

Meeting	<b>CABINET</b>
Time/Day/Date	5.00 pm on Tuesday, 14 January 2014
Location	Board Room, Council Offices, Coalville
Officer to contact	Members Services (01530 454512)

The Monitoring Officer would like to remind members that when they are considering whether the following items are exempt information under the relevant paragraph under part 1 of Schedule 12A of the Local Government Act 1972 they must have regard to the public interest test. This means that members must consider, for each item, whether the public interest in maintaining the exemption from disclosure outweighs the public interest in making the item available to the public.

## **AGENDA**

### **PART A**

<b>Item</b>	<b>Pages</b>
<b>1. APOLOGIES FOR ABSENCE</b>	
<b>2. DECLARATION OF INTERESTS</b>	
<b>3. PUBLIC QUESTION AND ANSWER SESSION</b>	
<b>4. MINUTES</b>	
Minutes of the meeting held on 10 December 2013.	<b>3 - 8</b>
<b>5. COUNCIL TAX BASE 2014/15</b>	
Report of the Head of Finance Presented by the Corporate Portfolio Holder	<b>9 - 16</b>
<b>6. REVIEW OF REVENUES AND BENEFITS POLICIES (NON DOMESTIC RATES (NDR) - DISCRETIONARY RATE RELIEF AND HARDSHIP RELIEF - ALIGNMENT OF PARTNERSHIP POLICIES AND GUIDELINES)</b>	
Report of the Head of Finance Presented by the Corporate Portfolio Holder	<b>17 - 52</b>



- 7. HIGH SPEED RAIL (HS2) PHASE 2: CONSULTATION IN RESPECT OF PROPOSED ROUTE FROM WEST MIDLANDS TO LEEDS - RESPONSE OF NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**
- Report of the Head of Finance **53 - 70**  
Presented by the Regeneration and Planning Portfolio Holder
- 8. ARMED FORCES COMMUNITY COVENANT**
- Report of the Director of Services **71 - 74**  
Presented by the Community Services Portfolio Holder
- 9. CHARNWOOD LOCAL PLAN CORE STRATEGY - MEMORANDUM OF UNDERSTANDING**
- Report of the Director of Services **75 - 80**  
Presented by the Regeneration and Planning Portfolio Holder

**PART B**

- 10. EXCLUSION OF PRESS AND PUBLIC**
- The officers consider that the press and public should be excluded during consideration of the following items in accordance with Section 100(a) of the Local Government Act 1972 as publicity would be likely to result in disclosure of exempt or confidential information.
- 11. VIRTUAL DESKTOP INFRASTRUCTURE AND DEVICE MANAGEMENT SOLUTION**
- Report of the Chief Executive **81 - 84**  
Presented by the Corporate Portfolio Holder
- 12. SHELTERED SCHEMES CONTRACTS FOR EMERGENCY LIGHTING, FIRE ALARMS AND LIFTS 2013-2018: EVALUATION OF TENDER & RECOMMENDATION TO AWARD**
- Report of the Director of Services **85 - 90**  
Presented by the Housing Portfolio Holder
- 13. EXEMPTION TO COUNCIL'S CONTRACT PROCEDURE RULES - WARM HOMES OFFICER**
- Report of the Director of Services **91 - 94**  
Presented by the Community Services Portfolio Holder
- 14. WAIVER TO COUNCIL'S CONTRACT PROCEDURE RULES - STRATEGIC ADVICE**
- Report of the Chief Executive **95 - 98**  
Presented by the Regeneration and Planning Portfolio Holder

MINUTES of a meeting of the CABINET held in the Board Room, Council Offices, Coalville on TUESDAY, 10 DECEMBER 2013

Present: Councillor R Blunt (Chairman)

Councillors R D Bayliss, T Gillard, T J Pendleton and N J Rushton

In Attendance: Councillors J Geary, R Johnson, J Legrys and T Neilson.

Officers: Mr S Bambrick, Ms C E Fisher, Mrs M Meredith, Mr P Padaniya and Miss E Warhurst.

#### **65. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor A V Smith MBE.

#### **66. DECLARATION OF INTERESTS**

Councillor N J Rushton declared a disclosable pecuniary interest in item 7 – General Fund and Special Expenses Revenue Budgets 2014/15 to 2015/16, as an owner of car parking facilities in Ashby de la Zouch.

#### **67. PUBLIC QUESTION AND ANSWER SESSION**

None received.

#### **68. MINUTES**

Consideration was given to the minutes of the meeting held on 19 November 2013.

RESOLVED THAT:

The minutes of the meeting held on 19 November 2013 be approved and signed by the Chairman as a correct record.

**Reason for decision:** To comply with the Constitution.

#### **69. STRATEGIC RAIL FREIGHT INTERCHANGE (SRFI) UPDATE**

The Director of Services presented the report to Members. He advised that the Strategic Rail Freight Interchange scheme would be regarded as a Nationally Significant Infrastructure Project, and ultimately the decision would rest with the Secretary of State for Transport. He added that the applicant's view was that the opinion of the Council, Leicestershire County Council and the Leicester and Leicestershire Enterprise Partnership would be important factors when the application was considered, hence the report to Members seeking their views in principle.

The Director of Services drew Members' attention to the summary of the proposal outlined at section 2.1 of the report. He referred to the significant benefits, and acknowledged that there would be substantial impact locally. It was recommended that 'in principle' support should be offered to the scheme as it was considered that the benefits outweighed the impacts.

The Chairman invited Councillor T J Pendleton to comment as Regeneration and Planning Portfolio Holder.

Councillor T J Pendleton welcomed the additional jobs that would be created in the District. He expressed concerns regarding the highways impact and the infrastructure

arrangements, particularly as there was a lack of detail in respect of the Kegworth bypass, which would increase noise for residents if it was located too close to the village. He felt that a full traffic analysis had yet to be undertaken.

The Chairman invited Councillor T Gillard to comment as Business Portfolio Holder.

Councillor T Gillard welcomed the additional jobs that would be created in the District. He acknowledged that there was a lot of work to be done.

In response to a question from Councillor R Blunt, the Director of Services advised that the phasing of the works would be discussed as part of the application process. He advised that the proposal would be subject to a public consultation in January, followed by the application in April 2014.

It was moved by Councillor T Gillard, seconded by Councillor R D Bayliss and

RESOLVED THAT:

Cabinet supports 'in principle' the East Midlands Gateway Strategic Rail Freight Interchange proposal.

**Reason for decision:** To provide assurance of the Council's in principle support of the Strategic Rail Freight Interchange (SRFI) proposal.

#### **70. PREVENTION OF HOMELESSNESS STRATEGY 2013 - 2018**

The Housing Portfolio Holder presented the report to Members. He reported that there were currently no families residing in bed and breakfast accommodation.

It was moved by Councillor R D Bayliss, seconded by Councillor T J Pendleton and

RESOLVED THAT:

- a) The Prevention of Homelessness Strategy 2013 – 2018 be approved.
- b) Authority be delegated to the Director of Services (in consultation with the Housing Portfolio Holder) to approve any associated action plans.

**Reason for decision:** To comply with government legislation.

#### **71. GENERAL FUND AND SPECIAL EXPENSES REVENUE BUDGETS 2014/15 AND 2015/16**

Having declared a disclosable pecuniary interest, Councillor N J Rushton left the room during consideration of this item and took no part in the discussion or voting thereon.

The Chief Executive presented the report to Members, which was an update following the feedback which had been received. A final report would be brought to Cabinet in February for recommendation to Council.

The Chief Executive outlined the feedback which had been received on each of the proposals, and any changes to the recommendations made in the report received at the meeting in September 2013 as follows:

- No feedback had been received on the three proposals outlined at Appendix 1. It was therefore recommended that the proposals be implemented as previously outlined.

- Appendix 2a – Green Waste Collection. The greatest level of feedback had been received in respect of these proposals.
  - Recommendation 1 remained unchanged.
  - Recommendation 2 was a new recommendation as a result of the consultation.
  - Recommendation 3 had been amended with a later collection date.
  - Recommendation 4 was a new recommendation as a result of the consultation.
- Appendix 2b – Car Park Charges. Feedback had been received in respect of these proposals.
  - Recommendation 1 remained unchanged.
  - Recommendation 2 reflected the ongoing conversations between the Coalville Town Centre Team and the Belvoir Centre owners. Further information would be brought to the meeting in February.
  - Recommendation 3 was a new recommendation which had been suggested by staff. Further information would be brought to the meeting in February.

Councillor R Blunt referred to the Royal Hotel car park in Ashby de la Zouch. He felt that all car parks that were branded as Council car parks should charge the same rates and should be in line with the charges levied by the Council. He asked that this be included in the recommendations.

The Chief Executive agreed that this be considered further and more information be brought to the meeting in February.

- Appendix 2c – Concessionary Fees and Charges. Consultation responses had been received. There were no changes to the recommendations as previously outlined.
- Appendix 2d – Community Partnership Grants. Consultation responses had been received. There were no changes to the recommendations as previously outlined.
- Appendix 2e – Vision Magazine. Minimal feedback had been received and the recommendation remained to cease the magazine. The last issue had recently been published.
- Appendix 2f – Chairman's Function. Discussions had taken place with past Chairmen and the officers supporting the Chairman on a practical way forward. As a result, more detailed recommendations had been included.
- Appendix 2g – Service Efficiencies/Staffing. More detailed recommendations had been included.
- Appendix 2h – HRA Costs. Consultation responses had been received. There were no changes to the recommendations as previously outlined.
- Appendix 2i – Coalville Special Expenses. The recommendation in respect of the £25,000 reallocation from the General Fund had been maintained. A new recommendation in respect of the consultation regarding Remembrance Day had been included.
- Appendix 3 provided an update on the work to date and the direction of travel. Progress was to be noted.
- An update sheet had been tabled in respect of Appendix 3, with a response from Castle Donington Community College. The options would be discussed and a recommendation would be brought to the February meeting in respect of the Community Leisure Schemes, CCTV and Ashby Toilets.

The Chief Executive reported that the autumn statement had been announced and it had been indicated that the New Homes Bonus would not be reduced as previously suggested. She advised that the targets would be altered accordingly once the settlement figure was known.

It was moved by Councillor R Blunt, seconded by Councillor R D Bayliss and

RESOLVED THAT:

- a) The budget proposals contained within Appendix 1 be agreed.
- b) The budget proposals and amended recommendations contained within Appendices 2 to 2(i) be agreed.
- c) The direction of travel as contained within Appendix 3 be noted.
- d) The proposed preparatory work regarding the 2015 - 2016 budget as outlined in paragraph 3.4 of the report be endorsed.
- e) Recommendations 1-4 be reconsidered as part of the full budget report on 11 February 2014.

**Reason for decision:** To enable the Council to set a balanced budget as required by law.

Councillor N J Rushton returned to the meeting on the conclusion of this item.

## **72. DRAFT HOUSING REVENUE ACCOUNT BUDGET 2014/15 AND RENT INCREASE**

The Housing Portfolio Holder presented the report to Members, drawing their attention to the proposed rent increase of 5.8%, which equated to an average increase of £4.30 per week per dwelling. He advised that the increase was in line with the present formula and convergence factor. He stated that a surplus was currently being accumulated, which would be utilised for future loan repayments. He added that an additional saving of £40,000 per annum had been made due to staff restructuring.

The Corporate Portfolio Holder added that the level of increase followed the business plan and the previous Government's policy on the convergence of rents. He stated that surpluses must be generated to deal with maintenance tasks, and residents were better served by maintaining a high standard of housing stock.

Councillor T Gillard asked how the rent increase compared with other Local Authorities. Councillor R D Bayliss advised that he would provide this information in writing. He added that until 2002, rents in North West Leicestershire had been lower than other Local Authorities.

In response to a question from Councillor T J Pendleton, Councillor R D Bayliss advised that other Local Authorities were working to the same formula and aiming for convergence in 2015/16.

It was moved by Councillor R D Bayliss, seconded by Councillor N J Rushton and

RESOLVED THAT:

- a) The assurance statement by the Section 151 Officer be noted.
- b) The draft Housing Revenue Account Budget as detailed in this report and associated appendices be approved for consultation.

**Reason for decision:** To enable the Council to set a balanced Housing Revenue Account Budget for 2014/15.

### **73. INTRODUCTION OF MOBILE WORKING WITHIN THE HOUSING SERVICE**

The Housing Portfolio Holder presented the report to Members, referring to the tendering process which had been undertaken. He advised that the benefits would outweigh the cost of implementation.

In response to a question from Councillor R Blunt, the scope and benefits of mobile working were outlined.

It was moved by Councillor R D Bayliss, seconded by Councillor N J Rushton and

RESOLVED THAT:

- a) Contract Procedure Rule 5 be waived for the purposes of this procurement; and
- b) The award of the contract for mobile working be delegated to the Director of Services in consultation with the Portfolio Holder.

**Reason for Decision:** To ensure the Mobile Working Programme is delivered in an effective and efficient manner.

### **74. LOCAL COUNCIL TAX SUPPORT SCHEME 2014/15**

The Corporate Portfolio Holder presented the report to Members.

It was moved by Councillor N J Rushton, seconded by Councillor T Gillard and

RESOLVED THAT:

The maximum level of Council Tax support available be reduced from 91.5% to 85%.

**Reason for decision:** To comply with legislative requirements and approve details for calculating the Council Tax Base for 2014/15.

### **75. LEICESTERSHIRE PARTNERSHIP REVENUES AND BENEFITS JOINT COMMITTEE - APPOINTMENT OF MEMBERS**

The Corporate Portfolio Holder presented the report to Members.

Councillor R D Bayliss confirmed that the Partnership had worked well, and changes in legislation had impacted upon the projected savings. He added that the collection rates were comparable, if not improved, and there had been no loss in quality of service.

The Chief Executive advised that a review was currently underway and service efficiencies would be considered as part of this review.

It was moved by Councillor N J Rushton, seconded by Councillor R Blunt and

RESOLVED THAT:

- a) Councillors R D Bayliss and T J Pendleton be appointed as Members of the Leicestershire Partnership Revenues and Benefits Joint Committee.
- b) Councillors T Gillard and A V Smith be appointed as Substitute Members of the Leicestershire Partnership Revenues and Benefits Joint Committee.

**Reason for decision:** To comply with the Constitution of the Leicestershire Partnership Revenues and Benefits Joint Committee.

## **76. MINUTES OF THE GRANTS REVIEW WORKING PARTY**

The Regeneration and Planning Portfolio Holder presented the report to Members.

It was moved by Councillor T J Pendleton, seconded by Councillor N J Rushton and

RESOLVED THAT:

The recommendations made by the Grants Review Working Party as detailed within the minutes attached at Appendix 1 be approved.

**Reason for decision:** To enable community and voluntary organisations in the District to receive financial assistance for projects that meet the Council's priorities.

## **77. FORMER TENANT RENT ARREARS, CURRENT TENANT RENT ARREARS, COUNCIL TAX, NON DOMESTIC RATES AND SUNDRY DEBTOR WRITE-OFFS**

The Corporate Portfolio Holder presented the report to Members. He reported that there were no debts over £10,000 to be written off, and referred Members to the debts written off under delegated powers as outlined in the report.

It was moved by Councillor N J Rushton, seconded by Councillor T Gillard and

RESOLVED THAT:

The amounts written off under delegated powers be noted.

**Reason for decision:** To comply with proper accounting practices.

The meeting commenced at 5.00 pm

The Chairman closed the meeting at 5.40 pm



## NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

## CABINET – 14 JANUARY 2014

Title of report	<b>COUNCIL TAX BASE 2014/15</b>
Key Decision	a) Financial Yes b) Community Yes
Contacts	Councillor Nick Rushton 01530 412059 <a href="mailto:nicholas.rushton@nwleicesterhire.gov.uk">nicholas.rushton@nwleicesterhire.gov.uk</a>  Chief Executive 01530 454500 <a href="mailto:christine.fisher@nwleicestershire.gov.uk">christine.fisher@nwleicestershire.gov.uk</a>  Head of Finance 01530 454520 <a href="mailto:ray.bowmer@nwleicestershire.gov.uk">ray.bowmer@nwleicestershire.gov.uk</a>
Purpose of report	To determine the Council Tax Base for the 2014-2015 Financial Year.
Reason for Decision	Statutory requirement to facilitate the setting of Council Tax for the forthcoming Financial Year.
Council Priorities	Value for Money Homes and Communities
Implications:	
Financial/Staff	These are set out in Section 2 of the report..
Link to relevant CAT	None.
Risk Management	Controls are in place to ensure the correct calculation of the Council Tax Base.
Equalities Impact Assessment	Not applicable.
Human Rights	There are no Human Rights implications.
Transformational Government	Not applicable.
Comments of Head of Paid Service	The report is satisfactory
Comments of Section 151 Officer	As report author the report is satisfactory

Comments of Monitoring Officer	The report is satisfactory
Consultees	None.
Background papers	None.
Recommendations	<ol style="list-style-type: none"> <li>1. THAT, SUBJECT TO THE APPROVAL OF REVISIONS TO THE LOCAL COUNCIL TAX SUPPORT SCHEME BY COUNCIL ON 21 JANUARY 2014, THE CALCULATION OF THE COUNCIL TAX BASE FOR EACH PARISH AND SPECIAL EXPENSE AREA FOR THE FINANCIAL YEAR 2014/2015, AS SHOWN IN APPENDIX 2 TO THE REPORT, BE APPROVED AND ADOPTED.</li> <li>2. THAT, SUBJECT TO THE APPROVAL OF VARIATIONS TO THE LOCAL COUNCIL TAX SUPPORT SCHEME BY COUNCIL ON 21 JANUARY 2014, IN ACCORDANCE WITH THE LOCAL AUTHORITIES (CALCULATION OF COUNCIL TAX BASE) (England) REGULATIONS 2012 SI 2012/2914, THE AMOUNT CALCULATED BY NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL AS ITS COUNCIL TAX BASE FOR THE FINANCIAL YEAR 2014/2015 SHALL BE 29,074.</li> <li>3. THAT, SUBJECT TO THE APPROVAL OF VARIATIONS TO THE LOCAL COUNCIL TAX SUPPORT SCHEME BY COUNCIL ON 21 JANUARY 2014, THE AMOUNTS OF COUNCIL TAX SUPPORT GRANT FOR EACH TOWN AND PARISH COUNCIL DETAILED IN APPENDIX 3 BE APPROVED FOR THE FINANCIAL YEAR 2014/2015.</li> <li>4. THAT DELEGATED AUTHORITY BE GIVEN TO THE HEAD OF FINANCE TO SUBMIT THE CALCULATIONS OF NON-DOMESTIC RATING INCOME AND OTHER AMOUNTS REQUIRED BY THE GOVERNMENT BY 31 JANUARY EACH YEAR FOR THE FORTHCOMING FINANCIAL YEAR.</li> </ol>

## 1.0 INTRODUCTION

- 1.1 The Local Government Finance Act 1992 requires that the calculation of the Council Tax Base for the financial year 2014/2015 be determined by no later than 31 January 2014. This is a necessary component in the setting of the 2014/2015 Council Tax. Cabinet has delegated powers from Council to approve the Council Tax Base.

## 2.0 FINANCIAL IMPLICATIONS

- 2.1 The Council Tax Base is a measure of the relative taxable capacity of the District (and of each part of the District as listed in Appendix 2). It is expressed as the equivalent number of B and D properties in each area. The Council Tax Base multiplied by the B and D Council Tax gives the total Council Tax receivable for the forthcoming financial year.

2.2 The budget requirement of this Authority, and of its Precepting Authorities, to be met by the Council Tax charge is divided by the Council Tax Base figure to arrive at the level of Council Tax to be levied on a Band D property in order to generate that amount of Council Tax income. The actual levy on properties in other Bands is calculated on a pro-rata basis using the following ratios:

Band A = 6/9 of Band D,  
Band B = 7/9 of Band D,  
Band C = 8/9 of Band D,  
Band D = 9/9 of Band D  
Band E = 11/9 of Band D,  
Band F = 13/9 of Band D,  
Band G = 15/9 of Band D  
Band H = 18/9 of Band D

2.3 Where the precept relates to only part of the District (i.e. Parish Precepts and Special Expenses) the appropriate Council Tax Base of the part (as shown in Appendix 2) is used. Accordingly, all Precepting Authorities will be informed of their appropriate Council Tax Base for 2014/2015 once the Council Tax Base has been determined.

### **3.0 CALCULATION OF COUNCIL TAX BASE**

3.1 The Council Tax Base calculation for the financial year 2014/2015 has been carried out in accordance with the Local Authorities (Calculation of Council Tax Base) Regulations 1992 (as amended). Appendix 1 shows the actual number of Band D equivalent properties on the Council Tax database as at 30<sup>th</sup> November 2013 for each Parish and Special Expense area.

3.2 A bad debt provision of 2% of the base has been applied to allow for non collection and banding appeals.

3.3 The adjusted figures for each Parish and Special Expense area are set out in Appendix 2. The respective Council Tax base for each Parish and Special Expense area is used as a basis for charging Special Expenses and Parish Precepts to the Council Tax payers of the appropriate parts of the District.

3.4 On 1 April 2013 Council Tax Benefit was replaced by a new Local Council Tax Support Scheme. The Cabinet has been asked to recommend revisions to the Scheme to Council on 21 January 2014 which, if agreed, will have an impact on the 2014/15 Council Tax Base. The new support scheme introduced new discounts into the Council Tax Base calculation, which reduced the tax base significantly in comparison to previous years. The revisions being recommended to Council will reduce the level of Council Tax Support Discounts given which will in turn increase the Council Tax Base.

3.5 At the same time the Government replaced Council Tax Benefit Subsidy grant with Council Tax Support grant but reduced the level of funding by around 10% for 2013/14. Funding was reduced further for 2014/15 following the withdrawal of transitional funding. The grant is intended to pay for the Council Tax Support Discounts. Town and Parish Councils do not receive these Government grants in their own right and the District Council intends to continue to pass on to them an element of its own grant to compensate them for the Council Tax Discounts in 2014/15 as it did in 2013/14 . The increase in the Council Tax income caused by the proposed revisions to the Council Tax Support Scheme means that Town and Parish Councils will need less grant from the District Council to maintain their level of funding.

- 3.6 The Council's Council Tax Support Grant for 2014/15 is now included in mainstream Government funding but the Government maintains that this element remains unchanged at £755,753. Whilst the District Council is under no obligation to pass on this grant, the Cabinet is recommended to allocate part of its grant to Towns and Parish Councils again in this year's budget to assist them in maintaining their current level of funding. The District Council has calculated that a total £83,388 is needed in grant support to maintain existing funding levels.
- 3.7 The attached Appendix 3 shows the proposed allocation of Council Tax Support grant to Town and Parish Councils. It compares the Council Tax Base before and after the changes for the Council Tax Support Scheme together with empty property discounts and then allocates an amount of grant which allows existing levels of funding to be maintained in 2014/15. The Towns and Parishes can use the grant to lower their precepts whilst maintaining the same level of income. This will mean their Council Taxes need not increase as a result of the smaller Council Tax Base.

#### **4.0 National Non-Domestic Rates (Business Rates)**

- 4.1 The funding system for Local Government from April 2013 includes the "localisation" of business rates. As part of the Government's business rates distribution formula, North West Leicestershire District Council will initially retain 40% of all business rates collected within the District, 9% will go to Leicestershire County Council, 1% will go to Fire Authority, and the remaining 50% known as the "central share" will go to Central Government. The Government will then redistribute the central share to Local Authorities using formula grant methodology. There is however also a complex system of "top-ups" "tariffs" and "levies" which results in the District as a "tariff" authority paying the bulk of its 40% back to Central Government.
- 4.2 Local Authorities are required to provide details of expected Business Rates income for the following year to the Government by 31 January and this is done on a form called NNDR 1. As business rate income has become a fundamental part of the new funding system for Local Government, the Department of Communities and Local Government (DCLG) has introduced a requirement for the NNDR 1 form to be formally approved. The expectation is that the approval process is to be in line with approval of the Council Tax Base.
- 4.3 The NNDR1 form has not yet been received by the Council and typically it would not be completed until shortly before the 31 January deadline. In view of the timing Cabinet is being requested to give delegated authority to the Head of Finance as the Council's Chief Finance Officer to approve and submit the form for 2014/15 and future financial years.

**APPENDIX 1**

<b>BAND</b>	<b>RATIO TO BAND D</b>	<b>NUMBER OF BAND D EQUIVALENTS AS AT 30 NOV. 2013</b>	<b>NON COLLECTION RATE 2%</b>	<b>COUNCIL TAX BASE 2014/15</b>
<b>A</b>	6/9	4,402	88	4,314
<b>B</b>	7/9	7,698	153	7,545
<b>C</b>	8/9	5,254	105	5,149
<b>D</b>	9/9	5,038	101	4,937
<b>E</b>	11/9	3,990	80	3,910
<b>F</b>	13/9	1,865	37	1,828
<b>G</b>	15/9	1,336	27	1,309
<b>H</b>	18/9	84	2	82
<b>TOTALS</b>		<b>29,667</b>	<b>593</b>	<b>29,074</b>

**COUNCIL TAX BASE 2014/2015  
PARISH AND SPECIAL EXPENSE AREAS**

Parish / Special Expense Area	Council Tax Base	
	2013/2014	2014/2015
APPLEBY MAGNA	413	<b>420</b>
ASHBY DE LA ZOUCH	4512	<b>4621</b>
ASHBY WOULD'S	1051	<b>1068</b>
BARDON	13	<b>12</b>
BELTON	277	<b>289</b>
BREEDON-ON-THE-HILL	382	<b>388</b>
CASTLE DONINGTON	2082	<b>2185</b>
CHARLEY	77	<b>77</b>
CHILCOTE	56	<b>56</b>
COALVILLE	5515	<b>5640</b>
COLEORTON	498	<b>518</b>
ELLISTOWN AND BATTLEFLAT	754	<b>761</b>
HEATHER	303	<b>308</b>
HUGGLESCOTE AND DONINGTON LE HEATH	1227	<b>1236</b>
IBSTOCK	1750	<b>1786</b>
ISLEY WALTON-CUM-LANGLEY	27	<b>27</b>
KEGWORTH	1068	<b>1125</b>
LOCKINGTON-CUM-HEMINGTON	234	<b>238</b>
LONG WHATTON AND DISEWORTH	714	<b>728</b>
MEASHAM	1411	<b>1460</b>
NORMANTON-LE-HEATH	62	<b>62</b>
OAKTHORPE, DONISTHORPE AND ACRESFORD	748	<b>763</b>
OSGATHORPE	177	<b>179</b>
PACKINGTON	344	<b>348</b>
RAVENSTONE WITH SNIBSTON	738	<b>742</b>
SNARESTONE	122	<b>123</b>
STAUNTON HAROLD	59	<b>61</b>
STRETTON-EN-LE-FIELD	18	<b>19</b>
SWANNINGTON	434	<b>430</b>
SWEPSTONE	250	<b>252</b>
WHITWICK	2588	<b>2620</b>
WORTHINGTON	527	<b>532</b>
<b>TOTALS</b>	<b>28,431</b>	<b>29,074</b>

**APPENDIX 3**

<b>PARISH</b>	<b>2013/14 Parish Total Budget Requirement £</b>	<b>2014/15 Estimated Parish Precept £</b>	<b>2014/15 Recommended Grant £</b>	<b>2014/15 Total Estimated Parish Total Budget Requirement £</b>
APPLEBY MAGNA	14,500	13,562	938	14,500
ASHBY DE LA ZOUCH	346,200	321,437	24,763	346,200
ASHBY WOULD'S	92,150	80,079	12,071	92,150
BELTON	15,000	14,213	787	15,000
BREEDON-ON-THE-HILL	13,000	12,125	875	13,000
CASTLE DONINGTON	166,320	161,603	4,717	166,320
CHARLEY	3,250	3,068	182	3,250
COLEORTON	14,000	13,815	185	14,000
ELLISTOWN & BATTLEFLAT	50,000	47,243	2,757	50,000
HEATHER	11,497	10,444	1,053	11,497
HUGGLESCOTE & DONINGTON LE HEATH	25,505	23,620	1,885	25,505
IBSTOCK	125,000	117,501	7,499	125,000
ISLEY WALTON -CUM-LANGLEY	395	368	27	395
KEGWORTH	95,000	92,081	2,919	95,000
LOCKINGTON CUM HEMINGTON	8,200	7,854	346	8,200
LONG WHATTON & DISEWORTH	30,500	29,906	594	30,500
MEASHAM	101,764	92,856	8,908	101,764
OAKTHORPE, DONISTHORPE & ACRESFORD	44,000	39,989	4,011	44,000
OSGATHORPE	3,984	3,793	191	3,984
PACKINGTON	19,000	19,220	-	19,220
RAVENSTONE WITH SNIBSTON	46,063	42,813	3,250	46,063
SNARESTONE	6,176	6,176	-	6,176
STAUNTON HAROLD	100	103	-	103

<b>PARISH</b>	<b>2013/14 Parish Total Budget Requirement £</b>	<b>2014/15 Estimated Parish Precept £</b>	<b>2014/15 Recommended Grant £</b>	<b>2014/15 Total Estimated Parish Total Budget Requirement £</b>
SWANNINGTON	19,954	17,832	2,122	19,954
SWEPSTONE	5,126	5,128	-	5,128
WHITWICK	31,050	28,427	2,623	31,050
WORTHINGTON	9,000	8,315	685	9,000
<b>Sub-Totals</b>	<b>1,296,734</b>	<b>1,213,571</b>	<b>83,388</b>	<b>1,296,959</b>
BARDON	-	-	-	-
CHILCOTE	-	-	-	-
NORMANTON-LE-HEATH	-	-	-	-
STRETTON-EN-LE-FIELD	-	-	-	-
COALVILLE	-	-	-	-
<b>TOTAL</b>	<b>1,296,734</b>	<b>1,213,571</b>	<b>83,388</b>	<b>1,296,959</b>



**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**

**CABINET – 14 JANUARY 2014**

Title of report	<b>REVIEW OF REVENUES AND BENEFITS POLICIES (NON DOMESTIC RATES (NDR) - DISCRETIONARY RATE RELIEF AND HARDSHIP RELIEF - ALIGNMENT OF PARTNERSHIP POLICIES AND GUIDELINES)</b>
Key Decision	<p>a) Financial Yes</p> <p>b) Community Yes</p>
Contacts	<p>Councillor Nick Rushton 01530 412059 <a href="mailto:nicholas.rushton@nwleicesterhire.gov.uk">nicholas.rushton@nwleicesterhire.gov.uk</a></p> <p>Chief Executive 01530 454500 <a href="mailto:christine.fisher@nwleicestershire.gov.uk">christine.fisher@nwleicestershire.gov.uk</a></p> <p>Head of Finance 01530 454520 <a href="mailto:ray.bowmer@nwleicestershire.gov.uk">ray.bowmer@nwleicestershire.gov.uk</a></p>
Purpose of report	To seek approval to adopt the updated policies and/or guidelines for the Revenues and Benefits partnership. These are set out in appendices 1 and 2.
Reason for Decision	To meet audit recommendations to standardise policies and procedures across the Partnership and to comply with the Constitution. To enable staff to follow one application and approval process thereby ensuring that decision making is consistent and efficiencies are made in regard to staff training and the use of resources
Council Priorities	Value for Money Business and Jobs
<p>Implications:</p> <p>Financial/Staff</p> <p>Link to relevant CAT</p>	<p>The policies have been aligned in terms of the application and approval procedure (See Appendix 1 and 2) for each relief for the three Councils within the Revenues and Benefits Partnership. This enables efficiencies to be made as all staff are working to one aligned, streamlined process.</p> <p>The core criterion for each relief has not been amended. It remains the same as the existing policy/guidelines for each relief.</p> <p>There are potential savings on staff training costs where one process is utilised.</p> <p>Business CAT</p>

Risk Management	<p>If the policy is not adopted there is a risk that there will continue to be inconsistencies in the approach taken by staff, leading to an inefficient use of staff resources and additional training costs.</p> <p>Inconsistencies in the policies/guidelines of the partnership will be reported by external audit, which could potentially have a negative impact on the Council's final audit reports.</p>
Equalities Impact Assessment	An EIA has been completed and no issues have been identified.
Human Rights	There are no Human Rights implications.
Transformational Government	Not applicable.
Comments of Head of Paid Service	The report is satisfactory.
Comments of Section 151 Officer	The report is satisfactory.
Comments of Monitoring Officer	The report is satisfactory.
Consultees	The Partnership Management Board Leader of the Council and Portfolio Holder Strategy Group
Background papers	<p>Local Government Finance Act 1988 <a href="http://www.legislation.gov.uk/ukpga/1988/41/contents">http://www.legislation.gov.uk/ukpga/1988/41/contents</a></p> <p>Localism Act 2011 <a href="http://www.legislation.gov.uk/ukpga/2011/20/section/69/enacted">http://www.legislation.gov.uk/ukpga/2011/20/section/69/enacted</a></p> <p>Minutes of the Joint Committee – 20 November 2013. <a href="https://www.nwleics.gov.uk/files/documents/revs_and_bens_minutes_november/">https://www.nwleics.gov.uk/files/documents/revs_and_bens_minutes_november/</a></p> <p>The Discretionary Rate Relief Policy Sept 2010 – Consolidated version. <a href="https://www.nwleics.gov.uk/files/documents/discretionary_rate_relief_policy_consolidated_version_sept_2010_updated/DISCRETIONARY%20RATE%20RELIEF%20POLICY%20-%20CONSOLIDATED%20VERSION%20Sept%202010%20%28update%29.pdf">https://www.nwleics.gov.uk/files/documents/discretionary_rate_relief_policy_consolidated_version_sept_2010_updated/DISCRETIONARY%20RATE%20RELIEF%20POLICY%20-%20CONSOLIDATED%20VERSION%20Sept%202010%20%28update%29.pdf</a></p> <p>Hardship Policy 1998 <a href="https://www.nwleics.gov.uk/files/documents/hardship_policy_apopted_in_19981/Hardship%20Policy%20Aopted%20in%201998.pdf">https://www.nwleics.gov.uk/files/documents/hardship_policy_apopted_in_19981/Hardship%20Policy%20Aopted%20in%201998.pdf</a></p>

Recommendations	<p><b>TO APPROVE THE REVISED POLICIES AND GUIDELINES, THOSE BEING:</b></p> <p><b>APPENDIX 1 – NON DOMESTIC RATES DISCRETIONARY RELIEF GUIDELINES</b></p> <p><b>APPENDIX 2 – NON DOMESTIC RATE HARDSHIP RELIEF POLICY</b></p>
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## **1.0 INTRODUCTION**

- 1.1 Each Council in the Revenues and Benefits Partnership have their own individual policies/guidelines covering the revenues and benefits service area. This creates problems for the partnership as staff are currently following three separate application and approval processes, which is an inconsistent and inefficient use of staff resources. Aligning all existing guidelines and policies will support the partnership in its aim to harmonise existing working practices and procedures. This will assist the customer services teams that support the partnership and enable one approach to be taken for the provision of staff training. It will also meet audit recommendations on the standardisation and documentation of key procedures and processes.
- 1.2 On November 20<sup>th</sup> 2013, the Joint Committee for the partnership approved a number of aligned policies. This included the Non Domestic Rates Discretionary Rate Relief Guidelines and the Hardship Relief Policy. The sections of the existing policies that have been aligned are the application and approval sections.

## **2.0 FINANCIAL IMPLICATIONS**

- 2.1 The financial implications for the Council in terms of awarding the relief remain the same as under the existing arrangements i.e. 40% of the cost of awarding Discretionary Rate Relief or Hardship Relief is borne by the general fund of the Local Authority. All applications are taken on their merit and the general interest of all council tax payers is taken into account when considering a grant of either Discretionary Rate Relief or Hardship Relief as the award of such a grant may impact on the general fund, therefore the financial impact is relatively low.

## **3.0 NNDR Discretionary Rate Relief (DR) Guidelines (Appendix 1)**

- 3.1 The main body of the new policy has been redrafted and aligned across the Partnership. It now contains guidance from the government on the legislative powers which provide for the award of discretionary rate reliefs (Appendix 1A) and includes information about the state aid rules which we now need to take into account (Appendix 1B). It also contains an aligned procedure in terms of the application process for the relief and the approval process.
- 3.2 Appendix 1C to each Council's DR policy contains the specific criteria for each Council to follow, which for Harborough District Council, (HDC) Hinckley and Bosworth Borough Council (HBBC) and North West Leicestershire District Council (NWLDC) remain the same as their existing policies. NWLDC considered introducing a cap as currently HBBC have a £6,000 cap and HDC has two levels of cap depending on whether the account is already in receipt of Mandatory Relief (£2000 and £5000). A cap was ruled out for NWLDC during the policy formulation stage as NWLDC strongly believe in supporting all businesses. As a result each set of criteria in Appendix 1C to each Council's policy is different, as it meets the local needs and priorities of each Council.

3.3 Appendix 1D has been inserted into each Council's DR policy, which is aligned across the three councils, to cover the extension to the DR provisions to allow 'any other type of business' to apply for DR. This change came in from 1<sup>st</sup> April 2012. None of the Councils had any reference to this in their existing policies. There is a requirement to have criteria for this in place as applications will be received and guidance is required to enable consistency in decision making.

#### **4.0 NNDR HARDSHIP RELIEF POLICY (APPENDIX 2)**

4.1 A new policy has been drafted to align the application and approval processes for Partnership staff to follow. The hardship criterion has not changed from the existing criteria. Each case must still be considered on its own merits, be in the interests of Council Tax payers and be affordable to the Local Authority. It also contains an aligned procedure in terms of the application process for the relief and the approval process.

The following appendices are attached to Appendix 2 for reference:

Appendix 2A – Government Guidance Note

Appendix 2B – State Aid

Appendix 2C – Hardship Criteria

#### **5.0 IMPACT ON THE COMMUNITY**

5.1 There is no impact on the Community by aligning the relief application and approval process.

5.2 For awards of DR made under the extended provisions as outlined in Appendix 1D of the DR guidelines, there will be a financial impact as every award of DR is borne by the general fund. Depending on the Council's priorities, this could mean that the level of Council Tax may have to increase to pay for the relief or, other services may have to be cut in order to fund an award. However, these risks could be minimised by utilising other funding streams, such as government grants. In addition, the long term economic benefits for the local area of assisting the business may outweigh the initial investment of the cost of the award, as it could help to maintain local employment levels and/or encourage new business into the area. It could also help in more general terms, by reducing the impact on local advice/welfare organisations and the viability of other businesses through reduced trade.

## 6.0 SUMMARY OF CHANGES (See tables below)

<b>Discretionary Rate Relief Guidelines</b>		
<b>Current</b>	<b>New</b>	<b>Impact</b>
Describes the cost of DR under the old pooling arrangements	Describes the cost of DR under the new rates retention rules	Under the new Rates Retention rules the cost of all reliefs is split 50/50 between central government and the local authority/major preceptors. The billing Authority now bears 40% of the cost of awarding relief, before this change, the cost to the Authority varied, depending on the type of relief. The cost was 0%, 25% or 75%.
There is no reference to the extended provisions which were introduced on 1 <sup>st</sup> April 2012	Introduction of Appendix 1D which outlines some new standardised criteria for the partnership in regard to the extended provisions.	The extended provisions allow for 'other' types of business to apply for DR and there is no RV threshold to apply. This allows the Council to be more flexible in the financial assistance it provides. This could be utilised to encourage businesses into the area, to build economic development and improve the vitality of the District. This will only be considered where it is financially viable for the Council to support the business and where it is in the best interests of Council Tax payers to do so.
Ward members were to be consulted on individual Rural Rate Relief (RRR) applications. Subject to their comments, the decision was then made by the Section 151 officer.	The consideration of all types of DR relief is now fully delegated to Officers. Appeals against the decision to refuse DR are by way of Judicial Review, however, an internal reconsideration will now be undertaken by a panel of two senior officers within the relevant Authority.	All three councils took a different approach on the approval process. In order to align the approach for the Partnership and reduce delays for the ratepayer in the decision making process, the decision making for all types of DR is now delegated to a Partnership Manager. Where the application falls outside of the core criteria outlined in Appendix 1C or 1D the application will be considered by the Head of Finance (or their Deputy). The new policy also introduces a reconsideration stage, should the application be refused and an appeal received.
No information included on Government guidance and State Aid.	Additional information is now contained within the guidelines	The additional information will assist officers in their decision making. In regard to the 'State Aid' rules, DR cannot be awarded if other grants or relief have already been received by the business and this exceeds the State Aid 200,000 Euro limit.

<b>Hardship Relief Policy</b>			
<b>Current</b>	<b>New</b>	<b>Impact</b>	
Describes the cost of Hardship Relief under the old pooling arrangements	Describes the cost of Hardship Relief under the new rates retention rules	Under the new rates retention rules the cost of all reliefs is split 50/50 between central government and the local authority/major preceptors. The billing Authority now bears 40% of the cost of awarding relief, before this change, the cost to the Authority varied, depending on the type of relief. The cost was 0%, 25% or 75%.	
Consideration and decision making was undertaken by the 'Treasurer' and Chief Executive in conjunction with 'Chairman of the Policy and Resources Committee'	The consideration of Hardship Relief is now delegated to the Section 151 officer or their deputy. Appeals against the decision to refuse Hardship Relief are by way of Judicial Review, however, an internal reconsideration will now be undertaken by a panel of two senior officers within the relevant Authority.	All three councils took a different approach on the approval process. In order to align the approach for the Partnership and reduce delays for the ratepayer in the decision making process, the decision making for Hardship Relief is now delegated the Section 151 Officer. Should the application be refused and an appeal received, the new policy introduces a reconsideration stage whereby the decision will be reviewed by a panel of two senior officers.	
No information included on Government guidance and state aid.	Additional information is now contained within the guidelines	The additional information will assist officers in their decision making. In regard to the 'State Aid' rules, DR cannot be awarded if other grants or relief have already been received by the business and this exceeds the State Aid 200,000 Euro limit.	

## APPENDIX 1

### NON-DOMESTIC RATE DISCRETIONARY RELIEF GUIDELINES (NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL)

#### Introduction

This document sets out the provisions for the awarding of mandatory and discretionary rate relief by a local authority. Whilst the local authority is under a statutory duty to award mandatory relief, the award of discretionary rate relief is at the discretion of the local authority.

Each authority will have its own procedures for when to award discretionary relief and for how long it is to be awarded. These need to be regularly reviewed and updated to take account of new legislation and policy changes within each authority.

This document focuses on both mandatory and discretionary relief and looks at the circumstances when relief can be awarded under the following four headings:-

- Charities and Kindred Organisations.
- Community Amateur Sport Clubs.
- Rural Areas.
- Local Discounts (discretionary relief only).

It should be noted there are other reliefs available to a ratepayer. These can be summarised as follows:-

- Small Business Relief

A local authority is under a statutory duty to award small business relief (subject to certain conditions being satisfied) if a ratepayer occupies a hereditament that has a rateable value below a prescribed sum. As a consequence, the local authority has no discretion in the matter. However, if the ratepayer is entitled to mandatory relief, they would then not qualify for small business relief.

There are separate procedure notes for staff when administering small business rate relief.

- Part-Occupied Relief

A local authority is entitled to award part-occupied relief when a hereditament is part-occupied for a 'short-time' only. There is no definition of a 'short-time' and it is open to the local authority to interpret the period.

There are separate procedure notes for staff when administering part-occupied relief.

- Hardship Relief

A local authority is entitled to reduce or remit the non-domestic rate (NDR) on the grounds of hardship if it is satisfied:-

- The ratepayer would sustain hardship if the authority did not do so; and
- It is reasonable for the authority to do so, having regard to the interests of persons subject to its council tax (Ctax).

There is a separate set of guidelines for the partnership that covers hardship relief.

## **Mandatory Relief**

### **General**

The relevant provisions regarding the award of mandatory relief are set out in **Sections 43 to 46 Local Government Finance Act 1988**.

### **Charities & Kindred Organisations**

#### **General Provisions**

Where, on the day concerned, the ratepayer is a charity or trustees for a charity and the hereditament is wholly or mainly used for charitable purposes (whether of that charity or of that and other charities), the amount of relief to be awarded is 80%. Therefore, the ratepayer would be required to pay 20%. However, the charity or kindred organisation would be entitled to apply to the local authority for discretionary relief.

If the hereditament is unoccupied and the ratepayer is a charity or trustees for a charity, it will be exempt from having to pay any rate if it appears that when next in use, the hereditament will be wholly or mainly used for charitable purposes (whether of that charity or of that and other charities).

A charity is described as being '*an institution or other organisation established for charitable purposes only, or any persons administering a trust established for charitable purposes only*'. The question as to whether an organisation is a charity may be resolved in the majority of cases by reference to the register of charities maintained by the Charity Commissioners. Entry in the register is conclusive evidence that an organisation is a charity, and is proof for all purposes except challenge of that registration.

The absence of an entry in the register does not necessarily mean that the organisation concerned is not a charity, since it may be excluded from the requirement to register. These 'excepted charities' include:-

- The Church Commissioners and any institution administered by them.
- Any registered society.
- Units of the Boy Scouts Association or the Girl Guides Association (except for funds producing more than £15 per year).
- Voluntary schools having no permanent endowment other than the school premises.

Where there is no registration of an organisation, or it is not excepted from registration, the determination of charitable status may present some difficulty. The principles of charitable



status have been set out in case law where it has been established a charity, in its legal sense, comprises four principal divisions:-

- Trusts for the relief of poverty.
- Trusts for the advancement of religion.
- Trusts for the advancement of education.
- Trusts for other purposes beneficial to the community, but not falling under any of the preceding heads.

The provisions are extended for charity shops. The hereditament is to be treated as being wholly or mainly used for charitable purposes at any time if, at the time, it is wholly or mainly used for the sale of goods donated to a charity and the proceeds of the sale of the goods (after any deduction of expenses) are applied for the purposes of the charity.

#### Period of Relief

If relief is awarded by the local authority, the effective date will be backdated to when the charity or kindred organisation first met the prescribed criteria. The relief will continue until a charity no longer fulfils the prescribed criteria although it is prudent for a local authority to review relief at regular intervals.

#### Decision Making Process

All decisions on the award of mandatory relief to a charity or kindred organisation will be taken by officers. There is no involvement from members in the decision making process.

#### Appeals

Any appeal against a local authority's decision not to award mandatory relief can represent a challenge to its application for a liability order in the magistrate's court.

### **Community Amateur Sports Clubs**

#### General Provisions

A registered community amateur sports club (CASC) is entitled to mandatory relief at the same level as charities and kindred organisations. This includes being able to apply for discretionary relief. A CASC is defined in the **Finance Act 1988** and registration forms are available from the Inland Revenue website. A CASC is deemed to be registered from a time beginning with its effective registration (even if retrospective), and ending on the effective date of termination of a registration.

The relief will operate alongside discretionary relief which is available to a CASC that has not been registered with the Inland Revenue as a CASC. As with a charity or kindred organisation, where the hereditament is unoccupied and the ratepayer is a CASC, it will be exempt from having to pay any rate if it appears that when next in use, the hereditament will be wholly or mainly used as a CASC.

#### Period of Relief

If relief is awarded by the local authority, the effective date will be backdated to when the CASC first met the prescribed criteria. The relief will continue until a CASC no longer fulfils the prescribed criteria although it is prudent for a local authority to review relief at regular intervals.

## Decision Making Process

All decisions on the award of mandatory relief to a CASC will be taken by officers. There is no involvement from members in the decision making process.

## Appeals

Any appeal against a local authority's decision not to award mandatory relief can represent a challenge to its application for a liability order in the magistrate's court.

## **Rural Areas**

### General Provisions

A scheme to help certain kinds of hereditaments situated in rural settlements was introduced on the 1<sup>st</sup> April 1998. A local authority is required to compile and maintain a 'rural settlement list', which is to identify any settlements which:-

- Are wholly or partly within the authority's area.
- Appear to have a population of not more than 3,000 on 31st December immediately before the chargeable financial year in question.
- Are, in that financial year, wholly or partly within an area designated for the purpose (Note: with effect from 31st December 2001, the designated areas in England are all of those outside the specified urban areas).

An authority is not required to compile a rural settlement list in respect of any chargeable financial year if there is no such settlement complying with the above conditions in the area for that year.

Mandatory rate relief applies to a qualifying hereditament which is within a settlement identified in an authority's rural settlement list for the chargeable financial year where its rateable value is not, at the beginning of the year in question, more than a relevant prescribed amount. The current rateable value limits (1<sup>st</sup> April 2010 to 31<sup>st</sup> March 2015) are as follows:-

- £8,500: Qualifying general stores and post offices.
- £8,500: Qualifying food shops.
- £12,500: Qualifying public houses and petrol filling stations.

The key definitions for the above types of hereditament to qualify for relief are as follows:-

- Qualifying General Store

A hereditament, or part of a hereditament, is used as a 'qualifying general store' on any day in a chargeable financial year if:-

- A trade or business consisting wholly or mainly of the sale by retail of both food for human consumption (excluding confectionary) and general household goods is carried on there; and

- Such a trade or business is not carried on in any other hereditament, or part of a hereditament, in the settlement concerned.

- Qualifying Post Office

A hereditament, or part of a hereditament, is used as a 'qualifying post office' on any chargeable day in a financial year if:-

- It is used for the purposes of the post office; and
- No other hereditament or part of a hereditament, in the settlement concerned is so used.

- Qualifying Food Shop

A hereditament, or part of a hereditament, is used as a 'qualifying food shop' on any chargeable day in a financial year if a trade or business consisting wholly or mainly of the sale by retail of food for human consumption (excluding confectionary and excluding the supply of food in the course of catering) is carried on there.

- Qualifying Public House

A hereditament, or part of a hereditament, is used as a 'qualifying public house' if on any chargeable day in a financial year:-

- It is used as a public house which is defined as being premises for which a justices on-licence is in force; and
- No other hereditament or part of a hereditament, in the settlement concerned is so used.

- Qualifying Petrol Filling Station

A hereditament, or part of a hereditament, is used as a 'qualifying petrol filling station' if on any chargeable day in a financial year:-

- It is used as a petrol filling station which is defined as being premises from where petrol or other automotive fuels are sold retail to the general public for fuelling motor vehicles intended or adapted for use on roads; and
- No other hereditament or part of a hereditament, in the settlement concerned is so used.

Where, on the day concerned, the ratepayer would satisfy any of the above conditions, the amount of relief to be awarded is 50%. Therefore, the ratepayer would be required to pay 50%. However, the ratepayer would be entitled to apply to the local authority for discretionary relief. As the relief is only awarded if a hereditament is occupied, no relief is applicable if the hereditament is unoccupied.

### Period of Relief

If relief is awarded by the local authority, the effective date will be backdated to when the ratepayer first met the prescribed criteria. The relief will continue until a ratepayer no longer fulfils the prescribed criteria although it is prudent for a local authority to review relief at

regular intervals.

### Decision Making Process

All decisions on the award of mandatory relief to a ratepayer will be taken by officers. There is no involvement from members in the decision making process.

### Appeals

Any appeal against a local authority's decision not to award mandatory relief can represent a challenge to its application for a liability order in the magistrate's court.

### Discretionary Relief

#### **General**

The relevant provisions regarding the award of discretionary relief are set out in **Sections 47 and 48 Local Government Finance Act 1988** and the **Non-Domestic Rate (Discretionary Rate Relief) Regulations 1989 (S.I. 1989/1059)**.

#### **Charities & Kindred Organisations**

##### General Provisions

The conditions to be satisfied before a local authority can consider an application with regard to an occupied hereditament are that:-

- The ratepayer is a charity or trustees for a charity and the hereditament is wholly or mainly used for charitable purposes; or
- The hereditament is not an excepted hereditament, and all or part of it is occupied for the purposes of one or more institutions or other organisations none of which is established or conducted for profit and each of whose main objects are charitable or are otherwise philanthropic or religious or concerned with education, social welfare, science, literature or the fine arts; or
- The hereditament is not an excepted hereditament, it is wholly or mainly used for purposes of recreation, and all or part of it is occupied for the purpose of a club, society or other organisation not established or conducted for profit.

(Note: an 'excepted hereditament' (in respect of which discretionary relief cannot be given) is a hereditament, all or part of which is occupied (otherwise than as a trustee) by a billing authority or by a precepting authority other than charter trustees).

Where, on the day concerned, the ratepayer is awarded discretionary relief in respect of an occupied hereditament, the amount of relief can be any sum up to (and including) 100%. The local authority may therefore 'top up' any mandatory relief awarded (80%) whilst awarding relief up to (and including) 100% to any charity or kindred organisation not in receipt of mandatory relief.

If the hereditament is unoccupied and the ratepayer is a charity or trustees for a charity, it will be exempt from having to pay any rate if it appears that when next in use, the hereditament will be wholly or mainly used for charitable purposes (whether of that charity or of that and other charities). If mandatory relief is not applicable, discretionary relief up to (and including) 100% can be awarded if it appears that when next in use, the hereditament will be wholly or mainly used for any of the purposes set out above.

## Criteria for Awarding Relief

Members are advised to agree criteria for their authority which officers are expected to adhere to when awarding discretionary relief. **See Appendix C**. This should be regularly reviewed and updated. In agreeing criteria, members and officers will want to take note of the guidance note and state aid rules set out in **Appendices A & B** to the guidelines.

## Period of Relief

If relief is awarded by the local authority, the effective date of any entitlement can be backdated to the beginning of the financial year (i.e. 1<sup>st</sup> April) in which the determination is made (subject to the relevant conditions being satisfied) if that determination was made after the 30<sup>th</sup> September. Should the determination be made before the 1<sup>st</sup> October, the effective date can be backdated to the 1<sup>st</sup> April in the previous year (subject to the relevant conditions being satisfied).

The period in which relief is awarded is at the discretion of the local authority. In practice, many authorities award relief for a fixed period (say up to the end of the financial year in which the determination is made) and a new decision is taken in advance of the billing run each March on whether to extend relief for a period of 12 months. This is the procedure to be adopted within the Leicestershire Partnership.

By awarding relief for a fixed period, the local authority is not faced with the legal restraints should it subsequently look to reduce or withdraw relief it is granted indefinitely. If relief is awarded indefinitely, any decision to reduce or withdraw relief would only become effective having first given 12 months notice and then it would continue through to the end of that financial year.

## Decision Making Process

As the effective date of any relief is determined by when a local authority takes a decision to award relief, it is imperative there is no delay in the decision making process. Officers must take decisions on a 'case-by-case' basis in line with the criteria for each authority. Each application will be signed off by a Partnership Manager, except where the application falls outside of the criteria, whereupon, the application will be considered by the Section 151 Officer, or their deputy. An annual report will be taken to the cabinet/executive that sets out all relief awarded in a year (on a case-by-case basis). The report must also detail the relief to be awarded (again on a case-by-case basis) in the forthcoming year.

## Appeals

Any appeal against a local authority's decision to refuse the award of discretionary relief would be by way of an application of judicial review to the high court. In the first instance, any appeal against a decision to refuse an application for discretionary relief should be considered by a panel of two senior officers within the relevant authority. There would be no further right of appeal to members.

## **Community Amateur Sports Clubs**

### General Provisions

Discretionary relief can be awarded to a CASC that is already in receipt of mandatory relief. Where, on the day concerned, the CASC is awarded discretionary relief in respect of an occupied hereditament, the local authority may therefore 'top up' any mandatory relief

awarded (80%). If the CASC is not registered (and thereby not in receipt of mandatory relief), up to (and including) 100% relief can be awarded.

If the hereditament is unoccupied and the ratepayer is a registered CASC, it will be exempt from having to pay any rate if it appears that when next in use, the hereditament will be wholly or mainly used for the purposes of a registered CASC. If mandatory relief is not applicable, discretionary relief up to 100% can be awarded if it appears that when next in use, the hereditament will be wholly or mainly used for the prescribed purposes.

### Criteria for Awarding Relief

Members are advised to agree criteria for their authority which officers are expected to adhere to when awarding discretionary relief. **See Appendix C**. This should be regularly reviewed and updated. In agreeing criteria, members and officers will want to take note of the guidance note and state aid rules set out in **Appendices A & B** to the guidelines.

### Period of Relief

If relief is awarded by the local authority, the effective date of any entitlement can be backdated to the beginning of the financial year (i.e. 1<sup>st</sup> April) in which the determination is made (subject to the relevant conditions being satisfied) if that determination was made after the 30<sup>th</sup> September. Should the determination be made before the 1<sup>st</sup> October, the effective date can be backdated to the 1<sup>st</sup> April in the previous year (subject to the relevant conditions being satisfied).

The period in which relief is awarded is at the discretion of the local authority. In practice, many authorities award relief for a fixed period (say up to the end of the financial year in which the determination is made) and a new decision is taken in advance of the billing run each March on whether to extend relief for a period of 12 months. This is the procedure to be adopted within the Leicestershire Partnership.

By awarding relief for a fixed period, the local authority is not faced with the legal restraints should it subsequently look to reduce or withdraw relief it is granted indefinitely. If relief is awarded indefinitely, any decision to reduce or withdraw relief would only become effective having first given 12 months notice and then it would continue through to the end of that financial year.

### Decision Making Process

As the effective date of any relief is determined by when a local authority takes a decision to award relief, it is imperative there is no delay in the decision making process. Officers must take decisions on a 'case-by-case' basis in line with the criteria for each authority. Each application will be signed off by a Partnership Manager, except where the application falls outside of the criteria, whereupon, the application will be considered by the Section 151 Officer, or their deputy. An annual report will be taken to the cabinet/executive that sets out all relief awarded in a year (on a case-by-case basis). The report must also detail the relief to be awarded (again on a case-by-case basis) in the forthcoming year.

### Appeals

Any appeal against a local authority's decision to refuse the award of discretionary relief would be by way of an application of judicial review to the high court. In the first instance, any appeal against a decision to refuse an application for discretionary relief should be considered by a panel of two senior officers within the relevant authority. There would be no further right of appeal to members.

## Rural Areas

### General Provisions

Discretionary relief may be awarded in such circumstances where the rateable value of the hereditament at the beginning of the chargeable financial year concerned does not exceed a prescribed rateable value. The amount prescribed for England is £16,500 for the period 1<sup>st</sup> April 2010 to 31<sup>st</sup> March 2015

In the circumstances described above (i.e. where a hereditament is not a qualifying general store or a qualifying post office as described in the conditions for mandatory relief), the billing authority may not award discretionary relief unless it is satisfied that:-

- The hereditament is used for purposes which are of benefit to the local community; and
- It would be reasonable for the billing authority to award relief, having regard to the interests of persons liable to pay its Ctax.

It follows from the above that where the hereditament is a qualifying general store or qualifying post office, and there is, consequently, an entitlement to mandatory relief, discretionary relief may be applied to the chargeable amount, without reference to the conditions referred to above.

Where, on the day concerned, the ratepayer is awarded discretionary relief in respect of an occupied hereditament, the amount of relief can be any sum up to (and including) 100%. The local authority may therefore 'top up' any mandatory relief awarded (50%) whilst awarding relief up to (and including) 100% to any ratepayer not in receipt of mandatory relief.

### Criteria for Awarding Relief

Members are advised to agree criteria for their authority which officers are expected to adhere to when awarding discretionary relief. **See Appendix C**. This should be regularly reviewed and updated. In agreeing criteria, members and officers will want to take note of the guidance note and state aid rules set out in **Appendices A & B** to the guidelines.

### Period of Relief

If relief is awarded by the local authority, the effective date of any entitlement can be backdated to the beginning of the financial year (i.e. 1<sup>st</sup> April) in which the determination is made (subject to the relevant conditions being satisfied) if that determination was made after the 30<sup>th</sup> September. Should the determination be made before the 1<sup>st</sup> October, the effective date can be backdated to the 1<sup>st</sup> April in the previous year (subject to the relevant conditions being satisfied).

The period in which relief is awarded is at the discretion of the local authority. In practice, many authorities award relief for a fixed period (say up to the end of the financial year in which the determination is made) and a new decision is taken in advance of the billing run each March on whether to extend relief for a period of 12 months. This is the procedure to be adopted within the Leicestershire Partnership.

By awarding relief for a fixed period, the local authority is not faced with the legal restraints should it subsequently look to reduce or withdraw relief it is granted indefinitely. If relief is

awarded indefinitely, any decision to reduce or withdraw relief would only become effective having first given 12 months notice and then it would continue through to the end of that financial year.

### Decision Making Process

As the effective date of any relief is determined by when a local authority takes a decision to award relief, it is imperative there is no delay in the decision making process. Officers must take decisions on a 'case-by-case' basis in line with the criteria for each authority. Each application will be signed off by a Partnership Manager, except where the application falls outside of the criteria, whereupon, the application will be considered by the Section 151 Officer, or their deputy. An annual report will be taken to the cabinet/executive that sets out all relief awarded in a year (on a case-by-case basis). The report must also detail the relief to be awarded (again on a case-by-case basis) in the forthcoming year.

### Appeals

Any appeal against a local authority's decision to refuse the award of discretionary relief would be by way of an application of judicial review to the high court. In the first instance, any appeal against a decision to refuse an application for discretionary relief should be considered by a panel of two senior officers within the relevant authority. There would be no further right of appeal to members.

### **Local Discounts**

#### General Provisions

From the 1<sup>st</sup> April 2012, a local authority can reduce the NDR by up to (and including) 100% for any local ratepayer; not just those that previously were entitled to apply for discretionary relief. This relief would be awarded in the form of a discount.

If a ratepayer would not have been entitled to discretionary relief under the rules that existed prior to the 1<sup>st</sup> April 2012, a local authority may only make the decision if it is satisfied that it would be reasonable for it to do so, having regard to the interests of persons liable to pay Ctax set by it.

It is important to stress that the extension of the provisions from the 1<sup>st</sup> April 2012 does not have an impact on ratepayers that meet the criteria that existed prior to the 1<sup>st</sup> April 2012. They would still be entitled to apply for discretionary relief under those criteria and should be considered accordingly.

#### Criteria for Awarding Relief

Members are advised to agree criteria for their authority which officers are expected to adhere to when awarding discretionary relief. **See Appendix D.** This should be regularly reviewed and updated. In agreeing criteria, members and officers will want to take note of the guidance note and state aid rules set out in **Appendices A & B** to the guidelines.

#### Period of Relief

If relief is awarded by the local authority, the effective date of any entitlement can be backdated to the beginning of the financial year (i.e. 1<sup>st</sup> April) in which the determination is made (subject to the relevant conditions being satisfied) if that determination was made after the 30<sup>th</sup> September. Should the determination be made before the 1<sup>st</sup> October, the effective date can be backdated to the 1<sup>st</sup> April in the previous year (subject to the relevant conditions being satisfied).



The period in which relief is awarded is at the discretion of the local authority. In practice, many authorities award relief for a fixed period (say up to the end of the financial year in which the determination is made) and a new decision is taken in advance of the billing run each March on whether to extend relief for a period of 12 months. This is the procedure to be adopted within the Leicestershire Partnership.

By awarding relief for a fixed period, the local authority is not faced with the legal restraints should it subsequently look to reduce or withdraw relief it is granted indefinitely. If relief is awarded indefinitely, any decision to reduce or withdraw relief would only become effective having first given 12 months notice and then it would continue through to the end of that financial year.

### Decision Making Process

As the effective date of any relief is determined by when a local authority takes a decision to award relief, it is imperative there is no delay in the decision making process. Officers must take decisions on a 'case-by-case' basis in line with the criteria for each authority. Each application will be signed off by a Partnership Manager, except where the application falls outside of the criteria, whereupon, the application will be considered by the Section 151 Officer, or their deputy. An annual report will be taken to the cabinet/executive that sets out all relief awarded in a year (on a case-by-case basis). The report must also detail the relief to be awarded (again on a case-by-case basis) in the forthcoming year.

### Appeals

Any appeal against a local authority's decision to refuse the award of discretionary relief would be by way of an application of judicial review to the high court. In the first instance, any appeal against a decision to refuse an application for discretionary relief should be considered by a panel of two senior officers within the relevant authority. There would be no further right of appeal to members.

### Cost of Relief

From 1<sup>st</sup> April 2013, in accordance with the rules introduced by the Rates Retention Scheme, the cost of awarding rate reliefs has changed. The cost of awarding all forms of rate relief is now split between central government, billing authorities and major preceptors on a fixed percentage basis. Central government bears 50% of the cost, the county council 9%, the fire authority 1% and billing authorities the remaining 40%.

In regard to Discretionary Rate Relief, if the relevant conditions are satisfied, the local authority has the discretion to award or refuse the application. When making their decision the local authority must consider the guidelines and appendices in this document and take into account the impact such awards might have on council tax payers in the area, as 40% of the cost is borne by the general fund.

## GUIDANCE NOTE

### Introduction

The Department of the Environment and the Welsh Office issued a joint Practice Note in August 1990 to give guidance to authorities in England and Wales as to the criteria which they should take into consideration in the exercise of the discretion to grant rate relief. The note says that the criteria are not intended as a rigid set of rules and that it is for each authority to judge whether they are applicable in each case and what weight should be attached to them.

This Practice Note has now been supplemented by guidance issued by the Office of the Deputy Prime Minister ('Guidance on rate reliefs for charities and other non-profit making organisations) in December 2002, which particularly focuses on the situation of sports clubs. The section of the guidance note concerning sports clubs is, accordingly, reproduced below.

Practitioners should also take particular note of the advice contained in the guidance relating to circumstances where rate relief may count as 'state aid'. This is set out in **Appendix B** to the guidelines.

### Advice

The Practice Note recommends that:-

- a) Authorities will wish to have readily understood policies for deciding whether or not to grant relief, and for determining the amount of relief. They should not, however, adopt a guidelines or a rule which allows a case to be disposed of without any consideration as to its individual merits. Any criteria by which the individual case is judged should be made public to help interested individuals and bodies.
- b) Although there is no statutory requirement for organisations to submit applications for relief, thus not precluding authorities from taking an initiative to grant relief if it so wished, authorities should encourage organisations to give details of all the matters they wish to be taken into account, and to provide any other relevant information such as audited accounts, constitution, membership details etc.
- c) Authorities should consider notifying organisations of the reasons why relief has not been granted so that they can take steps to conform to the criteria which the authority has adopted.

### Criteria

The criteria contained in the Practice Note is described only as 'examples which might be adopted', and reads as follows:-

- a) Access

#### Is membership open to all sections of the community?

- There may be legitimate restrictions placed on membership which relate (i.e. to ability in a sport or to the achievement of a standard in the field covered by the organisation or where the capacity of the facility is limited). Clubs or organisations should not be considered if they have membership rates set at such a high level as to exclude the general community. In general, the club or

organisation must be prepared to show that the criteria by which it considers applications for membership are consistent with the principles of open access.

- Does the organisation actively encourage membership from particular groups in the community, for example young people, women, older age groups, persons with a disability, ethnic minorities etc.? An organisation which encouraged such membership might expect more sympathetic consideration than one which made no effort to attract members from groups which the authority considered to be particularly deserving of support.
- Are the facilities made available to people other than members (e.g. schools, casual public sessions etc.)? The wider use of facilities should be encouraged, and rate relief might be one form of recognition that an organisation was promoting its facilities more widely.

b) Provision of facilities

- Does the organisation provide training or education for its members? Are there schemes for particular groups to develop their skills (i.e. young people, the disabled, retired people)? An organisation providing such facilities might deserve more support than one which did not.
- Have the facilities available been provided by self-help or grant aid? The fact that a club uses or has used self-help for construction or maintenance or had facilities funded by grant aid might be an indicator that they were more deserving of relief.
- Does the organisation run a bar? The mere existence of a bar should not in itself be a reason for not granting relief. The authority should look at the main purpose of the organisation. In sports clubs, for example, the balance between playing and non-playing members might provide a useful guide as to whether the main purpose of the club is sporting or social activities. A social club whose main aim is to bring together people with similar interests should not be excluded from relief just because of the existence of a licensed bar.
- Does the organisation provide facilities which indirectly relieve the authority of the need to do so, or enhance and supplement those which it does provide? Authorities should not refuse relief on the grounds that an organisation is in competition with the authority itself, but should look at the broader context of the needs of the community as a whole. Provision of facilities to meet a new need, not being provided by the authority itself but identified as a priority for action, might be particularly deserving of support.

c) Other considerations

- Is the organisation affiliated to local or national organisations (i.e. local sports or arts councils, national representative bodies) and are they actively involved in local / national development of their interests?
- Is the membership drawn from people mainly resident in the charging authority's area? Although authorities will have in mind that 25% of the cost of any relief given will be borne by charge payers in their area, particular difficulties may arise with hereditaments which straddle local authorities' boundaries and which . . . fall to be shown in one list. In these cases and in those where hereditaments are situated close to an authority's boundary, a

proportion of the membership may come from another authority's area. Also, for geographical reasons, or because of the nature of the terrain, particular facilities may be the only ones available for a wide area. In such case, the joint use of facilities by one or more similar organisations is not uncommon. In most cases there will be a measure of reciprocity between the memberships of organisations from different areas.

- Authorities may wish to add further criteria or substitute relevant criteria which are appropriate to the furthering of their policies and the needs of the community, such as development programmes. They should also bear in mind the need to encourage new activities in the wide range of organisations for which relief from rates is available.

## STATE AID

The issue of some rating reliefs being considered as qualifying as 'state aid' is now of some significance and is briefly explained in the guidance note issued by the Office of the Deputy Prime Minister in December 2002. This document, which is prefaced by the comment that it "*should not be taken as exhaustive guide to the complex rules and case of EU state aid*", is reproduced below, for information.

European Union competition rules generally prohibit Government subsidies to businesses. Relief from taxes, including non-domestic rates, can constitute state aid. Billing authorities should bear this in mind when granting discretionary rate reliefs.

Empty property and transitional reliefs are regarded as part of the determination of liability, applied equally to all ratepayers, and so are not considered to be state aid.

Rate relief for charities and non-profit making bodies is not normally considered to be state aid because the recipients are usually not in market competition with other businesses. However, if the charities or non-profit making bodies are engaged in commercial activities or if they are displacing an economic operator or if they have a commercial partner, rate relief could constitute state aid, and the rules set out below will apply.

Hardship relief can also constitute state aid, as can relief under the village shop and farm diversification schemes. In practice, however, aid to village shops, most local 'commercial' charities and other small-scale local service organisations (e.g. B&Bs, small retailers, child-care facilities etc.) will not be caught by the state aid rules as long as they are independent family-owned businesses, because they are deemed incapable of affecting intra-Community trade. Any manufacturing operation, on the other hand, however small-scale, is normally deemed to be capable of affecting intra-Community trade, so rate relief for butchers and farmers for example, producing cheese, sausages, cider and other foodstuffs, would be state aid.

There are also general exceptions from the state aid rules where the aid is below a 'de minimis' level. This is 200,000 Euros, or 100,000 Euros for the road transport sector, to any one business over three years (**Article 2 EC 1998/2006**). The de minimis level applies to all de minimis aid received, including other Government subsidies or grants, in addition to any rate relief. There are also specific exemptions to the de minimis threshold and regard should be had to the current EC regulation.

The guidance note goes on to say that where relief does constitute state aid, it may need legal clearance from the European Commission. Authorities that are considering granting any hardship relief, charity relief or farm diversification relief which would be caught by the state aid rules and would bring total aid to the business concerned above the de minimis level, or granting any amount to businesses in the excluded sectors are advised to contact the Office of the Deputy Prime Minister, which will, if necessary, seek clearance from the European Commission. If Commission clearance is needed, it goes on; the relief should not be paid until clearance has been granted.

The guidance note, further, offers advice to authorities on questions relating to state aid, this being available from the State Aid Branch of the Department of Trade and Industry.

It has also been found that a valuation methodology that favours one ratepayer against another in a similar class can be held to be State Aid.

## CRITERIA

**Discretionary Rate Relief**

The criteria where relief is granted is outlined below:-

Categories and percentages are shown below. However, the level of Discretionary Rate Relief award shown may be reduced, or a Discretionary Rate Relief award of NIL may be determined (including under delegated decision) in cases where, after investigation, it is determined that the level of financial resources of the applicant appear excessive for purpose and cannot otherwise be justified by the applicant.

<u>Organisation /Applicant Type</u>	<u>Statutory Mandatory Award (%)</u>	<u>Discretionary Award (%)</u>	<u>Total Award (%)</u>
Adult School (Coalville) - Trustees	Nil	100	100
Aided Schools	80	20	100
Aged Persons Clubs and Day Centres (with charitable status)	80	10	90
Aged Persons Clubs & Day Centres (other)	Nil	40	40
Air Training Corps	Nil	80	80
Army Cadets	80	Nil	80
Building & Social Housing Foundation	80	Nil	80
Boy Scouts (see Scouts & Guides)			
Business Link (Franchise)	Nil	100	100
Castle Donington Volunteer & Information Bureau	80	10	90
Charity Shops (mainly selling donated goods)	80	20	100
Community Centres and Village Halls (with charitable status)	80	10	90
Community Centres and Village Halls (other)	Nil	40	40
Drama Group / Society (with charitable status)	80	Nil	80
East Midlands Housing Association	80	Nil	80
Governors of Ashby School Fund	80	Nil	80
Guides (see Scouts & Guides)			
Heart of the National Forest Foundation	80	Nil	80
Ibstock Community Enterprises Ltd	Nil	100	100
Information Byway Ltd	Nil	100	100
Measham and District Community Enterprise Trust Ltd	Nil	100	100
Midlands Rural Housing	Nil	100	100
Moira Furnace Museum Trust– ancillary units	Nil	100	100
Museums (with charitable status)	80	20	100
Museums (other)	Nil	50	50
National Forest Company	Nil	80	80

Cont...

<u>Organisation /Applicant Type</u>	<u>Statutory Mandatory Award (%)</u>	<u>Discretionary Award (%)</u>	<u>Total Award (%)</u>
Network for Change Ltd	Nil	100	100
North West Leicestershire Council for Voluntary Services (N.W.L.C.V.S.)	80	20	100
Ratcliffe College Trustees – now known as “Grace Dieu Manor School”	80	Nil	80
Recreational / Sports / Social Club /Organisation (having charitable status) <b>or</b> Registered Community Amateur Sports Club with Bar	80	Nil	80
Recreational / Sports / Social Club /Organisation (having charitable status) <b>or</b> Registered Community Amateur Sports Club without Bar	80	10	90
Recreational / Sports * / Social Club /Organisation (without charitable status) with Bar	Nil	20	20
Recreational / Sports * / Social Club /Organisation (without charitable status) without Bar	Nil	40	40

Sports \* Club/Organisation: See below, after end of alphabetical list, for details of available enhancements.

Interpretation of ‘Bar’

For the purpose of this policy, organisations that have purely Non-Alcoholic Bar/Sales Service facilities (only) shall be determined under the category of ‘without Bar’.

St John Ambulance	80	20	100
Scouts & Guides	80	10	90
Snibston & Desford Colliery Band	80	Nil	80
Social Clubs (See Recreational Clubs etc)			
Sports Clubs (See Recreational Clubs etc)			
Springboard Centre (Coalville) Ltd	Nil	100	100
Stephenson College	80	Nil	80
Sue Ryder Foundation	80	20	100
University of Leicester	80	Nil	80
Village Halls (See Community Centres etc)			
Wyggeston & Queen Elizabeth I College	80	Nil	80
Women’s Royal Voluntary Service (W.R.V.S.)	80	20	100
<b>Other Charitable Organisations</b>	80	20	100

Cont.....

Discretionary Relief applications where the applicant is not a charity, not established or conducted for profit, and has main objects that are charitable or are otherwise philanthropic or religious or concerned with education, social welfare, science, literature or the fine arts

## Available enhancements

### E-Government

Enhancement for applicants that demonstrate that they are making a real and valued contribution towards the electronic government initiative (Subject to the overall Rate Relief not exceeding 100%)

Discretionary  
Award (%)

+10

### Sports \* / Social Club Organisation (without charitable status)

Enhancements for certain qualifying Community Amateur Sports Clubs, and other organisations, that are **not Registered Charities** and **not Registered Community Amateur Sports Clubs #** and that fall within the definition given below \*\*.

<u>Organisation /Applicant Type</u>	<u>Statutory Mandatory Award (%)</u>	<u>Discretionary Award (%)</u>	<u>Total Award (%)</u>
a) Organisation with Bar	Nil	+60	80
b) Organisation without Bar	Nil	+50	90

\*\* Definition of a qualifying Community Amateur Sports Club, or other organisation, for the purpose of enhanced awards.

This shall be a club, other than a Registered Community Amateur Sports Club#, without charitable status, or other organisation without charitable status, that meets each of the following criteria:

1. Its facilities are open to the whole community without discrimination (except as a necessary consequence of the requirements of a particular sport) and the level of fees (if any) are set at a level that does not pose a significant obstacle to membership or use of those facilities by the general public
2. It is organised on an amateur basis and is non-profit making (i.e. any surplus income or gains are reinvested in the club/organisation, or donated to a charity or similar amateur sports club/organisation).
3. It has, as its main purpose, the provision of facilities for, and promotion of participation in, one or more sports that are capable of improving **physical health and fitness** (i.e. those sports which, if practised with reasonable frequency, will tend to make the participant healthier and fitter).

In determining whether or not a sport is “capable of improving physical health and fitness”, regard shall be had to any guidance issued by the Charity Commission.

# “Registered Community Amateur Sports Club” means a club that is registered with H.M.R.C. (Her Majesty’s Revues and Customs, previously called Inland Revenue) as a Community Amateur Sports Club.

Cont.....



**Rural Rate Relief cases – qualifying properties in a designated rural settlement (limited by rateable value)**

<u>Organisation /Applicant Type</u>	<u>Statutory Mandatory Award (%)</u>	<u>Discretionary Award (%)</u>	<u>Total Award (%)</u>
The <u>only</u> Post Office	50	50	100
The <u>only</u> General Store	50	50	100
The <u>only</u> Public House	50	50	100
The <u>only</u> Petrol Filling Station	50	50	100

Each application for Discretionary Relief is to be determined on its own merits having due regard to the following criteria:

- (a) The location of the organisation.
- (b) The catchment area for its members or the service provided.
- (c) The resources of the organisation.
- (d) The restrictions on public participation.
- (e) The contribution to the cultural, sporting or social well-being of the District.

**In the case of Rural Rate Relief applications, regard shall be had to:**

- (a) whether the granting of Discretionary Relief will improve the viability/sustainability of the business
- (b) whether the business provides an amenity which is valued by the local community
- (c) the comments of the Ward Member(s).

Where an application under the Rural Rate Relief provisions fails to qualify for a Mandatory Rural Rate Relief award, an award of purely Discretionary Rural Rate Relief can, by law, only be made if the Council is satisfied that:

- the hereditament (property) is used for purposes which are of benefit to the local community
- and
- it would be reasonable for the Council to make such an award having regard to the interests of its Council Tax payers.

## CRITERIA

### **Discretion to award rate relief to all types of businesses**

In exercise of the Council's general power to award discretionary rate relief (awards under Section 47 of the Local Government Finance Act 1988 as amended by Section 69 of the Localism Act 2011)

Section 69 of the Localism Act 2011 amends the 1988 Act to allow local authorities the discretion to award rate relief to all types of businesses. The Plain English Guide to the Act addresses this as follows:

*"The Localism Act gives councils more freedom to offer business rate discounts - to help attract firms, investment and jobs. Whilst councils would need to meet the cost of any discount from local resources, they may decide that the immediate cost of the discount is outweighed by the long-term benefit of attracting growth and jobs to their area."*

This section sets out the Council's agreed policy for dealing with applications from such cases.

#### **General Requirement**

Applications for rate relief under this section of the Policy will normally only be considered favourably where the Council is satisfied that an award will result in tangible benefits to local residents and in particular where the award will directly result in attracting businesses, investment or jobs to the local area.

#### **Maximum Amount of Awards**

The Localism Act allows scope for the Council to award up to 100% rate relief in any one year for qualifying businesses. The maximum amount awarded shall normally be limited to no more than 50% of the rate liability except where there are exceptional circumstances which justify a greater amount.

#### **Duration of Awards**

Each amount of rate relief awarded under this policy shall normally apply for no more than one financial year at a time but new applications may be made each financial year.

In exceptional circumstances and where each of the following conditions are met an award may be made for up to three financial years:

- i) The award relates to Non-Domestic Rates payable in respect of a new hereditament or an increase in rateable value of an existing hereditament;
- ii) New employment opportunities will be created as a result of the new hereditament or enhancements to an existing hereditament;
- iii) The award is considered to be essential to securing the development of the hereditament;
- iv) The award will not result in a lower amount of retained rates yield in respect of the hereditament than that retained prior to the development.

#### **Information to Support Applications**

All applicants are required to complete the Council's rate relief application form. Such information and evidence as the Council requires must be provided to support an application

and in the event that the requested information and evidence is not provided the application may be refused.

In submitting an application the ratepayer must demonstrate with verifiable supporting evidence the benefits to the District's Council Taxpayers that will accrue from making an award.

On receipt Council officers will prepare a report setting out the merits of the application. This report will detail, amongst other elements the economic, social and environmental benefits that may derive from granting the application.

### **Relationship to other forms of Rate Relief**

Applications under this section will only be considered after consideration of any other forms of rate relief to which the applicant may be eligible (excluding hardship rate relief).

### **Guidelines for Making Awards**

Each application will be considered on its individual merit but in making a decision on the award the following factors must be considered by the decision maker:

- i) That awards should only be made in exceptional circumstances;
- ii). The value of any previous awards and the benefits to local Council Taxpayers realised from previous awards;
- iii) The cost to the Council, including the loss of income or of retained rates yield, in making an award;
- iv) The impact of the cost or loss of income in relation to the Council's overall financial situation;
- v) The benefits to the District's Council Taxpayers in making an award, and in particular whether the award will directly result in attracting businesses, investment or jobs to the local area;
- vi) The impact on other Non-Domestic Ratepayers in the District;
- vii) The Council's statutory equality duties;
- viii) That awards should normally only be made where the ratepayer's activities in the District will contribute towards the aims and objectives of the Corporate Plan;
- ix) The extent to which an award will support the Council's aspiration to promote and encourage economic growth, and in particular growth in the Non-Domestic Rating tax base and in employment opportunities for residents of the District;
- x) The overall profitability of the business.

## APPENDIX 2

### NON DOMESTIC RATES HARDSHIP RELIEF POLICY (NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL)

#### Introduction

This document sets out the provisions for the awarding of hardship by a local authority. It is a discretion that rests with the local authority; there is no statutory duty to award mandatory relief.

Each authority will have its own procedures for when to award hardship relief and for how long it is to be awarded. These need to be regularly reviewed and updated to take account of changes in legislation and policy changes within each authority.

It should be noted there are other reliefs available to a ratepayer. These can be summarised as follows:-

- Small Business Relief

A local authority is under a statutory duty to award small business relief (subject to certain conditions being satisfied) if a ratepayer occupies a hereditament that has a rateable value below a prescribed sum. As a consequence, the local authority has no discretion in the matter. However, if the ratepayer is entitled to mandatory relief, they would then not qualify for small business relief. Should small business relief be awarded, there is no cost to the local authority as the full sum is offset to the non-domestic rate pool.

There are separate procedure notes for staff when administering small business rate relief.

- Part-Occupied Relief

A local authority is entitled to award part-occupied relief when a hereditament is part-occupied for a 'short-time' only. There is no statutory definition of a 'short-time' and it is open to the local authority to interpret the period. Should relief be awarded, there is no cost to the local authority as the full amount is offset to the non-domestic rate pool.

There are separate procedure notes for staff when administering small business rate relief.

- Mandatory / Discretionary Relief

A local authority is entitled to award mandatory and / or discretionary relief; the four circumstances where relief can be awarded are:-

- Charities and Kindred Organisations.
- Community Amateur Sports Clubs.

- Rural Areas.
- Local Discounts.

There is a separate policy for the partnership that covers mandatory and discretionary relief.

### **General Provisions**

The relevant provisions regarding the award of hardship relief are set out in **Section 49 Local Government Finance Act 1988**. This gives the local authority power to reduce or remit the amount a person is liable to pay (occupied and unoccupied properties) where it is satisfied that:-

- The ratepayer would sustain hardship if the authority did not do so; and
- It is reasonable for the authority to do so, having regard to the interests of persons subject to its council tax (Ctax).

### **Criteria for Awarding Relief**

Members are advised to agree criteria for their authority which officers are expected to adhere to when awarding hardship relief. **See Appendix C**. This should be regularly reviewed and updated. In agreeing criteria, members and officers will want to take note of the guidance and state aid rules set out in **Appendices A & B** to the policy.

### **Period of Relief**

The period in which relief is awarded (start and end date) is at the discretion of the local authority. In practice, many authorities award relief for a fixed period (say up to the end of the financial year) and any future decision would be taken, as and when a request is received. Each case must be considered on its merits; the procedure adopted within the Leicestershire partnership.

### **Cost of Relief**

From 1<sup>st</sup> April 2013, in accordance with the rules introduced by the Rates Retention Scheme, the cost of awarding rate reliefs has changed. The cost of awarding all forms of rate relief is now split between central government, billing authorities and major preceptors on a fixed percentage basis. Central government bears 50% of the cost, the county council 9%, the fire authority 1% and billing authorities the remaining 40%.

In regard to hardship relief, if the relevant conditions are satisfied, the local authority has the discretion to award or refuse the application. When making their decision the local authority must consider the guidelines and appendices in this document and take into account the impact such awards might have on council tax payers in the area, as 40% of the cost is borne by the general fund.

### **Decision Making Process**

Although the effective date of any relief is not determined by when a local authority takes a decision to award relief, it is imperative there is no delay in the decision making process. Officers must take decisions on a 'case-by-case' basis in line with the criteria for each authority. Each application will be signed off by the Section 151 Officer, or their deputy.

## Appeals

Any appeal against a local authority's decision to refuse the award of hardship relief would be by way of an application of judicial review to the high court. In the first instance, any appeal against a decision to refuse an application for hardship relief should be considered by a panel of two senior officers within the relevant authority. There would be no further right of appeal to members.

## GOVERNMENT GUIDANCE NOTE

**Introduction**

There is no statutory definition of hardship and each authority must consequently arrive at its own view in relation to each application. Guidance has been provided by the Office of the Deputy Prime Minister ('Guidance on rate reliefs for charities and other non-profit making organisations', issued in December 2002) as to the considerations that might be applied in the exercise of the discretion to grant hardship relief.

The ODPM's guidance goes on to say that "*hardship relief should be reviewed regularly and should be given for short fixed periods, which could be renewed following a review, rather than for extended periods without review, but can straddle financial years*", and ends by suggesting that billing authorities should consider establishing clear rules for notifying ratepayers as to their decisions as soon as is practicable. It further advises that applications for relief on the grounds of hardship need not be in writing and that relief can commence when the applicant meets the requirements.

Practitioners should take particular note of the advice relating to circumstances where hardship rate relief may count as 'state aid'. This is set out in **Appendix B** to the policy.

The power to reduce or remit rates on the grounds of hardship existed before 1<sup>st</sup> April 1990 in relation to the then discretion to charge rates in respect of unoccupied property. The principle is now significantly different, since remission can also be applied in respect of occupied property.

**Advice**

The guidance note recommends:-

- a) Although authorities may adopt rules for the consideration of hardship cases, they should not adopt a blanket policy either to give or not to give relief. Each case should be considered on its own merits and the application process kept as simple and streamlined as possible to enable decisions to be made quickly.
- b) Reduction or remission of rates on the grounds of hardship should be the exception rather than the rule.
- c) All relevant factors affecting the ability of a business / ratepayer to meet their liability for rates should be taken into account.
- d) 40% of the cost of any reduction or remittance of rates must be borne locally and met by the authority.
- e) The 'interests' of council taxpayers in an area may go wider than direct financial interests (i.e. where the employment prospects in the area would be worsened by a company going out of business, or the amenities of an area might be reduced by, for instance, the only provider of a service in the area.
- f) Where the granting of relief would have an adverse effect on the financial interests of council tax payers, the case for a reduction or remission of rates payable may still on balance outweigh the cost to taxpayers.

- g) Hardship rate relief may in some cases constitute state aid, and may need to be notified to the European Commission.
- h) The hardship caused to a ratepayer may be self-evident (i.e. where a business has been affected by severe loss of trade, due to external factors such as natural disasters). However, authorities may wish to consider how the business can demonstrate such loss of trade or business (i.e. do accounts, order books, till receipts or VAT returns show a marked decline in trade compared to corresponding periods in previous years?)
- i) Authorities should be clear in awarding relief that it will be granted only for the period for which there is clear evidence of hardship for the ratepayer concerned.
- j) To guard against fraudulent claims, authorities should satisfy themselves that the claim is from a ratepayer suffering genuine hardship.
- k) Applications for relief on the grounds of hardship need not be in writing and relief can commence when the applicant meets the requirements. It is also possible for an application for relief to be in respect of future years.



## STATE AID

The issue of some rating reliefs being considered as qualifying as 'state aid' is now of some significance and is briefly explained in the guidance note issued by the Office of the Deputy Prime Minister in December 2002. This document, which is prefaced by the comment that it "*should not be taken as exhaustive guide to the complex rules and case of EU state aid*", is reproduced below, for information.

European Union competition rules generally prohibit Government subsidies to businesses. Relief from taxes, including non-domestic rates, can constitute state aid. Billing authorities should bear this in mind when granting discretionary rate reliefs.

Empty property and transitional reliefs are regarded as part of the determination of liability, applied equally to all ratepayers, and so are not considered to be state aid.

Rate relief for charities and non-profit making bodies is not normally considered to be state aid because the recipients are usually not in market competition with other businesses. However, if the charities or non-profit making bodies are engaged in commercial activities or if they are displacing an economic operator or if they have a commercial partner, rate relief could constitute state aid, and the rules set out below will apply.

Hardship relief can also constitute state aid, as can relief under the village shop and farm diversification schemes. In practice, however, aid to village shops, most local 'commercial' charities and other small-scale local service organisations (e.g. B&Bs, small retailers, child-care facilities etc.) will not be caught by the state aid rules as long as they are independent family-owned businesses, because they are deemed incapable of affecting intra-Community trade. Any manufacturing operation, on the other hand, however small-scale, is normally deemed to be capable of affecting intra-Community trade, so rate relief for butchers and farmers for example, producing cheese, sausages, cider and other foodstuffs, would be state aid.

There are also general exceptions from the state aid rules where the aid is below a 'de minimis' level. This is 200,000 Euros, or 100,000 Euros for the road transport sector, to any one business over three years (**Article 2 EC 1998/2006**). The de minimis level applies to all de minimis aid received, including other Government subsidies or grants, in addition to any rate relief. There are also specific exemptions to the de minimis threshold and regard should be had to the current EC regulation.

The guidance note goes on to say that where relief does constitute state aid, it may need legal clearance from the European Commission. Authorities that are considering granting any hardship relief, charity relief or farm diversification relief which would be caught by the state aid rules and would bring total aid to the business concerned above the de minimis level, or granting any amount to businesses in the excluded sectors are advised to contact the Office of the Deputy Prime Minister, which will, if necessary, seek clearance from the European Commission. If Commission clearance is needed, it goes on; the relief should not be paid until clearance has been granted.

The guidance note, further, offers advice to authorities on questions relating to state aid, this being available from the State Aid Branch of the Department of Trade and Industry.

It has also been found that a valuation methodology that favours one ratepayer against another in a similar class can be held to be State Aid.

## HARDSHIP CRITERIA

### **General Principles**

The principle purpose of awards of hardship relief shall be to provide short-term assistance to businesses that are suffering unexpected hardship, arising from circumstances beyond the business's control and outside of the normal risks associated with running a business of that type, to the extent that the viability of the business would be threatened if an award were not made.

1. Rate relief on the grounds of hardship shall only be awarded where it is considered that:

(i) The ratepayer would sustain hardship if the Council failed to grant Hardship Relief; and

(ii) It is reasonable to grant Hardship Relief having regard to the interest of person's subject to the Council Tax.

2 The test of "hardship" need not be confined strictly to financial hardship and applicants should disclose all relevant factors affecting the ability of the business to meet its rate liability.

3. The "interest" of local council tax payers may go wider than direct financial interests; for example, where employment prospects in an area would be worsened by a ratepayer going out of business, or the amenities of an area might be reduced by, for instance, the loss of a neighbourhood shop.

4. A business will not be considered to be suffering financial hardship in any annual accounting period during which it is profitable or has experienced a loss which is minor in comparison to the overall turnover of the business. In determining whether a business is profitable account shall be taken of reasonable drawings by the proprietor or reasonable remuneration of directors.

5. Where the circumstances giving rise to the hardship pertain for a only part of the business's normal annual accounting period the income and expenditure of the business for the period during which the circumstance pertain may be used to determine whether the business is profitable.

6. It is expected that businesses will take prompt action to mitigate any factors giving rise to hardship. Examples of mitigating actions may include seeking business advice, discounts and promotions, reviewing pricing, extending the range of stock or services, negotiating with creditors etc. Applications may be declined in circumstances where the business is unable to demonstrate that it is taking reasonable steps to alleviate the hardship.

7. Applicants must supply the last two years' accounts, a current cash flow forecast and a comprehensive business plan in order for an application to be considered. Where the business has traded for less than two years accounts must be provided where available, and draft accounts or budget forecasts must be provided for the period since the business commenced trading.

8. No award shall be made where it appears to the Council that the proprietor of the business has failed to exercise due diligence to anticipate circumstances that may give rise to hardship, financial or otherwise, and/or to put in place measures to prevent or mitigate the circumstances.

9. Applications will be viewed favourably where the criteria of the Policy are met and the business provides the only goods or services of that type in the local area or where the business is a niche business supplying specialist goods or services that are not widely available and vice versa.

### **New Businesses**

10. Award of hardship rate relief will not be made for the purposes of enabling a new business to become established except where the viability of the business is threatened by events that could not reasonable have been foreseen when establishing the business.

### **Unoccupied Properties**

11. Rate relief on the grounds of hardship in respect of rates payable for an unoccupied property will only be awarded in the most exceptional circumstances where there are clear and tangible benefits to local council taxpayers in making the award.

### **Relationship to other forms of Rate Relief**

12. Applications for hardship rate relief shall be regarded as a last resort and will only be considered after consideration of any other forms of rate relief to which the applicant may be eligible.

### **Duration of Awards**

13. All awards shall terminate at the end of the financial year if the award has not ended at an earlier date. Where the hardship continues a further application may be made in the new financial year, however in considering repeated applications consideration should be given to the number and value of previous awards. Where an application is repeated for a subsequent period the Council may require the applicant to provide evidence (preferably from an accountant or other professional adviser) regarding the long-term financial viability of the business.

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## NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

## CABINET – 14 JANUARY 2014

Title of report	<b>HIGH SPEED RAIL (HS2) PHASE 2: CONSULTATION IN RESPECT OF PROPOSED ROUTE FROM WEST MIDLANDS TO LEEDS – RESPONSE OF NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL</b>
Key Decision	a) Financial Yes/No b) Community Yes
Contacts	Councillor Trevor Pendleton 01509 569746 <a href="mailto:trevor.pendleton@nwleicestershire.gov.uk">trevor.pendleton@nwleicestershire.gov.uk</a>  Director of Services 01530 454555 <a href="mailto:steve.bambrick@nwleicestershire.gov.uk">steve.bambrick@nwleicestershire.gov.uk</a>  Head of Regeneration and Planning 01530 454782 <a href="mailto:david.hughes@nwleicestershire.gov.uk">david.hughes@nwleicestershire.gov.uk</a>
Purpose of report	To outline the Government's proposals for HS2, the potential implications for communities in North West Leicestershire and to agree the Council's response to the current proposals.
Reason for Decision	To establish the Council's position in respect of the HS2 proposals
Council Priorities	Homes and Communities
Implications:	
Financial/Staff	In the event of HS2 being given the go-ahead it is likely that future more detailed consultations by HS2 and the government will have staffing resource implications on an ongoing basis. These will be managed as far as possible within existing staffing resources but there may be a need for specialist input
Link to relevant CAT	None
Risk Management	Failure by the Council to respond to the current consultation would potentially result in local concerns not being considered to the detriment of local communities along the proposed route of HS2.
Equalities Impact Assessment	Not applicable
Human Rights	None discernible
Transformational Government	Not applicable

Comments of Head of Paid Service	The report is satisfactory
Comments of Section 151 Officer	The report is satisfactory
Comments of Monitoring Officer	The report is satisfactory
Consultees	Leicestershire County Council HS2 Executive Various affected landowners
Background papers	<p>The Strategic Case for HS2 (Department for Transport)  The Economic Case for HS2 (Department for Transport)  HS2 Regional Economic Impacts (HS2)  Sustainability Statement – Volume 1: main report of the Appraisal of Sustainability (A report by Temple-ERM for HS2 Ltd)  Sustainability Statement – Volume 2: maps (A report by Temple-ERM for HS2 Ltd)  Options for phase two of the high speed rail network (HS2)  Route engineering report (West Midlands to Leeds) ( Department for Transport)  Better Connections – Options for the integration of JS2 (Network Rail)</p> <p>All available at <a href="http://www.hs2.org.uk/phase-two/route-consultation/document-library">www.hs2.org.uk/phase-two/route-consultation/document-library</a></p> <p>Impact of HS2 on the development of Measham Waterside and the associated regeneration of Measham – Moss Naylor Young  <a href="https://www.nwleics.gov.uk/files/documents/moss_naylor_young_limited_report_hs2/Moss%20Naylor%20Young%20Limited%20Report%20-%20HS2.pdf">https://www.nwleics.gov.uk/files/documents/moss_naylor_young_limited_report_hs2/Moss%20Naylor%20Young%20Limited%20Report%20-%20HS2.pdf</a></p>
Recommendations	<p><b>THAT CABINET:</b></p> <p><b>(I) AGREE THE COUNCIL’S RESPONSE TO THE CONSULTATION HAVING REGARD TO THE COMMENTS SET OUT IN SECTION 6 OF THIS REPORT AND;</b></p> <p><b>(II) ASK COUNCIL TO ENDORSE THE RESPONSE AT ITS MEETING OF 21 JANUARY 2014.</b></p>

## 1.0 BACKGROUND

- 1.1 Members will be aware that the Government is promoting the construction of a new High Speed rail link (known as HS2) from London to the West Midlands (Phase 1) and then on to Leeds and Manchester (Phase 2).
- 1.2 On 28 January 2013, the Secretary of State announced the initial preferred route for Phase Two. The preferred route for the eastern branch connecting Birmingham with Leeds passed through this district with new stations at Toton (the East Midlands Hub) and Sheffield.

- 1.3 In response to this announcement Council at its meeting of 26 February 2013 agreed the following motion *“North West Leicestershire District Council objects to the proposed HS2 route on the basis that there is no positive impact on the district, its residents and businesses and we urge the Secretary of State to reconsider the proposals and look again at following a route along the A38 to Derby”*.
- 1.4 Following the announcement in January 2013 the Government carried out a period of informal engagement where Ministers met with Members of Parliament affected by the proposed Phase Two route, station and depot options to give MPs an opportunity to raise any initial concerns ahead of the public consultation. The results of these engagement opportunities lead to two changes to the preferred route. One of these is located in this district and proposed to extend the tunnel under East Midlands Airport to minimise the impact on land to the north of the airport which is a potential site for a Strategic Rail Freight Interchange (known as the Roxhill site).
- 1.5 Formal consultation on the proposed route (which reflected the preferred route announced in January 2013 subject to the changes referred to above) commenced in July 2013.
- 1.6 More recently on 25 November 2013 the Government published a Hybrid Bill for phase one of HS2 from London to the West Midlands. The bill sets out in detail the proposed route and once approved will enable the Government to acquire the necessary land to proceed with the project. It is currently anticipated that it will be 2015 at the earliest before the Bill is approved by Parliament.
- 1.7 The purpose of this report is to formulate the Council’s response to the consultation on the proposed route of HS2.
- 1.8 Under the Council’s constitution this is a matter that falls to be determined by Cabinet. However, in view of the significance of this issue it is also proposed that Council be asked to endorse the response agreed by Cabinet on behalf of the Council at its meeting on 21 January 2014.
- 1.9 This report is structured as follows:
  - the current consultation
  - an outline of the route and key facts as they relate to North West Leicestershire
  - justification for HS2
  - what are the likely impacts of HS2 and
  - suggested response to the consultation

## **2.0 THE CONSULTATION**

- 2.1 The current consultation runs until 31<sup>st</sup> January 2014 and seeks views on the proposed Phase Two high speed rail route. The consultation sets out a number of questions upon which responses are sought. Those most pertinent to the eastern branch are set out at Appendix 1 of this report.
- 2.2 Views are also sought on the accompanying Sustainability Appraisal (SA) which describes how the proposed route of HS2 would support objectives for sustainable development and how sustainability issues have been considered.
- 2.3 In addition to the Sustainability Appraisal a number of other reports have also been published including a Strategic Case for HS2 and a detailed Economic Case. All of these documents can be viewed at the HS2 website as identified above in the section on background papers.
- 2.4 As part of the consultation, HS2 held a series of information events at locations close to the proposed Phase Two route between October 2013 and January 2014.

- 2.5 Events in the district were held at Measham Leisure Centre on 27<sup>th</sup> November 2013 (12pm-8pm) and in Ashby at Hood Park Leisure Centre on 5<sup>th</sup> December (12pm-8pm). Based on information provided by HS2, it is estimated that 550 people attended these two events.
- 2.6 Following the consultation the Government is expected to announce its chosen route for Phase Two by the end of 2014 following which detailed engineering designs, an Environmental Impact Assessment and preparation of the Hybrid Bill for Phase Two will commence. The Hybrid Bill is expected to be introduced in 2015, after the next general election.
- 2.7 It is understood that a number of groups and organisations across the district have or will be responding to the current consultation. For members information a summary of those that officers are aware of is provided at Appendix 2 of this report. In the event of additional responses being brought to Officers attention a verbal update will be provided at the meeting.

### **3.0 THE ROUTE**

- 3.1 The preferred route through this district largely follows the route of the A42 as far as Tonge and then cuts under East Midlands Airport before crossing the floodplain of the rivers Trent and Soar and northwards towards Long Eaton.
- 3.2 The preferred route, from south-west to north-east, is described below;
- The HS2 preferred route (identified as HSL06) crosses from Warwickshire into Leicestershire in a cutting alongside the M42 passing to the west of Appleby Parva and Appleby Magna. It then approaches Measham on an embankment, crossing the River Mease on a 17m high viaduct and passing through the Westminster Industrial estate.
  - Continuing in a cutting close to the north side of Measham, it takes the alignment of the existing A42, which is consequently realigned 95m to the north-west.
  - Beyond Measham, the line closely follows the A42 on its south-east side to the north west of Packington, Newbold and Worthington before crossing the A42 and A453 south of Tonge.
  - From its crossing of the A453 near Tonge, the line continues as HSL09 as it approaches Diseworth which is passed in a cutting to the north-west.
  - The line enters a tunnel some 1.9 miles (3km) in length beneath East Midlands Airport and the adjacent site of the proposed strategic rail freight interchange. It emerges to the north east of the proposed strategic rail freight, climbing onto a new embankment as it approaches the M1 just to the north of Junction 24.
  - The A50 and M1 are then crossed to the north-west of Kegworth as the line continues on a 2.1 miles (3.3km) viaduct across the flood plain of the rivers Trent and Soar towards Long Eaton and the proposed station at Toton. The first 1.2 miles (2km) of this viaduct are in Leicestershire, before it crosses the River Soar into Nottinghamshire.
- 3.3 The following key facts provide more information regarding that part of the route that passes through the district (it should be noted that the distances quoted are not exact and may not add up due to rounding up and down):
- The overall length of the preferred route through the district is about 19.5 miles (31 km) which is about 17% of the Birmingham to Leeds leg;
  - The route includes 15 new bridges, 10 over the HS2 and 5 under, 4 viaducts and 1 tunnel.



- The majority of the route through the district is in cuttings (about 9.8 miles or 15.8km) but with 4.5 miles (7.3km) on embankment. A further 2.7 miles (4.4km) is on viaduct, 2.1 miles (3km) in tunnel and the remaining 1.4 miles (2.3km) is at grade (ie at existing ground level).

#### **4.0 JUSTIFICATION FOR HS2**

4.1 This section of the report considers the justification, as set out in the consultation documents, for HS2 in general and also the proposed route that affects this district.

##### **General**

4.2 A key aim of the Government is to build a balanced and strong economy. The strategic case made by Government is that the development of HS2 will have four overall benefits to the economy:

- Increased capacity on the rail network – i.e. the ability for more people to travel on rail by not only providing a range of new services on HS2, but also releasing capacity on the existing network as a result of passengers diverting to HS2;
- Increased connectivity – i.e. reduced journey times to and from London and other major cities such as Birmingham and Manchester;
- Job creation – primarily jobs associated with the construction of the new railway and associated facilities such as stations and depots. In the long term it is suggested that additional jobs will be created in the manufacturing and maintenance of rolling stock;
- Regeneration – by attracting inward investment along the route of HS2, for example around new stations and existing airports along the route of HS2.

4.3 The economic case involves undertaking a cost-benefit analysis using the Department for Transport's standard cost-benefit analysis framework. The cost-benefit analysis compares the cost and benefits against each other to generate a 'benefit-cost ratio': i.e. the value of benefits that would result from every £1 that the scheme costs.

4.4 The cost-benefit analysis projects that a benefit-cost ratio of 2.3 (i.e. a return of £2.30 for every £1 spent) for the full Y network (Phase One and Two combined) and 1.7 (i.e. a return of £1.70 for every £1 spent) for Phase One on its own. Under the government's assessment system the full Y network would therefore deliver what is termed 'high' value for money, with Phase One on its own will delivering 'medium' value for money. These figures could increase to between 2.8 (i.e. a return of £2.80 for every £1 spent) and 4.5 (i.e. a return of £4.50 for every £1 spent) if assumptions regarding when demand will stop growing (assumed to be 2036) occurs later in 2040 or 2049 respectively.

4.5 A separate regional economic impact study report was published by HS2 in September 2013. This takes a different approach to the cost-benefit analysis by focussing on the potential impact of investment in HS2 on the structure of regional economies. Within the East Midlands the report focuses upon the Derby-Nottingham city region (i.e. excluding North West Leicestershire). The study's overall conclusion is that HS2 could generate £15 billion of additional output per year for the British economy by 2031 (at 2013 prices). For the Derby-Nottingham City Region it is estimated that there will be an increase in labour connectivity of 14.7% and 23.2% in business connectivity. The latter figure is the highest of any City region assessed, including that of Greater London, whilst the labour figure is the third highest.

- 4.6 The overall result of this improved connectivity for both labour and businesses is that the Derby-Nottingham economy would benefit to the tune of between £1.1 billion and £2.2 billion per year, equivalent to between 2.2% and 4.3% economic output.

### **The preferred route**

- 4.7 In determining the most appropriate route for HS2 it was determined that any solution must:

- minimise disruption to the existing network;
- use proven technology that can deliver the desired results;
- be affordable and represent good value to the taxpayer; and
- minimise impacts on local communities and the environment.

- 4.8 In addition, a number of key design principles were factored in to the design of the preferred route including:

- HS2 will be a two track railway (one northbound and one southbound track);
- up to 18 trains per hour could run in each direction on the opening of the full Y network;
- the line of route design seeks to follow existing transport corridors where practicable; and
- the route was to be designed for speeds up to 250mph (400kph). This has implications for the detailed route as to maintain such speed consistently requires the line be kept as straight as possible.

- 4.9 In arriving at a preferred route HS2 examined a number of strategic alternative routes for the West Midlands to Leeds leg followed by more detailed alternatives along the strategic corridor chosen.

- 4.10 More information about these alternatives and the process of determining the preferred route is set out at Appendix 3 of this report. In summary HS2 considered that Toton was the most appropriate location for a station to serve the East Midlands and that the A42 corridor was the preferred strategic corridor. Within this corridor three alternatives were considered and it was determined that a route to the north of Measham was preferable due to less noise impact, although it was more expensive.

## **5.0 WHAT ARE THE LIKELY IMPACTS ON NORTH WEST LEICESTERSHIRE?**

- 5.1 There are a number of potential impacts on North West Leicestershire in terms of the environment, the community and the economy. HS2 have produced factsheets for small sections of the route which accompany the consultation and detail how the proposed route would affect each area. There are two factsheets relevant to North West Leicestershire; these are Birchmoor to Tonge and Tonge to Trowell. Using these factsheets and the Sustainability Appraisal (SA) the implications that have been identified for North West Leicestershire are outlined below.

### **Potential Environmental Impacts**

#### **Landscape and Townscape**

- 5.2 As noted in paragraph 3.3 the majority of the proposed HS2 route through the district would be in cuttings. Whilst this will reduce the impact on the environment there will still be impacts on the landscape. Such impacts include the associated infrastructure such as overhead power lines, gantries for over head lines, viaducts and bridges.
- 5.3 HS2 state that the design of the route, following a transport corridor would keep potential landscape and visual impacts to a minimum and that the design of the line

would seek to reduce impact by introducing landscaping, such as earthworks and the planting of trees, hedgerows and shrubs.

- 5.4 The SA suggests that the eastern leg of the proposed route would have no direct or indirect impacts on any nationally designated landscapes and that there are no areas within the district where HS2 is identified as having a high impact on landscape character.
- 5.5 There are however, two areas within the district where the impacts on landscape character are judged to be moderate. These areas are south of Tonge, where the embanked route would affect the landscape setting of the village and Conservation Area and land to the east of the junction 24 of the M1, where the railway would be an intrusive new landscape element crossing the flat River Soar floodplain, parallel to but separate from the existing (embanked) A453.

## **Wildlife and Habitats**

### **River Mease Special Area of Conservation**

- 5.6 Members will be aware that the River Mease is designated as a Special Area of Conservation (SAC), a European level designation, because of its valued (mainly aquatic) species. In selecting the proposed route HS2 notes that one of the main drivers for route selection between Water Orton and Toton was how to avoid or minimise any impact on the River Mease SAC. The proposed route crosses the River Mease SAC at Measham.
- 5.7 The SA considers that the route to the north of Measham is more favourable than the other options considered as it crosses a narrower part of the floodplain and so reduces the shadowing affect on the river from any bridge structure and makes a more direct crossing of the river with a shorter viaduct structure.
- 5.8 HS2 are working with Natural England and the Environment Agency and have undertaken a Screening Opinion and a draft Appropriate Assessment, the provisional conclusion of the latter was that the River Mease crossing would not have an adverse effect on the SAC. Natural England has agreed with this provisional conclusion.

### **Sites of Special Scientific Interest (SSSI)**

- 5.9 The River Mease is also a SSSI designated for similar reasons to the River Mease SAC. The SA states that the effects on the River Mease SSSI from the proposed crossing would be negligible, as they are for the SAC.
- 5.10 The proposed route passes in close proximity to Lount Meadows SSSI where some areas would be at potential risk from changes in hydrology. As the proposed route passes Lount Meadows it is on an embankment and HS2 state that this would need to be designed in order to allow the free-passage of surface-water beneath the proposed route. HS2 identify that effects on the site are likely to be major adverse but mitigable through detailed design.
- 5.11 During the construction of HS2 the SA also identifies that there is limited potential for disturbance of birds at Lockington Marshes SSSI as the proposed route crosses a branch of the Hemington Brook.

### **Heritage**

- 5.12 In terms of heritage assets the proposed route would potentially result in the demolition of the Grade II Listed Meer Bridge at Measham. The proposed route is on a viaduct at this stage and as a result it is possible that the bridge might be

preserved. The SA states that impacts on the setting would be minor. If the feature is demolished the impact would be moderate.

- 5.13 There are also another 15 Listed Buildings within 100metres and 450 metres of the proposed route, although not on it. There are two Grade II\* Listed Buildings which lie further afield and where the parks associated with these are identified as Registered Historic Parks and Gardens (Coleorton Hall and Staunton Harold Hall). In both cases the SA suggests that the impact on the buildings and associated parks would be negligible.

### **Potential Community Impacts**

#### **Noise**

- 5.14 Within the SA, noise impact on dwellings has been assessed over an 18-hour daytime period (i.e. 6am to midnight when it is expected that services would largely operate). A number of areas are predicted to suffer from residual noise impacts which are categorised as areas where there will be a noticeable increase in noise experienced or areas where noise insulation may be required. Based on information in the factsheets it is estimated that some 1,201 dwellings in North West Leicestershire will be affected by noise, of which 162 will potentially require noise insulation and 1,039 would be affected by a noticeable increase.
- 5.15 Those dwellings requiring noise insulation are concentrated in Measham whilst other settlements where there will be noticeable noise increases include Appleby Parva, Packington, New Packington, Ashby, Lount, Newbold, Worthington, Breedon on the Hill and Tonge.
- 5.16 The SA notes that a more detailed impact regarding noise will be undertaken when a decision on the final route has been made.

#### **Construction**

- 5.17 HS2 expects the route would be open to passengers in 2033 although there is no information at this time in respect of any time frame for construction. There will inevitably be disruption during construction including noise and air pollution and roads and other access routes temporarily affected whilst new infrastructure is constructed. The exact impact and implications are not clear at this stage.

#### **Physical Impacts**

- 5.18 There are a number of communities that would be in close proximity to the preferred route including Appleby Parva, Appleby Magna, Measham, Packington, New Packington, Ashby, Worthington and Tonge. High speed rail is not a means of transport that many residents will have experience of and it will take some time to obtain a clear idea of the visual, noise and atmospheric impacts and the potential effects of land and community severance.

#### **Visual Impacts**

- 5.19 In terms of visual impacts, the SA identifies that the area around Tonge would be one of seven areas along the eastern branch which would be subject to major impacts. This is due to the high level crossing of the A42 which would intrude into the foreground of distinctive views from local roads to Breedon on the Hill.
- 5.20 Visual impacts that are considered to be more than slight are identified as follows:
- Appleby Parva (around 300m from the proposed route) minor or moderate impact.

- Worthington (around 350 metres from the proposed route) minor visual intrusion
- Breedon on the Hill (700m from the proposed route) and Tonge (200 metres from the proposed route) moderate or locally major visual impacts
- North of the A453 at Kegworth moderate impact (although limited impact from Kegworth itself)

### **Community Facilities**

- 5.21 There is no evidence that any community buildings in the district would be directly affected by the proposed route.

### **Community Severance**

- 5.22 HS2 have highlighted that the route could result in the isolation of the residential communities at Worthington. It is presumed that this refers to the fact that there are a number of residential properties to the west of Worthington which would be located between the routes of the A42 and HS2 and so would be physically separated from other settlements.

### **Potential Economic Impacts**

#### **Agriculture**

- 5.23 The proposed route would pass through a number of areas of Grade 2 Agricultural Land (which together with Grade 3a represents the best and most versatile agricultural land) within the district. This would not only result in the loss of agricultural land but would also result in severance issues for the management of the agricultural holdings. The remainder of the route largely crosses Grade 3 Agricultural Land together with Grade 4 land.

#### **Tourism and Recreation**

- 5.24 The proposed route cuts through the National Forest which is a tourism and recreation destination of vital importance to the economy of the district.

#### **Transport Networks and Access**

- 5.25 Several roads will require permanent or temporary re-alignment. These include:
- A444 at Appleby Magna,
  - A42 west of Measham
  - Tamworth Road, Rectory Lane, Huntingdon Way, Burton Road, New Street at Measham
  - the B4116 near Packington
  - Ashby Road, Leicester Road and the A511 at Ashby;
  - The A512,
  - Melbourne Road, Long Hedge Lane, Breedon Lane, Stocking Lane near Breedon-on-the-Hill
- 5.26 HS2 intends that the effect on cycle routes and footpaths will be addressed as more detailed planning work is done.

#### **Property and Business**

- 5.27 The proposed route would result in the demolition of commercial properties at the Westminster Industrial Estate in Measham. In total it is estimated that within 60 metres of the proposed route there are 16 business properties (some of which are currently vacant) which would potentially need to be demolished. The most

significant of which would be Plastic Omnium an international company with its only UK research and development centre located at the plant in Measham.

- 5.28 In addition, it would also be necessary to realign the access to the Westminster Industrial Estate from Burton Road.
- 5.29 The preferred route would also result in the loss of two major hotels, the Best Western Appleby Park Hotel at Appleby Magna and the Hilton hotel at junction 24 of the M1.
- 5.30 There is no evidence in HS2's publications that the route will result in the demolition of any residential properties within the district. The proposed route runs close to properties along Amersham Way, Measham (within about 50 metres) and a retaining wall is proposed at this location to reduce visibility and noise impacts on nearby properties.
- 5.31 In order to provide assistance to people whose properties may be affected the Government has introduced a discretionary Exceptional Hardship Scheme (EHS).

### **Development at Measham Waterside**

- 5.32 The proposed route would run through the western extent of land to the west of Measham which had been included in the Council's now withdrawn Core Strategy as a Broad Location and where the Council has resolved to grant planning permission on the site for the development of up to 450 residential dwellings to include the reinstatement of 0.6 miles (1.1km) of the Ashby Canal (known as Measham Waterside). As currently proposed the sites capacity would be significantly reduced to about 250 dwellings if the proposed HS2 route were to go ahead in its current form.

## **6.0 SUGGESTED RESPONSE TO CONSULTATION**

- 6.1 A project of the scale of HS2 will inevitably have significant impacts, both positive and negative. In considering the Council's response to the current consultation it is important to recognise that it is difficult for the Council to comment upon the principle of HS2 as a proposal as it does not have the available expertise to assess the proposals in the minutiae. However, the District Council does have a responsibility to ensure that the interests of the district and its communities are adequately addressed.
- 6.2 Therefore, in responding to the consultation it is suggested that the Council restrict itself to those questions set out at Appendix 1 of this report each of which is considered below.

(iv) Do you agree or disagree with the Government's proposed route between West Midlands and Leeds as described in Chapter 8? This includes the proposed route alignment, the location of tunnels, ventilation shafts, cuttings, viaducts and depots as well as how the high speed line will connect to the East Coast Main Line.

- 6.3 Para 4.10.2 of the Strategic Case notes that "*The proposed line of route has been carefully designed to avoid or reduce local environmental effects wherever possible by seeking to avoid the most significant impacts on centres of population*".
- 6.4 The SA suggests that most of the identified impacts are capable of being mitigated. However, it is still the case that there will be an impact upon local communities close to the preferred route. For example the SA acknowledges that there will be a moderate impact upon the landscape in the vicinity of Tonge; moderate visual impacts upon Appleby Parva, Breedon on the Hill, Tonge (possibly rising to major)

and Kegworth; a loss of best and most versatile agricultural land as well as various economic impacts.

- 6.5 In addition, there are concerns that some of these impacts have been underestimated. Of particular concern is that of noise which has used an 18-hour assessment period. Such an approach fails to adequately take account of significant individual noise episodes which occur, such as the passing of a train. Therefore, each train may cause significant short-term disturbance without having a noticeable effect upon the time weighted average.
- 6.6 Furthermore, it is difficult to see how the principle set out at paragraph 4.10.2 of the Strategic Case has been complied with in the case of Measham. The preferred route goes through the middle of an important employment area and passes within less than 50 metres of existing dwellings.
- 6.7 The SA has also failed to take proper account of the National Forest which although not a national landscape designation, is of significance to the environment and economy of the district.
- 6.8 The Strategic Case for HS2 identifies four key benefits for the economy that it is suggested would result from the construction of HS2 (i.e. increased capacity, increased connectivity, job creation and regeneration). An assessment of each of these demonstrates that none of these will be realised in North West Leicestershire.

*Increased capacity and connectivity*

- 6.9 In terms of connectivity an assessment has been made of the journey time from Coalville to London both with and without HS2. This is done to illustrate the potential time saving that residents could potentially benefit from as a result of HS2 based on the current proposals. Travel time by car to the respective stations is based on information from the RAC Route Planner website so as to ensure a consistent comparison.
- 6.10 It currently takes 29 minutes to travel by car from the Council Offices to Leicester train station (the nearest mainline station with the best direct connections to London). The current journey time by train from Leicester to London is 1 hour 9 minutes. Therefore, the total journey time from Coalville to London is currently 1 hour 37 minutes.
- 6.11 The journey time (by car) to Toton where the East Midlands hub would be located is 28 minutes. Figure 4.7 of Strategic Case identifies a journey time from Toton (East Midlands Hub) to London of 51 minutes. Therefore, total journey time from Coalville would be 1hr 19 minutes.
- 6.12 The introduction of HS2 would, therefore, represent a saving of 18 minutes over current times. However, a report from Network Rail (Better Connections Options for the integration of High Speed 2) suggests that as result of HS2 there will be opportunities to “*deliver a faster, more frequent service from Leicester into London*”. In addition, the Midland Mainline through Leicester is to be electrified which will result in a journey time of about 1 hour, reducing the time saving to less than 10 minutes. It is considered, therefore, that in terms of journey times that a saving of 10 minutes would not represent a significant advantage to the residents of the district.
- 6.13 Furthermore, as there are no passenger services which directly serve North West Leicestershire any additional capacity that results from HS2 will have limited impact.
- 6.14 Therefore, it is considered that the increased capacity and connectivity that would result from HS2 would not be of direct benefit to the district or its residents. The

Council would seek that some of the additional capacity that would be realised in the existing rail network would be invested in the former passenger railway routes such as the National Forest line from Leicester to Burton.

#### *Job creation*

- 6.15 Any jobs created as part of the construction of HS2 will be of a temporary nature albeit over a reasonable period of time. Unless there is any specific commitment to employ people from the locality through which the HS2 line is proposed to pass, there will be no guarantee that residents of the district will benefit from such employment opportunities. It is, however, likely that there would be some benefits as a result of construction workers spending money within the local economy – for example for food, drink and accommodation. But once again these will be of a temporary nature and of an uncertain amount. In terms of other job creation benefits such as maintenance of rolling stock, there are no plans to locate any depots within the district.
- 6.16 The preferred route rather than creating jobs will actually result in the loss of both existing and potential jobs. In terms of existing jobs it is estimated that some 425 jobs will be lost as a result of the demolition of the Plastic Omnium factory on the Westminster Estate. Plastic Omnium have indicated that their only option will be to relocate out of North West Leicestershire. Therefore, these 425 jobs will be lost in Measham. In addition, a number of jobs will also be lost as a result of the demolition of two units at Huntington Court also on the Westminster Estate.
- 6.17 Furthermore, 800-1,000 potential jobs will be lost as a result of the preferred route going through the site of the former Lounge Disposal Point to the east of Ashby de la Zouch where planning permission has been granted for a 1million square foot distribution centre.

#### *Regeneration*

- 6.18 As there are no stations proposed in North West Leicestershire, there are no regeneration benefits associated with HS2. In fact from a regeneration perspective the preferred route will have significant negative consequences on the regeneration of Measham as a result of passing through a proposed housing site to the west of Measham (Measham Waterside). It was envisaged that this development would act as a catalyst for both the restoration of the Ashby Canal through to the centre of Measham and the regeneration of the High Street area of Measham. Consultants (Moss Naylor Young) engaged by the site promoter (Ideal Country Homes) to estimate the impact on Measham's economy, taking account of the impact upon Measham Waterside, including the ability to deliver the restoration of the Ashby Canal and the loss of jobs at Plastic Omnium estimate the loss to Measham's economy to be in the order of £130million between 2015 and 2034.
- 6.19 Although not specifically a regeneration issue the preferred route also impacts upon a number of potential housing sites (not just Measham Waterside) included in the Council's Strategic Housing Land Availability Assessment which will affect the ability of the Council to deliver its housing requirements and also conflicts with the Government's stated aim of increasing the supply of new housing.
- 6.20 On the basis of the above it is concluded that the preferred route of HS2 will not provide the benefits to North West Leicestershire which the government has identified will result from HS2. Indeed, for the reasons set out above, there will be significant negative impacts upon the communities of the district with no benefits in return. Whilst the alternative routes through the district would lessen some of these impacts, for example by avoiding existing and proposed development at Measham, it



is still considered that any route through the district will not deliver the benefits identified by the government and therefore, the Council should **object** to the preferred route.

6.21 In coming to a view on the final route it is important that the Government and HS2 takes full account of all the comments and suggestions made by various organisations and individuals from across North West Leicestershire, including those summarised at Appendix 2 of this report.

6.22 Notwithstanding the above objection, in the event that it is decided that the current proposed route is to be taken forward the Council would wish to engage constructively with Government and HS2 in respect of compensatory measures designed to minimise and offset the impact upon local communities. This would include, but is not limited to, details of landscaping and attenuation measures to minimise the impact of noise and visual intrusion along the route of HS2 and to agree financial compensation for local communities.

(v) Do you agree or disagree with the Government's proposals for:

c. An East Midlands station to be located at Toton as described in Chapter 8 (sections 8.3.1 – 8.3.6)?

6.23 Locating a station at Toton would necessitate the preferred route coming through North West Leicestershire. In view of the response to question (iv) it is considered that the Council should oppose a station at Toton and instead support the provision of a new station at Derby. This would avoid the need for the proposed route to come through North West Leicestershire and could also help to deliver regeneration benefits to Derby.

(vi) Do you think that there should be any additional stations on the eastern leg between the West Midlands and Leeds?

6.24 In order to provide direct , tangible benefits to the local communities in North West Leicestershire it is considered that there should be a new station located within the district.

(vii) Please let us know your comments on the Appraisal of Sustainability (as reported in the Sustainability Statement) of the Government's proposed Phase Two route, including the alternatives to the proposed route as described in Chapter 9.

6.25 See comments under (iv)

(viii) Please let us know your comments on how the capacity that would be freed up on the existing rail network by the introduction of the proposed Phase Two route could be used as described in Chapter 10?

6.26 As outlined in response to question (iv) in the event that it is decided to go ahead with HS2 (whether along the preferred route or an alternative) the Council would want to see consideration be given to re-opening former passenger rail routes such as that between Leicester and Burton-upon-Trent. This would help to improve the connectivity of the district and would, in the event that the route goes through North West Leicestershire, help to offset some of the negative impacts that results for the communities of the district.

**CONSULTATION QUESTIONS IN RESPECT OF THE EASTERN BRANCH OF THE PROPOSED ROUTE FOR HS2 FROM BIRMINGHAM TO LEEDS**

- (iv) Do you agree or disagree with the Government's proposed route between West Midlands and Leeds as described in Chapter 8? This includes the proposed route alignment, the location of tunnels, ventilation shafts, cuttings, viaducts and depots as well as how the high speed line will connect to the East Coast Main Line.
- (v) Do you agree or disagree with the Government's proposals for:
  - a. A Leeds station at Leeds New Lane as described in Chapter 8 (sections 8.8.1 – 8.8.5)?
  - b. A South Yorkshire station to be located at Sheffield Meadowhall as described in Chapter 8 (sections 8.5.1 – 8.5.8)?
  - c. An East Midlands station to be located at Toton as described in Chapter 8 (sections 8.3.1 – 8.3.6)?
- (vi) Do you think that there should be any additional stations on the eastern leg between the West Midlands and Leeds?
- (vii) Please let us know your comments on the Appraisal of Sustainability (as reported in the Sustainability Statement) of the Government's proposed Phase Two route, including the alternatives to the proposed route as described in Chapter 9.
- (viii) Please let us know your comments on how the capacity that would be freed up on the existing rail network by the introduction of the proposed Phase Two route could be used as described in Chapter 10?

## SUMMARY OF LIKELY RESPONSE FROM OTHER INTERESTED PARTIES

### **Ideal Country Homes for the Measham Waterside Development (Moss Naylor Young Ltd Report)**

The Report identifies the adverse economic impacts of the proposed route on Measham's economy. The Report states that it would result in the loss of over £130 million to the Measham economy between 2015 and 2034, including the loss of 425 existing jobs at Plastic Omnium.

The Report promotes the advantages of the route to the south of Measham. This route (identified by HS2 as HLS07) leaves the A42 corridor south of Appleby Parva and travels on the southern side of Appleby Parva, Appleby Magna and Measham and realigns with the A42 to the north of Packington, as it reaches Ashby. This route would avoid both the Plastic Omnium unit and the Measham Waterside development site.

### **Tonge and Breedon HS2 Action Group (TABAG)**

The Tonge & Breedon HS2 Action Group (TABAG) represent 57 member households in the villages of Tonge and Breedon on the Hill.

TABAG opposes the construction of HS2 for all the reasons which have been set out by the national opposition groups (including HS2 Action Alliance and STOP HS2). TABAG's objections include the following;

- the economic case for HS2 is flawed,
- increasing costs of the project;
- consider that there are more cost effective ways of increasing capacity on existing railway lines;
- consider that there is no global evidence that High Speed Rail generates returns and;
- they consider, as many authorities suggest, far greater economic benefit would be gained by investing the same amount of public money in rail, road and internet infrastructure across the country.

In terms of the proposed route TABAG profoundly disagree with the proposed route between Ashby de la Zouch and Toton on the grounds that there are alternative routes which would save some £ ½ billion and could use the existing East Midlands Parkway as an alternative to Toton (an alternative route has been proposed by TABAG which departs from Ashby veering North Easterly until it reaches the area of the A42 / M1 interchange where it veers more Northerly to pass West of Kegworth before re-joining the HS2 Preferred Route to the West of Ratcliffe Power Station).

TABAG offer an alternative route that completely avoids the need for the extended tunnel under the Airport and Roxhill site. TABAG states that if an alternative route was unacceptable an alternative approach would be to lower the proposed route by 8 metres in the area of Tonge and Breedon to reduce the environmental impact of HS2 on those communities and improve the overall sustainability of the whole HS2 project.

### **East Midlands Airport**

The proposed route includes a 3km tunnel under East Midlands Airport. It is understood that the Manchester Airport Group (owners of East Midlands Airport) will be submitting comments in response to the consultation.

## **Lounge Site, Ashby**

The 34.80ha site has planning permission for the development of a rail connected distribution building and associated works. This site sits adjacent to the A42 and A511 and the proposed HS2 route runs through the western extent of the site. It is understood that the site owners (Haworth Estates and Gazeley) have/will be submitting an objection in view of the impact upon their site.

## SUMMARY OF ALTERNATIVE ROUTES AND LOCATIONS FOR STATIONS CONSIDERED IN THE EAST MIDLANDS

The following strategic corridors to serve the East Midlands were considered:

- East from Birmingham/West Midlands to Leicester and then north to Nottingham or north-east to Newark – rejected due to longer journey times than to stations at Derby or Nottingham and likely extra cost;
- Along the A42 corridor to Nottingham;
- Along the A38 corridor to Derby – rejected due to construction issues through Burton Upon Trent and noise impact on National Memorial Arboretum;
- Initially along the A42 before diverting to the A38 corridor;
- Route to the east of Coalville and north-west of Leicester – rejected due to additional time and cost that would result

Having sifted through the various alternatives the A42 corridor route to a station at Toton and the combined A42/A38 route to a station at Derby were taken forward for more detailed assessment.

In terms of the A42 corridor (within North West Leicestershire) the River Mease Special Area of Conservation (SAC) was recognised as a specific issue which would need to be addressed. The three options around the Measham area considered were:

- cross the River Mease SAC to the north of Measham
- cross the River Mease SAC to the south of Measham
- avoid the River Mease SAC and Measham by running further to the east.

In determining which route to follow, the initial key determinant was where the station to serve the East Midlands was to be located. This also involved a sifting process to arrive at the preferred choice, which included the consideration of three possible sites in North West Leicestershire (at East Midlands Airport, at Kegworth and at Lockington) all of which were rejected.

Consideration was also given to have a station at East Midlands Parkway but this was rejected due to cost and the fact that it is located within the Green Belt which was taken to mean that development “*would not be supported*”.

Stations in the centre of Derby and Nottingham were also rejected on the grounds of insufficient demand to justify more than one service per hour.

It was concluded therefore, that Toton was the preferred location for a station to serve the East Midlands, although on the advice of Network Rail it is recognised that further work would be required to consider the likely impact upon existing services as in this respect East Midlands Parkway performed better.

Having chosen Toton as the site for a station it follows, therefore, that the A42/A38 corridor option to Derby was not appropriate and so the Preferred Route would follow the A42 corridor.

There remained the question of which of the three options should be followed. It was concluded that the route which avoided Measham and the River Mease SAC performed worst in terms of sustainability. Of the two options via Measham, the performance of the options would be generally similar with the route via the north of Measham having a slightly higher cost. However, it was highlighted in the Appraisal of Sustainability options that a larger number of people would be potentially affected by noise from the route via the south of Measham. It was, therefore, concluded that the route to the north of Measham was preferred.

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## NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

## CABINET – 14 JANUARY 2014

Title of report	<b>ARMED FORCES COMMUNITY COVENANT</b>
Key Decision	a) Financial No b) Community Yes
Contacts	Councillor Alison Smith MBE 01530 835668 <a href="mailto:alison.smith@nwleicestershire.gov.uk">alison.smith@nwleicestershire.gov.uk</a>  Director of Services 01530 454555 <a href="mailto:steve.bambrick@nwleicestershire.gov.uk">steve.bambrick@nwleicestershire.gov.uk</a>  Head of Community Services 01530 454832 <a href="mailto:john.richardson@nwleicestershire.gov.uk">john.richardson@nwleicestershire.gov.uk</a>
Purpose of report	To seek members approval to sign up to the Armed Forces Community Covenant
Reason for Decision	To provide a statement of mutual support between the civilian community and the local Armed Forces community in North West Leicestershire building on existing initiatives and partnerships.
Council Priorities	Homes and Communities
Implications:	
Financial/Staff	All measures are to be met from within existing resources or external grant funding
Link to relevant CAT	Not Applicable
Risk Management	Risk assessments will be considered for any new measures
Equalities Impact Assessment	Not Applicable
Human Rights	None Discernible
Transformational Government	Not Applicable

Comments of Head of Paid Service	The report is satisfactory.
Comments of Section 151 Officer	The report is satisfactory.
Comments of Monitoring Officer	The report is satisfactory.
Consultees	Legal Services
Background papers	<a href="https://www.gov.uk/armed-forces-community-covenant">https://www.gov.uk/armed-forces-community-covenant</a>
Recommendations	<p><b>CABINET IS RECOMMENDED TO</b></p> <ol style="list-style-type: none"> <li><b>1) IMPLEMENT THE ARMED FORCES COMMUNITY COVENANT PLEDGE WITHIN NORTH WEST LEICESTERSHIRE</b></li> <li><b>2) ESTABLISH A TASK AND FINISH GROUP FROM POLICY DEVELOPMENT GROUP TO DEVELOP MEASURES FOR FURTHERING THE COVENANT IN PARTNERSHIP WITH KEY ARMED FORCES REPRESENTATIVES</b></li> <li><b>3) SUPPORT ANY GRANT APPLICATIONS FOR ANY IDENTIFIED MEASURES WITHIN THE COVENANT</b></li> <li><b>4) DELEGATE AUTHORITY TO THE LEADER AND THE CHIEF EXECUTIVE TO SIGN THE COVENANT ON BEHALF OF THE AUTHORITY</b></li> </ol>

## 1.0 BACKGROUND

1.1 **What is the Armed Forces Community Covenant?** Local authorities and the armed forces community are encouraged to work together to establish a community covenant in their area in order to:

- encourage local communities to support the armed forces community in their area
- to raise public understanding and awareness of the issues affecting the armed forces community
- recognise and remember the sacrifices faced by the armed forces community
- encourage activities which help to integrate the armed forces community into local life
- to encourage the armed forces community to help and support the wider community, whether through participation in events and projects, or other forms of engagement



- 1.2 Community covenants can look different in different areas. This is a scheme where one size does not fit all, and the details within a scheme will be determined by local need and local capacity.
- 1.3 It is meant to be a pledge that sets out what a community covenant seeks to achieve in a particular area and, where possible, will be signed by representatives from all parts of the community. In most cases the lead signatories will be a senior representative from the local authority and one from the services who will sign on behalf of the armed forces community, whether that is the local military unit or those representing veterans' or families groups.
- 1.4 A Community Covenant is a voluntary statement of mutual support between a civilian community and its local Armed Forces Community. It is intended to complement the Armed Forces Covenant, which outlines the moral obligation between the Nation, the Government and the Armed Forces.
- 1.5 Many people nationally have become involved in supporting the Services community, through Service charities or more recently by participating in Armed Forces Day. They have shown their support in a variety of ways including fundraising, military celebrations, open days and family fun days. The Community Covenant scheme aims to build upon this support.

## **2.0 NWLDC SUPPORT FOR THE ARMED FORCES**

- 2.1 NWL is proud of its longstanding links with the serving and ex-serving members of HM Armed Forces and NWLDC is fully supportive of the Armed Forces Community Covenant. At present the following annual activities are supported by the Council;
- The national initiative to fly a flag for Armed Forces Day, with a flag raising ceremony outside the Council Offices
  - A service on Remembrance Sunday held at Christ Church followed by a wreath laying ceremony at Memorial Square in Coalville
  - A two minute silence on Armistice Day with an act of remembrance at Memorial Square in Coalville

## **3.0 NEXT STEPS - NWLDC AND KEY PARTNERS**

- 3.1 The Council recognises that in signing the Armed Forces Community Covenant it will allow existing relationships with the Armed Forces to be developed particularly with the forthcoming significant national events.
- 2014 being the 100 years anniversary of the commencement of WW1
  - 2014 -18 seeing various significant WW1 events celebrated
  - 2015 being the celebration of 70 years since the end of World War 2

It is therefore recommended to Cabinet to implement the Covenant.

- 3.2 In recommending to Cabinet the implementation of the Armed Forces Covenant it is further recommended to establish a Task and Finish Group reporting to the Policy Development

Group. This group would look to develop and further the relationships with the Armed Forces Community and consider further measures which the Council may have influence over to support the Armed Forces community of North West Leicestershire.

3.3 It is proposed that the mission statement of the Group be

‘To identify key measures that deliver the principles set out in the Armed Forces Community Covenant and report back recommendations to Policy and Development Group and Cabinet at the earliest opportunity’

3.4 It is proposed that the Task and Finish group includes members, officers and representatives of the North West Leicestershire Armed Forces Community. Armed Forces representatives will be agreed through discussions with relevant agencies and organisations co-ordinated by the Chair of the North West Leicestershire Royal British Legion groups (Jim Rowlinson) in conjunction with the Head of Community Services.

3.5 Signing the pledge - In most cases the lead signatories of the pledge will be a senior representative from the local authority and one from the services who will sign on behalf of the armed forces community (although it may also be signed by those representing veterans’ or families groups who are keen to support principles of the Covenant).

3.6 For North West Leicestershire it is recommended to Cabinet that the pledge be signed by the Leader of the Council, Andrew Bridgen MP, the Chief Executive of the Council and Jim Rowlinson (Chair of the North West Leicestershire Royal British Legion Groups) representing the Armed forces community.

#### **4.0 RESOURCE ISSUES**

4.1 The signing of the Covenant will allow access to the Community Covenant Grant Scheme which delivers projects at the local level, and aims to strengthen the ties and the mutual understanding between members of the Armed Forces Community and the wider community in which they live.

4.2 An application for funding can be submitted by any part of the community including volunteer groups, charities and public bodies such as schools.

4.3 If agreed the Council will promote the potential for applying to the grant fund and support any proposed applications.

## NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

## CABINET – 14 JANUARY 2014

Title of report	<b>CHARNWOOD LOCAL PLAN CORE STRATEGY – MEMORANDUM OF UNDERSTANDING</b>
Key Decision	a) Financial No b) Community No
Contacts	Councillor Trevor Pendleton 01509 569746 <a href="mailto:trevor.pendleton@nwleicestershire.gov.uk">trevor.pendleton@nwleicestershire.gov.uk</a>  Director of Services 01530 454555 <a href="mailto:steve.bambrick@nwleicestershire.gov.uk">steve.bambrick@nwleicestershire.gov.uk</a>  Head of Regeneration and Planning 01530 454782 <a href="mailto:david.hughes@nwleicestershire.gov.uk">david.hughes@nwleicestershire.gov.uk</a>
Purpose of report	To advise cabinet of a proposed Memorandum of Understanding in respect of the Charnwood Local Plan Core Strategy.
Reason for Decision	To agree the Council's position
Council Priorities	Not applicable
Implications:	
Financial/Staff	None
Link to relevant CAT	Not applicable
Risk Management	The proposed wording of the Memorandum of Understanding has been arrived at following discussions such that the Council's position is protected.
Equalities Impact Assessment	None
Human Rights	No discernible impact
Transformational Government	Not applicable
Comments of Head of Paid Service	The report is satisfactory

Comments of Section 151 Officer	The report is satisfactory
Comments of Monitoring Officer	The report is satisfactory
Consultees	Portfolio Holder
Background papers	None
Recommendation	<p><b>THAT CABINET:</b></p> <p><b>(I) NOTES THE CHARNWOOD MEMORANDUM OF UNDERSTANDING AND;</b></p> <p><b>(II) DELEGATES AUTHORITY TO THE DIRECTOR OF SERVICES TO SIGN THE MEMORANDUM OF UNDERSTANDING</b></p>

## 1.0 BACKGROUND

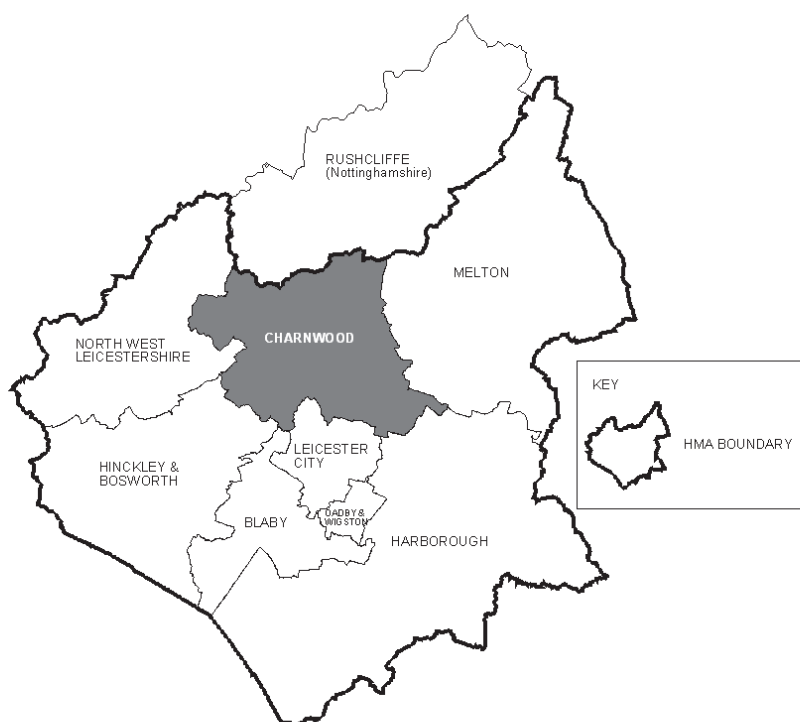
- 1.1 The Charnwood Local Plan Core Strategy was published on 10 June 2013. At the time of drafting this report it was understood Charnwood Borough Council was proposing to submit the Core Strategy to the Secretary of State on 20 December 2013.
- 1.2 Members will be aware that as part of their plan preparation local planning authorities are required to demonstrate that they have complied with the Duty to Cooperate required under the Localism Act.
- 1.3 To assist with this aspect at the forthcoming examination, Charnwood Borough Council has produced a Memorandum of Understanding. The Memorandum of Understanding seeks to demonstrate the outcome from joint working and cooperation which has taken place between Charnwood Borough Council and the other Leicestershire local authorities in the preparation of the Charnwood Local Plan Core Strategy
- 1.4 Charnwood Borough Council is seeking support from all of the local planning authorities in the Leicester and Leicestershire Housing Market Area and are asking all of the authorities to be signatories to the Memorandum of Understanding. A copy of the memorandum is attached at Appendix 1 to this report.
- 1.5 The Memorandum of Understanding has been subject to significant discussions at officer level to try and agree a form of wording which is to everybody's satisfaction. From a North West Leicestershire perspective the biggest concern has been around the weight to be accorded to the housing requirements and distribution in the former East Midlands Regional Plan. This is because this Council's Core Strategy used a more up-to-date housing evidence base than that used to inform the Regional Plan. Notwithstanding the fact that the Council has agreed to withdraw the Core Strategy in accordance with the advice of the Planning Inspector appointed to examine the plan, it is still the case that this Council no longer recognises the provisions of the Regional Plan.
- 1.6 The form of wording now agreed is considered to be such as to protect this Council's position and so it is recommended that the Council be a signatory to the Memorandum of Understanding.

## CHARNWOOD LOCAL PLAN CORE STRATEGY MEMORANDUM OF UNDERSTANDING

### 1. INTRODUCTION

- 1.1 The purpose of this memorandum is to demonstrate the outcome from joint working and cooperation which has taken place between Charnwood Borough Council and Leicestershire local authorities in the preparation of the Charnwood Local Plan Core Strategy. It also illustrates the shared understanding of development requirements, which have not only shaped the Charnwood Local Plan Core Strategy, but also other core strategies that have been adopted by Leicestershire local authorities.

#### Leicester and Leicestershire Housing Market Area



### 2. PURPOSE OF OUR CO-OPERATION

- 2.1 The purpose of our co-operation has been to ensure that each partner engages constructively, actively, expeditiously and as part of a continuous process to support effective planning activities which impact beyond their own area, and to provide a consistent strategic approach for the housing market area (HMA). This has included the assembly of evidence, policy preparation and implementation. This Memorandum of Understanding stands as a demonstration of that agreement across the HMA and as the basis for collaborative working in future.

### 3. OUTCOME OF JOINT WORKING

- 3.1 There is a close functional relationship and a range of inter-dependencies between the local authorities across Leicester and Leicestershire. This has encouraged local authorities to cooperate on strategic planning matters and to collaborate on the preparation of evidence covering a wide range of topics such as housing, employment, transport, infrastructure planning and environmental protection.
- 3.2 Local authority partners in Leicester and Leicestershire have worked cooperatively to develop policy from the following areas:
- the definition of the Housing Market Area;
  - the strategic housing requirements of the East Midlands Regional Plan;
  - the joint evidence base for employment land planning;
  - cross boundary transportation issues through the use of the Leicester and Leicestershire Integrated Transport Model;
  - the assessment of housing needs through the Strategic Housing Market Assessment (SHMA) in 2008 and the commencement of joint work to refresh its findings from 2013;
  - assessing the accommodation needs of gypsies and travellers;
  - assessing the viability of introducing a Community Infrastructure Levy;
  - agreeing sub regional investment priorities in partnership with the Homes and Communities Agency through the Local Investment Plan; and
  - implementing the Green Infrastructure Strategy and partnership working for Charnwood Forest.
- 3.3 There has been a strong commitment over a number of years to working together dating back to the Leicester and Leicestershire Structure Plan and more recently the evidence base that supported the approved housing provision figures for the Regional Plan which remained part of the development plan system until April 2013.
- 3.4 The housing provision and urban concentration and regeneration strategy for the Housing Market Area were initiated in the Regional Plan and derived from a common evidence base and an objective assessment of alternative options that were subject to Sustainability Appraisal. The strategic approach was also subject to examination by an independent panel of inspectors with the comprehensive engagement of all Leicestershire local authorities.
- 3.5 Six of the nine local authorities that make up the HMA have adopted core strategies based on the evidence and agreements garnered by the Regional Plan process. These are:
- Leicestershire County Council and Leicester City (Waste ) (2009)
  - Leicestershire County Council (Minerals) (2009)
  - Hinckley and Bosworth Borough Council (2009);
  - Leicester City Council (2010);
  - Oadby & Wigston Borough Council (2010))
  - Harborough District Council (2011); and

- Blaby District Council (2013).

3.6 Charnwood Borough Council is the next local authority in line to bring a Core Strategy for examination. It will provide the second largest share of growth in Leicester and Leicestershire and, if found sound, it will complete the policy framework for the Principal Urban Area.

#### **4. CHARNWOOD LOCAL PLAN CORE STRATEGY**

4.1 The Charnwood Core Strategy has been prepared in light of the collective agreement garnered through the Regional Plan process and an evidence base which has been subject to joint working amongst Leicestershire Districts. The Core Strategy sets out a strategy that:

- is based on urban concentration and regeneration;
- recognises the extent of the Leicester Principal Urban Area (PUA) in Charnwood;
- sets out clear policies for the development of sustainable urban extensions both within the Charnwood part of the Leicester PUA and at Loughborough.
- meets the objectively assessed need of 790 dwellings per year in Charnwood as a contribution towards the approved provision of 4,020 dwellings per year in Leicester and Leicestershire; and
- recognises that 330 of the 790 dwellings per year in Charnwood should be within or adjoining the Principal Urban Area;

#### **5. LIMITATIONS**

5.1 Nothing in this Memorandum of Understanding should be taken to fetter the future close working and agreement between local authorities within the HMA obtained through a formal strategic planning process.

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Agenda Item 11.

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