



Scan the code above or visit www.nwleics.gov.uk/meetings for a full copy of the agenda.

Meeting	COMMUNITY SCRUTINY COMMITTEE
Time/Day/Date	6.30 pm on Wednesday, 12 February 2020
Location	Council Chamber, Council Offices, Coalville
Officer to contact	Democratic Services

AGENDA

Item	Pages
1. APOLOGIES FOR ABSENCE	
2. DECLARATION OF INTERESTS	
Under the Code of Conduct members are reminded that in declaring disclosable interests you should make clear the nature of that interest and whether it is pecuniary or non-pecuniary.	
3. PUBLIC QUESTION AND ANSWER SESSION	
To receive questions from members of the public under rule no.10 of the Council Procedure Rules. The procedure rule provides that members of the public may ask any question on any matter in relation to which the Council has powers or duties which affect the District, provided that three clear days' notice in writing has been given to the Head of Legal and Support Services.	
4. MINUTES	
To approve and sign the minutes of the meeting held on 20 November 2019	3 - 8
5. MIDLANDS ENGINE DEVELOPMENT CORPORATION	
Report of the Head of Planning and Infrastructure Presentation from Ken Harrison, Director – Development Corporation Programme	9 - 18
6. REPAIRS AND MAINTENANCE POLICY	
Report of the Head of Housing and Property	19 - 46
7. REVIEW OF DISCRETIONARY RATE RELIEF POLICY	
Report of the Head of Finance	47 - 70

8. ITEMS FOR INCLUSION IN THE FUTURE WORK PROGRAMME

To consider any items to be included in the work programme. The plan of forthcoming Cabinet decisions and the current work programme are attached for information.

71 - 82

Circulation:

Councillor K Merrie MBE (Deputy Chairman)
Councillor D Harrison (Chairman)
Councillor C C Benfield
Councillor A J Bridgen
Councillor T Eynon
Councillor J Geary
Councillor B Harrison-Rushton
Councillor G Hault
Councillor M B Wyatt
Councillor D E J Tebbutt

MINUTES of a meeting of the COMMUNITY SCRUTINY COMMITTEE held in the Council Chamber, Council Offices, Coalville on WEDNESDAY, 20 NOVEMBER 2019

Present: Councillor D Harrison (Chairman)

Councillors K Merrie MBE, C C Benfield, A J Bridgen, T Eynon, J Geary, B Harrison-Rushton, G Hault and D E J Tebbutt

In Attendance: Councillors S Sheahan

Portfolio Holders: Councillors A C Woodman

Officers: Mr J Arnold, Mrs R Wallace, Mr M Fiander, Mrs W May, Mr P Sanders, Mrs M Scott and Ms C Proudfoot

17. APOLOGIES FOR ABSENCE

There were no apologies for absence.

18. DECLARATION OF INTERESTS

Councillor T Eynon declared a non-pecuniary interest in item 5 – 2019 Air Quality Annual Status as a Leicestershire County Councillor.

Councillor D Harrison declared a non-pecuniary interest in item 5 – 2019 Air Quality Annual Status as an associate of Mr W Moore, who was addressing the committee.

19. PUBLIC QUESTION AND ANSWER SESSION

None.

20. MINUTES

Consideration was given to the minutes of the meeting held on 23 October 2019.

It was moved by Councillor J Geary, seconded by Councillor D Tebbutt and

RESOLVED THAT:

The minutes of the meeting held on 23 October 2019 be approved and signed by the Chairman as a correct record.

21. 2019 AIR QUALITY ANNUAL STATUS

Due to the nature of the item, the Chairman reminded Members of the decision making process and that any comments made by the committee would be considered by Cabinet at its meeting in December. He then gave an overview of the format in which the item would be considered and stressed that there was to be no discussion on any related planning matter.

Mr W Moore, a local resident who had some experience in the measurement of air quality, was invited by the Chairman to address the Committee and gave a presentation.

In response to a question from Councillor T Eynon, Mr W Moore reported that the diffusion tubes that were placed around the district only measured NO_x in the air; other

particulate levels were measured by the use of models. He stressed the importance and need for taking scientific measurements for all particulates. Councillor T Eynon expressed concerns that some of the data shown by Mr W Moore indicated that the air quality in some parts of the district was worse than London.

Councillor K Merrie did not believe the example given of particulate levels in an enclosed HGV garage was appropriate, as this would be covered under health and safety legislation due to it being a workplace. He would like to have seen data in relation to outdoor areas, which would be more relevant. He also raised concerns regarding the mortality figures, as the total figures were incorrect.

In response to a question from Councillor C Benfield, Mr W Moore stated that there were 30 measurement points across the district, predominantly in the north of the district with nothing at all in the South, particularly Ashby. Councillor C Benfield expressed concerns that there was a lot of focus on mortality rates and none on the impacts on general health.

Councillor J Geary was disappointed that air quality was not being measured throughout the whole district. He particularly liked the DEFRA website demonstrated by Mr W Moore where you could see the air quality hotspots and asked for the link to be shared with Members. Councillor T Eynon also asked for the link the County Council reports to be circulated.

Councillor A Bridgen commented that as Mr W Moore indicated that North West Leicestershire was the worst performing district in Leicestershire, more consultation should be had with neighbouring authorities to learn what they had in place in relation to air quality.

With the permission of the Chairman, Councillor S Sheahan who was observing the meeting addressed the Committee. He pointed out that that the Cabinet report attached for information stated that the district had the second lowest particulate related deaths in Leicestershire, however Mr W Moore's presentation indicated differently. He asked for clarification. The Chairman reported that mortality rates would be addressed in the presentation from the Leicestershire County Council representative.

Ms J Knight, Public Health Team at Leicestershire County Council gave a presentation to the Committee in relation to a recent study conducted on air quality in Leicestershire. She questioned the accuracy of the mortality data provided by Mr W Moore and drew members attention to the correct data included at slide 12 of the presentation.

In response to a question from Councillor C Benfield, Ms J Knight explained that the exceedance levels referred to in the presentation did not include PM2.5 as it was based on a model rather than actual measurements. In response to a further question, Ms Knight reported that there was some emerging evidence regarding the link between levels of PM2.5 and cognitive function but it was yet to be tested. Councillor C Benfield expressed concerns regarding levels of PM2.5 around school areas due to the link to cognitive function.

Councillor T Eynon raised concerns that the information regarding air quality levels from DEFRA was not being used by officers and that the levels of PM2.5 was not being measured when it was clear it needed to be. Ms J Knight explained that the recent assessment was the first to be undertaken and it was the first time that priorities for the County could be identified. She informed Members that there was a strong network of air quality officers and public health officers across the County who were undertaking excellent work to move things forward. She assured Members that this was only the beginning for this area of work and officers would build on the findings of the assessment.

She confirmed that North West Leicestershire officers were involved in the network and were actively pushing this agenda forward.

At this point Councillor B Harrison-Rushton left the meeting.

In response to a question from Councillor K Merrie, Ms J Knight clarified that in relation to planning applications, she felt health in general needed to be a consideration not the effects of pollutant levels on health.

The Environmental Protection Team Manager and the Street Protection Team Leader gave a presentation to Members.

In response to a question from Councillor T Eynon, The Environmental Protection Team Manager explained that PM2.5 was not currently measured, as there was not a statutory duty to do so. However, monitoring gaps was one of the things being considered collectively with the Public Health Team across the County.

In response to a question from Councillor D Tebbutt, the Environmental Protection Team Manager confirmed that there were action plans in place as that formed part of the statutory duty as a monitoring authority. She added that other authorities were involved in the action plan as well as North West Leicestershire District Council.

In response to a question from Councillor A Bridgen regarding the various timeframes for means testing, and how it was decided, the Environmental Protection Team Manager reported that this was a directive from DEFRA. As it was based on technical calculations, it was agreed for an explanation to be provided to Councillor A Bridgen outside the meeting by the relevant officer.

Councillor J Geary expressed his concerns regarding the health of the public and the consequences should there be a serious incident. The Environmental Protection Team Manager assured Members that there was monitoring equipment in the district and officers were consulted on planning applications, this was to ensure that any emerging problems could be identified.

Councillor S Sheahan referred to the motion that was taken to Council on 27 June 2017 regarding the concerns of air quality and mortality rates in the district. The agreed motion was for officers to engage with Leicestershire County Council and the Director of Public Health to move forward with an Air Quality Action Plan. Councillor S Sheahan questioned what had been done since the motion had been agreed. The Environmental Health Team Manager agreed to provide a full response outside of the meeting.

The Chairman put forward the following recommendations:

Community Scrutiny Committee support the recommendation to cabinet on the air quality annual status report and recommend to cabinet that consideration is given to the need for additional capacity for Air Quality functions of the council including:

- More monitoring to take place in the district;
- More resource to support the Health and Wellbeing Strategy and wider public health issues;
- Additional resource to support the scrutiny of planning applications;
- Further support for carbon neutrality and the Council's commitment to the climate change emergency.

A lengthy discussion ensued in relation to the content of the previous report taken to cabinet, with the overall feeling that some parts were inadequate, as PM2.5 levels were not being measured. In particular, the statement made within the report that there were no new areas exceeding safe levels of particulates, as Members felt it was impossible to say this without physical measurements.

The Environmental Protection Team Manager understood Members concerns regarding the gaps in monitoring but explained that the annual status report was set out in a prescribed format, therefore it could not be changed and the only measurements that were included were those that as a monitoring authority, the council were required to measure.

After further discussion the Environmental Protection Team Manager clarified that, the data within the report was a factual statement for the previous year and therefore reiterated that it could not be changed. However, she offered to include more context within the cabinet report to ease understanding.

Councillor C Benfield requested that the final report to cabinet include a reflective summary in relation to what as an authority we would like to do, what was currently happening and what the aims were for the future, specifically the measurement of PM2.5.

The Environmental Protection Team Manager reiterated that the aim of the report was to fulfil a statutory duty; it was not to form a picture for the future. However, she did believe it would be beneficial to bring a further report to committee identifying the work that was being undertaken in this area, which would include the aspirations for the future. Ms J Knight suggested that Members read the JSNA chapter as referenced in her presentation as this would be a good starting point for discussions.

Members did not feel they could support the recommendation to Cabinet as proposed by the Chairman and therefore amended the wording to 'note the recommendation to cabinet'.

By affirmation of the meeting it was

RESOLVED THAT:

Community Scrutiny Committee note the recommendation to cabinet on the air quality annual status report and recommend to cabinet that consideration is given to the need for additional capacity for Air Quality functions of the council including:

- More monitoring to take place in the district;
- More resource to support the Health and Wellbeing Strategy and wider public health issues;
- Additional resource to support the scrutiny of planning applications;
- Further support for carbon neutrality and the Council's commitment to the climate change emergency.

22. NORTH WEST LEICESTERSHIRE TOURISM STRATEGY

The Cultural Services Team Manager presented the report to Members.

Members were pleased to see the heritage of the district celebrated and felt that the focus on the National Forest was a positive way forward for the future. The need to attract visitors was recognised and the work being undertaken around the lack of accommodation for visitors was welcomed.

Officers were thanked for the excellent report and attendance at the meeting.

23. ITEMS FOR INCLUSION IN THE FUTURE WORK PROGRAMME

A discussion was had regarding the items for future meetings at the previous meeting. The Strategic Director of Place reported that work was ongoing on developing the work programme and Members would receive more information at the next meeting.

Councillor B Harrison-Rushton left the meeting at 7.35pm

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 9.18 pm

This page is intentionally left blank

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

COMMUNITY SCRUTINY COMMITTEE – WEDNESDAY,
12 FEBRUARY 2020

Title of Report	MIDLANDS ENGINE DEVELOPMENT CORPORATION	
Presented by	Cllr Robert Ashman Portfolio Holder for Planning and Infrastructure	
Background Papers	None	Public Report: Yes
Financial Implications	<p>A £100,000 provision has included in the 2020/21 General Fund Revenue budget that is due to be approved by Council at its meeting on 25 February 2020, for the purposes of making a financial contribution to establishing the programme team of the Development Corporation (DC).</p> <p>Financial implications in relation to business rates arising as a result of the DC will be assessed, however, it is not intended that existing rates received by the Council are redirected to the DC.</p>	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	As detailed within the report.	
	Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	As detailed within the report	
	Signed off by the Head of Paid Service: Yes	
Purpose of Report	<p>To update Members on the Development Corporation (DC) programme and seek endorsement to next steps including a statement of intent.</p> <p>Of the three proposed sites for the DC, one is located in North West Leicestershire (East Midlands Airport). The establishment of DC would therefore have an impact on the Council and so it is important that Councillors support the ongoing involvement of the Council in the development of the business case and the DC as the work progresses.</p> <p>If established and supported with the required resources and expertise the DC would attract nationally and internationally significant investment and development into the East Midlands.</p>	

	This would support the developments at East Midlands Airport (EMA) with improvements to connectivity on a scale and at a pace that could not be achieved by the Council or EMA acting alone
Recommendations	<p>IT IS RECOMMENDED THAT SCRUTINY COMMITTEE:</p> <p>A) ENDORSES THE STATEMENT OF INTENT (APPENDIX 1) WHICH HAS BEEN AGREED BY RELEVANT LOCAL AUTHORITY CHIEF EXECUTIVES AND WHICH SETS OUT THE SHARED ASPIRATIONS OF THE LOCAL AUTHORITIES FOR THE DEVELOPMENT CORPORATION PROPOSITION.</p> <p>B) ENDORSES NORTH WEST LEICESTERSHIRE’S PARTICIPATION AND INVOLVEMENT IN THE ESTABLISHMENT OF A SUITABLE INTERIM DELIVERY STRUCTURE CREATED TO UNDERTAKE DEVELOPMENT ACTIVITIES IN ADVANCE OF THE ESTABLISHMENT OF A STATUTORY LOCALLY-LED DEVELOPMENT CORPORATION.</p> <p>C) ENDORSES THE SETTING UP OF A MEMBER WORKING GROUP TO BE REGULARLY CONSULTED ON THE PROGRESS OF THE DEVELOPMENT CORPORATION WORK OVER THE NEXT TWO YEARS, DURING THE PERIOD OF THE INTERIM DELIVERY VEHICLE.</p> <p>D) RECOMMENDS THIS REPORT BE ENDORSED BY CABINET.</p>

1.0 SUPPORTING INFORMATION

- 1.1 In October 2018 Government announced £2m of funding to explore the business case for a locally led development delivery vehicle for the East Midlands. The catalyst for establishing a focussed delivery vehicle was HS2 and proposals for a new hub station at Toton. The East Midlands HS2 Growth Strategy published in September 2017 established the regions ambitions to maximise the opportunity presented by a scale of investment not seen for several generations.
- 1.2 Development corporations have been used successfully since the post-war period to deliver complex and co-ordinated delivery of development and infrastructure at scale. These have included New Town Development Corporations (NTDCs) and Urban Development Corporations (UDCs) for the renewal of former industrial areas such as Canary Wharf in London. More recently other forms of Development Corporation are now emerging, that are locally led, and which can pump prime investment and economic growth in those areas.

- 1.3 The Midlands Engine development corporation programme was asked to consider three geographical areas in the East Midlands including Ratcliffe on Soar Power Station and Toton and Chetwynd Barracks in Nottinghamshire, and East Midlands Airport in Leicestershire.

The Proposition

- 1.4 For the purposes of Government assessment, the development corporation team (comprising paid officers and staff from expert consultancies) are considering a range of different scenarios. The initial analysis indicates that the emerging proposition could deliver:

- 4,500 homes;
- total employment of over 40,000¹ jobs across the three areas, with a net additional 84,000 jobs across the region;
- 1 million tonnes of freight handled at East Midlands Airport per annum;
- A wildway connecting the three areas through the existing blue and green infrastructure;
- £4.8bn GVA growth per annum for the region.

- 1.5 The potential of each site has been considered by the consultant team commissioned by Nottinghamshire County Council on behalf of Midlands Engine and this has generated the numbers stated in paragraph 1.4 above. The propositions are summarised as follows:

Ratcliffe on Soar Power station, privately owned by Uniper UK Ltd

Proposals for employment-led development through a joint university and industry research and demonstrator facility are being drawn up. This would build on the energy-generating heritage of the site and wider region. A range of complementary uses are also being explored, including a new skills centre, energy generation, data storage, and advanced manufacturing. Consideration is also being given to the potential for 'freeport²' status with East Midlands Airport. In total, the emerging proposition highlights the potential to deliver up to 20,000 jobs.

Toton and Chetwynd Barracks

Proposals centre on Toton and Chetwynd Barracks that include a mix of housing and employment, including the potential to deliver around 4,500 homes and up to 6,500 knowledge driven jobs. It will provide a highly connected community. The area will have unrivalled national, regional and local public transport links. The vision of a station in a park with a mixed-use innovation campus connected to the three development locations via a network of blue and green infrastructure, including the River Erewash and the Erewash canal.

East Midlands Airport

East Midlands Airport is a major economic driver for the East Midlands economy. Some 9,500 people are employed at over 100 businesses across the airport site. To the immediate north of the airport lies the 700 acre East Midlands Gateway served by a major

¹ Includes existing and new employment

² Freeports, also known as 'free zones' or 'free trade zones', are a type of special economic zone. They are within a country's physical border but are considered to be outside of the customs border and attract economic benefits.

new rail freight terminal. The gateway will create 7,000 additional jobs on completion. The development proposition will include sustainable growth and acceleration of the freight handling capacity beyond existing growth plans. There is also consideration being given to the potential for 'freeport' status in the area.

- 1.6 Each key site is significantly in excess of 200 hectares and therefore offers a scalable proposition. Together they have the potential to drive a level of co-ordinated investment in the enabling infrastructure not seen for several generations. It is intended that the whole region stands to benefit from this infrastructure; together with the skills, knowledge and capacity offered by a development corporation. These qualities are likely to be transferable to the region and the programme will continue to actively engage with, and consider, how proposals will complement and align with the plans and aspirations of partners across the region including the Local Industrial Strategies of the regions LEP's.
- 1.7 The infrastructure under consideration will include social, environmental and physical infrastructure including transport, digital and utilities. Specific measures will include improved roads and a concerted focus on a comprehensive approach to public transport provision reflecting the findings and recommendations of the East Midlands Gateway Connectivity Study. Delivery will involve close working with Midlands Connect. Ultimately, the proposition will demonstrate the investment case for much needed supporting infrastructure and how it will optimise and accelerate the potential of the area.
- 1.8 The programme of work has a strong focus on inclusive growth. Specifically, the initiative will consider skills and training. It will provide an opportunity to consider integrated approaches working with industry, education and research institutions. This will reflect the on-going restructuring of the economy with continued technological advancement. A hub and spoke (connectivity) approach should help to link areas of higher deprivation to the opportunities here.
- 1.9 Finally, the proposal makes provision to enhance the natural environment by creating a wildway, linking the areas distinctive green infrastructure that connects the three development locations alongside the River Trent; River Erewash; River Soar and the canal network; and Attenborough Nature Reserve which all underscore the areas credentials as an attractive place to live and do business.

Programme Governance

- 1.10 The development corporation programme is a Midlands Engine initiative and brings together a diverse range of partners from across the public and private sectors. The programme is governed by an Oversight Board supported by an Executive Group. The Oversight Board is made up of leaders from the region's upper tier local authorities and directly affected districts (including North West Leicestershire) alongside private sector; business community; central government; LEP's; and university representatives. The Executive Group is a smaller group of executive officers (shared rotating representation with North West Leicestershire District Council, Broxtowe Borough Council and Erewash Borough Council). Both are chaired by Sir John Peace, as chairman of the Midlands Engine.
- 1.11 The business case will set out to Government the preferred option and demonstrate how it meets the criteria for public-sector intervention. It establishes a case for change, a value for money assessment, commercial viability, financial affordability, and a route to delivery.

The detail of some of the key elements is still being developed. The local authority Chief Executives have proposed a statement of intent (Appendix 1) to set out the shared aspirations of the local authorities for the development corporation proposition.

- 1.12 The development corporation programme team is actively engaging local stakeholders to inform the thinking. This includes through the Oversight Board and Executive Group; weekly conference calls with local authority chief executives; active participation in the programme team; regular briefings with LEP's and local authorities; and with other stakeholders.
- 1.13 Work is continuing on an outline business case for the development corporation with a formal submission to Government anticipated for Spring 2020. The initial work has developed a strategic case. It has also critically highlighted the lack of any off-the-shelf model in statute to deliver the regions aspirations for a locally led approach of the kind envisaged. Coincidentally and concurrently in late 2019, the Government undertook a consultation on the effectiveness of the legislation governing development corporations.
- 1.14 The Government consultation is understood to, at least in part, seek views and ideas on whether the current and complex legal framework might inhibit the establishment of certain types of development corporation otherwise attractive to local areas and possible solutions. The Midlands Engine submitted a response to this consultation with the benefits of the learning from the work being undertaken to date in the East Midlands to the effect that there is a need for a new hybrid model. The outcome of the consultation is awaited, and further updates will be provided.
- 1.15 The need for legislative changes to establish this hybrid model of development corporation, means that a statutory development corporation may take some time to come into effect. In the meantime, a non-statutory interim vehicle may be established with the agreement of partners. The arrangements and the team to set up and operate this vehicle will emerge during the coming months, but it will continue to involve all the directly affected local authorities as part of the oversight function. It may require for further funding and resources being sought from partners both in terms of expertise as well as possibly some financial support.

MIPIM 2020

- 1.16 As part of the programme, the Midlands Engine team will be looking to test the emerging proposition for the development corporation with the international investment community. MIPIM (in French, Le Marché International des Professionnels de L'immobilier) is the world's leading property exposition, bringing together the most influential players from across international property and associated investment sectors. Many of the UK's key development projects are showcased here and the regions of the UK are represented as part of profiling and securing investment for their areas. It takes place from 10-13 March.

2.0 STRATEGIC LINKS

- 2.1 While the case for the development corporation is a Midlands Engine initiative, the Council's involvement in the DC or decisions around this theme, link or potentially link with the following strategic aims or policies:

Council Priorities:

- 2.1.1 Support for businesses and helping people into local jobs – match local people with skills and jobs, support new and growing businesses to create jobs and help young people into work.
- 2.1.2 Our communities are safe, healthy and connected – put our customers at the heart of what we do and increase connectivity throughout our communities.

3.0 SUSTAINABILITY / CARBON NEUTRAL

- 3.1 Beyond the economic benefits, the developments will enhance and improve the environment, take account of the need to reduce emissions and achieve net gains in natural capital.

4.0 ALTERNATIVE OPTIONS / OPPORTUNITIES

- 4.1 As part of the business case process two different scenarios (the reference case i.e. the benchmark / comparator position to what the DC would deliver and the proposition, the DC) are being tested to help demonstrate the value that a development corporation could bring; this is standard practice for the assessment of business cases by Government.
- 4.2 The alternative for North West Leicestershire District Council is to not support this proposal. However the DC could continue without the support of local authority partners, although this would be far from ideal. Therefore it is important that the Council continues to be involved so that the Council can play a key role in shaping the DC to ensure the delivery of maximum benefit for North West Leicestershire and the region.

5.0 RISKS AND UNCERTAINTIES

- 5.1 There is a risk that the DC will progress anyway without North West Leicestershire's involvement meaning the Council do not have a seat at the table to shape the vision for the DC its impact on North West Leicestershire and the region.
- 5.2 In addition there are risks that the DC does not get approval or the required level of funding and so it does not progress. This would mean that the Council need to continue to work proactively and closely with EMA and landowners in the area around EMA on future development opportunities.
- 5.3 There are still a number of uncertainties around the exact implications on things such as planning powers and business rates. The statement of intent however is designed to mitigate those concerns in lieu of the detail. As further details emerge however further reports and updates will be provided as required.
- 5.4 During the next proposed phase in the interim non-statutory vehicle, the Council would remain as local planning authority. Beyond this planning powers would be subject to further consideration as part of the establishment of the legal entity.
- 5.5 The initial vision from Government was around maximising the benefit of HS2. If HS2 does not go ahead as currently proposed, there is still benefit in further exploring the development corporation proposition due to the scale of the sites and the resources and expertise required to develop these sites to be nationally and internationally significant.

The Government appears to be committed to the proposition of development corporations and is inviting interest for up to ten new development corporations across the country.

6.0 OTHER CONSIDERATIONS

Financial Implications

- 6.1 The main financial implication of this proposal is the potential loss of future growth business rates to the Council. However, development corporations do not have the powers to collect business rates in the UK and are unable to do so without legislative change. A number of alternative approaches have been used to retain business rates within designated areas which could be considered if there is an appetite to do so. Three such approaches reviewed by the DC consultant team are Enterprise Zones (EZ), Combined Authorities, and Special Economic Areas.
- 6.2 The discussions currently are that it is not intended that existing business rates are redirected from local authorities to the development corporation (as reflected in the statement of intent). There is an opportunity for rates collected above a baseline level, created through business growth, to provide additional funding to both the councils and the DC.
- 6.3 In addition there are potential financial implications in the establishment of the programme team for the DC, both at the interim stage and once established. There may be a request for partners to contribute financially or with staff. This will be considered should any request be forthcoming and be brought to councillors as required. Provision has been made in the forthcoming 2020/21 Council budget for an allocation towards this work.

Legal Implications

- 6.4 It is currently envisaged that a bespoke statutory locally-led Development Corporation will need to be created in order to deliver the Midland Engine objectives. Creation of this model is not currently possible under existing legislation. Therefore, in order to create the DC, changes in legislation will be required and it is envisaged that the timescale for this is around 2 years. In the meantime, it is proposed that there be put in place an interim structure by way of a Company limited by shares in which the shareholders would comprise the relevant local authorities.
- 6.5 Once the necessary legislation is in place for the DC this could impact on statutory responsibilities of the Council in the identified red line area. By being involved in this process councillors and officers from North West Leicestershire are able to review the proposals as they emerge and update councillors as required.

7.0 NEXT STEPS

- 7.1 The DC Project Team will submit the outline business case to Government in Spring 2020. Due to the required legislation changes required to enable the establishment of the type of development corporation being proposed it is unlikely that the formal DC would be in place until 2022 at the earliest.
- 7.2 The Chief Executive and Officers from the Council continue to be engaged in weekly conference calls as well as focussed workshops to help shape the final stages of the

outline business case. In addition the Leader attends the Oversight Board to ensure that the ambitions of North West Leicestershire and partners are reflected.

- 7.3 As outlined the proposal is for an interim structure to be established to ensure that momentum is maintained. It is proposed that this structure would have a board of shareholders made up of local authorities in the areas directly affected by the DC including North West Leicestershire District Council. As further details of this emerge they will be shared with councillors for approval as required.

Policies and other considerations, as appropriate	
Council Priorities:	Insert relevant Council Priorities: <ul style="list-style-type: none"> - Support for businesses and helping people into local jobs - Our communities are safe, healthy and connected
Policy Considerations:	None identified.
Safeguarding:	None identified.
Equalities/Diversity:	None identified at this time.
Customer Impact:	Detailed in appendix 1.
Economic and Social Impact:	Detailed in appendix 1.
Environment and Climate Change:	Detailed in section 3 above.
Consultation/Community Engagement:	The development corporation programme is a Midlands Engine initiative and brings together a diverse range of partners from across the public and private sectors, including relevant Local Authorities. There has been no community/public engagement.
Risks:	Detailed in section 5 above.
Officer Contact	Chris Elston Head of Planning and Infrastructure chris.elston@nwleicestershire.gov.uk

Statement of intent

1. The developments will generate next generation **inclusive and sustainable growth** – high quality jobs, housing and transport, accessible and tailored to meet the needs and aspirations of current and future generations.
2. The focus for the developments is on **next generation innovation**, enterprise, the future of industry, not lower value, but more productive forms of employment.
3. Local people as well as those who come here to live and learn will be equipped with the **skills to benefit from the job opportunities** resulting from the creation of the development corporation.
4. Beyond the economic benefits, the developments will enhance and improve the environment, reduce emissions and **achieve net gains in natural capital**.
5. Partners in the region recognise and support the development corporation as a **regional endeavour with a common purpose** and a commitment to maximise this opportunity for the East Midlands; **the whole being greater than the sum of the parts**.
6. The developments will enhance the region and **add value to the region's economy**, adding to existing strengths in the cities and counties across the East Midlands.
7. The development corporation will be funded by a range of sources and use a range of financial instruments. It is **not intended that existing business rates are redirected** from local authorities to the development corporation. (Further analysis of business rate uplift and associated models will be explored)
8. There will be appropriate mechanisms for **local democratically elected representation to oversee** the work of the development corporation board and its **independent chair**. The Board will be selected through a skills based recruitment process.
9. Lessons learned from the work on the initial 3 sites will be used to help drive further opportunities in other parts of the region, **including additional sites and development corporations** for the East Midlands.

This page is intentionally left blank

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

COMMUNITY SCRUTINY COMMITTEE – WEDNESDAY,
12 FEBRUARY 2020

Title of Report	Housing Repairs and Maintenance Policy	
Presented by	Councillor Roger Bayliss Housing, Property & Customer Services Portfolio Holder	
Background Papers	None	Public Report: Yes
Financial Implications	<p>Whilst these areas have no direct financial implications from adopting the policy, costs occurred by delivering the Repairs and Maintenance Service are covered by existing budgets.</p> <p>Signed off by the Section 151 Officer: Yes</p>	
Legal Implications	<p>While there are changes to the repair sections of the policy, as there are no significant changes to the legal aspect of the policy, there are no change to the legal risks involved.</p> <p>Signed off by the Monitoring Officer: Yes</p>	
Staffing and Corporate Implications	None	Signed off by the Head of Paid Service: Yes
Purpose of Report	The purpose of the report is to allow the Community Scrutiny Committee visibility of the proposed revised Repair and Maintenance Policy.	
Recommendations	TO NOTE THE REVISED HOUSING REPAIRS AND MAINTENANCE POLICY WHICH WILL BE SUBMITTED TO CABINET FOR THE PURPOSE OF ADOPTING THE POLICY.	

1. BACKGROUND

- 1.1 North West Leicestershire District Council Housing Service is committed to ensure tenants homes are well maintained by an efficient and effective Repairs and Maintenance Service.
- 1.2 The Housing Repairs and Maintenance Policy serves to define, in broad terms, the principles that guide the repair and maintenance activities and the service standards that shall be implemented.

- 1.3 The Housing Repairs and Maintenance Policy is amongst the most critical working documents. Over time the policy has been developed to meet the legislative and regulatory requirements, to respond to tenant's needs, and improve satisfaction with the homes they live in.
- 1.4 The policy currently in force was adopted in 2013. There was a review in 2017 with no significant changes arising, so no formal approval was required. It is now due for review to ensure that the content is relevant to the repair activities now being carried out, that delivery standards accord with tenants changing expectations and is consistent with the contents of other linked policies and relevant service documents.
- 1.5 The policy currently in force covers a wide breadth of asset management functions which creates some ambiguity for staff and tenants in respect of the repairs and maintenance obligations and standards. Therefore, this policy has been streamlined for the purpose of providing a clear and concise policy which guides operational decision making and delivery.

2 CONSULTATION

- 2.1 The review of the Housing Repairs and Maintenance Policy has taken in to account feedback recently obtained from tenants during Pop-up events and the 2019 STAR Survey, specifically, in respect of the repairs and maintenance service. Although it was good to see tenants report incremental improvement with the repairs service over the last few years, outcomes of those surveys that highlighted tenants concerns with the service have been incorporated into the review of the policy. For example, the 2019 Star Survey indicated that tenants were least satisfied with the 'time taken before work started' and the 'repair being done right first time.' A repair 'taking too long' was also raised during the Community Pop-up events.
- 2.2 The Pop-up events also identified that some tenants felt our communication during the repair process was not as good as they wished it to be and there was inconsistent quality of repairs.
- 2.3 The following groups have been directly consulted, specifically in relation to the relevancy and content of the policy currently in force:
 - Landlord Services Working Group
 - In-House Repairs Team
 - Asset Management
 - Asset Management Service Support
 - Housing Management
- 2.4 The Landlords Services Working Group met on a number of occasions to provide comments and concerns regarding the existing policy. A smaller task and finish group was organised to develop and consider amendments to the concerns raised by the tenants that sit on that group and to review and refresh the landlord and tenant repair responsibilities.
- 2.5 Concerns raised by the tenant members of the Landlord Services Working Group included:

- the time it takes to start a repair from the date the repair was reported (including inspections to ascertain the work required); and
 - a lack of communication of the proposed repair date when the work had been identified.
- 2.6 Colleagues across Housing Services worked together to review the current policy. Issues that were important to them included:
- Empty Homes and the Lettable Standard were not included or referenced in the current policy.
 - Instances of 'No Access' required strengthening in the policy.
 - Providing clarity in respect of the repair responsibilities, especially for the tenant.
- 2.7 Amendments have been made to the policy to address the issues raised by tenants and staff.
- 2.8 Housing Services Senior Team Managers, including the Commercial Services Team Manager responsible for delivering the repairs service in accordance with the policy, have contributed to and agreed to the principles and contents of this revised policy.

3 HIGHLIGHTS FROM THE POLICY REVIEW

- 3.1 Over several years of policy iterations, the Housing Repairs and Maintenance Policy has evolved into a blend of; a policy document, Asset Management Strategy, a process guide and a tenant information document. The revised policy has been stripped back to broader principles to enhance clarity but in sufficient detail to still provide sufficient direction and guidance to operationally deliver the service.
- 3.2 Where relevant policies, strategies or specific documents contain more detail, these have been identified and referred to in the revised policy rather than duplicate them in a substantial part or in full.
- 3.3 To help organise repairs efficiently, respond to customer needs and fulfil our legal and regulatory repairing obligations, repairs are organised by priority groupings. The current repair priorities have changed following consultation with the Landlords Services Working Group as follows:
- 3.3.1 **High Priority** – This priority combines the previous 'Emergency Repair' priority with repairs that fall under the 'Right to Repair' scheme (a regulatory obligation). Whilst emergency work will continue to be at least made safe within 24 hrs of the request, this priority reduces the maximum time that repairs under the Right to Repair will be completed from 7 working days to 3 working days. Feedback from tenants was that the word 'emergency' could make the tenant feel unsafe. It has therefore been removed.
- 3.3.2 **Tenants Choice** – This priority replaces the previous 'Urgent' and 'Routine' priority, whereby, depending on the work required the target for completion was a maximum of 20 working days. The new priority allows the tenant to choose an available appointment date, and time slot, that is convenient for them and not be constrained by an arbitrary minimum or maximum date range.

3.3.3 Scheduled Repairs – This priority replaces the current ‘Minor Works’ priority. This priority enables more complex and similar repairs to be batched and planned. More complex or batched repairs require trades to be sequenced, ordering of plant, equipment and/or materials in advance of work starting and when some degree of specialist contractors are required. The new arrangements will mean that contact will be made with the tenant to appoint the repair within 20 working days of the repair request. This wasn’t defined in the policy currently in force. All work will be completed within 60 working days which is similar to the current ‘Minor Works’ timeframe. An inspection timeframe of no more than 10 working days, from the date that scheduled works have been identified, has been introduced; details regarding Repairs Inspections generally, have been added as a new section in the policy. All of the above have been introduced in response to tenants concerns regarding a lack of communication and lack of surety about the date a bigger or more complex repair might start.

3.4 The policy currently in force provides some detail regarding planned investment programs and Landlords Health and Safety Compliance obligations. As housing investment programs, such as cyclical and planned work are steered by the Asset Management Strategy, such work has been referenced in the revised policy but the detail has been removed. Those details will be developed and contained in the Housing Asset Management Strategy when it is reviewed during 2020. Similarly, as Landlords Health and Safety Compliance has become more onerous, these areas also need working up into separate policies under the Asset Management Strategy umbrella. These will also be developed in 2020. As such the revised Housing Repairs and Maintenance policy makes reference to the Landlords Health and Safety obligations rather than the detail.

3.5 Amendments to parts of the current policy and the adding of new sections during the review have been undertaken to ensure, as far as possible, symmetry with linked policies or published documents such as the Repairs Handbook. The sections that have been enhanced or added include:

3.5.1 Compensation

A summary of NWLDC Compensation policy in relation to the Repairs and Maintenance Service has been added into the revised policy as the information in the current policy was sparse. The revision provides guidance to tenants and operational clarity to decide the outcome of a claim in respect of failure of repairs that are our responsibility and any failures in standards of service delivery. This new section also provides managers within the service discretion to offer a payment for a failure that has affected more than one tenant without all tenants having to make individual claims.

3.5.2 Undertaking work on behalf of the tenant

This section appeared in the Repairs Handbook but had not been included in the policy currently in force. By bringing this into the new policy we are guiding staff to promote that service as part of the growth in the Housing Commercial Services activities. This new section notes that this will not be a subsidised service as all allowable charges will be made for undertaking work. This service will only be offered if there is sufficient capacity to complete the work within the agreed timeframe. We hope this supplementary service will add to tenant satisfaction and

potentially lead to growth opportunities to expand that offer to other residents, private landlords or businesses.

3.5.3 Empty Homes and the Lettable Standard

This is a new section which sets the broad parameters of undertaking work when one tenancy ends and before the next one starts. Due allowance has been made of circumstances that requires some work to be delayed until after the tenant has moved in. This can occur when a tenant needs to move in quickly. The 'Lettable Standard' is not referenced in the previous policy and has been added to the revision. This is an important standard that provides a guide to staff and new tenants.

3.5.4 Recharges

A separate section on recharges has been added into the revised policy as previously recharges were interlaced into parts of the policy currently in force. Greater clarity is provided regarding the reasons why tenants may be recharged, how the recharge is costed and explains why the service may decline to undertake a rechargeable repair. Reference is made to the Rechargeable Works Policy which is due to be reviewed in 2020. Consideration of the review of that policy has been taken when drafting the new section in the revised Housing Repairs and Maintenance Policy.

3.5.5 No Access

Whilst the policy currently in force referred to the need for a tenant to provide access in the tenant responsibilities section, it did not provide direction for staff in relation to actions required to resolve issues of repeated no access, including, where appropriate and as a last resort, the use of legal action. This new section provides clarity for operational and administrative support staff as well as outlining the responsibility placed on the tenant to provide access.

3.5.6 Cancelled and Missed Appointments by the tenant

Cancelled and missed appointments were not referred to in the policy currently in force. Whilst the arrangements for, and consequences of cancelled and missed appointments are contained within the Rechargeable Works Policy this section is included in this revised policy to direct staff to recover costs when these circumstances arise.

- 3.6 The introduction and contents of the above sections aims to provide greater clarity for the staff working in the service to make operational decisions efficiently and consistently. This in turn provides greater transparency and understanding for tenants of the standards and activities the repairs and maintenance service will deliver.
- 3.7 The landlord and tenants repair responsibilities have been drafted in conjunction with the Landlord Services Working Group and Housing Services staff. For the purposes of this report the indicative list is provided to help understand the importance of clearly identifying the separate responsibilities – **Appendix B & C**
- 3.8 The 'Lettable Standard' has been drafted in consultation with the Landlords Services Working Group and staff involved in the process of turning around empty homes.

The draft revised standard will be worked up in to an easy to read guide and checklist for staff and new tenants – **Appendix D**

4 NEXT STEPS

- 4.1 Following consideration of any comments raised by the Community Scrutiny Committee the proposed Housing Repairs and Maintenance Policy will be submitted for consideration by Cabinet on the 3rd March 2020. The recommendation to the Cabinet will be to adopt the proposed Housing Repair and Maintenance Policy.
- 4.2 Once this policy is adopted, some amendments will be required to existing linked policies. To avoid disrupting any existing policy review timeframes already scheduled for 2020, it is expected that policies requiring amendment will all be completed by the end of the calendar year.
- 4.3 Should the policy be approved at the Cabinet meeting on 3rd March, the amended repairs priorities can be incorporated into the build of the new QL housing software system that is due to go live June 2020. A more costly and disruptive work around will be required if approval of the policy is delayed.
- 4.4 Work to incorporate the details flowing from the revised policy in to a relaunch of the Repairs Handbook will be completed once the policy has been approved.
- 4.5 Communications with staff and tenants of the revised adopted policy will be undertaken using a variety of media. Where hardcopies are required to be issued, to minimise costs, best use will be made of scheduled mailshots of other pieces of information or literature, such as Intouch.

Policies and other considerations, as appropriate	
Council Priorities:	<ul style="list-style-type: none"> - Local people live in high quality, affordable homes - Our communities are safe, healthy and connected
Policy Considerations:	<p>The policy was partially reviewed in 2017 but no formal changes were made. This review is based on the 2013 Housing Repairs and Maintenance Policy. Consideration has been taken of the current repair and maintenance activities and any that are on the horizon prior to the next review, including potential growth. The policy review has taken into account changing tenant demands and expectations of the Repair and Maintenance Service.</p> <p>The following polices have been considered as part of the review:-</p> <p style="text-align: center;">Rechargeable Works Policy Housing Compensation Policy</p>

	<p>Corporate Complaints Procedure Health and Safety Policy</p> <p>The Repairs Handbook has also been considered as part of the review.</p>
Safeguarding:	No direct safeguarding impacts, as the operational processes for safeguarding are not affected by the revised policy.
Equalities/Diversity:	As part of the process an Equalities Impact Assessment was undertaken. This identified no negative impacts and two positive impacts; in relation to age and disability.
Customer Impact:	Provides enhanced clarity in regards to the tenants repair responsibilities and obligations the repair and maintenance service they can expect from the Housing Commercial Services Team.
Economic and Social Impact:	No direct impacts in relation to the adoption of the revised policy. However, by providing high quality homes, this improves the tenant's social environment and promotes sustainable tenancies.
Environment and Climate Change:	No direct impacts in relation to the adoption of the revised policy. The review has been mindful of the Climate Emergency declared by this Council during this review. Whilst there is limited consequence of Climate Emergency on the contents of this policy, the operational delivery of the service actively engages with the need to reduce the use of carbon through a variety of ways including material or appliance choice, use of packaging by suppliers and the fleet required to run the service.
Consultation/Community Engagement:	The revised policy has been developed based on feedback received through surveys in 2019 directly from tenants and staff.
Risks:	The revision has focused the policy on the Repair and Maintenance activities and legislative and regulatory obligations of providing that service. As such, risks from uncertainty or ambiguity have been reduced. Risks relating to Landlord Health and Safety Compliance have been identified and the development of specific policies to cover those areas in 2020, under the Asset Management Strategy, have been set out in this policy. The policy review has had due regard of Health and Safety during the review and no specific risks have been identified.
Officer Contact	<p>Head of Housing and Property Tel: 01530 454780 chris.lambert@nwleicestershire.gov.uk</p>

HOUSING REPAIRS AND MAINTENANCE POLICY			
Area	: Housing Service		
Department	: Housing Commercial Services		
Subject	: Housing Repairs and Maintenance Policy		
Procedure Ref:		Owner:	Housing Commercial Services Manager
Date approved:		Effective date:	

Please state what policies and strategies (if any) this policy is linked to (a list of policies and procedures can be found at [policies and strategies](#))

linked to

- Tenancy Agreement
- Compensation Policy
- Rechargeable Works Policy
- Complaints Policy
- Health and Safety Policy
- Equality Impact Assessment relating to the Repairs and Maintenance Policy.

Version	Date	Details of amendment	Creator/ amender	Approved by	Next review due
1					
2					
3					
4					

Copies of this document are available upon request and can be obtained in large print or translated into other languages, if required.

HOUSING REPAIRS AND MAINTENANCE POLICY

Contents

1. Reasons for Policy	3
2. Legislative Context	3
3. Objectives of the Policy	3
4. Definitions	3
5. Responsible Party	4
6. Landlord and Tenant Repair Responsibility	4
7. Permissions for tenants to make property alterations	6
8. Repair Priorities	6
9. Reporting Repairs	7
10. No Access	7
11. Recharges	8
12. Compensation	8
13. Empty Homes	9
14. Cyclical and Planned Maintenance and Landlords Health & Safety	9
15. Compliments and Complaints	10
16. Equality and Diversity	10
17. Implementation and Monitoring	10
18. Key Performance Indicators	11
19. Service Standards	11
20. Right to Review	11

1. Reasons for Policy

- 1.1 This policy sets out how the Council will meet its legal and regulatory duties as a landlord in respect of repairing and maintaining its Council housing stock; all as part of a wider Asset Management Strategy. This policy should therefore be read in conjunction with the Asset Management Strategy (due to be revised in 2020) and other policies and documents referred to in this policy.
- 1.2 The policy also provides the broad parameters to deliver an excellent repairs and maintenance service that enables people to live in well maintained, warm and safe homes.

2. Legislative Context

- 2.1 This policy is governed by a large number of regulations and statutory law. They set out the duties that need to be undertaken to provide a repairs and maintenance service. They include (but not limited to):

Construction, Design Management 2015 (as amended)
Section 11 of the Landlord and Tenant Act 1985
Public Health Act 1963
Housing Act 1985
Home Standard 2015
Environmental Protection Act 1990
Equality Act 2010
Human Rights Act 1998
Commonhold and Leasehold Reform Act 2002
Secure Tenants of Local Housing Authorities Regulations
Gas Safety (Installation and Use) Regulations 1998
Fire Reform Regulations 2005
Guidance specifically the Regulatory Reform (Fire Safety) Order 2005
The Control of Asbestos Regulations 2012 (as amended)
Health and Safety at Work Act 1974
The Management of Health and Safety at Work Regulations 1999
Control of Substances Hazardous to Health Regulations 2002 (as amended)
Water Supply (Water Fittings) Regulations 2018 (as amended)

3. Objectives of the Policy

- 3.1 The objectives of this policy is to enable an efficient and effective repairs service that maintains the properties we let as a decent place to live. To achieve this, we will: -
 - Be clear about the repair and maintenance responsibilities for the Landlord and the Tenant.
 - Enable repairs to be reported in a number of ways.
 - Organise repair priorities that balances operational needs and tenants' requirements; aiming to deliver a right first-time approach that achieves good value for money.
 - Deliver a consistent and equitable service to our tenants.
 - Make best use of performance information to continually improve the service.
 - Ensure that the health and safety of all concerned are at the forefront of what we do.

4. Definitions

Decent – The Decent Homes Standard from the Ministry of Housing, Communities and Local Government provides the minimum standard of housing conditions that all our housing must

meet. The standard focuses on the condition of external structural components such as roofs, chimneys, windows, and doors, and internal fixtures such as kitchens, bathrooms, and central heating systems, ensuring all of these components are kept 'decent'.

EIA – this stands for Equalities Impact Assessment. EIA's are used by the Council to examine our services and policies to see whether they have the potential to affect people differently. The main purpose is to identify and address existing or potential inequalities resulting from policy and practice development to ensure there is no negative affect on a particular group.

Improvement works – is the term used for works carried out on the property where a key component is replaced i.e. a new kitchen, bathroom, roof etc

Lettable Standard – is the standard that a property will meet before the start of each new tenancy.

Recharges – is the costs that may be charged to the responsible tenant due to repairing damage or neglect to our properties, in accordance with the Rechargeable Works Policy.

Repairs Handbook – is a guide to help tenants understand their repair and maintenance responsibilities and helps them to report repairs.

Responsive Repairs - are defined as work requested by the tenant to existing elements of their property. These are considered as day to day repairs and do not include: -

- Planned cyclic maintenance, e.g. lift maintenance, electrical testing or cyclical painting.
- Planned capital work, e.g. external painting, guttering, paving and fencing
- Planned property improvements e.g. such as new kitchens and bathrooms
- Empty homes / Void property work
- Aids and Adaptation work
- Landlord health and safety compliance such as gas servicing,

Right First Time – is the term used for responsive repairs that have been completed on the first visit to undertake a repair. The Right First Time definition is periodically reviewed and agreed with the appropriate tenant groups.

5. Responsible Party

- 5.1 The Commercial Services Team Manager is responsible for the operational delivery of services in accordance with this policy.

6. Landlord and Tenant Repair Responsibilities

6.1 Landlord Repair Responsibilities

The Council are responsible for the repairs and maintenance of the main structure and common parts of the building. We will:

- a) Keep the following in good repair and repair any damage that has not been caused by the tenant, anyone living at the property or visitors to the property.
- The structure and exterior of the building including roofs, chimneys, external windows and doors, built in garages.

- Drains, external pipes and guttering.
- Sewers, which are not the responsibility of another person or body.
- Paths, steps or other access routes that connect the front of the property to the front door and the front door to the back door.
- Sanitary fittings in the property, such as baths, basins and WC's.
- Heating and hot water.
- Communal areas including entrance halls and stairways.

b) Maintain any installation provided by the Council for water and space heating and for supplying water, gas and electricity (excluding meters). The Council will also arrange for gas and solid fuel appliances owned by the tenant to be serviced annually. The Council will make all reasonable efforts to enable access to carry out the work.

6.2 Right to Repair

The Council will meet its legal requirement under the Right to Repair. The relevant statutory timescales are set out in that scheme and included in the Repair Handbook.

6.3 Leasehold Properties

The Landlords repairing responsibilities for leasehold properties are detailed in each individual lease.

6.4 Tenant Repair Responsibilities

Tenants are to comply with all conditions laid out in section 6 of the Tenancy Agreement, relating to repairs and maintenance. Tenants repair responsibilities are provided in more detail in the Repairs Handbook.

It is the tenants responsibility to report repairs promptly, to avoid causing further damage to the property or risk of injury to tenants or others. Failure to report repairs may be considered neglect of the property and is a breach of the Tenancy Agreement.

Tenants are responsible for: -

- Providing access to the property in accordance with section 5 of the Tenancy Agreement.
- Repairing and maintaining any alterations or improvements which they have carried out to the property following approval from the Council.
- Repairing any damage to any part of the property caused by the deliberate or careless actions or omissions of the tenant, anyone living at the property or visitors to the property.
- Keeping the property in good internal decorative order, including making good any internal decoration affected by home improvement works or repairs.
- Anything installed or fitted by the previous tenant following a mutual exchange.

6.5 Undertaking work on behalf of the tenant

A tenant may ask the Council to undertake small repairs for which the tenant is responsible, for example internal decoration.

A request will only be considered subject to:

- the tenant not being in breach of any relevant part of their Tenancy Agreement.
- the tenant not having any outstanding recharges.
- the availability of our In-House Repairs Team (or sub-contractors) to undertake the work within the tenant's timescale.

- prior agreement to the cost by the tenant.

As this is not a subsidised service the cost agreed will cover all costs the Council is permitted to charge.

7. Permission for tenants to make property alterations

- 7.1 A tenant may make alterations to their home providing they have obtain permission from the Council prior to works taking place. Permission may contain conditions that the tenant is required to comply with to ensure that the work is completed to an acceptable standard and in accordance with all relevant regulations and other necessary consents, such as obtaining planning permission.
- 7.2 A condition of any permission may also require the tenant to remove any permitted alteration where it has failed to meet the required standard, where the alteration has deteriorated beyond economic repair, and reinstate the property as if the alteration had not taken place. This may occur at any time during or at the end of a tenancy.
- 7.3 The Council will not withhold permission without due cause but reserves the right to refuse a request to make an alteration.
- 7.4 Depending on the nature of the work the Council may inspect the work during and/or on completion. Minor work, such as replacing taps, will not be inspected.
- 7.5 Tenants are responsible for the repair and maintenance of the alteration during the tenancy.
- 7.6 In accordance with the Housing Service Compensation Policy when a tenant leaves their home, under “The Secure Tenants of Local Authorities (Compensation for Improvements) Regulations 1994”, compensation for improvements they have made can be paid, upon request. The value of the compensation is determined through an assessment process laid down in the regulations.

8. Repair Priorities

- 8.1 Repair priorities will cover all of the landlord’s repair responsibilities including statutory repairing obligations. Repairs priorities are defined as:

8.1.1 High Priority

These are repairs where there is a potential to cause significant risk to the tenant or the property. A ‘High Priority’ repair includes emergencies that cause total loss of power (excluding power cuts), total loss of water caused by a problem at the property, leaking pipes and/or appliances, blocked toilets and soil pipes, repairs to keep a property secure and those that fall under the Right to Repair Scheme. Depending on the type of repair, work will be completed within 1 to 3 days. The timeframe for each type of High Priority repair is listed in the Repairs Handbook.

8.1.2 Tenants Choice

Where a repair is not high priority but requires completing relatively quickly, an appointment will be made from a range of available dates that suits the availability of the tenant. A ‘Tenants Choice’ repair includes those that are needed to ensure the property and the tenant remain safe, warm and

dry and/or prevents a repair becoming larger or causing associated damage. The timeframe to complete this type of repair will be determined by the appointment date selected by the tenant.

8.1.3 Scheduled Repairs

Scheduled Repairs are those that fall outside of the 'High Priority' or 'Tenant Choice' category. They are generally larger scale repairs or replacements which can often be grouped together to create more economic programs of work. Examples of work that fall under this category is listed in the Repairs Handbook.

The start date for the work will be agreed with the tenant within 20 working days from receipt of the repair request. The work will be completed in no more than 60 working days from receiving the repair request.

8.2 Repair Inspection

The majority of repair requests are raised based on the information obtained during a telephone call with the tenant. It is not always possible to fully diagnose or determine the work required from the information provided during the repair call. When there is a requirement to measure, scope or inspect work, where it is convenient for the tenant a repair inspection appointment will be agreed and booked with the tenant to be carried out within 10 working days of the tenant request. When the work has been fully diagnosed the priority for the work will be agreed.

9. Reporting Repairs

9.1 Reporting Repairs during office hours.

The Council offers a range of ways for reporting repairs, including emergency repairs. Tenants are able to report repairs by telephone, or in person, during office hours, by email, or in writing. A new Housing (including Repairs) system is planned to go live shortly after the effective date of this policy. That system will increasingly enable tenants to report repairs online via a tenant's portal without the need to wait for office hours.

9.2 Reporting Emergency repairs outside of normal office hours.

Tenants are able to report emergency work to the Councils out of hours helpline by telephone or by emailing the Councils central control desk. These are repairs where there is a potential to cause significant risk to the tenant or property that cannot wait until the next working day. As described in paragraph 8.2, above, developments in online tenant portals in the future will also extend to reporting emergency repairs.

10. No Access

10.1 If the tenant fails to provide access for a pre-arranged appointment, a missed appointment card will be left at the address, requesting the tenant rearrange the appointment within 7 days. If contact is not made a further attempt to communicate, by the tenants preferred contact method, will be made.

10.2 The repair or inspection will be cancelled after 7 days of the second communication, if the tenant has not rearranged the appointment. If the tenant makes contact after this time the repair, or inspection, will be treated as a new request.

- 10.3 In the case of an appointment to undertake a Landlords Health and Safety check, such as to the gas installation, the service will liaise with Housing Management to use all avenues available, including the use of legal action, to gain access and complete the check.

11. Recharges

11.1 Rechargeable Work

All repairs that are caused by damage whether intentional, accidentally or as a result of negligence will be recharged to the tenant in accordance with the Rechargeable Works policy.

Tenants can be charged for the following reasons: -

- Repairing any damage caused to the property, garden or communal area
- Replacement of fixtures and fittings that are beyond repair
- Reporting Emergency Repairs that are not an emergency
- All associated costs incurred as a breach of Tenancy Agreement conditions
- All associated costs incurred as a result of neglecting the upkeep of a garden
- Where the removal of rubbish, goods and belongings is required to clear a property left behind by the former tenant. The cost of storing former tenants' belongings will be made in accordance with the relevant policy.
- An additional call out charge will be added for out of hours call outs where the repair is rechargeable

All costs associated with the repair will be recharged including an administration fee and vat.

Where there are outstanding charges or other breaches related to the tenancy agreement the right is reserved not to attend to subsequent chargeable repairs.

11.2 Cancelled and Missed Appointments by the Tenant

Costs associated to missed appointments negatively impacts on the Councils funds. Where appropriate, missed appointments may result in a recharge to recover any costs incurred by a missed appointment / late cancellation where that is allowed for in line with the Rechargeable Works Policy.

12. Compensation

12.1 The Housing Service Compensation Policy describes when there has been a failure in the delivery of Housing Services which has resulted in inconvenience to a tenant, or when a proven complaint, which has been investigated under the Council complaints procedure, is serious enough to require the payment of compensation.

12.2 Compensation is considered to be a remedy for inconvenience or distress caused by a service failure, and claims will be considered on a case-by-case basis.

12.3 Compensation payments will be considered where:

- There has been a failure in standards of service delivery.

- Where NWLDC has failed in its repairing obligations as a landlord, or has failed to meet a repairs deadline as specified below.
- There has been loss or damage to persons, or personal property where liability is not in dispute.

12.4 Compensation relating to the repairs service that may become due includes: -

- a missed appointment, without prior notice, by Council staff or one of its contractors.
- use of electricity required to dry out a property where there has been water damage.
- not completing a repair within the specified timescale.
- loss of heating or hot water that continues after 24 hours.

12.5 Compensation will only be paid if requested by the tenant and the failure is the fault of the service.

12.6 Managers of the service have discretion to pay compensation to tenants that have not requested compensation. This will be when an incidence of service failure has affected more than one tenant, such as the loss of heating and/or hot water, which serves or affects more than one property.

13. Empty Homes

13.1 When a tenancy ends, work is undertaken to bring the property up to the Empty Homes Lettable Standard prior to the next tenant moving in. This is to ensure that the property is safe, secure, clean and in a good state of repair. The work will be carried out as efficiently as possible to reduce the time that incoming tenants are waiting to move into their new home and to minimise any rent loss between tenancies. Therefore, occasionally, it may be practical to postpone some repairs or improvements until the new tenant has moved in. This will be discussed and agreed with the incoming tenant.

13.2 The Lettable Standard is reviewed with the appropriate tenant groups and staff from across the Housing Service.

13.3 The Lettable Standard will be reviewed every 3 years or when changes to legislative, regulatory or operational need requires an intermediate review.

14. Cyclical and Planned Maintenance and Landlords Health and Safety

14.1 The Councils cyclical, planned maintenance and Landlords Health and Safety obligations are covered by the Asset Management Strategy and, as such, are not included in this policy. These include but not limited to: -

- Cyclical Painting and Decoration
- Asbestos Management Plan
- Aids and Adaptations
- Gas Safety and Servicing
- Water Testing and Treatment
- Electrical Safety Testing
- Housing Stock Investment, including home improvements
- Estates Improvements

14.2 Adapted properties

Where properties have been adapted, the adaptation will be maintained and replaced, when required, providing that the adaption is still needed.

15. Compliments and Complaints

15.1 Tenants views are actively encouraged, and all tenants have the opportunity to provide feedback regarding the service they have received.

15.2 All complaints received in respect of the service covered by this policy will be determined whether they are a compliant or a request of service.

15.3 Complaints will be dealt with in accordance to the Council Complaints Policy.

15.4 Both compliments and complaints have equal merit to help improve the services we deliver and identify good working practices to share with others.

15.5 Compliments and complaints information is collected by colleagues that are not directly involved in the repairs service.

16. Equality and Diversity

16.1 We aim to ensure that our policies and procedures are fair and transparent; and that we work towards achieving balanced and sustainable communities in accordance with our equality and diversity goals.

16.2 This policy has been subject to the Council's Equalities Impact Assessment (EIA) screening matrix and no negative impacts have been identified; two areas showed positive impacts for age and disability.

16.3 We aim to work with other stakeholders both internal and external to ensure the needs, requirements and circumstances of each tenant are considered, this includes any identified health or mobility issues.

17. Implementation and Monitoring

17.1 The Strategic Director is responsible for implementing and monitoring of this policy.

17.2 This Policy will be reviewed every 3 years (from the date approved), to ensure its continuous suitability, adequacy and effectiveness. An intermediate review may be required by the introduction of new legislation, regulatory or operational changes.

17.3 The relevant working group(s) have been consulted in the development of this policy and will be consulted with for all future changes or revisions.

17.4 Managers of the Repair and Maintenance Service are responsible for making sure that all relevant employees are aware of the contents and responsibilities of this policy.

18. Key Performance Indicators

- 18.1 The Council is committed to ensure that its repairs and maintenance services are delivered to a high standard and they produce high levels of customer satisfaction.
- 18.2 Performance will be periodically bench marked against similar organisations against a range of appropriate key performance indicators.
- 18.3 The performance and delivery of the service is monitored and reported through reporting structures.
- 18.4 The performance of the In-House Repairs Team Trades Staff is also measured under a Pay and Productivity Agreement. These measures include: -
- The operative's contribution to turnover generated against targets
 - How the repairs operatives deliver the Council Values.
 - How the operatives deliver a positive image of the service.
 - The effective and appropriate use of plant, equipment and materials, including stock.
 - Quality of work
- 18.5 Quality of work will be determined through inspections by the supervisory line managers. Those inspections will include inspections during and on completion of work, at a frequency suitable to the work type and value. Value for money assessments are completed after each repair by operational reviews which assess the use of resources and the overall cost of a repair.
- 18.6 All key performance indicators will be reviewed annually and agreed prior to the start of each financial year. To ensure consistency, once set, the changing of measures will not be made during a financial year without good reason.

19. Service Standards

- 19.1 Service Standards relating to this policy are provided in the Repairs Handbook. These will be reviewed every 3 years unless there are operational or legislative changes which may prompt an intermediate review.

20. Right to Review

- 20.1 Tenants may request access to information relevant to repairs under the Freedom of Information act.
- 20.2 Tenants are entitled to challenge decisions made under this policy using the Complaints and Members / MP enquiry process.

This page is intentionally left blank

Landlord Repair Responsibilities – indicative list for the proposed Repairs Handbook

The Landlord is responsible for the repairs and maintenance of the main structure and common parts of the building. We will:

- a) Keep the following in good repair and repair any damage that has not been caused by the tenant, anyone living at the property or visitors to the property;
 - The structure and exterior of the building including foundations, ventilation, roofs, chimneys, soffits, fascias, external doors, windows and associated fittings, integral garages;
 - Drains, external pipes and guttering;
 - Sewers, which are not the responsibility of another person or body;
 - Paths, steps or other access routes that connect the front of the property to the front door and the front door to the back door;
 - Sanitary fittings in the property, such as baths, basins, including taps and WC's;
 - Communal areas including entrance halls and stairways;
 - Where applicable, gas cooker connection point;
 - Extractor fans, fire alarms and CO detectors supplied by NWLDC;
 - Electrical fires, surrounds and hearths, solid fuel appliances supplied by NWLDC;
 - Floor boards / floor panels (not laminate flooring) included where they are affected by woodworm;
 - External meter cupboards;
 - Stairs, banisters and handrails;
 - Fences, gates, garden walls fitted by NWLDC;
 - Concrete washing line posts, if erected at the time of a new tenancy;
 - Outbuildings;
 - Aids and Adaptations installed by NWLDC, including external ramps and hard-standings;
 - External render and major plaster replacement affected by damp or perished;
 - Kitchen cupboards and worktops for fair wear and tear;
 - Wall tiling / aqua board installed by NWLDC;
 - Loft Insulation;
- b) Maintain any installation and associated fitting provided by the Landlord for water and space heating and for supplying water, gas and electricity serving the property from and excluding the suppliers pipework, wiring, meters or stop taps. The Landlord will also arrange for gas and solid fuel appliances owned by the tenant to be checked for safety and serviced, at least annually.
- c) All elements that NWLDC provided to supply the property with electric such as wiring, consumer unit, sockets, switches, light pendants, cooker connection point and storage heaters. This does not include fittings that have been installed by the tenant with written permission from the Council.
- d) Repair damage to the property following an infestation of pests.
- e) Garages owned and leased by the Landlord, outside the curtilage of any domestic property
- f) In respect of Sheltered Schemes we will also maintain
 - appliances supplied by the Landlord in communal areas;
 - communal areas;
 - door entry systems, lifts, fire alarms and emergency lighting.
 - communal TV systems up to the TV aerial point within each property;

- External drying areas and appliances provided by the Landlord for washing and drying clothes;
- External decoration and internal decoration of the communal areas;

Housing Repairs and Maintenance Policy - APPENDIX B

Tenants Repair Responsibilities – indicative list for the proposed Repairs Handbook

The tenant is responsible for the following:

- Replacement plug(s) and chain(s) on any sink, bath or basin
- Replacement shower curtains
- Replacement Toilet Seats
- All work required to gain access when locked out of any lock
- Washing lines / Rotary air dryers except those provided by the Landlord in communal areas
- Keeping the garden tidy and maintained
- Sheds and none permanent structures installed by the tenant
- Small cracks and holes in plasterwork
- Internal doors and associated ironmongery
- Any adjustments to Kitchen base units and wall cupboards
- Skirting boards, picture rails, architrave and battens
- Dustbins – these are provided by NWLDC Waste Services
- Carpets and other flooring finishes excluding the bathroom and kitchen and those in communal areas
- Damage caused by infestations of pests that could have been prevented by the tenant
- 'Key safes' not provided by the Landlord
- Replacement and additional keys or fobs for any lock or entry system
- Replacement of fluorescent tubes and starters and light bulbs of any type apart from bulbs in sealed fittings
- The effects of mould and condensation that isn't caused by a defect that is the Landlords responsibility
- Cost of clearing blockages from toilets, wastes, gulleys and drains that are not caused by wear and tear of the drainage system or the responsibility of the Water Authority
- Damage to Landlords fittings or appliances caused by frost
- Internal decoration other than to communal areas
- Bleeding any radiator that are air locked
- TV Aerials, TV provided by cable and satellite dishes other than communal systems
- Domestic appliances unless provided by the Landlord
- Monthly smoke & CO detector test
- Power failure due to the tenants faulty electrical items and including resetting or replacing fuses
- Obtaining and maintaining gas and electricity supplies
- Telephone line and points after the initial installation
- Solid fuel tools

This page is intentionally left blank

Housing Repairs and Maintenance Policy – Appendix D

Lettable Standard

The purpose of this document is to ensure that a consistent, minimum lettable standard is achieved and that all our properties are offered in a good state of repair and are clean, safe and secure.

External Windows and Doors

- Windows and doors will be secure, watertight and able to open and close freely.
- We will change the external locks and you will receive 2 keys for each external door to the property.
- Fit window restrictors to the upstairs windows as long as this is not breaching any fire regulations and in line with Fensa guidance.
- Misted double glazed units will be identified and referred to the repairs team for replacement.

Internal Woodwork

- The staircase will be safe to use with a secured handrail on one-side for the length of the staircase.
- Internal woodwork will be free from decay and defects excludes decorative finish.
- Any damaged floorboards will be replaced and loose floorboards secured.
- Internal doors will open and close freely.
- All skirting boards, architraves and door frames will be securely fitted.

Ceilings, Wall & Floors

- Blown plaster will be patch repaired or areas renewed for large areas
- Polystyrene ceiling tiles will be removed and ceiling made good. This excludes decorative finish.
- Ceilings, walls and floors will be free of cracks. This excludes cracks which can be filled with decorative filler.
- In kitchen and bathroom we will replace any damaged floor tiles/ flooring with the closest match available.
- Other flooring areas will be levelled and made good ready for the new tenants flooring.

Kitchens

- The kitchen units and worktops will be functional and serviceable.
- Kitchen cupboard doors and drawers will open and close freely.
- Taps and wastes will be securely fitted and free from leaks / drips.
- A [sure stop](#), or similar isolator valve will be fitted to the incoming main, in an accessible location. These fittings allow the water supply to be isolated and prevent excessive damage being caused in the event of a leak.
- In Sheltered and adapted properties lever taps will be fitted.
- Space will be provided for a cooker together with the appropriate electric or gas connection and/or switch.
- Space for a fridge will be provided but not necessarily in the kitchen.
- Where space allows, a space will be left for a washing machine with a cold water supply connection and waste connector. Washing machine connections will not be provided if there is a laundry equipment provided within the building.
- The kitchen areas will be left clean condition.

Bathrooms

- Each property will have a wash hand basin, toilet and either a bath or shower with plugs and chains provided.
- Bathroom and toilet fittings, including taps, will be in a clean condition.

- The toilet seat, shower head, curtain and hose will be replaced.
- The toilet will work properly and be securely fitted and free from leaks / drips.
- There will be at least two rows of tiles fitted above the bath and wash hand basin, providing the basin is not directly below a window. All mastic seals will be in good condition.
- Any flooring and tiling installed in wet rooms will be adequate for shower use.
- In Sheltered and adapted properties lever taps will be fitted to baths and wash hand basins.

Services

- Arrangements will be made with British gas to provide gas and electric supplies. These can be changed once the tenancy starts.
- A copy of the Gas Safe, Electrical and Energy Performance certificates relevant to the property will be provided. For solid fuel properties a service certificate dated within the last 12 months will be provided. Solid fuel appliances will be checked before the new tenancy starts.
- For your safety, we are legally required to check and service the gas boilers every year, solid fuel every 6 months and periodic checks of your electrics. As part of your tenancy agreement you are required to give access to your property for these visits.
- All smoke alarms and Carbon CO alarms will be installed and operational in line with current guidelines.
- Disabled adaptations will remain where suitable. Where not required by the incoming tenant, stair lifts will be removed.
- Properties installed with gas - You will be required to contact our helpdesk on 01530 454635 to arrange your gas uncap and tenant education visit.
- Properties installed with Air Source Heat Pumps – You will be required to contact our dedicated contractors helpdesk on 800 8030041 to arrange your commissioning and tenant education visit.

Decorations

- Existing decorations will be left intact wherever possible if it is deemed to be clean and in good condition, although it may not be to your taste.
- Decorating vouchers may be available to incoming tenants where decoration has not met the required standard. This would need to be agreed with your housing officer.

Cleanliness

- The property will be cleaned throughout. However, dust may have settled by the time you move in.

Property Externals

- Roofs, chimneys, fascia's and soffits, will be watertight and structurally sound.
- Gutters and pipe work will be secure and free of leaks and blockages.
- Outbuildings attached to the property will be structurally safe with a working door and lock.
- Free standing brick / prefab outbuildings will be structurally safe with a working door and lock.
- Driveways will be left in place where there is a dropped kerb and in good condition as long as they meet the current regulations and were installed correctly. Where existing driveways do not meet the required standard they are classed and treated as hardstanding's.
- Integral Garages- will be structurally safe with a working door and lock.
- Pathways – We will remove any trip hazards to paving slabs or concrete areas that lead to the front door, side or back door. Other pathways and hardstanding areas that are in good condition will be left at the property.
- Other hard standings not deemed to be safe will be removed and not replaced at the empty homes stage.

Gardens

- The garden will be cleared of rubbish. It is your responsibility to tidy the garden and keep it tidy.

- Damaged Fencing – Small areas will be repaired / replaced during the empty homes stage. Large areas of fencing will be completed within a timescale to be agreed with yourself.
- Where required, hedges and bushes will be cut to a manageable level, so they can be maintained by the tenant.
- A rotary dryer holder will be located in all rear gardens for the tenants own rotary dryer.

This page is intentionally left blank

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

COMMUNITY SCRUTINY COMMITTEE – WEDNESDAY,
12 FEBRUARY 2020

Title of Report	REVIEW OF DISCRETIONARY RATE RELIEF POLICY	
Presented by	Councillor Nicholas Rushton Corporate Portfolio Holder	
Background Papers	Cabinet – January 2014 Review of Revenues and Benefits Policies (Non Domestic Rates (NDR) - Discretionary Rate Relief and Hardship Relief - Alignment of Partnership Policies and Guidelines).	Public Report: Yes
		Key Decision: Yes
Financial Implications	<p>Currently the Council awards £162,000 of Discretionary Rates Relief to 104 organisations.</p> <p>The council funds 40% of these awards through the current 50% Business Rates Retention System, with precepting authorities and central government sharing the remaining 60% impact.</p> <p>The level of relief awarded from April 2021 is dependent on re-application of current awardees and new applicants. It is anticipated however, that the total relief awarded will be of a similar value to the value currently awarded under the policy.</p>	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	<p>Ratepayers currently in receipt of Discretionary Rate Relief require a 12 month notice period to any changes to their awards, under Sections 47 and 48 Local Government Finance Act 1988 and the Non-Domestic Rate (Discretionary Rate Relief) Regulations 1989.</p> <p>Ratepayers currently in receipt of relief will be written to in March 2020 and invited to re-apply for Discretionary Relief from April 2021.</p>	
	Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	None.	
	Signed off by the Head of Paid Service: Yes	
Purpose of Report	To seek comments of the Community Scrutiny Committee on proposed changes to the criteria for awarding Discretionary Business Rates Relief in North West Leicestershire.	

Recommendations	THAT THE COMMUNITY SCRUTINY COMMITTEE PROVIDE COMMENTS ON THE DRAFT POLICY BEFORE IT IS PRESENTED TO CABINET FOR APPROVAL
------------------------	--

1. BACKGROUND

- 1.1 Discretionary Rates Relief is a discretionary form of business rates relief that the Council is able to award to certain types of non-profit-making organisations and can be up to 20% if the organisation already receives some form of charitable relief or up to 100% if only discretionary relief is allowed.
- 1.2 Discretionary Relief is often awarded alongside Mandatory Relief. Mandatory Relief is the main source of charitable relief. Both reliefs are awarded upon application and funded through the 50% Business Rate Retention System, with the Council therefore funding its portion of the relief through its share of retained business rates (circa 40%).
- 1.3 Each Local Authority has its own procedures and criteria for awarding Discretionary Relief. The Council's existing Discretionary Rates Relief policy and associated award criteria was last updated in 2014. The existing award criteria lists a mix of organisation type as well as named organisations. There has been some difficulty in utilising the criteria in recent years where new applicants have not fallen in to one of the existing organisation type categories or is of a similar type of organisation to a named organisation on the list but is not themselves listed. Under the current policy, the Council has the ability to award Discretionary Relief on individual merit, with reference to an organisations' demonstrable exceptional circumstances and benefits to the local community and this will be retained in the proposed revised policy.
- 1.6 The proposed new policy is included in Appendix 1. A copy of the existing policy can be found via the link to background papers as set out above.

2. CHANGES TO THE CRITERIA FOR AWARDING DISCRETIONARY RELIEF

- 2.1 The revised policy (set out in Appendix 1) presents a comprehensive and consistent set of guidelines and criteria for awarding relief based on organisation type.
- 2.2 The table at Appendix 2 shows the existing categories (where it has been possible to identify them) the current award and the proposed new awards.
- 2.3 There is one change to the general principles of the current policy now set out in the new guidelines, this is to award Discretionary Relief to ratepayers falling under category 3 ('Charities where members have regular access to licensed bar facilities'). This change has been included on the basis of not penalising sports and social clubs who have not gained Community Amateur Sports Club (CASC) status, taking note of the potential for earnings by having a bar and with reference to the 20% discretionary relief available to all other charities not fitting into the other categories.
- 2.4 Despite there being only one change in designing the new categories of ratepayer in the new policy, a review of ratepayers currently in receipt of Discretionary Relief has identified a small number of organisations whose award is in excess of the award currently given to organisations of the same category and that which would be awarded under the new policy. This is because these applications have been considered in the past with relevance to those organisations' exceptional circumstances and benefits to the local community. The Council will retain the ability to award Discretionary Relief on

individual merit, with reference to an organisations' demonstrable exceptional circumstances and benefits to the local community.

- 2.5 The revised policy will be presented to Cabinet in March for implementation in April 2021. This allows for a full 12 month notice period to organisations currently awarded discretionary relief, whose relief could change (subject to application) and sufficient time for these organisations to apply for the relief from April 2021.
- 2.6 The revised policy will also include a new requirement to review awards every three years. This will involve writing to all ratepayers in receipt of Discretionary Relief, requiring re-application.

Policies and other considerations, as appropriate	
Council Priorities:	Supporting Coalville to be a more vibrant, family-friendly town Support for businesses and helping people into local jobs Developing a clean and green district Local people live in high quality, affordable homes Our communities are safe, healthy and connected
Policy Considerations:	As detailed in the report
Safeguarding:	N/A
Equalities/Diversity:	N/A
Customer Impact:	As detailed in the report
Economic and Social Impact:	As detailed in the report
Environment and Climate Change:	N/A
Consultation/Community Engagement:	As detailed in the report
Risks:	As detailed in the report
Officer Contact	Tracy Bingham Head of Finance tracy.bingham@nwleicestershire.gov.uk

This page is intentionally left blank

NON-DOMESTIC RATE DISCRETIONARY RELIEF POLICY

North West Leicestershire District Council

Introduction

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 policy sets out the decision making process of the Council when dealing with applications for discretionary rate relief. This includes applications from:

- Charities;
- Community Amateur Sport Clubs;
- Not-for-profit organisations;
Rural businesses (village shops, post offices, food stores, petrol filling stations, public houses and other small rural businesses); and
- Other businesses in North West Leicestershire

Legislation

The Council has discretionary powers with regard discretionary rate relief under:

- The Local Government Finance Act 1988; 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). * see above
- Section 69 of the Localism Act amends section 47 of the Local Government Finance Act 1988 to replace the limited circumstances in which local authorities can currently give discretionary relief with a power to grant relief in any circumstances but can only grant relief if it would be reasonable to do so having regard to the interests of council tax payers in its area and
The Local Government and Rating Act 1997. The relevant provision provides for mandatory and discretionary relief for certain hereditaments in rural settlements.

European Union competition rules generally prohibit Government subsidies to business and relief from taxes, including non-domestic rates, can constitute state aid. Consideration must be had to this when granting discretionary rate relief.

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 EU rules will apply.

Other

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.

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 staff when administering hardship relief.

Aim of this policy

Through this policy, North West Leicestershire District Council seeks to support the achievement of its objectives as set out in its Council Delivery Plan.

Each case will be assessed on its own merits having regard to:

- The eligibility criteria set out in these guidelines;
- The benefit that the organisation or business brings to the local community; and
- The cost to the Council Taxpayer of awarding the relief.

CHARITIES, COMMUNITY AMATEUR SPORTS CLUBS (CASC'S), AND NOT-FOR-PROFIT ORGANISATIONS

Eligibility Criteria

We will expect organisations to:

- Be open to all sections of the community, except where legitimate restrictions apply.
- Have membership rates set at levels that do not exclude the general community.
- Demonstrate that the criteria by which it considers application for membership is consistent with open access.

We will also consider:

- Whether the organisation actively encourages membership from particular groups in the community
- Whether facilities are made available other than to members
- Whether the organisation provides training or education for its members, or schemes for particular groups to develop their skills.
- How the organisation acquired its premises and facilities
- If the organisation is run primarily by volunteers and not paid staff
- What would happen to the organisations assets in the event that it should cease to exist
- Whether the organisation is involved in the local or national development of its interests through affiliation to, or membership of a relevant Council, governing or representative body or similar organisation.

Information that will be required to support an application for discretionary rate relief:

- A copy of the organisations constitution.
- Copies of the last 2-years audited accounts.

Organisations not eligible for Discretionary Rate Relief

The Council is not permitted to award discretionary rate relief to a precepting authority (i.e. County, or parish councils) unless they are acting as trustees (section 47 (9) of the Local Government Finance Act 1988) or itself as a billing authority.

In addition, under this policy, the following organisations will not normally be eligible:

- Schools, including academies, voluntary aided and voluntary controlled.

Additional criteria where either a licence exists, or may be granted, that permits alcohol to be available on the premises

Rate relief will **not** be reduced where a premises licence, club premises certificate or Temporary Event Notice exists, or is granted under the Licensing Act 2003, **providing** alcohol is only available on occasions when the premises are used for a function to raise funds for the club or organisation. Relief will be reduced in all other cases as set out in Appendix A of this policy. This will prevent full discretionary rate relief being given where members of an organisation have regular access to licensed bar facilities.

Levels of Rate Relief

Rate relief is awarded at different levels for the different categories of qualifying organisations and businesses. These are shown at Appendix A.

Period of Discretionary Rate Relief Award

Discretionary Rate Relief will be granted to 31 March of the financial year for which the award relates. Continuation of relief will be subject to reapplication or review.

Discretionary Rate Relief will be granted for a period of one financial year at a time and 12 months notice will be provided if the level of award is to be adjusted or removed. Therefore where an application is received prior to 1 October it can be backdated up to 1 April of the previous financial year or the date of occupation whichever is the later or if its received after 30 September the relief can only be awarded from April 1 of the current financial year or the date of occupation whichever is the later.

RURAL RATE RELIEF

The districts Rural Settlement List is reviewed annually, and designates settlements within a rural area which have a population of 3,000 or less.

Rural Rate Relief is available for post offices, village shops, public houses and petrol filling stations subject to rateable value restriction, where they are the only business of that type in the rural settlement.

The Chancellor announced in the Autumn Statement on 23 November 2016 that rural rate relief will double from 50% to 100% from 1 April 2017.

The government has confirmed that it intends to amend the relevant primary legislation to require local authorities to grant 100% Mandatory Rural Rate Relief, but to ensure that ratepayers are not unfairly penalised, they have announced a scheme to allow Council's to use their powers under section 47(3) of the Local Government Finance Act 1988 to award discretionary relief to the relevant cases which meet the specific criteria for this relief.

For further information regarding this additional relief, please see pages 10-11.

Other business in a defined rural settlement may apply, but will need to demonstrate some exceptional nature of business, or benefit to the local community.

HARDSHIP RELIEF

The Local Government Finance Act 1988 permits discretionary relief to be awarded on the basis of hardship, with consideration to the interest of local taxpayers.

We will consider written applications for Hardship Relief from ratepayers whose business if it were to cease trading would have a detrimental effect on the local community, including local employment.

Every case will be considered on its own merit, and we will have particular regard to evidence of exceptional or unforeseen circumstances to justify reduction.

Applications will need to be supported by:

- Details of the reason for an application, including evidence of any exceptional or unforeseen circumstances
- Details of the business and its importance to the local community
- Copies of the last 2 years audited accounts
- Nature of the hardship
- Other evidence that the rate payer feels supports their application
- Details of the number of people who are employed by the business who reside in North West Leicestershire.

Any award of hardship relief will be exceptional, and will be time-limited.

Any reduction will be short term assistance and should not be considered to be a means of reducing rates liability in the longer term.

LOCAL DISCRETIONARY DISCOUNTS

The Localism Act 2011 introduced a new power for local authorities to be able to grant discounts on business rates as they think fit, providing they are fully funded locally.

Every case will be considered on its own merit. Any award will be the exception rather than the rule, and will be time-limited.

Written applications will need to be supported as a minimum by:

- Clear reasoning for the request, including a statement of the business type and the impact on the local community if the business were to come into the area/move away from the area.
- Details of the business and its importance to the local community, including an explanation as to what is unique and how the business sets itself apart from other businesses.
- Copies of the last 2 years audited accounts.
- Copy of any business plan.
- Details of any other support already received from other sources, or reasons why support was not forthcoming.
- Details of the number of people who are, or will be, employed by the business who reside in North West Leicestershire. Information about future employment opportunities and business growth.
- Any other evidence that the rate payer feels supports their application and that would assist us to be satisfied that the granting of the relief would be in the interest of the local council taxpayer.

Specific local schemes, determined by Corporate Portfolio Holder in conjunction with the Section 151 Officer, that are in place at any time will be included as Addendums to this Policy.

SECTION 44A, PARTLY OCCUPIED PREMISES

A ratepayer is liable for the full non-domestic rate whether a property is wholly occupied or only partly occupied. Where a property is partly occupied for a short time, we have discretion in certain cases to award relief in respect of the unoccupied part.

Written applications must be supported by:

- Detailed maps which outline the whole property and indicate the partly occupied section.
- Details of the planned period of time for the part occupation.
- Details of future intentions.
- Details of the cause for the part occupation.

In the first instance it will be considered if a split of the assessment is appropriate, and if so a report will be referred to the Valuation Office Agency to consider amending the valuation list entry. If it is not capable of being separately assessed then the application for Section 44A will be considered.

A site visit will normally be undertaken.

Making an Application

Any Non-Domestic Rates payment due must be paid in line with the most recent bill until such time as any relief is awarded.

Applications must be accompanied by evidence as outlined in these guidelines. Where necessary the ratepayer may be required to provide additional information to support their application.

Failure to provide requested information will cause delays in the decision making process as this is used to determine the decision to be made.

State Aid

The award of discretionary rate relief is considered likely to amount to State Aid. State Aid is the means by which the European Union regulates state funded support to businesses. Discretionary Relief will be State Aid compliant where it is provided in accordance with the De Minimis Regulations EC 1407/2013. The De Minimis Regulations allow an undertaking to receive up to €200,000 aid over a rolling three year period.

Businesses applying for Discretionary Relief will be required to sign a declaration to confirm that, including any relief award, they will not have received more than €200,000 in total of De Minimis aid within the current financial year, or the previous two financial years.

Further information on State Aid can be found at <https://www.gov.uk/state-aid>

Timescales

Wherever possible applications should be made within the financial year for which the relief is being sought.

Requests for backdating will be considered at the discretion of the Council. However, in accordance with the Local Government Finance Act 1988, applications must be determined within 6 months of the end of the financial year for which the relief is being sought.

Decision Making

Applications will be administered within the Business Rates Team.

Decisions in respect of applications for discretionary relief for the following categories will be made by officers: -

- Charity,
- Community Amateur Sports Clubs (CASC's),
- Non-Profit Making Organisations
- Rural Rate Relief
- S44A Partly Occupied Premises

Decisions will be made by the Corporate Portfolio Holder in respect of individual applications for: -

- Hardship Relief
- Local Discretionary Discount

The decision making process in respect of schemes introduced under the Localism Act is set out for each relevant scheme included as Addendums to this Policy.

Successful applicants will be notified of the amount of discretionary rate relief awarded by the issue of a new rates bill. The relief will be shown as a reduction on the bill. If the account is in credit as a result of the award, a refund will be made to the ratepayer.

Unsuccessful applicants will be notified in writing and the reason for the decision will be provided.

Complaints and appeals

Any customer who feels that they have not been correctly dealt with can use the Customer Feedback procedure to make a complaint.

Rating Law does not allow for a ratepayer to appeal a decision by the Council on discretionary rate relief. However in the interest of natural justice and in keeping with good customer care practice and principles of open government, this policy provides a mechanism for review of any decision. If a ratepayer is unhappy with the decision made, full details should be submitted, in writing to the Business Rates Team within 30 days of notification of the decision.

The case will be reviewed, and where the outcome remains the same the case will be referred to the Revenues and Benefits Manager for further consideration with the Head of Finance.

We aim to conclude any review within 30 days.

Discretionary Rate Relief Award Criteria

	Category of Ratepayer	Reliefs	
		Mandatory Relief	Discretionary Relief
1	Charity Shop	80%	20%
2	Aided Schools	80%	20%
3	Charities where members have regular access to licensed bar facilities	80%	10%
4	Any charities not covered in the categories above	80%	20%
5	Registered Community Amateur Sports Clubs (CASC's) where members have regular access to licensed bar facilities	80%	Nil
6	Registered CASC's with no bar on site	80%	10%
7	Sports clubs that could register as CASC's but fail to do so, with a bar on site	Nil	20%
8	Sports clubs that could register as CASC's but fail to do so, with no bar on site	Nil	40%
9	Sports/Social Club Organisations without charitable status with bar meets qualifying conditions with bar	Nil	80%
10	Sports/Social Club Organisations without charitable status with bar meets qualifying conditions without bar	Nil	90%
11	Any other Non-Profit Making Organisation	Nil	100%
12	Any business meeting the rateable value criteria in North West Leicestershire which demonstrates exceptional circumstances and benefits to the local community	Nil	Individual merit
13	Hardship relief, and Local Discretionary Discount	Nil	Individual merit

Addendums

The following local discount schemes are currently in place, and are administered under the provisions of Section 47 of the Local Government Finance Act 1988, as inserted by Clause 69 of the Localism Act 2011

(Please refer to page 6 of this policy for State Aid requirements and Timescales for applications and backdating restrictions)

Addendum	Scheme	Pages
1	Rural Rate Relief	10-11
2	Local Newspapers	12-13
3	Supporting Small Business	14
4	Locally Administered Business Rates Relief	15-16
5	Retail Discount	17-18

Addendum 1 Rural Rate Relief

Rural Rate Relief is available for post offices, village shops, petrol filling stations and public houses subject to rateable value restriction, where they are the only business of that type in the rural settlement.

The Government announced in the Autumn Statement on 23 November 2016 that the relief will double from 50% to 100% from 1 April 2017.

As a measure for 2017/18 the government is not changing legislation, instead local authorities are required to adopt a local scheme and decide each individual case using their discretionary relief powers introduced by the Localism Act (under Section 47 of the Local Government Finance Act 1988).

Eligibility Criteria

Properties that will benefit from the relief will be hereditaments that:

- Are those which are located in a rural settlement with a population of less than 3,000 and are either
- The sole general store, food shop or post office with a rateable value of up to £8,500

or

- The sole public house or petrol filling station with a rateable value of up to £12,500

The districts Rural Settlement List is reviewed annually, and designates settlements within a rural area which have a population of 3,000 or less. The Rural Settlement List currently includes Ashby Woules, Coleorton, Long Whatton and Diseworth and Worthington parishes in North West Leicestershire ..

Amount of Rural Rate Relief available

Anyone who is entitled to mandatory Rural Rate Relief will be eligible for the increased level of discount to 100% off their business rates bill.

Recalculation of Rural Rate Relief

The amount of relief awarded will be recalculated in the event of a change in circumstances, including a backdated change to the rateable value or the hereditament, whether arising during the year in question or during a later year.

Application for Rural Rate Relief

Where possible ratepayers entitled to relief under this local scheme will be identified by North West Leicestershire District Council.

Ratepayers who believe they might be entitled to this relief should contact the Business Rates team.

Amounts of Rural Rate Relief awarded under this policy will be notified by the issue of a rates bill.

State Aid

Recipients of this relief may be required to sign a declaration to confirm that, including the amount of rural relief under this scheme, they will not have received more than €200,000 in total of De Minimis aid within the current financial year, or the previous two financial years.

Further information on State Aid can be found at <https://www.gov.uk/state-aid>

Decision Making

Decisions in respect of Rural Rate Relief will be made by officers.

Complaints and Appeals

Will follow the process set out see page7 within these guidelines.

Addendum 2

Relief for Local Newspapers

The Government announced it would provide a business rates discount of up to £1,500 a year for a period of 2 years from 1 April 2017 to business rates accounts for office space occupied by local newspapers up to a maximum of one discount per local newspaper title and per hereditament. This relief was extended for a further year making it available for the 2019/20 financial year. Local Authorities are required to adopt a local scheme and decide each individual case using their discretionary relief powers introduced by the Localism Act (under Section 47 of the Local Government Finance Act 1988).

North West Leicestershire District Council will use the Government criteria to determine qualifying ratepayers which will be reviewed for 2020/21.

Eligibility Criteria

Properties that will benefit are those that meet the following criteria:

- The property must be occupied by a local newspaper and must be wholly or mainly used as office premises for journalists and reporters
- The local newspaper must be what is considered to be a 'traditional local newspaper'; the relief is not available to magazines.

'Wholly or mainly' is a test on use rather than occupation. Therefore, properties which are occupied but not wholly or mainly used for the qualifying purpose will not qualify for the relief.

Amount of Relief available

Up to £1,500 relief a year for a period of 3 years from 1 April 2017 is available. The amount of relief is limited to a maximum of one discount:

- Per newspaper title (e.g. per newspaper name)

And Per hereditament (property) that is wholly or mainly occupied by the local newspaper

Recalculation of Relief

The amount of local newspaper relief awarded will be recalculated in the event of a change in circumstances, including changes to occupation of premises by the local newspaper or identification that the relief has been applied on additional accounts.

Application for Local Newspaper Relief

Where possible ratepayers entitled to local newspaper relief under this local scheme will be identified by North West Leicestershire District Council.

Ratepayers who believe they might be entitled to this relief should contact the Business Rates team.

Amounts of relief awarded under this policy will be notified by the issue of a rates bill.

State Aid

Recipients of this relief may be required to sign a declaration to confirm that, including the amount of local newspaper relief under this scheme, they will not have received more than €200,000 in total of De Minimis aid within the current financial year, or the previous two financial years.

Further information on State Aid can be found at <https://www.gov.uk/state-aid>

Decision Making

Decisions in respect of Local Newspaper Relief will be made by officers.

Complaints and Appeals

Will follow the process set out see page 7 within these guidelines.

Addendum 3

Supporting Small Business Relief (SBRR)

At the Spring 2017 Budget, the Chancellor announced that a scheme of relief scheme would be made available to those ratepayers facing large increases as a result of the loss of small business or rural rate relief.

North West Leicestershire District Council will administer the scheme in line with Government guidance set out in Annex A of Business Rates Information Letter (4/2017) using its discretionary powers under section 47 of the Local Government Finance Act 1988 to grant relief to eligible businesses.

Eligibility Criteria

Ratepayers facing large increases in their rateable value due to revaluation who are losing some or all of their small business rate relief or rural rate relief. The scheme will last for a period of five years from 2017 to 2018 until 2021 to 2022.

In the first year of the scheme, 2017 to 2018, this means all ratepayers losing some or all of their small business rate relief will see the increase in their bill capped at £600. The cash minimum increase is £600 per year (plus inflation) thereafter. This means that ratepayers who were paying nothing under small business rate relief and are losing all of their entitlement to relief would under this scheme be paying an additional £600 each year taking this to a final increase of £3,000 (plus inflation) by year 5.

Application for Supporting Small Business Relief

Written applications are required. Those ratepayers who are likely to be eligible have been contacted and invited to make application.

Successful applicants will be notified of the amount of discretionary relief awarded by the issue of a new rates bill.

Ratepayers will remain in the Supporting Small Business relief scheme for either 5 years or until they reach the bill they would have paid without the scheme.

Conditions of the award

In the event of a change in circumstances Supporting Small Business Relief will be recalculated. A change of ratepayer will not affect eligibility, but eligibility will be lost if the property falls vacant or becomes occupied by a charity or Community Amateur Sports Club (CASC).

State Aid

Applicants for Retail Relief may be required to sign a declaration to confirm that, including this Supporting Small Business Relief they will not have received more than €200,000 in total of De Minimis aid within the current financial year, or the previous two financial years.

Further information on State Aid can be found at <https://www.gov.uk/state-aid>

Decision Making

Decisions in respect of applications for Supporting Small Business Relief will be made by officers.

Complaints and Appeals

Will follow the process set out see page 7 within these guidelines.

Addendum 4

Locally Administered Business Rate Relief Scheme

Guidelines

These guidelines set out the Council's intentions for dealing with the new discretionary rate relief for businesses most affected by the 2017 Business Rates Revaluation

This scheme seeks to provide a transparent, fair and consistent approach to affected businesses across the district to the award of rate relief. There is no differentiation between types of business, and all businesses that meet the eligibility criteria will be awarded relief.

Business Rates remain due and payable in accordance with the most recent bill, until such time as any relief is awarded.

The scheme

In 2017/18 business ratepayers facing an increase in their rates bill as a result of the revaluation will have the increase limited to £600 where the ratepayer meets qualifying criteria. Entitlement to discretionary relief is determined with reference to an increase in the rates bill due to the April 2017 revaluation.

In addition where a ratepayer of a small business (RV under £51,000) has an occupied business rates liability, after all other reliefs have been applied. This scheme will end in March 2021.

This locally administered relief will be calculated and awarded after all other relief that the ratepayer is entitled to has been applied to the rate bill.

Ratepayers will be notified of the amount of local discretionary rate relief by the issue of a revised rates bill.

The level of financial support drops dramatically across the 4 years that the Government is funding.

Qualifying Criteria

Eligible Ratepayers will: -

- Be in occupation of a qualifying business property on 31 March 2017 and 1 April 2017,
- Have an increase in the net amount of rates payable (the amount after all relief and other reduction has been applied) on 1 April 2017 compared to 31 March 2017 as a result of the 2017 revaluation.

A qualifying business property will: -

- Have a Rateable Value (RV) on 1st April 2017 of less than or equal to £130,000.

The following will not be eligible under this scheme: -

- Properties that are empty.
- Charities, non-profit making organisations
- Schools, including academies, voluntary aided, voluntary controlled, church or grant aided.
- Local and Precepting Authorities
- Ratepayers where the award would mean a business exceeds state aid de-minimus level (currently €200,000).
- New occupiers who take on a qualifying business property on or after 1 April 2017.

Changes in liability will affect this relief

Eligibility for the relief will be assessed and calculated on a daily basis. Relief will be adjusted, including retrospective adjustment, in cases where the amount of rates payable changes.

All qualifying businesses and organisations are required to notify the Council of any change in circumstances that may affect their entitlement to Discretionary Rate Relief.

If a business moves address within the period that they are receiving rate relief (whether within or outside of the district), relief will not be carried forward to the new property as the business will have had an opportunity to consider the rates before moving. The relief is intended to cushion the effects of the revaluation only.

Application for Locally Administered Business Rate Relief

Those business that have been identified as potential recipients for this relief were contacted and where appropriate invited to make a written application and complete a state aid declaration.

Period of Award

The award period will be for a period of no more than 12 months and in any case will end on 31 March of the relevant financial year. Continuation of relief will be subject to any review of the scheme, in line with the level of funding available until such time as the scheme ceases.

Qualifying businesses will be notified of the amount of the Discretionary Rate Relief award by the issue of a new Rate Demand Notice. The rate relief will be awarded by means of a reduction in liability shown on the business rates bill issued to the ratepayer.

Annual Review of Relief Award

The Guidelines will be reviewed yearly and qualifying businesses will be awarded the relief and the amount will be shown on their adjusted rates bill.

State Aid

Applicants for local discretionary rate relief may be required to sign a declaration to confirm that, including this relief award, they will not have received more than €200,000 in total of De Minimis aid within the current financial year, or the previous two financial years.

Further information on State Aid can be found at <https://www.gov.uk/state-aid>

Hardship

This scheme includes provision for hardship relief applications to be made by ratepayers facing hardship as a direct result of an increase in their rates bill due to revaluation, and who is in occupation of a property with a Rateable Value less than or equal to £130,000.

Applications must be made in writing and provide supporting information and evidence, including copies of accounts. Each case will be considered on its own merit, and in order to reach a decision further information might be requested.

Decision Making

The scheme will be administered by the Business Rates team. Decisions in respect of applications for Locally Administered Business Rate Relief will be made by officers.

Complaints and Appeals

Will follow the process set out see page 7 within these guidelines.

Addendum 5

Retail Discount (Autumn Budget 2018)

The Government announced in the Budget on 29 October 2018 that it will provide a business rates Retail Discount scheme for occupied retail properties with a rateable value of less than £51,000 in each of the years 2019-20 and 2020-21. The value of the discount should be one third of the bill, and mandatory relief and other Government funded reliefs.

North West Leicestershire District Council will administer the scheme in line with Government guidance set out in it's Retail Guidance (link below) using its discretionary powers under section 47 of the Local Government Finance Act 1988 to grant relief to eligible businesses
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/768205/Retail_Discount_Guidance.pdf

Which Properties will benefit from relief?

Properties that will benefit from the relief will be occupied hereditament with a rateable value of less than £51,000, that are wholly or mainly used as shops, restaurant, cafes and drinking establishments.

We consider shops, restaurant, cafes and drinking establishments to mean:

(i) Hereditaments that are being used for the sale of goods to visiting members of the public:

- Shops (such as: florists, bakers, grocers, greengrocers, jewellers, stationers, off licences, chemists, newsagents, hardware stores, supermarkets, etc)
- Charity Shops
- Opticians
- Post offices
- Furnishing shops/ display rooms (such as carpet shops double glazing, garage doors)
- Car / caravan show rooms
- Second hand Car lots
- Markets
- Petrol Stations
- Garden centres
- Art galleries (where art is for sale/hire)

(ii) Hereditaments that are being used for the provision of the following services to visiting members of the public

- Hair and beauty services (such as: hair dressers, nail bars, beauty salons, tanning shops, etc.)
- Shoe repairs/ Key cutting
- Travel agents
- Ticket offices e.g. for theatre
- Dry cleaners
- Laundrettes
- PC/TV/domestic appliance repair
- Funeral directors
- Photo processing
- Tool hire
- Car hire

(iii) Hereditaments that are being used for the sale of food and/ or drink to visiting members of the public:

- Restaurants
- Takeaways
- Sandwich Shops
- Coffee Shops
- Pubs
- Bars

To qualify for the relief the hereditament should be used wholly or mainly used as a shop, restaurant, cafe or drinking establishment. The test is on use rather than occupation, therefore hereditaments which are occupied but not wholly or mainly used for the qualifying purpose will not qualify for the relief.

The list set out above is not exhaustive as it would be impossible to list as many varied retail uses that exist. As the administering local authority North West Leicestershire will determine whether particular properties not listed are broadly similar in nature to those above and, if so, consider them eligible for the relief. Conversely properties that are not broadly similar in nature to those listed above will not be considered eligible for the relief.

The list below sets out the types of uses that the Government does not consider to be retail use for the purposes of this relief. Again as the administering local authority North West Leicestershire will determine whether particular properties are broadly similar in nature to those below and, if so, consider them not eligible for relief.

(i) Hereditaments that are being used for the provision of the following services to visiting members of the public:

- Financial services (e.g. banks, building societies, cash points, bureaux de change, payday lenders, betting shops, pawn brokers)
- Other services (e.g. estate agents, letting agents, employment agencies)
- Medical services (eg. Vets, dentists, doctors, osteopaths, chiropractors)
- Professional services (e.g. solicitors, accountants, insurance agents / financial advisers, tutors)
- Post office sorting offices

(ii) Hereditaments that are not reasonably accessible to visiting members of the public

Generally speaking, the government also does not consider other assembly or leisure uses beyond those listed to be retail uses for the purposes of the discount. For example cinemas, theatres and museums are outside the scope of the scheme, as are night clubs and music venues. Hereditaments used for sport or physical recreation (e.g gyms) are also outside the scope of the discount.

State Aid

Applicants for local discretionary rate relief may be required to sign a declaration to confirm that, including this relief award, they will not have received more than €200,000 in total of De Minimis aid within the current financial year, or the previous two financial years.

Further information on State Aid can be found at <https://www.gov.uk/state-aid>

Decision Making

The scheme will be administered by the Business Rates team. Decisions in respect of applications for Retail Discount Relief will be made by officers.

Complaints and Appeals

Will follow the process set out see page 7 within these guidelines.

Comparison of Awards under Current and Proposed Policy

	Category of Ratepayer	Current		Proposed	
		Mandatory Relief	Discretionary Relief	Mandatory Relief	Discretionary Relief
1	Charity Shop	80%	20%	80%	20%
2	Aided Schools	80%	20%	80%	20%
3	Charities where members have regular access to licensed bar facilities	80%	Nil	80%	10%
4	Any charities not covered in the categories above	80%	20%	80%	20%
5	Registered Community Amateur Sports Clubs (CASC's) where members have regular access to licensed bar facilities	80%	Nil	80%	Nil
6	Registered CASC's with no bar on site	80%	10%	80%	10%
7	Sports clubs that could register as CASC's but fail to do so, with a bar on site	Nil	20%	Nil	20%
8	Sports clubs that could register as CASC's but fail to do so, with no bar on site	Nil	40%	Nil	40%
9	Sports/Social Club Organisations without charitable status with bar meets qualifying conditions with bar	Nil	80%	Nil	80%
10	Sports/Social Club Organisations without charitable status with bar meets qualifying conditions without bar	Nil	90%	Nil	90%
11	Any other Non-Profit Making Organisation	Variable	Variable	Nil	100%
12	Any business meeting the rateable value criteria in North West Leicestershire which demonstrates exceptional circumstances and benefits to the local community	Nil	n/a	Nil	Individual merit
13	Hardship relief, and Local Discretionary Discount	Nil	n/a	Nil	Individual merit

This page is intentionally left blank

Community Scrutiny Committee – WORK PROGRAMME (as at 04/02/20)

Date of Meeting	Item	Lead Officer	Witnesses	Agenda Item Duration
12 February 2020				
12 February 2020	Repairs and Maintenance Policy	Chris Lambert, Head of Housing and Property		10 minutes
12 February 2020	Midlands Engine Development Corporation	James Arnold, Strategic Director of Place		10 minutes
12 February 2020	REVIEW OF DISCRETIONARY RATE RELIEF POLICY	Tracy Bingham, Head of Finance		15 mins
8 April 2020				
8 April 2020	Marlborough Square Update	James Arnold, Strategic Director of Place		
8 April 2020	Future High Streets Fund	Mark Fiander, Head of Economic Regeneration		
8 April 2020	Appleby Magna Caravan Site Consideration on the proposal for the future of the caravan site	Chris Lambert, Head of Housing and Property		15 minutes
8 April 2020	Air Quality Progress Update	Paul Sanders, Head of Community Services		15 minutes
20 May 2020				
20 May 2020	Sport and Leisure Project Annual Review	Paul Sanders, Head of Community Services		30 minutes
20 May 2020	Recycle more update and food waste trial	Paul Sanders, Head of Community Services		20 minutes
20 May 2020	Update on Car Park Review	Paul Sanders, Head of Community Services		1 hour

71

This page is intentionally left blank

Item Action Log – Community Scrutiny Committee

Item	Date requested	How requested	Who requested	Scoping Form Y/N	Officer responsible	Key Stakeholders	Task & Finish Group Y/N	Chair Agreed Y/N	Meeting scheduled & deadlines
Update on Section 106 Monies – particularly Health	23 Oct 19	Committee	Clr Eynon	No	Ian Nelson/ Chris Elston	n/a	No	Yes	8 April 2020
Actions/comments:									Completed:
8 April 2020 meeting scheduled									✓
Everyone Active Leisure Contract	23 Oct 19	Committee	Clr Eynon	No	Paul Sanders	n/a	No	Yes	20 May 2020
Actions/comments:									Completed:
20 May 2020 meeting scheduled.									✓
Planning Enforcement (Effectiveness)	23 Oct 19	Committee	Clr Eynon	No	Clare Proudfoot/ Paul Sanders	n/a		Yes	
Actions/comments:									Completed:
Item to be scoped out and schedule meeting. In progress.									
Environmental Enforcement	23 Oct 19	Committee	Clr Wyatt	No	Clare Proudfoot/ Paul Sanders	LCC, Environment Agency		Yes	
Actions/comments:									Completed:
Item to be scoped out and schedule meeting. In progress.									
Flooding and Sewer Issues	23 Oct 19	Committee		No	Chris Elston	Severn Trent, Local Plan		Yes	
Actions/comments:									Completed:
Item to be scoped out and schedule meeting. In progress.									

Item	Date requested	How requested	Who requested	Scoping Form Y/N	Officer responsible	Key Stakeholders	Task & Finish Group Y/N	Chair Agreed Y/N	Meeting scheduled & deadlines
Traveller Transit Sites	23 Oct 19	Committee	Cllr Eynon	No	Ian Nelson /Chris Elston	n/a			
Actions/comments:									Completed:
This is a Local Plan Committee Matter and proposals for traveller transit sites will be considered and developed within the current Local Plan work.									✓
Public Transport – lack of bus services effecting elderly people	23 Oct 19	Committee	Cllr Geary	No	-	LCC, bus providers	-	-	No longer required.
Officer Actions:									Completed:
RW to scope out item with Cllr Geary: - following discussion with Cllr Geary he has decided to withdraw the item. He has contacted the bus supplier who have already conducted a consultation exercise. The result of this was that it was not financially feasible to put on additional buses, therefore he does wish to take this further.									✓
A Climate Change Approach to Food Waste and Food Poverty	25 Jan 19	Scoping form	Cllr Eynon	Yes					
Actions/comments									Completed:
Officers to review scoping form.									

(Update: 30 January 2020)

Notice of Executive Key Decisions

The attached notice lists the matters which are likely to be the subject of a key decision by the Council's executive and executive decision making bodies. This notice is produced in accordance with the Constitution adopted by North West Leicestershire District Council and will be published a minimum of 28 days before the date on which a key decision is to be made on behalf of the Council.

The date of publication of this notice is Friday, 28 February 2020. The Deadline for making any representations as to why items marked as private should be considered in public by **Cabinet on 31 March 2020 is 5pm Friday, 20 March 2020.**

Key Decisions

A key decision means a decision taken by the Cabinet, a committee of the Cabinet, an area or joint committee or an individual in connection with the discharge of a function which is the responsibility of the executive and which is likely:

- (a) to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
- (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the Council;
- (c) for the purposes of (a) and (b) above £100,000 shall be regarded as significant in terms of expenditure or savings, and any issue which, in the opinion of the Leader is likely to have an impact on people, shall be regarded as significant in terms of impact on communities.

The Council's Executive

The Council's executive committee is the Cabinet. The Cabinet comprises:

Councillor R Blunt	-	Leader	Councillor A Woodman	-	Community Services
Councillor R Ashman	-	Deputy Leader and Planning & Infrastructure	Councillor N J Rushton	-	Corporate
Councillor T Gillard	-	Business and Regeneration	Councillor R D Bayliss	-	Housing, Property & Customer Services

Confidential Items and Private Meetings of the Executive

Whilst the majority of the Cabinet's business at the meetings listed in this notice will be open to the public and media organisations to attend, there will inevitably be some business to be considered that contains, for example, confidential, commercially sensitive or personal information. This is a formal notice under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 that part of the Cabinet meetings listed in this Forward Plan may be held in private because the agenda and reports for the meeting contain exempt information under Part 1 Schedule 12A to the Local Government Act (Access to Information) Act 1985 (as amended) and that the public interest in withholding the information outweighs the public interest in disclosing it. Those Items where it is considered that they should be considered in private are identified on the Notice.

Access to Agenda and Related Documents

Documents relating to the matters listed in this notice are available at least 5 clear working days prior to the date of decision as indicated below. Other documents relevant to the matters listed in this notice may be submitted to the decision maker.

If you wish to request or submit a document, or make representation in relation to any issue contained within this notice, please contact Democratic and Support Services on telephone number 01530 454512 or by emailing memberservices@nwleicestershire.gov.uk

Executive Decisions

Decision	Decision Maker	Status of Decision	Public or Private (and reason – where private)	Date of Decision	Contacts	Documents to be submitted to the Decision Maker
February 2020						
Investment Strategy - Service and Commercial 2020/21	Cabinet	Key	Public	4 February 2020	Councillor Nicholas Rushton Tel: 01530 412059 nicholas.rushton@nwleicestershire.gov.uk Head of Finance Tel: 01530 454707 tracy.bingham@nwleicestershire.gov.uk	Investment Strategy - Service and Commercial 2020/21
Treasury Management Strategy Statement 2020/21 and Prudential Indicators 2020/21-2022/23	Cabinet	Key	Public	4 February 2020	Councillor Nicholas Rushton Tel: 01530 412059 nicholas.rushton@nwleicestershire.gov.uk Head of Finance Tel: 01530 454707 tracy.bingham@nwleicestershire.gov.uk	Treasury Management Strategy Statement 2020/21 and Prudential Indicators 2020/21-2022/23
2020-2025 Medium Term Financial Plan	Cabinet	Key	Public	4 February 2020	Councillor Nicholas Rushton Tel: 01530 412059 nicholas.rushton@nwleicestershire.gov.uk Head of Finance Tel: 01530 454707 tracy.bingham@nwleicestershire.gov.uk	2020-2025 Medium Term Financial Plan

Decision	Decision Maker	Status of Decision	Public or Private (and reason – where private)	Date of Decision	Contacts	Documents to be submitted to the Decision Maker
2020/21- 2024/25 Capital Programmes and 2020/21 Capital Strategy	Cabinet	Key	Public	4 February 2020	Councillor Nicholas Rushton Tel: 01530 412059 nicholas.rushton@nwleicestershire.gov.uk Head of Finance Tel: 01530 454707 tracy.bingham@nwleicestershire.gov.uk	2020/21-2024/25 Capital Programmes and 2020/21 Capital Strategy
Housing Revenue Account (HRA) Budget Proposals for 2020/21	Cabinet	Key	Public	4 February 2020	Councillor Nicholas Rushton Tel: 01530 412059 nicholas.rushton@nwleicestershire.gov.uk Head of Finance Tel: 01530 454707 tracy.bingham@nwleicestershire.gov.uk	Housing Revenue Account (HRA) Budget Proposals for 2020/21
General Fund and Special Expenses Revenue Budget Proposals for 2020/21	Cabinet	Key	Public	4 February 2020	Councillor Nicholas Rushton Tel: 01530 412059 nicholas.rushton@nwleicestershire.gov.uk Head of Finance Tel: 01530 454707 tracy.bingham@nwleicestershire.gov.uk	General Fund and Special Expenses Revenue Budget Proposals for 2020/21
Proposed Article 4 Direction - Kegworth Houses in Multiple Occupation	Cabinet	Non-Key	Public	4 February 2020	Councillor Robert Ashman Tel: 01283 561700 robert.ashman@nwleicestershire.gov.uk Head of Planning and Infrastructure Tel: 01530 454668 chris.elston@nwleicestershire.gov.uk	Proposed Article 4 Direction Report Proposed Article 4 Direction - Kegworth Houses in Multiple Occupation

Decision	Decision Maker	Status of Decision	Public or Private (and reason – where private)	Date of Decision	Contacts	Documents to be submitted to the Decision Maker
Minutes of the Coalville Special Expenses Working Party	Cabinet	Key	Public	4 February 2020	Councillor Andrew Woodman Tel: 07970 520357 andrew.woodman@nwleicestershire.gov.uk Head of Economic Regeneration, Head of Community Services Tel: 01530 454752, Tel: 01530 454832 mark.fiander@nwleicestershire.gov.uk, paul.sanders@nwleicestershire.gov.uk	Report and Minutes of the meeting Minutes of the Coalville Special Expenses Working Party
Corporate Peer Review	Cabinet	Key	Public	4 February 2020	Councillor Richard Blunt Tel: 01530 454510 richard.blunt@nwleicestershire.gov.uk Chief Executive Tel: 01530 454500 bev.smith@nwleicestershire.gov.uk	Report and Action Plan Corporate Peer Review
Corporate Accommodation Update	Cabinet	Non-Key	Public	4 February 2020	Councillor Richard Blunt Tel: 01530 454510 richard.blunt@nwleicestershire.gov.uk Head of Customer Services Tel: 01530 454753 tom.shardlow@nwleicestershire.gov.uk	Report Corporate Accommodation Update
Authority to Award Housing Contracts	Cabinet	Key	Private Information relating to the financial or business affairs of any particular person (including the authority holding that information)	4 February 2020	Councillor Roger Bayliss Tel: 01530 411055 roger.bayliss@nwleicestershire.gov.uk Head of Housing and Property Tel: 01530 454780 chris.lambert@nwleicestershire.gov.uk	Report Authority to Award Housing Contracts

Decision	Decision Maker	Status of Decision	Public or Private (and reason – where private)	Date of Decision	Contacts	Documents to be submitted to the Decision Maker
3 March 2020						
REVIEW OF DISCRETIONARY RATE RELIEF POLICY AND GUIDELINES	Cabinet	Key	Public	3 March 2020	Councillor Nicholas Rushton Tel: 01530 412059 nicholas.rushton@nwleicestershire.gov.uk Head of Finance Tel: 01530 454707 tracy.bingham@nwleicestershire.gov.uk	REVIEW OF DISCRETIONARY RATE RELIEF POLICY AND GUIDELINES
Former Tenant Rent Arrears, Current Tenant Rent Arrears, Council Tax, Non Domestic Rates and Sundry Debtor Write Offs	Cabinet	Key	Public	3 March 2020	Councillor Nicholas Rushton Tel: 01530 412059 nicholas.rushton@nwleicestershire.gov.uk Head of Finance Tel: 01530 454707 tracy.bingham@nwleicestershire.gov.uk	Report Former Tenant Rent Arrears, Current Tenant Rent Arrears, Council Tax, Non Domestic Rates and Sundry Debtor Write Offs
Repairs and Maintenance Policy	Cabinet	Key	Public	3 March 2020	Councillor Roger Bayliss Tel: 01530 411055 roger.bayliss@nwleicestershire.gov.uk Head of Housing and Property Tel: 01530 454780 chris.lambert@nwleicestershire.gov.uk	Repairs and Maintenance Policy Repairs and Maintenance Policy

Decision	Decision Maker	Status of Decision	Public or Private (and reason – where private)	Date of Decision	Contacts	Documents to be submitted to the Decision Maker
Procurement Update on Telephony Project	Cabinet	Key	Public	3 March 2020	Councillor Roger Bayliss Tel: 01530 411055 roger.bayliss@nwleicestershire.gov.uk Head of Customer Services Tel: 01530 454753 tom.shardlow@nwleicestershire.gov.uk	Procurement Update on Telephony Project
31 March 2020						
Corporate Disposals Policy	Cabinet	Key	Public	31 March 2020	Councillor Roger Bayliss Tel: 01530 411055 roger.bayliss@nwleicestershire.gov.uk Head of Housing and Property Tel: 01530 454780 chris.lambert@nwleicestershire.gov.uk	Report Corporate Disposals Policy
EU Exit Funding	Cabinet	Key	Private	31 March 2020	Councillor Richard Blunt Tel: 01530 454510 richard.blunt@nwleicestershire.gov.uk Chief Executive Tel: 01530 454500 bev.smith@nwleicestershire.gov.uk	EU Exit Funding
Roadmap to Zero Carbon	Cabinet	Key	Public	31 March 2020	Councillor Andrew Woodman Tel: 07970 520357 andrew.woodman@nwleicestershire.gov.uk Head of Community Services Tel: 01530 454832 paul.sanders@nwleicestershire.gov.uk	Roadmap to Zero Carbon

Decision	Decision Maker	Status of Decision	Public or Private (and reason – where private)	Date of Decision	Contacts	Documents to be submitted to the Decision Maker
2019/20 Quarter 3 Performance Management Report	Cabinet	Non-Key	Public	31 March 2020	Councillor Richard Blunt Tel: 01530 454510 richard.blunt@nwleicestershire.gov.uk Head of Human Resources and Organisational Development Tel: 01530 454518 mike.murphy@nwleicestershire.gov.uk	Quarterly Report 2019/20 Quarter 3 Performance Management Report
April 2020						
There are no items for this meeting						
Future High Streets Fund Property Acquisition	Cabinet	Key	Private Information relating to the financial or business affairs of any particular person (including the authority holding that information)	28 April 2020	Councillor Tony Gillard Tel: 01530 452930 tony.gillard@nwleicestershire.gov.uk Head of Economic Regeneration Tel: 01530 454752 mark.fiander@nwleicestershire.gov.uk	Future High Streets Fund Property Acquisition
Appleby Magna Caravan Park	Cabinet	Key	Part Private Information which is likely to reveal the identity of an individual. Information relating to the financial or business affairs of any particular person (including the authority holding that information)	28 April 2020	Councillor Roger Bayliss Tel: 01530 411055 roger.bayliss@nwleicestershire.gov.uk Head of Housing and Property Tel: 01530 454780 chris.lambert@nwleicestershire.gov.uk	Cabinet Report and layout options Appleby Magna Caravan Park

Decision	Decision Maker	Status of Decision	Public or Private (and reason – where private)	Date of Decision	Contacts	Documents to be submitted to the Decision Maker
May 2020						
There are no meetings scheduled.						
June 2020						
Minutes of the Coalville Special Expenses Working Party	Cabinet	Key	Public	9 June 2020	Councillor Andrew Woodman Tel: 07970 520357 andrew.woodman@nwleicestershire.gov.uk Head of Economic Regeneration, Head of Community Services Tel: 01530 454752, Tel: 01530 454832 mark.fiander@nwleicestershire.gov.uk, paul.sanders@nwleicestershire.gov.uk	Report and Minutes of the meeting Minutes of the Coalville Special Expenses Working Party
Update on Car Park Review	Cabinet	Key	Public	9 June 2020	Councillor Andrew Woodman Tel: 07970 520357 andrew.woodman@nwleicestershire.gov.uk Head of Community Services Tel: 01530 454832 paul.sanders@nwleicestershire.gov.uk	Update on Car Park Review
Recycle more update and food waste trial	Cabinet	Key	Public	9 June 2020	Councillor Andrew Woodman Tel: 07970 520357 andrew.woodman@nwleicestershire.gov.uk Head of Community Services Tel: 01530 454832 paul.sanders@nwleicestershire.gov.uk	Recycle more update and food waste trial