park ensuring that it is accessible and suitable for all residents. With better toilets, more residents have said that they would use the park. That is more children being active, more residents spending time outdoors and more local communities spending more time together. As a Council, let’s listen to what our local residents are telling us and let’s prioritise their need.

I ask that the Council commits to undertake an options appraisal in relation to the existing toilet block and a feasibility study to assess the practicalities and costs of the proposals, with a view to identifying a toilet refurbishment scheme within this Council’s capital programme.”



**CABINET**  
**19 DECEMBER 2019**  
**RECOMMENDATIONS REFERRED FROM 26 NOVEMBER 2019 COMMUNITY**  
**SCRUTINY COMMITTEE – CLIMATE LITERACY TRAINING**

The Community Scrutiny Committee's Carbon Neutrality Task and Finish Group met on 25/10/19 to consider a proposal by the Managing Director to engage free training on Climate Literacy as recommended by the CEO of Manchester MBC.

This training would increase the base knowledge within the organisation and underpin future actions and decision making for the Council as it prepares and implements policy around the impacts of the Climate Emergency.

The Task and Finish Group commended and thanked the Managing Director for identifying and bringing this opportunity forward and saw great benefit in climate literacy aiding the Council in delivering a carbon free future in line with the Climate Emergency Declaration by 2030 and the challenges ahead.

<https://carbonliteracy.com/> delivered by the CIC <http://www.coolerprojects.com/>

The recommendations agreed by the Committee for submission to Cabinet were:

1. Source and promote the training opportunity as presented with a preference that this be attended by all senior managers and council members.
  - a. Depending on the availability of the free training and the timing key officers should be prioritised, but in all cases this should be completed urgently.
  - b. If the organisational need for training is greater than the capacity of free training accessible by the council that Cabinet consider the costs and available budget to ensure all appropriate staff, all members and ongoing induction requirements are fully funded.
2. The principles of this training be established within the organisation to ensure institutional memory is preserved and incorporated in to the induction programme for all new staff at senior manager or above and new council members.
3. The status of the knowledge and understanding of Climate Literacy be considered of equal importance as equality and diversity training.
4. The knowledge acquired from the training be used to introduce an additional parameter in section 6 of council reports 6.10 Climate Emergency.
5. That only members who have received the Climate Literacy training or equivalent through the new member induction be permitted to vote on council decisions which have a Climate Emergency implication.
  - a. If this is not legally possible then each vote having a climate emergency implication be a named vote and each member identified as having completed climate literacy training or awareness.

6. That the council uses its resources to promote externally the Climate Literacy of its staff and members as a positive commitment towards aiding the council in the challenges ahead.

<b>Report of:</b>	<b>Head of Finance</b>
<b>Contact Officer:</b>	<b>Rob Wolfe</b>
<b>Telephone No:</b>	<b>01543 464 397</b>
<b>Portfolio Leader:</b>	<b>Health &amp; Wellbeing</b>
<b>Key Decision:</b>	<b>No</b>
<b>Report Track:</b>	<b>Cabinet: 19/12/19 Council: 08/01/20</b>

**CABINET  
19 DECEMBER 2019  
EMPTY DWELLINGS AND COUNCIL TAX**

**1 Purpose of Report**

- 1.1 To explain the Council's discretions as to the level of council tax charges that can be levied on empty properties.
- 1.2 To recommend to Council that the level of charges included in the Appendix to this report is adopted, with effect from 1 April 2020.

**2 Recommendation(s)**

That:

- 2.1 Council, at its meeting on 8 January 2020, adopts the schedule of charges and discounts contained in Appendix 1 to this report, with effect from 1 April 2020.
- 2.2 Council, at its meeting on 8 January 2020, adopts the schedule of charges and discounts contained in Appendix 2 to this report, with effect from 1 April 2021.

**3 Key Issues and Reasons for Recommendations**

Key Issues

- 3.1 Empty dwellings are a wasted resource in terms of reducing the supply of affordable housing within the area and potentially lost council tax yield for the Council.
- 3.2 Council Tax and Environmental Health Officers work together to address this issue and to align our policies relating to the management of empty homes and council tax charges.
- 3.3 Introducing the increased empty property charges, allowed by legislation, has been one of the ways in which we encourage owners to bring empty homes back into use.

### Reasons for Recommendations

- 3.4 Cannock Chase Council's empty property discounts are generous, when compared to other councils and the changes being recommended are intended to be beneficial to both the occupation rate of dwellings and income to the Council.
- 3.5 The reduction of the 'free period' for empty dwellings from 3 months to 28 days is expected to affect around 2,000 properties that are estimated to become vacant whilst awaiting occupation by a new owner or new tenant. Additional charges in the region of £245,000 per annum would be levied, if owners did not bring their homes into use more quickly (an average of around £123 per bill). Cannock Chase Council would retain £29,000 of the additional yield.
- 3.6 The additional income to the Council would help to facilitate improvements to the Local Council Tax Reduction Scheme which are currently subject to formal consultation.

## **4 Relationship to Corporate Priorities**

- 4.1 The proposals contained in this report will bring empty dwellings back into use thereby increasing income to the council, improving the local environment, and providing additional housing capacity and choice.

## **5 Report Detail**

- 5.1 When council tax was introduced in 1993, the rate of charges to be made in respect of empty properties was prescribed. Exemptions were available for certain categories of property, for which no council tax was payable.
- 5.2 Subsequent legislation has allowed Billing Authorities to increase the amounts charged on empty properties and we have been encouraged to do so, in order to bring empty properties back into use. Our options are:
- To prescribe the free period in respect of newly vacated empty dwellings, or to offer no free period. We currently allow 3 months;
  - To prescribe the percentage discount in respect of uninhabitable empty dwellings, or to offer no discount. We currently allow 100% discount for the prescribed 12 month period. This discount cannot be applied for a property that has been empty for more than 2 years and has attracted an empty property premium as described below;
  - To charge 100% in respect of second homes. We currently charge this and propose to continue;
  - To charge 200% Council Tax for property empty for more than 2 years. We currently charge this;
  - From 2020, we can increase this to 300% for property empty for more than 5 years. This charge is proposed;

- From 2021, we can further increase this to 400% for property empty for more than 10 years. This charge is proposed to be implemented from 1 April 2021.
- 5.3 We have discretion to determine our own local categories of dwelling for which we can offer a rate of discount. The Billing Authority would have to meet the cost of those discounts in full and would not share the cost with other preceptors. No such categories are proposed.
- 5.4 We can also award local discretionary discounts to individual council taxpayers, based on the specific merits of their individual circumstances. Again the Billing Authority would have to meet the cost of those discounts in full and would not share the cost with other preceptors. A discretionary discount can be applied to any occupied or unoccupied dwelling. Such a discount might, for example, be appropriate to alleviate exceptional hardship or to reduce an empty property premium.
- 5.5 By their nature, discretionary discounts will involve an unpredicted set of circumstances which cannot be pre-determined or specified. The Head of Finance or the Local Taxation and Benefits Manager will determine applications for these discounts, based on the merits of individual applications and having regard for the impact on the Council's General Fund.
- 5.6 The following categories of property are protected and statutory council tax exemptions still exist.

<b>Class</b>	<b>Description</b>
B	Unoccupied dwellings owned by a charity (up to 6 months).
D	A dwelling left unoccupied by people who are in prison.
E	An unoccupied dwelling which was previously the sole or main residence of a person who has moved into a hospital or care home.
F	Dwellings left empty by the estate of deceased persons (6 months from date of probate).
G	An unoccupied dwelling where the occupation is prohibited by law.
H	Unoccupied clergy dwellings.
I	An unoccupied dwelling which was previously the sole or main residence of a person who is the owner or tenant and who has moved to receive personal care.
J	An unoccupied dwelling which was previously the sole or main residence of a person who is the owner or tenant and who has moved in order to provide personal care to another person.
K	An unoccupied dwelling where the owner is a student who last lived in the dwelling as their main home.
L	An unoccupied dwelling which has been taken into possession by a mortgage lender.
M	A hall of residence provided predominately for the accommodation of students.

Class	Description
N	A dwelling which is occupied only by students, the foreign spouses of students or school and college leavers.
O	Armed forces' accommodation.
P	A dwelling where at least one person who would otherwise be liable has a relevant association with a Visiting Force.
Q	An unoccupied dwelling where the person who would otherwise be liable is a trustee in a bankruptcy.
R	Empty caravan pitches and boat mooring.
S	A dwelling occupied only by a person, or persons, aged under 18.
T	A dwelling which forms part of a single property which includes another dwelling and may not be let separately from that dwelling, without a breach of planning control.
U	A dwelling occupied only by a person, or persons, who is or are severely mentally impaired who would otherwise be liable to pay the council tax or only by one or more severely mentally impaired person.
V	A dwelling in which at least one person who would otherwise be liable is a diplomat.
W	A dwelling which forms part of a single property, include at least one or other dwelling, and which is the sole or main residence of a dependent relative of a person who is resident in the other dwelling.

5.7 The remaining categories of empty dwellings and the proposed changes to the charges are summarised as follows.

	Current Charge & Discount	Charge & Discount from 1 April 2020
Property which is unoccupied and substantially unfurnished	100% discount for 3 months. 0% discount thereafter	100% discount for 28 days 0% discount thereafter
Property which is unoccupied and substantially furnished (referred to as second homes)	0% discount	0% discount (No change)
Property which is unoccupied, substantially unfurnished, <b>uninhabitable</b> and in need of or undergoing major repairs or structural alterations which are to make it habitable	100% discount for 12 months. 0% discount thereafter	100% discount for 12 months. 0% discount thereafter (No change)
Property which is unoccupied, substantially unfurnished and has been so for between 24 months and 5 years	100% Premium (200% council tax due)	100% Premium (200% council tax due)
Property which is unoccupied, substantially unfurnished and has been so for 5 years or more	100% Premium (200% council tax due)	200% Premium (300% council tax due)

The following changes will then be applied from 1 April 2021:

	<b>Current Charge &amp; Discount</b>	<b>Charge &amp; Discount from 1 April 2021</b>
Property which is unoccupied, substantially unfurnished and has been so for between 5 years and 10 years	100% Premium (200% council tax due)	200% Premium (300% council tax due)
Property which is unoccupied, substantially unfurnished and has been so for over 10 years	100% Premium (200% council tax due)	300% Premium (400% council tax due)

5.8 All of the changes above will encourage owners of properties to bring them into use more quickly. Significant income will also be achieved by the reduction in the free period.

5.9 The increased premiums will affect 79 properties, as follows

- Empty 2 – 5 years 42
- Empty 5 – 10 years 20
- Empty over 10 years 17

5.10 It is anticipated that the income from increased Premiums will be minimal. The intention is that the properties are brought into use, thereby paying the standard rate of council tax, rather than the increased Premium rates. Some outlay may also be needed if properties cannot be brought into use and it is deemed appropriate to reduce or remove the Premiums.

## **6 Implications**

### **6.1 Financial**

The effect of implementing the changed recommended by this report will have a positive impact on the Council's finances, as we would retain around 12% of any additional yield. Additional charges in the region of £245,000 per annum would be levied, of which Cannock Chase Council would retain £29,000 per annum.

### **6.2 Legal**

The level of charges that can be raised and discounts awarded in respect of empty dwellings is provided by the Local Government Finance Act 2012.

### **6.3 Human Resources**

None.

6.4 **Section 17 (Crime Prevention)**

None.

6.5 **Human Rights Act**

None.

6.6 **Data Protection**

None.

6.7 **Risk Management**

None.

6.8 **Equality & Diversity**

None.

6.9 **Best Value**

None.

**7 Appendices to the Report**

Appendix 1: Empty Property Charges and Discounts 1 April 2020

Appendix 2: Empty Property Charges and Discounts 1 April 2021

**Previous Consideration**

None

**Background Papers**

None

## Council Tax

## Empty Property Charges and Discounts 1 April 2020

Category of Dwelling	Charge & Discount from 1 April 2020
Property which is unoccupied and substantially unfurnished	100% discount for 28 days. 0% discount thereafter.
Property which is unoccupied and substantially furnished (referred to as second homes)	0% discount
Property which is unoccupied substantially unfurnished, <b>uninhabitable</b> and in need of or undergoing major repairs or structural alterations which are to make it habitable	100% discount for 12 months. 0% discount thereafter.
Property which is unoccupied, substantially unfurnished and has been so for between 24 months and 5 years	100% Premium (200% council tax due)
Property which is unoccupied, substantially unfurnished and has been so for 5 years or more	200% Premium (300% council tax due)

## Council Tax

## Empty Property Charges and Discounts 1 April 2021

Category of Dwelling	Charge & Discount from 1 April 2021
Property which is unoccupied and substantially unfurnished	100% discount for 28 days. 0% discount thereafter.
Property which is unoccupied and substantially furnished (referred to as second homes)	0% discount.
Property which is unoccupied substantially unfurnished, <b>uninhabitable</b> and in need of or undergoing major repairs or structural alterations which are to make it habitable	100% discount for 12 months. 0% discount thereafter.
Property which is unoccupied, substantially unfurnished and has been so for between 24 months and 5 years	100% Premium (200% council tax due)
Property which is unoccupied, substantially unfurnished and has been so for between 5 years and 10 years	200% Premium (300% council tax due)
Property which is unoccupied, substantially unfurnished and has been so more than 10 years	300% Premium (400% council tax due)

<b>Report of:</b>	<b>Head of Environment and Healthy Lifestyles</b>
<b>Contact Officer:</b>	<b>Colin Donnelly</b>
<b>Telephone No:</b>	<b>01543 464 416</b>
<b>Portfolio Leader:</b>	<b>Culture and Sport</b>
<b>Key Decision:</b>	<b>No</b>
<b>Report Track:</b>	<b>Cabinet: 19/12/19</b>

**CABINET**  
**19 DECEMBER 2019**  
**PROPOSED IMPROVEMENTS TO THE PLAY AREA AND OPEN SPACE AT PENNY CRESS GREEN, NORTON CANES**

**1 Purpose of Report**

- 1.1 To seek Members' approval to proceed with the proposed improvements to the play area and open space at Penny Cress Green, Norton Canes (The Cemna) as set out in the indicative development plan attached as Appendix 1.
- 1.2 To seek approval for permission to spend Section 106 funds to develop and deliver the proposed improvements.

**2 Recommendations**

That Cabinet:

- 2.1 Grant approval to proceed with the proposed improvements to the play area and open space at Penny Cress Green, Norton Canes (The Cemna) as set out in this report and the indicative plan attached as Appendix 1.
- 2.2 Recommend to council to include £187,477 from S106 funds be included in the Capital Programme for 2019 – 2022.
- 2.3 Grant permission to spend up to £120,000 to deliver the proposed project as set out in this report and to use the balance remaining £67,477 for the improvements to indoor and outdoor sports and recreational activities within the Norton Canes area".
- 2.4 Delegate authority to the Head of Environment and Healthy Lifestyles in consultation with the Culture and Sport Portfolio Leader to agree the project detail and to take such actions as may be necessary to progress the above recommendations within existing approved budgets.

### 3 Key Issues and Reasons for Recommendation

- 3.1 The site at Penny Cress Green occupies an area of 1.75 hectares and is in need of upgrading, thereby providing an opportunity to not only install new modern play equipment but to also enhance and improve the open space, making it a more useable and pleasant site.
- 3.2 Significant housing development has taken place over the last 5 years or so in Norton Canes and the Parish Council has requested Cannock Chase Council utilise funding identified from the new developments to deliver new and improved sport, recreation and open space facilities within the parish.
- 3.3 Councils have a major role in the provision of good quality parks, play areas and public open spaces that are both sustainable and meet the needs of the community.
- 3.4 A contribution of £187,477 from the Councils S106 contributions, collected following the housing development situated south of Red Lion Lane, Norton Canes has been identified and which can be used ***“for the improvements to indoor and outdoor sports and recreational activities within the Norton Canes area”***.
- 3.5 The Council is keen to progress this proposed development and for it to be completed by the second quarter in 2020. In order to achieve this deadline it will be necessary to include the estimated cost of the proposed scheme in the Council’s Capital Programme for 2019-20 and to secure approval to spend the S106 funds to develop and deliver the scheme within the budget approved.
- 3.6 At this stage it is envisaged that any ongoing revenue costs associated with the upgrading of the play site and improvements to the open space will be met from the existing budgets. Should this position change as the details of the scheme are clarified, then a further report to Cabinet may be necessary before any decision is made.

### 4 Relationship to Corporate Priorities

- 4.1 The Council’s Priorities are “Promoting Prosperity” and “Community Wellbeing” and these two priorities interlink and reinforce each other to improve the opportunities, wellbeing and quality of life for our communities.
- 4.2 The provision of safe, welcoming and clean spaces for people to use and visit and that offer opportunities to participate in physical activity and recreation contribute to both of the Council’s priorities.

## 5 Report Detail

### 5.1 Background

5.1.1 The Clerk to Norton Canes Parish Council has written to the Council on a number of occasions over the last few years to express the Parish Council's ambitions to invest in sport, recreation and open space facilities within the parish and its desire to use s106 funds identified from recent local housing developments to contribute to the delivery of these proposals. On the 1<sup>st</sup> February 2019 the Culture and Sport Portfolio Leader confirmed her support to these requests and this proposed scheme has been finalised following discussions between the Parish and District Council.

5.1.2 Cannock Chase Council has identified a sum of £187,477 from S106 contributions collected following the housing development situated south of Red Lion Lane which can be used "**for the improvements to indoor and outdoor sports and recreational activities within the Norton Canes area**".

### 5.2 Project Outline

5.2.1 This project will include the provision of a new fully equipped play area, circular footpaths, a community sculpture, natural landscaping and the installation of green gym equipment to encourage the Penny Cress Green site (The Cemna) back into constructive use for sport and active recreation.

5.2.2 The play spaces will be designed to fit their surroundings and enhance the local environment as well as being capable of being used in different ways by children and young people of different ages and interests in the community.

5.2.3 The new community sculpture will depict local historical landscapes of significance and be designed in consultation with the Parish Council and the community. The facilities will provide the opportunity to increase participation levels in sport and recreation and promote healthy and active lifestyles across the local and wider community.

### 5.3 Project Costs (Pre-Tender Estimate) and Funding

5.3.1 The estimated costs together with the funding identified for this scheme are as follows:

Pre-Tender Cost Estimate	£
New Access Point	6,000.00
Footpaths (550 m)	12,000.00
Play Area	70,000.00
Cycle Racks	1,000.00
Natural Grass Kick about	1,500.00

<b>Pre-Tender Cost Estimate (cont.)</b>	<b>£</b>
Green Gym Equipment	9,500.00
Art Sculpture	6,000.00
Landscaping	3,500.00
Signage and Interpretation Boards	2,500.00
Adventure Play	4,000.00
Contingency 3.3%	4,000.00
Sub Total	120,000.00
Projects for wider community benefit	67,477.00
<b>Total</b>	<b>187,477.00</b>
<b>Funding</b>	
Q255 S106 Land south of Red Lion Lane, Norton Canes	187,477.00
<b>Total</b>	<b>187,477.00</b>

5.3.1 The current revenue cost for maintaining and inspecting the site is £ 1,500.00 per annum and it is envisaged that any ongoing revenue costs associated with the upgrading of the play site and improvements to the open space will be met from existing budgets. Should this position change as the details of the scheme are clarified, then a further report to Cabinet may be necessary before final sign off can be given.

#### **5.4 Project Management and Timeline**

5.4.1 The project will be overseen and managed by the Council's Capital Projects Officer working in collaboration with the Parks and Open Spaces Team and Norton Canes Parish Council.

5.4.2 Subject to Cabinet's approval to progress this project the estimated timeline is as follows:

1	Finalise project brief, specification and procurement and contract documentation	December 2019
2	Issue Tender	January 2020
3	Submit Tender	January 2020
4	Evaluate Tenders and contract award	February 2020
5	Consultation and review of design	March 2020
6	Start on Site	May 2020
7	Completion	September 2020

**6 Implications****6.1 Financial**

The investment proposal at Penny Cress Green together with all other projects is to be funded solely by the S106 funds Q255 Land South of Red Lion Lane. At this stage it is envisaged that ongoing site maintenance of the renovated play site facilities will be met from existing revenue budgets. Should this position change as the details of the scheme are clarified then further reports to Cabinet may be necessary

There is a current pay back period of 10 years for these S106 funds, this will end August 2026.

**6.2 Legal**

The Council will need to ensure that the necessary legal agreements are in place before any works are undertaken dealing with gaining access to Council land and the details of the works to be carried out.

**6.3 Human Resources**

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

**6.4 Section 17 (Crime Prevention)**

This proposed facility may provide positive diversionary activities that will contribute to the community safety agenda.

**6.5 Human Rights Act**

There are no identified implications in respect of the Human Rights Act 1998 arising from this report.

**6.6 Data Protection**

There are no identified Data Protection implications arising from this report.

**6.7 Risk Management**

The many risks involved in such a project relate to the provider being unable to deliver the proposed improvements or not being able to deliver them to the right level of quality or within the allocated budget for the improvements. However, the council's involvement in the design, content and the layout design proposals will hopefully assist in mitigating or minimising such risks and where relevant elements of the project will be reviewed in order to keep within the existing budget.

**6.8 Equality & Diversity**

It is anticipated that new development and facilities will have positive impacts on a range of equality groups and that any negative impacts can be mitigated through the future design process.

#### 6.9 **Best Value**

Best value will be sought for the delivery of the project through effective and appropriate procurement processes.

### **7 Appendices to the Report**

Appendix 1: Indicative Development Plan

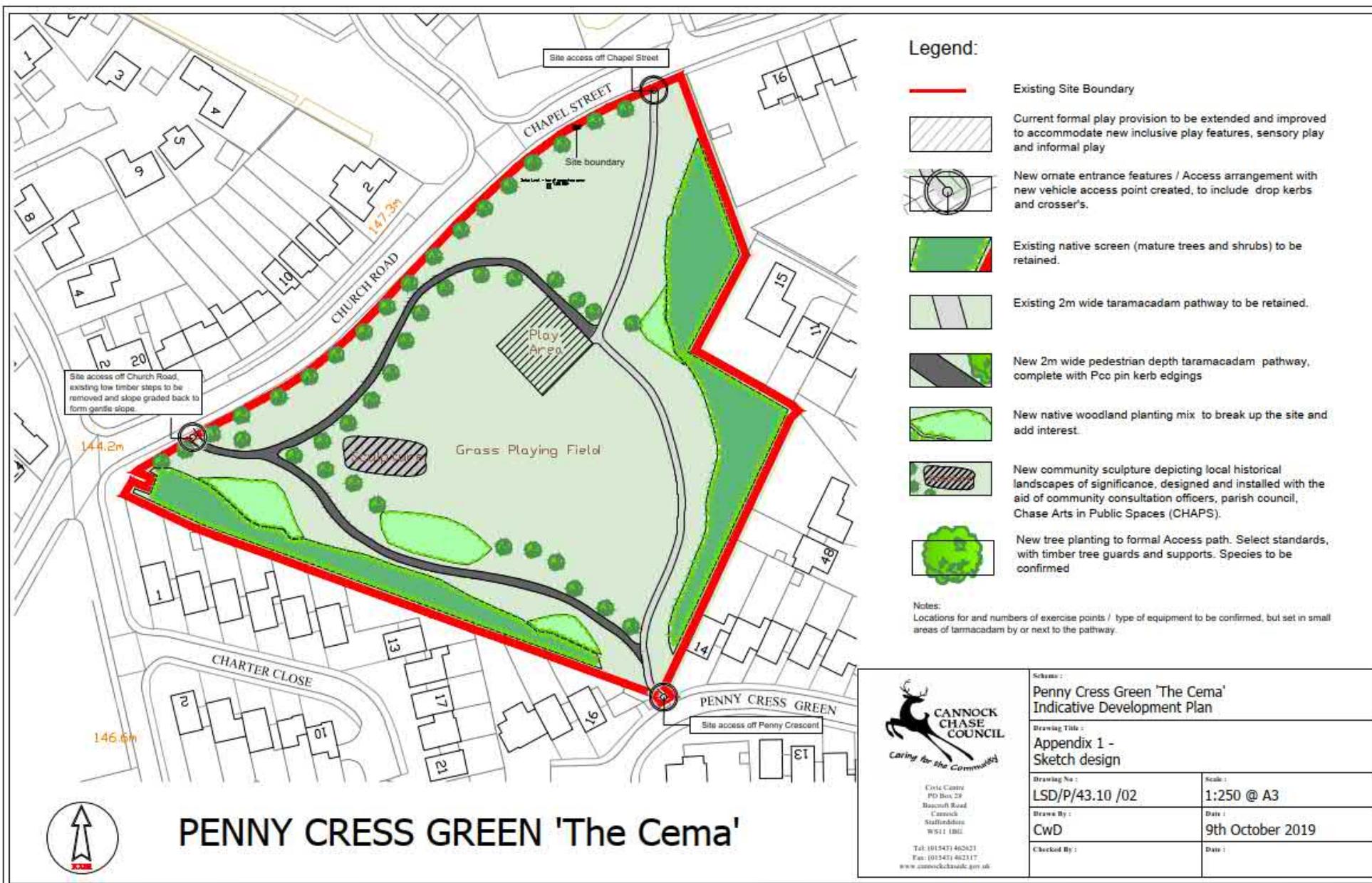
#### **Previous Consideration**

None

#### **Background Papers**

None

Appendix 1



PENNY CRESS GREEN 'The Cema'



<b>Report of:</b>	<b>Head of Environment and Healthy Lifestyles</b>
<b>Contact Officer:</b>	<b>Colin Donnelly</b>
<b>Telephone No:</b>	<b>01543 464520</b>
<b>Portfolio Leader:</b>	<b>Culture and Sport</b>
<b>Key Decision:</b>	<b>No</b>
<b>Report Track:</b>	<b>Cabinet: 19/12/19</b>

**CABINET**  
**19 DECEMBER 2019**  
**PROPOSED IMPROVEMENTS TO PUBLIC OPEN SPACE AND PLAY AREA**  
**ADJOINING FORTESCUE LANE, BONNEY DRIVE AND EATON DRIVE,**  
**RUGELEY**

**1 Purpose of Report**

- 1.1 The purpose of the report is to seek Members' approval to proceed with the proposed improvements to the Public Open Space as set out in the proposals attached as Appendix 1.
- 1.2 To seek approval for permission to spend S106 funds to deliver the proposed improvements.

**2 Recommendations**

That Cabinet:

- 2.1 Recommend to Council to include an additional £28,332 in the Capital Programme 2019-2022 to undertake the proposed improvements set out in this report and the plan attached at Appendix 1.
- 2.2 Grant approval to add this additional amount to the £20k already included in the Capital Programme for Wolseley Road and grant permission to spend up to £48,332 to deliver the proposed improvements to the public open space as set out in this report and the proposals plan attached at Appendix 1.
- 2.3 Delegate authority to the Head of Environment and Healthy Lifestyles in consultation with the Culture and Sport Portfolio Leader to agree the project detail and to take such actions as may be necessary to progress the above recommendations within existing approved budgets.

**3 Key Issues and Reasons for Recommendation**

- 3.1 A sum of £20k identified for this scheme but referred to as Wolseley Road has been included in the Council's Capital Programme for number of years but has been insufficient to deliver the proposed improvements.
- 3.2 However, a subsequent housing development in Stafford Borough located on the Western Springs Road and close to the Wolseley Road has released some additional Section 106 funds amounting to £28,332; which, subject to Council approval, can be added to the initial £20k, making a total investment of £48,332 which is sufficient to deliver the improvements set out in this report and the plan attached at Appendix 1.
- 3.3 Councils have a major role in the provision of good quality parks, play areas and public open spaces that are both sustainable and meet the needs of the community.
- 3.4 Given the previous delays in delivering this scheme and for it to be delivered in 2020 it will be necessary to include the additional Section 106 funds amounting to £28,332 in the Capital Programme and to secure approval to spend the S106 funds to develop and deliver the scheme within the budget approved.
- 3.5 At this stage it is envisaged that any ongoing revenue costs associated with the improvements will be met from the existing budgets. Should this position change as the details of the scheme are clarified, then a further report to Cabinet may be necessary before any decision is made.

**4 Relationship to Corporate Priorities**

- 4.1 The Council's Priorities are "Promoting Prosperity" and "Community Wellbeing" and these two priorities interlink and reinforce each other to improve the opportunities, wellbeing and quality of life for our communities.
- 4.2 The provision of safe, welcoming and clean spaces for people to use and visit and that offer opportunities to participate in physical activity and recreation contribute to both of the Council's priorities.

**5 Report Detail****5.1 Background**

- 5.1.1 A sum of £20k identified for this scheme but referred to as Wolseley Road has been included in the Council's Capital Programme for number of years but has been insufficient to deliver the proposed improvements.
- 5.1.2 However, a subsequent housing development in Stafford Borough located on the Western Springs Road and close to the Wolseley Road has released some additional Section 106 funds amounting to £28,332; which, subject to Council approval, can be added to the initial £20k, making a total investment of £48,332

which is sufficient to deliver the improvements set out in this report and the plan attached at Appendix 1.

## **5.2 Project Outline**

- 5.2.1 This scheme will address a number of issues and problems currently being experienced on the open space adjoining Fortescue Lane, Bonney Drive and Eaton Drive.
- 5.2.2 A number of the existing stoned pathways which are well used have been heavily eroded making them extremely muddy in inclement weather and difficult to navigate.
- 5.2.3 Whilst there are several other good tarmac paths across the open space there are several key areas where paths are missing and as a result well used desire lines have been formed, again becoming very muddy and impractical for use for residents with pushchairs or with disability issues.
- 5.2.4 The open space is currently very accessible and there has been evidence of unauthorised vehicles crossing the site, making it potentially at risk from illegal encampments.
- 5.2.5 This scheme will include the provision of new linking tarmac pedestrian footpaths, the installation of new waste bins, permanent and removable bollards to deter vehicle access to the site, new gates and swings to the play area and general landscaping and planting.

## **5.3 Project Costs (Pre-Tender Estimate) and Funding**

- 5.3.1 The estimated costs together with the funding identified for this scheme are as follows:

<b>Pre-Tender Cost Estimate</b>	<b>£</b>
Hard works Preparation	1,792.00
Hard works Construction	15,460.00
Grass Cell System	3,300.00
Recycled Plastic Bollards	5,430.00
Fencing and Gates	4,000.00
Play area equipment (Swings) and Surfacing	2,780.00
Bins (x3)	4,600.00
Tree Works and Planting	5,675.00
Contingency	5,295.00
<b>Total</b>	<b>48,332.00</b>
<b>Funding</b>	
Q100 Wolseley Road	20,000.00
Q100 Fortescue Lane / Bonney Drive Improvements	£5,000.00
Q273 Rugeley Bypass OSOS (SBC)	23,332.00
<b>Total</b>	<b>48,332.00</b>

5.3.2 It is envisaged that any ongoing revenue costs associated with the upgrading of the play site and improvements to the open space will be met from the existing budgets.

#### **5.4 Project Management and Timeline**

5.4.1 The project will be overseen and managed by the Council's Capital Projects Officer working in collaboration with the Parks and Open Spaces Team.

5.4.2 Subject to Cabinet's approval to progress this project the estimated timeline is as follows:

1	Finalise project brief, specification and procurement and contract documentation and confirm scheme with Stafford Borough Council	February 2020
2	Issue Tender	March 2020
3	Submit Tender	April 2020
4	Evaluate Tenders and contract award	April 2020
5	Start on Site	June 2020
6	Completion	July 2020

5.4.3 Although the Section 106 funds have been released to the Council by Stafford Borough, subject to Cabinet's approval to proceed with this project the final scheme will be confirmed with Stafford Borough Council before commencement.

<b>6 Implications</b>
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#### **6.1 Financial**

The budget for the project is £48,332 which is to be funded from S106's as per table 5.3.1. It is expected that the project will be delivered within budget. Ongoing maintenance is to be funded from within existing revenue budgets. Should anticipated costs exceed the budget allocation as the project is progressed, a further report will be sent to Cabinet for sign off before the project is progressed.

#### **6.2 Legal**

The Council is obligated by the terms of the S106 Agreements with Staffordshire County Council and Stafford Borough Council to use the funding identified above to carry out physical improvements to enhance public open space. By carrying out the proposed scheme as described above the Council would be complying with its obligations.

#### **6.3 Human Resources**

Any implications will be met from the existing staff resources within the Parks and Open Spaces section.

**6.4 Section 17 (Crime Prevention)**

The proposals will be designed to meet the current 'Secure by Design' criteria

**6.5 Human Rights Act**

There are no direct implications in respect of the Human Rights Act 1998 arising from this report.

**6.6 Data Protection**

There are no identified implications in respect of the Data Protection Act.

**6.7 Risk Management**

The many risks involved in such a project relate to the provider being unable to deliver the proposed improvements or not being able to deliver them to the right level of quality or within the allocated budget for the improvements. Risks associated with the programme being delayed, delivery resources being constrained, slippage and cost over runs will be controlled and mitigated via the Project Officer.

**6.8 Equality & Diversity**

The scheme will acknowledge diversity and design out any barriers to access and use. Consultation has already been undertaken with a number of access groups in the park and their comments taken into account in the design process where appropriate.

**6.9 Best Value**

Delivery of the scheme will be via an appointed contractor following a tender process in accordance with the Council financial regulations.

**7 Appendices to the Report**

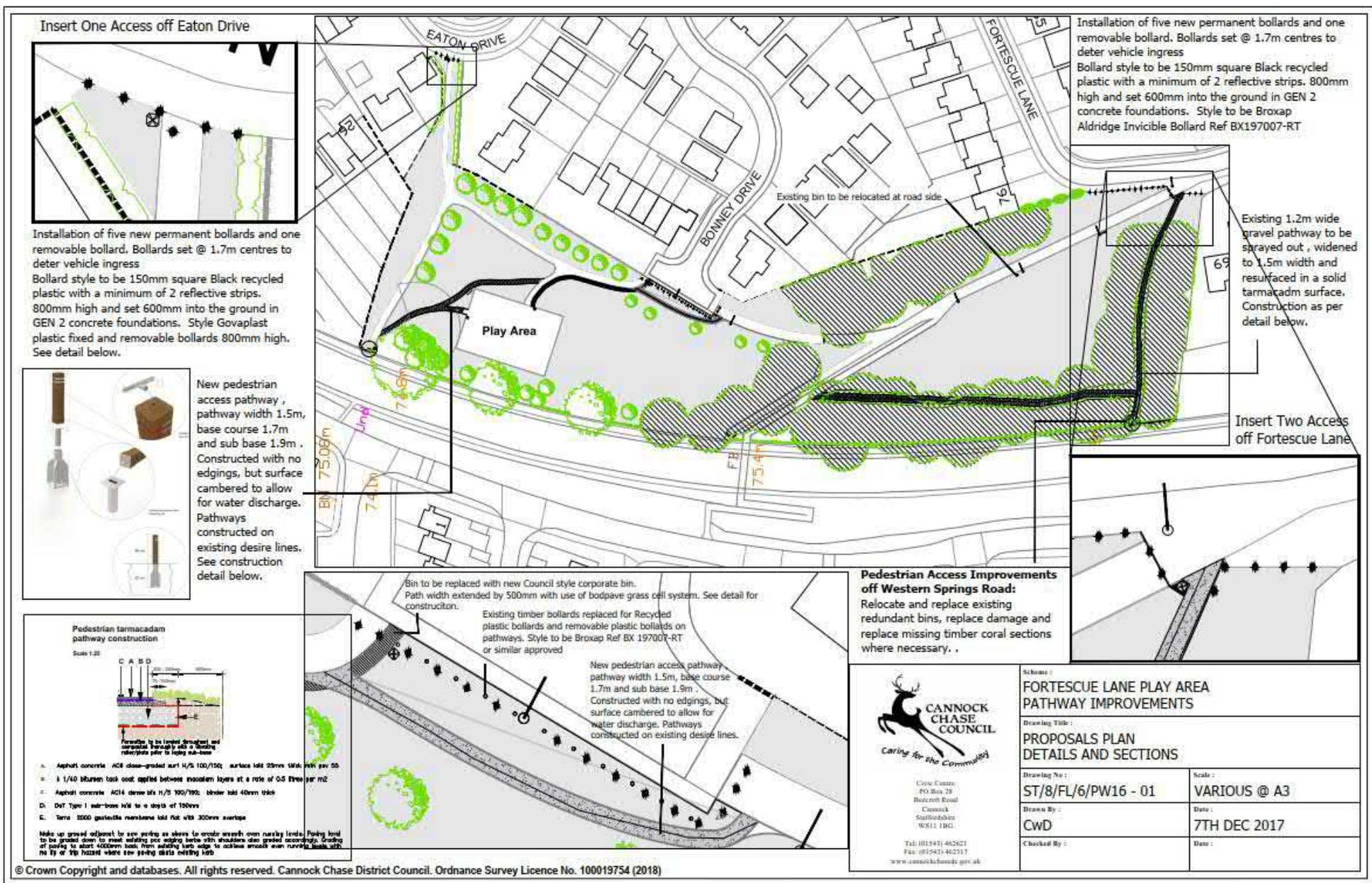
Appendix 1: Fortescue Lane, Bonney Drive and Eaton Drive Proposals

**Previous Consideration**

None

**Background Papers**

None



<b>Report of:</b>	<b>Head of Economic Prosperity</b>
<b>Contact Officer:</b>	<b>Amy Jackson</b>
<b>Telephone No:</b>	<b>01543 464577</b>
<b>Portfolio Leader:</b>	<b>Economic Development and Planning</b>
<b>Key Decision:</b>	<b>No</b>
<b>Report Track:</b>	<b>Cabinet: 19/12/19</b>

**CABINET**  
**19 DECEMBER 2019**  
**CANNOCK CHASE COMMUNITY INFRASTRUCTURE LEVY (CIL)**  
**FINANCIAL YEAR REPORT**

**1 Purpose of Report**

- 1.1 To note the CIL financial year report 2018/19.
- 1.2 To note changes made to 'Community Infrastructure Levy – Guidance for Applicants and Developers' which reflect recent changes to legislation.

**2 Recommendations**

- 2.1 That the CIL financial year report be noted.
- 2.2 That the changes to the 'Community Infrastructure Levy – Guidance for Applicants and Developers' are noted.

**3 Key Issues and Reasons for Recommendation**

- 3.1 The Council approved the CIL Charging Schedule and Regulation 123 List of infrastructure projects eligible to receive funding at its meeting on 15/04/2015. CIL came into effect in relation to relevant chargeable development on 01/06/2015.
- 3.2 CIL is intended to provide a funding stream for infrastructure needed to support the policies and proposals in the adopted Local Plan. It will partly replace funding previously obtained via Planning Obligations under Section 106 of the Town and Country Planning Act 1990 (as amended).
- 3.3 The Council was legally required to produce a financial year report on CIL receipts and spend in accordance with the Community Infrastructure Levy

Regulations 2010 (as amended) (CIL Regulations). This is the fourth financial report since the adoption of CIL and it provides a summary of CIL receipts and expenditure for the financial year 2018-19. It should be noted that the CIL financial report will be replaced by an annual infrastructure funding statement as of 31 December 2020; this statement will have to provide summary details of CIL and Section 106 receipts and expenditure. For more information regarding infrastructure funding statements please see Council 06/11/19.

#### **4 Relationship to Corporate Priorities**

4.1 This report supports the Council's Corporate Priorities as follows:

- **Promoting Prosperity:** CIL supports investment in infrastructure which in turn encourages investment in housing, town centres and employment opportunities and skills in the District.
- **Community Wellbeing:** CIL supports investment in infrastructure which in turn can help encourage healthier living opportunities and safer, more attractive environments in the District. For example, CIL receipts can be used to fund Parks & Open Spaces projects which will in turn promote healthy lifestyles and social inclusion.

#### **5 Report Detail**

##### Financial report overview

- 5.1 The Council's CIL financial year report is provided at Appendix 1. It reports on the period from 1 April 2018- 31 March 2019. The CIL Regulations required that the Council must report on a stipulated set of figures. It should be noted that as of 1 September 2019, the CIL Regulations have been amended to now require Councils to publish annual infrastructure funding statements, which will include details of CIL and S106 receipts and expenditure.
- 5.2 The first infrastructure funding statement must be published by 31 December 2020 and will relate to the 2019/20 financial year. As there are no transitional arrangements provided in the amended Regulations for how the 2018/19 financial year figures are reported, it was deemed appropriate to report this in the same format at previous years for consistency, as the CIL matters included in previous reports are already in line with requirements set out for the infrastructure funding statements.
- 5.3 The CIL financial report includes the level of CIL receipts collected; the level of CIL expenditure within the reporting year; the items to which that expenditure has been allocated to; levels of neighbourhood fund expenditure; and the total amount of CIL receipts retained following expenditure. This information should be published on the Council website by 31 December 2019, following the end of the reporting year.

- 5.4 The financial year report outlines that £1,427,487 in CIL receipts was collected in 2018/19. This is a notable increase on the level of CIL receipts for 2017-18 (£211,434) and reflects the nature of CIL, i.e. schemes are only liable to pay CIL once they have commenced development, so many sites which obtained planning permission from 2015 onwards (when CIL was adopted) are now being implemented and generating CIL receipts. In addition, approximately 62% of the CIL receipts for 2018/19 are as a result of the McArthur Glen development. Of the £1,427,487 received in 2018/19 the Council has retained £1,143,952 for future expenditure on infrastructure (this totals £1,279,989 when neighbourhood funds applicable to the non-parished areas are included).
- 5.5 CIL expenditure on infrastructure totals £36,465 in 2018/19, which has been allocated to the Cannock Chase Special Area of Conservation (SAC) Mitigation Measures-a project identified on the CIL Infrastructure list (which identifies a range of projects eligible to receive CIL funding). The Cannock Chase SAC is an internationally protected ecological site and the approach to 'top slicing' of CIL funds to contribute towards projects that ensure no harm arises to this protected site as a result of additional housing development has been previously agreed by Cabinet (see 25/07/13 and 20/11/14). There is a package of measures which will ensure no harm arises to the SAC as a result of additional recreational pressures from the residents of new housing developments within the District and to ensure compliance with Conservation of Habitats and Species Regulations 2017.
- 5.6 A total of £39,659 has been passed to parish councils in 2018/19, representing 15% of the CIL receipts received in those Parishes (Rugeley Town, Hednesford Town, Heath Hayes & Wimblebury Parish, Norton Canes Parish, Cannock Wood Parish and Brereton & Ravenhill Parish Councils). This is required under Regulation 59A of the CIL Regulations. The transfer of neighbourhood funds to Parishes from the second half of the 2018/19 financial year occurs post 31 March 2019. Therefore these transfers are not included in the 2018/19 report. A total of £49,797 was transferred in April 2019 to Rugeley Town Council, Hednesford Town Council and Bridgtown Parish Council. The total CIL receipts retained will therefore be less following the transfer of these funds. This will be reflected in the infrastructure funding statement for 2019/20.
- 5.7 It should be noted that on 28 November 2018, Hednesford Neighbourhood Plan was 'made' (Council 28/11/18). Therefore, Hednesford Town Council will receive 25% of CIL funds received from CIL liable developments granted planning permission after 28/11/2018 in Hednesford Town Neighbourhood Area.
- 5.8 £136,037 has been retained as neighbourhood funds for non-parished areas in 2018/19, pending further consultation with the local community regarding its spend (Cannock East Ward-£132,133, Cannock South Ward-£2,239, Rawnsley Ward-£1,665). This represents 15% of CIL receipts received within those Wards. This is in accordance with Regulation 59F of the CIL Regulations and the Council's approved CIL allocations process (see Cabinet Report 23/07/15).
- 5.9 £71,374 allocated for expenditure on CIL administrative expenses in this financial year (representing 5% of the total CIL receipts as permitted in the CIL Regulations) as per Cabinet Report 08/11/2018.

- 5.10 Taking into account receipts retained from previous years, the total CIL receipts retained by the Council as at end of 2018/19 for future expenditure on infrastructure is £1,386,522 (note this figure is £1,546,433 if the neighbourhood funds for the non-parish areas retained at present are included).
- 5.11 This CIL financial year report will be incorporated into the Council's wider Annual Monitoring Report for the Local Plan (Part 1), for which there is already delegated authority to publish with the agreement of the Head of Economic Prosperity and Portfolio Leader for Economic Development and Planning (Cabinet Report 21/04/16).
- 5.12 A previous report on the funding decisions protocol (Cabinet Report 23/07/15), set out that the allocation of CIL funds process would not begin until a sufficient level of receipts had been received. Given the overall level of receipts received to date it was considered appropriate for the Council to carry out its first CIL allocations process in 2019/20. Details of this process and the recommendations made will be set out in an Appendix alongside the Council's overall budget report in February 2020.
- 5.13 The CIL Guidance for Applicants and Developers is a guide that provides details of CIL charges, advice on how the system of calculating and collecting CIL will operate the types of development which are exempt nationally, the circumstances where relief from the charges may be available. This is not a policy document and provides technical guidance only. It has been considered necessary to undertake some minor amendments to this document to reflect the national legislative amendments that have come into effect 1 September 2019, i.e. changes in penalties regarding failure to submit a commencement notice, removal of Regulation 123 etc. Cabinet is asked to note that this work has been undertaken.

## **6 Implications**

### **6.1 Financial**

The CIL receipts referred to in the body of the report are held in the Council reserves pending future allocation to CIL infrastructure list projects.

### **6.2 Legal**

The legal implications are set out in the report.

### **6.3 Human Resources**

None.

### **6.4 Section 17 (Crime Prevention)**

None.

### **6.5 Human Rights Act**

None.

**6.6 Data Protection**

None.

**6.7 Risk Management**

A risk assessment has been undertaken. The main area of risk relates to non compliance with the CIL Regulations, however this has been minimised through the production of this annual report and guidance which has been produced in fulfilment of the Council's Duty in that regard.

**6.8 Equality & Diversity**

None.

**6.9 Best Value**

None.

<b>7 Appendices to the Report</b>
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Appendix 1: CIL Financial Report 2018-19

**Previous Consideration**

Interim Planning Policy on Planning Obligations Relating to Impact of New Residential Development on the Cannock Chase Special Area of Conservation	Cabinet	25 July, 2013
Cannock Chase Special Area of Conservation Partnership Memorandum of Understanding and Permission to Spend on Mitigation Projects	Cabinet	20 November, 2014
Cannock Chase Community Infrastructure Levy Charging Schedule	Council	15 April, 2015
Cannock Chase Community Infrastructure Levy Funding Decisions Protocol	Cabinet	23 July, 2015
Local Plan (Part 1) Authority Monitoring Report	Cabinet	21 April, 2016
Cannock Chase Community Infrastructure Levy Financial Year Report and CIL Guidance for Parish and Town Councils	Cabinet	8 November, 2018
Hednesford Neighbourhood Plan Adoption	Council	28 November, 2018
Recommendations Referred from 17/10/19 Cabinet: Updated Community Infrastructure Levy Infrastructure List (Former Regulation 123 List)	Council	6 November, 2019

**Background Papers**

- Planning Act 2008
- Community Infrastructure Levy Regulations 2010 as amended in, 2011, 2012, 2014, 2015, 2019
- Conservation of Habitats and Species Regulations 2017

**Appendix 1****Community Infrastructure Levy (CIL) Annual Financial Report (2018/19) to be published by 31<sup>st</sup> December 2019**

Cannock Chase Council (CCDC- the charging authority) introduced its CIL charging schedule on the 1<sup>st</sup> June 2015. Regulation 62 of the Community Infrastructure Levy Regulations 2010 (as amended) (CIL Regulations) required the Council to produce an annual report for each financial year setting out the amount of CIL receipts received; spending of CIL receipts; and the amount of CIL retained by the Council for future spend. This Regulation is no longer enforced but the Council is still providing the information. This report covers the period from 1<sup>st</sup> April 2018-31<sup>st</sup> March 2019. *Note- amounts are rounded to the nearest £1.*

<b>CIL Regulation Reference</b>	<b>Reporting Criteria</b>	<b>Value (£)/ Project (see also explanatory notes)</b>
62(4)(a)	Total CIL receipts for the reported year.	£1,427,487
62(4)(b)	Total CIL expenditure for the reported year.	£107,839
<b>62(4)(c)</b>	<b><i>Summary details of CIL expenditure during the reported year other than in relation to CIL to which regulation 59E or 59F applied ( i.e. excludes funding for local priorities passed to local councils or in unparished areas) including:</i></b>	
62(4)(c)(i)	The items of infrastructure to which CIL (including land payments) has been applied.	Cannock Chase SAC
62(4)(c)(ii)	The amount of CIL expenditure on each item.	£36,465
62(4)(c)(iii)	The amount of CIL applied to repay money borrowed, including any interest, with details of the infrastructure items which that money was used to provide including any interest, with details of the infrastructure items which that money was used to provide (wholly or in part).	£0
62(4)(c)(iv)	The amount of CIL applied to administrative expenses pursuant to regulation 61, and that amount expressed as a percentage of CIL collected in that year in accordance with that regulation.	£71,374 (5%)
<b>62(4)(ca)</b>	<b><i>The amount of CIL passed to:</i></b>	
62(4)(ca)(i)	Any local council under regulation 59A or 59B.	£39,659
62(4)(ca)(ii)	Any person under regulation 59(4).	£0

CIL Regulation Reference	Reporting Criteria	Value (£)/ Project (see also explanatory notes)
<b>62(4)(cb)</b>	<b><i>Summary details of the receipt and expenditure of CIL to which regulation 59E or 59F applied during the reported year (i.e. funding for local priorities passed to local councils and recovered or funding for unparished areas) including:</i></b>	
62(4)(cb)(i)	The total CIL receipts that regulations 59E and 59F applied to.	£136,037
62(4)(cb)(ii)	The items to which the CIL receipts to which regulations 59E and 59F applied have been applied including the amount of expenditure on each item ( (cb)((iii) ).	£0 N/A
<b>62(4)(cc)</b>	<b><i>Summary details of any notices served in accordance with regulation 59E (recovery of funding passed to parishes), including:</i></b>	
62(4)(cc)(i)	The total value of CIL receipts requested from each local council.	£0
62(4)(cc)(ii)	Any funds not yet recovered from each local council at the end of the reported year.	£0
<b>62(4)(d)</b>	<b><i>The total amount of:</i></b>	
62(4)(d)(i)	CIL receipts for the reported year retained at the end of the reported year other than those to which regulation 59E and 59F applied.	£1,143,952
62(4)(d)(ii)	CIL receipts from previous years retained at the end of the reported year other than those to which regulation 59E or 59F applied.	£242,570
62(4)(d)(iii)	CIL receipts for the reported year to which regulation 59E and 59F applied retained at the end of the reported year.	£136,037
62(4)(d)(iv)	CIL receipts from previous years to which regulation 59E and 59F applied retained at the end of the reported year.	£23,874
<b>62(4)(e)</b>	<b><i>In relation to any infrastructure payments accepted by the charging authority:</i></b>	
62(4)(e)(i)	The items of infrastructure to which the infrastructure payments relate.	N/A
62(4)(e)(ii)	The amount of CIL to which each item of infrastructure relates.	£0

## **Explanatory notes**

### **Regulation 62(4) (a) Total CIL receipts**

CIL receipts for 2018/19 total £1,427,487. Of this, £5,692 was receipts from surcharges (where CIL procedures have not been followed, the Council can apply surcharges). The Council did not receive any CIL payments in land this year.

### **Regulation 62(4) (b) Total CIL Expenditure**

Total CIL expenditure for the reporting year is £107,618. This consists of expenditure upon infrastructure projects and administrative expenses (see further detail below).

### **Regulation 62(4) (c) Summary details of CIL expenditure**

- The only CIL expenditure in this reporting year on Regulation 123 list infrastructure items has been on Cannock Chase Special Area of Conservation (SAC) mitigation measures (£36,244). As per the locally agreed approach to the funding of this item 'top slicing' of all CIL receipts related to residential development within the District automatically takes place to be allocated against this project.
- £71,374 of CIL funds have been allocated for administrative expenses in 2018/19 (up to 5% is allowed as per Regulations).

### **Regulation 62 (4) (ca-cc) CIL funds passed to local councils, recovered from local councils and applied to non-parish areas**

- CIL expenditure in relation to neighbourhood funds takes place automatically, as per CIL Regulations. This stipulates that 15% of CIL receipts (excluding surcharges) from local areas (with no neighbourhood plan) should be transferred to the relevant parish/town council or in non parish areas consultation undertaken with the local community. This increases to 25% in areas with a neighbourhood plan.
- Funds have been transferred to Rugeley Town Council, Hednesford Town Council, Heath Hayes & Wimblebury Parish Council, Norton Canes Parish Council, Cannock Wood Parish Council, Brindley Heath Parish Council and Brereton & Ravenhill Parish Council in this reporting year. These funds total £39,569. The transfer of neighbourhood funds to Parishes from the second half of the 2018/19 financial year occurs post 31<sup>st</sup> March 2019. Therefore these transfers are not reported here. A total of £49,797 was transferred in April 2019 to Rugeley Town Council, Hednesford Town Council & Bridgtown Parish

Council. The total CIL receipts retained will therefore be less following the transfer of these funds. This will be reflected in the financial report for 2019/20.

- In relation to CIL receipts from non-parish areas, in accordance with the Councils adopted protocols the 15% proportion for the relevant wards has been retained for future spending in consultation with the local communities (£132,133 Cannock East Ward, £2,239 Cannock South Ward, £1,665 Rawsley Ward).
- Cannock Chase Council has not made any requests for the recovery of neighbourhood funds from local councils within the reporting year.

#### **Regulation 62(4) (d) Total amount of CIL receipts retained**

- The total amount of CIL funds retained from 2018/19 receipts for future expenditure on infrastructure is £1,143,952 (note this figure is £1,094,155 when taking into account the parish payment of £49,797 that is transferred in April 2019). Taking into account receipts from previous years, the total amount of CIL receipts retained by the Council for future expenditure on infrastructure is £1,386,522 (note this amount is £1,546,433 if funds retained for unparished areas are included). These receipts have not been allocated to any Regulation 123 list projects at this time. The Council will retain these funds and keep under review the level of receipts received to inform a decision on when to begin the process of allocating funds to specific CIL Infrastructure list projects.

#### **Regulation 62(4) (e) Infrastructure payments accepted**

No payments 'in kind' of infrastructure have been accepted in this reporting year.

Report of:	Head of Finance
Contact Officer:	Rob Wolfe
Telephone No:	01543 464 397
Portfolio Leader:	Health & Wellbeing
Key Decision:	No
Report Track:	Cabinet: 19/12/19

**CABINET**  
**19 DECEMBER 2019**  
**REVENUES AND BENEFITS COLLECTION REPORT – QUARTER 2**

**1 Purpose of Report**

- 1.1 To inform Cabinet of the performance of the Revenues and Benefits Service as regards:
- collections of Council Tax during the first half of the financial year.
  - collections of Business Rates during the first half of the financial year.
  - the recovery of overpaid Housing Benefit during the first half of the financial year.
- 1.2 To seek approval to the write off of the arrears listed in the **CONFIDENTIAL APPENDICES**.

**2 Reason(s) for Appendices being ‘Not for Publication’**

- 2.1 In accordance with the provisions of Schedule 12A of the Local Government Act 1972 (as amended), the Appendix is considered ‘not for publication’ under the following categories of exemption:
- Exempt Paragraph 2 – Information which is likely to reveal the identity of an individual.
  - Exempt Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the Council).

**3 Recommendation(s)**

- 3.1 That the information regarding collections be noted.
- 3.2 That the arrears listed in the **CONFIDENTIAL APPENDICES** be written off.

**4 Key Issues and Reasons for Recommendations**

- 4.1 Efficient collection of the Council's revenues is of major importance to the funding of Council services and those provided by our preceptors.
- 4.2 Council Tax due for the current year amounts to £52.4M, of which some **55.1%** was collected by the end of September.
- 4.3 Business Rates due for the current year amounts to £33.6M of which some **57.0%** was collected by the end of September.
- 4.4 Whilst our collection rates are good, regrettably not all of the monies owed to the Council can be collected and this report contains a recommendation to write off bad debts which cannot be recovered.

**5 Relationship to Corporate Priorities**

- 5.1 Not Applicable

**6 Report Detail**

- 6.1 Council Tax is collected on behalf of the District Council, Parish Councils and our Major Preceptors (Staffordshire County Council and Commissioner for Police, Crime, Fire and Rescue). The effect of the Collection fund arrangements means that Cannock Chase Council retains around 12.4% of the council tax collected.
- 6.2 Council Tax due for the current year amounts to £52.4M and we would anticipate collecting in the region of 97.5% within the year, as was the case in the last financial year. Action continues to collect the remainder, after the end of the financial year, with around 99% being recovered.
- 6.3 Prior year arrears continue to be pursued and had been reduced by £621,661.39 by the end of September.
- 6.4 In accordance with the Council's approved policies, all reasonable and lawful attempts are made to recover all amounts due. In the first instance this involves the issue of bills, reminders and final notices, followed by Summonses in the Magistrates Court where the warning notices are not effective. At all stages of this process, debtors are encouraged to engage in voluntary arrangements to repay their arrears, to prevent the need for formal action.

Where necessary and when Liability Orders are granted by Magistrates, the Council uses its powers to make deductions from earnings and benefits of debtors, where it can, and instructs Enforcement Agents where such deductions are not possible or appropriate.

In the most severe cases and for debts exceeding £5,000, the Council will consider personal bankruptcy action against individuals.

6.5 The recovery powers available to the Council are considerable but not completely infallible. There are occasions when bills are not paid and the debts cannot be recovered.

6.5.1 Statutory safeguards such as Debt Relief Orders, Individual's Voluntary Arrangements exist to protect debtors suffering hardship, to attempt to the expensive, stressful and sometimes ineffective process of personal bankruptcy. Where a debt is included in such an instrument, or when a debtor is bankrupt, our ordinary recovery powers cannot be used.

6.5.2 For any of our powers to be effective we need to know the whereabouts of a debtor and this is not always the case. Where debtors abscond we will use all reasonable endeavours to trace them and are often successful in doing so. Unfortunately, on occasions this is not so and we must submit a debt for write off.

Our trace procedures include;

- Checking our internal Council systems, and following any information which may help us to trace the debtor.
- Using the Locating Council Tax Absconders (LoCTA), a Local Authority data sharing system, to check for forwarding addresses at other Local Authorities,
- Use of Transunion credit reference agency data.
- Trace and collect facilities offered by our Enforcement Agencies
- Visits to the last known address by the Council's Property Inspector and use of external tracing agents.

Unfortunately, legislation does not currently permit access to DWP or HMRC records to trace Council Tax debtors or their employers, though a Cabinet Office project is currently reviewing this.

Data protection legislation allows us to receive information as to a debtor's whereabouts but we cannot disclose information to other creditors. Reciprocal arrangements with utility companies and similar are not therefore workable.

6.6 Irrecoverable council tax debts in the sum of £32,160.91 are listed in the confidential appendix to this report.

## **Business Rates**

6.7 Business rates income now forms a part of the Council's core funding, with around 29% of receipts being retained by this Council. The remainder is collected on behalf of Central Government and our major preceptors.

6.8 Business Rates due for the current year amounts to £33.6M of which some **57.0%** was collected by the end of the September. Again we would anticipate the collection rate to match last year's performance of 98.9%.

6.9 We continue to take action against prior year balance which were reduced by £180,124.62, in the first half year. This reduction is net of increases due to new assessments and increased charges and valuations.

- 6.10 The recovery powers available to us are again contained in the Council's approved policies and are used in full. Those powers and our procedures are similar to the council tax powers described above, with the exception that deductions from individuals' benefits and earnings are not permissible, even if the debtor is an individual.
- 6.11 Where rates are owed by an individual, similar safe guards exist for the debtors and trace facilities are used by the Council for absconding debtors, as described above.
- 6.12 Additionally, in the case of business rates, as has been reported to Cabinet previously, our collection efforts are sometimes frustrated by weaknesses in legislation. Rates are due from the occupiers rather than the owners of property and where the occupier is a company, we can only recover from that company. Some proprietors will strip a company of its assets, or dissolve the company before we have had an opportunity to implement our recovery procedures. A new company is then formed in a similar style, to trade from the same premises.
- Central Government has previously undertaken to review the loopholes that exist in rating and company legislation, though no changes have yet been received. Your officers continue to actively monitor these issues.
- 6.13 The confidential appendix to this report lists business rate debts of £50,205.37 which cannot be recovered for the reasons stated and for which approval to write off, is requested.

### **Housing Benefit Overpayments**

- 6.14 The Council manages the Housing Benefit scheme on behalf of the Department for Work and Pensions, who fund the cost of benefits paid to claimants.
- 6.15 Recovery of overpaid Housing Benefit continues to progress well, with some £433,611.33 being collected into the Council's General Fund in the first half of the year.
- 6.16 Two irrecoverable Benefit Overpayment debt in the sum of £2,365.33 is included in the **CONFIDENTIAL APPENDIX** to this report.

<b>7 Implications</b>
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#### **7.1 Financial**

Under the Business Rates Retention Scheme, business rates write offs will no longer be offset against the National Non-Domestic Rating Pool. Write offs will now form part of the costs of collection of business rates. The Business Rates write offs in this report are 8 cases totalling £50,205.37. This represents 0.2% of the outstanding collectable debit as at 1 April 2019.

Council Tax write offs are losses to the Collection Fund and, as such, form part of the cost of collection incurred by this Council. The Council Tax write-offs on this report are 6 case totalling £32,160.91. This represents 0.01% of the outstanding collectable debit as at the 1 April 2019.

The cost of collecting the debts has been considered as part of the decision to put them forward for write off. If further information does come forward about the whereabouts of any of the individual debtors the Council will pursue recovery action.

Cabinet are asked to write off the debts as they are considered to be irrecoverable for the reasons given in the appendices. The debts remain legally due to the Council and should the circumstances causing the write off in any particular case, subsequently change, recovery action may be recommenced.

**7.2 Legal**

Cabinet are asked to write off the debts as they are considered to be irrecoverable for the reasons given in the appendices. The debts remain legally due to the Council and should the circumstances causing the write off in any particular case, subsequently change, recovery action may be recommenced

**7.3 Human Resources**

None.

**7.4 Section 17 (Crime Prevention)**

None.

**7.5 Human Rights Act**

None.

**7.6 Data Protection**

The appendices to this report contain personal information and are therefore not published.

**7.7 Risk Management**

The risk issues contained in this report are not strategic and therefore should not be included in the Strategic Risk Register.

**7.8 Equality & Diversity**

None.

**7.9 Best Value**

None.

**8 Appendices to the Report**

- Appendix 1 Council Tax write-offs over £1,000.
- Appendix 2 Non-Domestic Rates write offs over £1,000
- Appendix 3 Housing Benefit Overpayments write offs over £1,000

**Background Papers**

None