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Meeting	CABINET
Time/Day/Date	5.00 pm on Tuesday, 26 April 2022
Location	Council Chamber, Council Offices, Coalville
Officer to contact	Democratic Services (01530 454512)

AGENDA

Item	Pages
1. APOLOGIES FOR ABSENCE	
2. DECLARATION OF INTERESTS	
Under the Code of Conduct members are reminded that in declaring interests you should make clear the nature of that interest and whether it is a disclosable pecuniary interest, registerable interest or other interest.	
3. PUBLIC QUESTION AND ANSWER SESSION	
4. MINUTES	
To confirm the minutes of the meeting held on 29 March 2022.	3 - 6
5. EAST MIDLANDS FREEPORT UPDATE	
Report of the Strategic Director. Presented by Deputy Leader and Infrastructure Portfolio Holder.	7 - 14
6. EAST MIDLANDS FREEPORT BUSINESS RATES RELIEF POLICY	
Report of the Head of Finance and S151 Officer. Presented by Corporate Portfolio Holder.	15 - 26
7. DISCRETIONARY COUNCIL TAX ENERGY REBATE SCHEME	
Report of the Strategic Director of Housing. Presented by the Housing, Property and Customer Services Portfolio Holder	27 - 30

8. TENANT SCRUTINY PANEL REPORT: RESIDENT INVOLVEMENT SERVICES

Report of the Strategic Director of Housing.
Presented by the Housing Portfolio Holder.

31 - 48

Circulation:

Councillor R Blunt (Chairman)
Councillor R Ashman (Deputy Chairman)
Councillor R D Bayliss
Councillor T Gillard
Councillor K Merrie MBE
Councillor N J Rushton
Councillor A C Woodman

MINUTES of a meeting of the CABINET held in the Council Chamber, Council Offices, Coalville on TUESDAY, 29 MARCH 2022

Present: Councillor R Blunt (Chairman)

Councillors R Ashman, R D Bayliss, T Gillard, K Merrie MBE, N J Rushton and A C Woodman

Officers: Mrs B Smith, Mr A Barton, Miss E Warhurst, Mrs A Crouch, Mrs C Hammond, Ms R Haynes, Mr M Murphy, B Walford and Mr P Wheatley

98. APOLOGIES FOR ABSENCE

No apologies were received.

99. DECLARATION OF INTERESTS

No interests were declared.

100. MINUTES

The minutes of the meetings held on 15 February and 1 March 2022 were considered.

It was moved by Councillor T Gillard, seconded by Councillor K Merrie and

RESOLVED THAT:

The minutes of the meetings held on 15 February and 1 March 2022 be confirmed as an accurate record of the proceedings.

Reason for decision: To comply with the Constitution.

101. PUBLIC QUESTION AND ANSWER SESSION

No questions were received.

102. EMPTY HOMES POLICY

The Community Services Portfolio Holder presented the report, outlining the council's policy which aimed to unlock the potential of vacant sites and empty homes.

Members were informed of the council's approach to bringing empty properties back into use and some of the successes to date were highlighted.

Members wholeheartedly supported this policy, which saw more homes brought into use, and consequently more families obtain "a roof over their heads".

It was moved by Councillor A Woodman, seconded by Councillor R Bayliss and

RESOLVED THAT:

The revised Empty Homes Policy be approved by Cabinet.

Reason for decision: To continue to work on private sector empty homes.

103. NORTH WEST LEICESTERSHIRE ECONOMIC GROWTH PLAN 2022

The Business and Regeneration Portfolio Holder presented the report, highlighting the strengths and opportunities available to the authority to support economic recovery and growth.

It was noted that the current plan was a refresh of the original 2019 plan and incorporated elements of the 2020 Economic Recovery Plan. Members were informed that the plan had been shaped by feedback from the Community Scrutiny Committee and by other partner organisations.

Members praised the very comprehensive report and thanked the Community Scrutiny Committee for their feedback.

It was moved by Councillor T Gillard, seconded by Councillor K Merrie and

RESOLVED THAT:

1. The final draft of the refreshed North West Leicestershire Economic Growth Plan 22-25 and the associated evidence base be reviewed and the comments of the Community Scrutiny Committee be considered.
2. The adoption of the refreshed North West Leicestershire Economic Growth Plan 22-25 be approved.

Reason for decision: For Cabinet to provide feedback and adopt the refreshed North West Leicestershire Economic Growth Plan ahead of publication.

104. 2022/23 COUNCIL SURPLUS PROPERTY LIST

The Housing and Customer Services Portfolio Holder presented the report outlining assets on the 2022/23 Surplus Property List.

The Portfolio Holder outlined the two items which were on the Surplus Property List, those being the Market Hall, which was no longer in use, and the current council offices which would become surplus to requirements following the planned move to Whitwick Business Centre. This was in line with the authority's disposal policy which was adopted last year.

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

RESOLVED THAT:

The North West Leicestershire District Council Surplus Property List 2022/23 be approved by Cabinet.

Reason for decision: To comply with the requirements of the Council's Corporate Disposals Policy.

105. APPROPRIATION OF AREA OF LAND AT HOWE ROAD CURRENTLY USED AS OPEN SPACE TO HOUSING

The Housing and Customer Services Portfolio Holder presented the report, highlighting the area of land that was originally purchased by the authority for the development of housing.

Members were informed that the piece of land was acquired in the late 1980s, and the houses built around it were completed in 1991. The land was being used informally for

dog walking and leisure pursuits but was now required for housing. Therefore, the authority had consulted widely before bringing the decision forward to Cabinet.

It was noted that a number of objections had been raised from local residents, however, the local ward member had no objections. Members believed the objections received were not insurmountable and utilisation of the land would give the authority 15 much needed retirement bungalows.

Councillor T Gillard informed the meeting that he had received some comments about the potential development but it was highlighted that the need for affordable housing outweighed the concerns raised.

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

RESOLVED THAT:

The appropriation of land at Howe Road for housing purposes for the delivery of new residential properties be approved by Cabinet.

Reason for decision: To seek approval from Cabinet to the appropriation of land at Howe Road to deliver new council housing.

106. 2021/22 QUARTER 3 PERFORMANCE REPORT

The Leader presented the report, providing members with information on the performance and progress made against the Council Delivery Plan actions.

Progress been made against the Council's 5 key priority areas.

Members were invited to comment.

Councillor A Woodman offered the meeting his observations and updates. With regard to the Newmarket, members were informed that 68 businesses had traded from there including a new permanent food trader. Footfall in March was markedly increased. Events are planned and it is picking up well and had received good feedback. It was noted that the Newmarket would be a long journey but that it had made strong positive progress.

A member offered a personal observation on the positive impact of the new Whitwick and Coalville Leisure Centre, which had received good feedback and was noted to be very well attended.

Members were updated on the Zero Litter Campaign, and informed that the "Wombles" had been invited to attend joint meetings with the authority whereby long-term strategies had been jointly discussed. Members offered full support in any effort to reduce litter as it continued to be a noticeable problem.

In respect of the Zero Carbon target, it was noted that waste vehicles now run on HVO fuel using 90% less CO₂.

Councillor T Gillard informed the meeting that despite the ongoing pandemic, the Economic Development team continued to provide key frontline services to support businesses and informed members that businesses had participated in training, supported by the team, which led to improved sales and customer engagement. Members congratulated the team on the work they had done and thanked them for their efforts.

Councillor R Bayliss updated members on the planned objectives for delivering council homes, which had been below target. However, it was noted that this was due to

complications beyond the authority's control and that several sites had been earmarked for new developments in the coming months.

It was noted that customer services had been steadily improving and that customer satisfaction had also improved, with the use of online forms and the number of online accounts having risen.

It was moved by Councillor R Blunt, seconded by Councillor T Gillard and

RESOLVED THAT:

Progress against the corporate objectives and performance indicators for Quarter 3 2021/22 be noted.

Reason for decision: To report Quarter 3 Council Delivery Plan performance.

107. FORMER TENANT RENT ARREARS, CURRENT TENANT RENT ARREARS, COUNCIL TAX, NON DOMESTIC RATES AND SUNDRY DEBTOR WRITE OFFS

The Corporate Portfolio Holder presented the report.

Councillor N Rushton drew members' attention to the section of the report which illustrated any write offs under £10,000 and additionally to a paragraph in the report explaining the reasons why some debts are written off. It was noted that it was good accountancy practice to write off debts, however if the authority could recoup debts at a later date, it would endeavour to do so.

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

RESOLVED THAT:

1. Non-domestic rates write offs over £10,000 be approved.
2. The information contained within the summary report as a true representation of write offs undertaken during 2021/22 to date under delegated powers be approved.

Reason for decision: To comply with proper accounting practices.

The meeting commenced at 5.00 pm

The Chairman closed the meeting at 5.21 pm

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

CABINET – TUESDAY, 26 APRIL 2022



Title of Report	EAST MIDLANDS FREEPORT UPDATE	
Presented by	Councillor Robert Ashman Deputy Leader and Infrastructure Portfolio Holder	
Background Papers	Freeport Update (restricted document) Cabinet - 9 November 2021 Freeport Proposition Cabinet - 25 Jan 2021 East Midlands Freeport Update (restricted document) Cabinet - 15 February 2022. Business rate retention policy 26 April 2022 (Item 6 of this agenda)	Public Report: Yes
		Key Decision: Yes
Financial Implications	Financial implications are detailed in section 5 within this report.	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	Legal implications are detailed in the report.	
	Signed off by the Deputy Monitoring Officer: Yes	
Staffing and Corporate Implications	There are no staffing implications. Corporate implications are detailed in the report.	
	Signed off by the Head of Paid Service: Yes	
Purpose of Report	To update Cabinet on the East Midlands Freeport (EMF) Project and status of the Final Business Case, to consider whether the Council should join the EMF Company (and make a recommendation to Council) and to decide which member of Cabinet should be delegated authority to make decisions on behalf of the Council as a Member of the Company.	
Reason for Decision	To comply with constitutional requirements and to make a recommendation to Council when it meets on 10 May 2022	
Recommendations	THAT CABINET 1. NOTE THE PROGRESS OF THE EAST MIDLANDS FREEPORT BUSINESS PROJECT;	

	<p>2. RECOMMEND TO COUNCIL THAT THE COUNCIL JOINS THE EAST MIDLANDS FREEPORT COMPANY;</p> <p>3. RECOMMENDS TO COUNCIL THAT IT DELEGATES THE FINALISATION OF THE MEMBERS AGREEMENTS, ARTICLES OF ASSOCIATION AND ANY OTHER AGREEMENTS NECESSARY TO FACILITATE THE INCORPORATION OF THE EMF COMPANY TO THE CHIEF EXECUTIVE;</p> <p>4. NOTE THE INTENTION OF THE CHIEF EXECUTIVE TO APPOINT THE PORTFOLIO HOLDER FOR INFRASTRUCTURE AS DIRECTOR OF THE EAST MIDLANDS FREEPORT COMPANY.</p>
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1.0 BACKGROUND

- 1.1 The East Midlands Freeport submitted an expression of interest and outline business case to government in September 2021. It is the only airport centred inland Freeport in England based around three core sites:

- East Midlands Gateway Industrial Cluster (EMAGIC)
- Uniper's Ratcliffe on Soar Site
- East Midlands Intermodel Park (EMIP)

- 1.2 Cabinet have considered reports in relation to the Freeport project at their meetings on 25 January and 9 November 2021. At the meeting of Cabinet on 25 January 2021, Cabinet endorsed the submission of the Freeport proposition to Government following which an interim board was established to develop the proposition further with Leicestershire County Council being the lead accountable body.
- 1.3 Cabinet considered the progress made in the development of the Final Business Case (FBC) on 15 February 2022. They endorsed the work of the Freeport Board; agreed to support in principle the draft FBC, noted that there was further work to be done on the governance of the EMF and delegated authority for final sign off to the Chief Executive in consultation with the Portfolio Holder. Cabinet also recognised the ongoing work around business rates and noted that a report would be brought to them in relation to the Discretionary Rate Relief Policy. That report is at item 6 on this agenda.
- 1.4 The Cross Party Devco and Freeport Working Group met on 5 April 2022. They were briefed on the latest position on the EMF project, governance documents and decision making timeline and had the opportunity to ask questions and make comments about progress.
- 1.5 The Freeport Board met on 7 April 2022 to review the final draft FBC and accompanying appendices. The Portfolio Holder advised the Board that the Council was able to support the submission of the FBC to government and that full Council would be asked to make the decision on whether to join the EMF Company at their meeting on 10 May 2022. The FBC was submitted to government on the 15 April

2022. If the EMF submission is successful, it is expected that the EMF Company will be incorporated at the end of May 2022.

2.0 PLANNING IMPLICATIONS

- 2.1 The report to Cabinet on 15 February 2022 set out the position in relation to the East Midlands Airport and Gateway Industrial Cluster (EMAGIC) site. That need not be repeated here and Cabinet are referred back to the earlier report for that detail. Since that meeting, Cabinet will be aware that the Government designated the EMAGIC site as a tax site on 22 March 2022. The Government also designated 2 other areas within the Freeport area as tax sites (East Midlands Intermodel Park (EMIP) and the Uniper's Ratcliffe on Soar Site at the same time. Neither of these areas fall within NWL.
- 2.2 Cabinet will recall, from the February report, that work was being done by the Council, as Local Planning Authority, to assess how the designation of the tax site would affect the consideration of the site through the Local Plan or Development Management processes. Cabinet were advised that the outcome of that work would be reported back to members via the appropriate route.
- 2.3 That work has now been concluded and while not planning legislation, the designation of EMF as a Freeport is a statement of government policy which has been re-enforced very recently in the Levelling Up White Paper. As such, the designation and economic benefits of the EMF would need to be given significant weight as part of the consideration through the Local Plan process, or the case of a planning application, the economic benefits would be a material consideration to be balanced against all other environmental impacts such as severe impact upon the highway network, impact upon visual and rural amenity and the setting of heritage assets, in particular Diseworth Conservation Area, and risk of increased flooding.
- 2.4 All matters relating to the role of the Council, as Local Planning Authority will be dealt with via the statutory planning process and are not for consideration by Cabinet in this report.

3.0 LEGAL AND GOVERNANCE IMPLICATIONS

Power to join a company

- 3.1 The Council has the power to join a company limited by guarantee under the general power of competence in Section 1 of the Localism Act 2011 ("the 2011 Act"). This gives the Council the power to do anything that an individual might do. The power is restricted by Section 4 of the 2011 Act which requires that: a thing done for a commercial purpose must be something that the Council may also do for a non-commercial purpose; it must not be something that the Council is required to do by statute; and if done for a commercial purpose, then it must be done through a company.
- 3.2 The aim of the Freeport is to attract investment and spur local and regional economic growth as well as enhancing international trade, by simplifying the customs procedures for firms within the Freeport zone and reducing administrative costs of trading goods with the rest of the world thereby increasing competitiveness. These are not activities that the Council is required to do by statute and are activities that can be done

for a non-commercial purpose, therefore, the general power of competence is engaged and can be relied upon to join the Freeport company.

3.3 Governance documents

3.4 As Cabinet will be aware, the Freeport is currently operating under an informal collaboration agreement between the relevant public and private sector partners. The Board decided that, should the government designate the Freeport after submission of the FBC, it will establish itself as an incorporated body. The preferred option for an incorporated body is a Company limited by guarantee. The FBC sets out the proposed governance structure for the EMF Company, including the draft Members Agreement and Articles of Association. The Council has been represented on the EMF Governance Working Group, which has been working on these documents, by the Monitoring Officer and Legal Team Manager. A summary of the key matters contained within both agreements is set out at appendix A to this report.

3.5 The Members Agreement sets out the relationship between the Limited Company and its Members, of which the Council is one. It includes, amongst other things:

- The objectives of the Company, its powers and activities
- The Board composition, role of Chair and arrangements for appointment of Directors
- The process for approving the Business Plan
- Reserved matters and requirements for decision making within the Company
- Member liabilities (if any)
- Funding of the EMF Company
- Member and EMF Co obligations
- Provisions for default and termination
- Role of Leicestershire County Council as the lead authority.

3.6 The Members agreement also notes that other legal agreements may be required to facilitate the operation of the Freeport Company. For example, there will need to be a Business Rates Agreement to govern the payment of Business Rates by the Council and other Billing Authorities to the EMF Freeport. In addition, to support the initial set up and early operation of the Company, Leicestershire County Council will provide support services to the Company. This will be the subject of a separate services agreement between the Company and the County Council.

3.7 The Articles of Association govern how the EMF Company will operate, effectively its Constitution. It includes, amongst other things:

- Directors' powers and responsibilities
- Directors' decision-making
- Appointment of Directors
- Membership and member decision-making
- Arrangements for general meetings of the Company
- Administrative matters, e.g. company seal and record-keeping

3.8 This Council has contributed to the drafting of these key governance documents via the working group process. The work has focussed on agreeing key principles and arriving at a draft of the documents which all the Board are comfortable can be submitted to government as part of the FBC. It is accepted that it may be necessary to refine the drafting post submission. Council will be asked to delegate the power to finalise the governance documents to the Strategic Director, when they consider the matter on 10 May 2022.

- 3.9 One of the key issues which was discussed by the Governance Working Group was the alignment of the EMF Company and EM Devco Company. It is understood that this will be the subject of a memorandum of agreement between Leicestershire and Nottinghamshire County Councils as the respective lead authorities for the two entities. A report will be brought back to a later meeting of Cabinet which looks at the first years' work of the EM Devco.

Role of Directors and the Council as Member of the Company

- 3.10 The Council will need to appoint a Director to sit on the EMF Company Board. Directors have various duties to the Company, including those codified in the Companies Act 2006. They include ensuring that the company follows its constitution, acting in good faith and in the interests of the company, exercising independent judgement and avoiding any conflicts of interest, promoting the success of the company, exercising skill and care, ensuring company compliance and having oversight of the work of the Executive team.
- 3.11 The Chief Executive has the power to appoint a Director to a company in accordance with Section 3 of the Constitution. It is proposed that the Portfolio Holder for Infrastructure be so appointed.

4.0 INTERNAL GOVERNANCE PROCESS

- 4.1 The Board have been working at pace on what has been a large and complex project. The deadlines for the submission of the FBC have been fixed by government and they have not allowed for the prior consideration of this matter by Scrutiny. The internal project team have briefed the cross party working group as set out at para 1.2 above.
- 4.2 Full Council will be asked to consider the decision to join the EMF Company at its meeting on 10 May 2022.

5.0 FINANCIAL IMPLICATIONS

- 5.1 On the 1 March the government announced the designation of the tax sites that would be included within the East Midlands Freeport. The tax site designation took effect from 22 March 2022 and cabinet will be considering recommendations for a new Business rate retention policy under Item 6 of the Cabinet agenda.
- 5.2 The District continues to take an active role within the Infrastructure Working Group ensuring that a co-ordinated approach is taken to balance the growth and impact of infrastructure and there will be a group of S151 officers responsible for ensuring that projects are fully financed and include sufficient funds to deal with any infrastructure requirements together with the allocation of business rates. North West Leicestershire District Council will be fully represented on this group.

Policies and other considerations, as appropriate	
Council Priorities:	- Support for businesses and helping people into local jobs.
Policy Considerations:	None identified
Safeguarding:	None identified
Equalities/Diversity:	Inclusive growth is a key theme in the business case ensuring that, as far as possible, the Freeport brings benefits for all. As well as creating jobs the focus is on the quality as well as the accessibility of those jobs.
Customer Impact:	None identified
Economic and Social Impact:	The East Midlands Freeport has the potential to attract investment and spur local and regional economic growth as well as enhancing international trade. This means new jobs and associated infrastructure to benefit our local residents and communities.
Environment and Climate Change:	Government Net Zero goals are at the heart of the East Midlands Freeport value proposition and the Board are fully committed to supporting clean growth, supporting businesses to deliver on ambitious emissions targets. In addition the freeport partners are working to net zero; Segro is committed to achieving Net Zero by 2030 and East Midlands Airport aims to achieve net zero carbon by 2038.
Consultation/Community Engagement:	The East Midlands Freeport has developed a focused and robust stakeholder management and communications strategy as part of the full business case, which aims to establish sustainable and inclusive partnerships with a broad array of external stakeholders and strengthen EMF's local and commercial offer.
Risks:	Risks associated with the approval of the East Midlands Business Rates Relief as set out in the accompanying report under item 6 are minimal. Planning considerations are set out in this report under paragraph 2. The risk of reduced revenue to the district through loss of business rates income has been considered and a no detriment policy on business rates forms the basis of the full business case.
Officer Contact	Bev Smith Chief Executive Officer bev.smith@nwleicestershire.gov.uk

APPENDIX A

Summary of Key Matters – Draft Members Agreement/Draft Articles of Association

The incorporation of the company will involve the Council, as a founding member, agreeing to two company governance documents. The first being the articles of association which is the legal constitutional document of the company, which sets out how the company is constituted and the basic rules around how the company will be run. The second is a members agreement, which is a “private” contract between the members to the company and the company itself that regulates the relationship between them. Whilst you do not have to have a members agreement, it is a very common document in these kind of company arrangements, particularly as in this case we have both public sector and private sector members.

The key points to note from the documents are as follows:

Articles:

- The company will be established as a company limited by guarantee, which means that the Council will only be liable for the amount of the guarantee (being £1) should the company be wound up.
- The board of directors shall be 13, made up of 6 public sector directors (one from each council that is a member), 6 private sector directors (one from each private sector member) and an independent chair. Each founding member has the right to appoint a director and remove that director. The independent chair will be an independent director and will not have a casting vote.
- The quorum for board meetings requires the Lead Authority’s director to be present, along with two public sector directors and 3 private sector directors.
- Decisions made by directors will first be made on a unanimous basis. Where unanimity is not achieved, it will be decided on a ‘Public Private Sector Majority’, which requires a majority of the public sector directors agreeing and a majority of the private sector directors agreeing.
- Member decisions will be made at company general meetings. The quorum for those general meetings mirrors the board meeting requirements and requires the Lead Authority to be present, along with 2 public sector members and 3 private sector members.

Members Agreement:

- The agreement confirms that the company’s day to day working capital and expenditure is to be funded by: capacity funding provided by DHLUC; a member loan from LCC as Lead Authority; and retained business rates. There is no requirement for other members to contribute to the day to day working capital and/or expenditure of the Company.
- Capital projects and infrastructure projects may be funded by the Company but the agreement is clear that the entity or public sector body that will ultimately own or have responsibility for the capital asset or infrastructure will be primarily responsible for procuring, commissioning and funding that project.

- The company's board will set the strategy for retained business rates. There will be a 'Public Sector Directors group' which consists of all the directors of the public sector members and that group will be responsible for making decisions on the use and allocation of retained business rates.
- Certain decisions are reserved to members (rather than the board of directors) and those are contained in the Reserved Matters schedule. Some of those decisions require all of the members to agree and some decisions require only a Public Private Majority. The Reserved Matters schedule also contains some decisions that are reserved to the board of directors and some decisions that require the consent of the Lead Authority.
- The Council may make a request to withdraw from the company, which will be subject to certain company decisions, depending on its status in the Freeport at the time of the request, as follows:
 - If the Council requests to withdraw prior to the end of the Delivery Period (22 March 2022-30 September 2026) then it will require a Public Private Majority member decision
 - If the Council requests to withdraw after the end of the Delivery Period but it still has a tax site in its area then it will require a Public Private Majority member decision
 - If the Council requests to withdraw after the end of the Delivery Period and it no longer has a tax site in its area then that will only require a decision of the Public Sector Directors group
- There will be an annual business plan that will be approved by the board of directors each year. The business plan will set out how the company anticipates delivering its objectives over the following four years, including funding considerations.

Title of Report	EAST MIDLANDS FREEPORT – BUSINESS RATES RELIEF POLICY	
Presented by	Councillor Nicholas Rushton Corporate Portfolio Holder	
Background Papers	<u>Freeport Update (restricted document) Cabinet - 9 November 2021</u>	Public Report: Yes
	<u>Freeport Proposition Cabinet - 25 Jan 2021</u> <u>East Midlands Freeport Update (restricted document) Cabinet - 15 February 2022.</u> East Midlands Freeport Update 26 April 2022 (Item 5 of this agenda)	Key Decision: No
Financial Implications	The Midlands Freeport East Business Rates Relief Policy is largely technical in terms of operation and application. The policy closely follows Government Guidance, which has gone through appropriate due diligence, and provides for 5 years of relief from businesses moving into or expanding (under strict criteria) within the Freeport designated areas.	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	The government has confirmed that it will not introduce legislation in relation to the administration of rate reliefs for freeports and expects local authorities to rely on their discretionary powers under section 47 of the Local Government Finance Act 1988. A policy is necessary to demonstrate how the Council will exercise those discretionary powers in relation to the East Midlands Freeport.	
	Signed off by the Deputy Monitoring Officer: Yes	
Staffing and Corporate Implications	None	
	Signed off by the Head of Paid Service: Yes	
Purpose of Report	For Cabinet to agree the North West Leicestershire East Midlands Freeport Business Rates Relief Policy.	
Reason for Decision	As part of the formal creation of the East Midlands Freeport the Council is required to have in place a Business Rates Relief Policy for eligible organisations outlining the eligibility criteria, operation and delivery of Business Rates Relief for East Midlands Freeport Tax Sites.	
Recommendations	IT IS RECOMMENDED THAT CABINET APPROVES THE COUNCIL'S EAST MIDLANDS FREEPORT BUSINESS RATES RELIEF POLICY.	

1.0 INTRODUCTION

- 1.1. At the Budget on 3 March 2021 the government committed to creating eight new Freeports sites in England, where businesses would benefit from more generous tax reliefs, including business rates relief. The East Midlands Freeport secured formal Government approval on 1 March 2022.
- 1.2. Full Business Rates relief will be available to eligible business for the East Midlands Freeport Tax Sites once designated. Relief will be available to all new businesses, and certain existing businesses where they expand, until 30 September 2026. Relief will apply for five years from the point at which each beneficiary first receives relief.
- 1.3. This policy outlines the eligibility criteria, operation and delivery of this Business Rates Relief.

2.0 THE EAST MIDLANDS FREEPORT SITE

- 2.1 The proposed East Midlands Freeport sites within North West Leicestershire are shown at Appendix 2.

3.0 PROVISION OF RELIEF

- 3.1. The Council will use its discretionary powers under section 47 of the Local Government Finance Act 1988 (as amended), to grant relief. The government will fully reimburse billing authorities and major precepting authorities for the actual cost to them under the rates retention scheme for the local share of the discretionary relief, using a grant under section 31 of the Local Government Act 2003.

4.0 ELIGIBILITY PRINCIPLES – PRINCIPLES FOR THE APPLICATION OF RELIEF TO NEW BUSINESS

- 4.1. Freeports business rates relief is available to new businesses moving into designated Freeport sites in North West Leicestershire after the date on which the Tax Sites has been formally designated (and on or before 30 September 2026), and occupying both existing and new hereditaments on the rating list.
- 4.2. The relief is available for five years from the date it is first claimed. Businesses will be able to claim the relief, where eligible, from the date the relevant Freeport tax site has been formally designated (and on or before 30 September 2026).
- 4.3. New businesses which expand after moving into the Freeport (whether into new or existing buildings) will, in addition to any existing relief, be eligible for relief on any additional hereditaments they occupy in the Tax Site.
- 4.4. In considering what is a new business, the Council will lift the corporate veil and consider groups of companies to be single businesses.

5.0 ELIGIBILITY PRINCIPLES – PRINCIPLES FOR AWARDING FREEPORT RELIEF FOR EXISTING BUSINESSES

- 5.1. Subject to 5.3 to 5.7 below, full relief is available on a hereditament where a person has occupied the property comprising that hereditament for the first time on or after the date on

which the Tax Site is designated (and on or before 30 September 2026). This, for example, would include existing businesses expanding into a further property.

- 5.2. Subject to 5.3 to 5.7 below, partial relief is available on a hereditament where a person has occupied a room or similar within a hereditament for the first time on or after the date the Tax Site is designated (and on or before 30 September 2026). For example, where an existing business builds an extension or takes on new rooms or floors in their building leading to an expansion of the hereditament.
- 5.3. Ratepayers cannot generally claim Freeport Relief merely by expanding their use of an existing room or similar within a hereditament. However, partial relief is available to a person in respect of part of a hereditament on which they were already the occupier or owner prior to the date on which the Tax Site is designated, provided that the space is within an existing room of a building and has become useable for the first time following development commenced on or after the date on which the Tax Site is designated (and on or before 30 September 2026), e.g. installation of a mezzanine or access/fire control improvements to bring an existing space into use.
- 5.4. Improvements to space already or previously in use by the person prior to the date on which the Tax Site is designated, are not eligible for Freeport Relief (e.g. general refurbishment or improved services such as heating and aircon).
- 5.5. The Council will refuse to award Freeport Rates Relief where the increase in rates bills attributable to these factors is not reasonably ascertainable.
- 5.6. The Council will retain the discretion to apply additional tests for Freeport Rates Relief in order to avoid or not incentivise displacement of business activity from within the freeport or the surrounding area. This may include reducing the award of relief in cases where a ratepayer's occupation of a space arises in whole or in part from them vacating another space in the Freeport or surrounding area.
- 5.7. Freeport Rates Relief is available for 5 years from the date it is first claimed. Businesses will be able to claim the relief, where eligible, from the date the Tax Site has been formally designated (and on or before 30 September 2026).

6.0 PRINCIPLES FOR ESTABLISHING THE VALUE OF THE FREEPORTS BUSINESS RATES RELIEF

- 6.1 Subject to 6.3 below, the value of full relief for hereditaments falling within 5.1 above is 100% of the bill.
- 6.2 Subject to 6.3 below, the value of partial relief should be 100% of that part of the rates bill attributable to the part of the hereditament falling within 5.2 and 5.3 above where that increase is reasonably ascertainable. In establishing the part of the rates bill attributable to the part of the hereditament falling within 5.2 and 5.3 above, the Council will may have regard to:
 - the survey and rating valuation of the hereditament provided by the ratepayer if available (e.g., for hereditaments valued by area on the rental comparison basis).
 - a change to the rateable value where it is clear that the change is solely due to the addition to the valuation of the parts of the hereditament falling within 5.2 and 5.3 above.
 - any other information the Council deems appropriate to determine the extent of the parts of the hereditament falling within 5.2 and 5.3 above.

- 6.3 The Council may withhold or reduce the Freeports Rates Relief in cases of displacement (see 5.6 above)

7. SEQUENCE OF RELIEFS

- 7.1 The relief will be applied after mandatory reliefs and other discretionary reliefs have been applied, excluding those where the Council has used its wider discretionary relief powers introduced by the Localism Act 2011. The Council may its discretionary powers to offer further discounts outside this scheme, but where the Council applies a locally funded relief, this will be applied after the Freeport relief scheme.

8. SUBSIDY CONTROL

- 8.1 Freeport Business Rates Relief is subject to the UK's domestic and international subsidy control obligations. Businesses located in the Tax Site will need to fulfil any requirements in place to ensure compliance with those obligations in advance of, during, and after claiming relief. See the BEIS guidance for public authorities which explains the subsidies chapter of the TCA, World Trade Organisation rules on subsidies, and other international subsidy control commitments:

<https://www.gov.uk/government/publications/complying-with-the-uks-international-obligations-on-subsidy-control-guidance-for-public-authorities/technical-guidance-on-the-uks-international-subsidy-control-commitments>

9. APPLICATIONS FOR FREEPORT BUSINESS RATES RELIEF

- 9.1 Business rate payments remain legally due and payable in accordance with the most recent bill, until such time as any relief is awarded. Written applications will usually be required for each individual property. The Council will ensure that the application forms for discretionary rate relief are made available to ratepayers upon request as well as through the Council's website.
- 9.2 Where it is necessary, the ratepayer may be required to provide further information to support their applications. Application forms and guidance notes will set out the evidence requirements that need to be met for a decision to be made. Failure to provide the necessary evidence will delay the decision making process.
- 9.3 The Non-Domestic (Business) Rates Team can provide assistance or advice to any organisation or business on the completion of applications.
- 9.4 All qualifying businesses and organisations are required to notify the Council of any change in circumstances that may affect their entitlement to Freeport Business Rates Relief.
- 9.5 Successful applications will be notified of the amount of the Freeport Business Rates 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. Where this puts the account in credit for the year, a refund will be made by the Council.
- 9.6 Unsuccessful applicants will be notified in writing and reasons for the decision will be provided. Although there is no legal right of appeal against the Council's decisions on discretionary rate relief applications, in keeping with good customer care practice and principles of transparency, this policy provides for a review/reconsideration by the Council's Section 151 Officer.

Policies and other considerations, as appropriate	
Council Priorities:	Support for businesses and helping people into local jobs
Policy Considerations:	None
Safeguarding:	None
Equalities/Diversity:	None
Customer Impact:	None
Economic and Social Impact:	The East Midlands Freeport Business Rates Relief Policy although largely technical in terms of operation and application forms a key element in the Freeport offer, incentivising businesses to relocate into the Freeport or existing businesses to expand.
Environment and Climate Change:	Environmental and climate impact will need to be assessed as part of the wider Freeport operation and expansion and if appropriate mitigated through appropriate measures. This is outside of the scope of the technical policy set out in this report.
Consultation/Community Engagement:	The East Midlands Freeport has undertaken a wide variety of engagement and consultation including but not limited to the Government's Budget on 3 March 2021 where the Government committed to creating eight new Freeports sites in England.
Risks:	Risks associated with the approval of the East Midlands Freeport Rates Relief Policy are minimal. The policy is closely aligned to national guidance and in this since sound and compliant with Government parameters. Furthermore, as part of its obligations Government will fully reimburse billing authorities and major precepting authorities for the actual cost to them under the rates retention scheme for the local share of the discretionary relief, using a grant under section 31 of the Local Government Act 2003.
Officer Contact	Mark Walker Head of Finance and Customer Services mark.walker@nwleicestershire.gov.uk

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North West Leicestershire District Council

East Midlands Freeport

Business Rates Relief Policy

1. Introduction

- 1.1. At the Budget on 3 March 2021 the government committed to creating eight new Freeports sites in England, where businesses would benefit from more generous tax reliefs, including business rates relief. The East Midlands Freeport secured formal Government approval on 1 March 2022.
- 1.2. Full Business Rates relief will be available to eligible business for the East Midlands Freeport Tax Sites once designated. Relief will be available to all new businesses, and certain existing businesses where they expand, until 30 September 2026. Relief will apply for five years from the point at which each beneficiary first receives relief.
- 1.3. This policy outlines the eligibility criteria, operation and delivery of this Business Rates Relief.

2. The East Midlands Freeport Site

- 2.1. The proposed East Midlands Freeport sites within North West Leicestershire are shown in the plan attached as appendix 2.

3. Provision of Relief

- 3.1. The Council will use its discretionary powers under section 47 of the Local Government Finance Act 1988 (as amended), to grant relief. The government will fully reimburse billing authorities and major precepting authorities for the actual cost to them under the rates retention scheme for the local share of the discretionary relief, using a grant under section 31 of the Local Government Act 2003.

4. Eligibility Principles – Principles for the application of relief to new business

- 4.1. Freeports business rates relief is available to new businesses moving into designated Freeport sites in North West Leicestershire after the date on which the Tax Sites has been formally designated (and on or before 30 September 2026), and occupying both existing and new hereditaments on the rating list.

- 4.2. The relief is available for five years from the date it is first claimed. Businesses will be able to claim the relief, where eligible, from the date the relevant Freeport tax site has been formally designated (and on or before 30 September 2026).
- 4.3. New businesses which expand after moving into the Freeport (whether into new or existing buildings) will, in addition to any existing relief, be eligible for relief on any additional hereditaments they occupy in the Tax Site.
- 4.4. In considering what is a new business, the Council will lift the corporate veil and consider groups of companies to be single businesses.

5. Eligibility Principles – Principles for awarding Freeport Relief for existing businesses

- 5.1. Subject to 5.3 to 5.7 below, full relief is available on a hereditament where a person has occupied the property comprising that hereditament for the first time on or after the date on which the Tax Site is designated (and on or before 30 September 2026). This, for example, would include existing businesses expanding into a further property.
- 5.2. Subject to 5.3 to 5.7 below, partial relief is available on a hereditament where a person has occupied a room or similar within a hereditament for the first time on or after the date the Tax Site is designated (and on or before 30 September 2026). For example, where an existing business builds an extension or takes on new rooms or floors in their building leading to an expansion of the hereditament.
- 5.3. Ratepayers cannot generally claim Freeport Relief merely by expanding their use of an existing room or similar within a hereditament. However, partial relief is available to a person in respect of part of a hereditament on which they were already the occupier or owner prior to the date on which the Tax Site is designated, provided that the space is within an existing room of a building and has become useable for the first time following development commenced on or after the date on which the Tax Site is designated (and on or before 30 September 2026), e.g. installation of a mezzanine or access/fire control improvements to bring an existing space into use.
- 5.4. Improvements to space already or previously in use by the person prior to the date on which the Tax Site is designated, are not eligible for Freeport Relief (e.g. general refurbishment or improved services such as heating and aircon).
- 5.5. The Council will refuse to award Freeport Rates Relief where the increase in rates bills attributable to these factors is not reasonably ascertainable.
- 5.6. The Council will retain the discretion to apply additional tests for Freeport Rates Relief in order to avoid or not incentivise displacement of business activity from within the freeport or the surrounding area. This may include reducing the award of

relief in cases where a ratepayer's occupation of a space arises in whole or in part from them vacating another space in the Freeport or surrounding area.

- 5.7 Freeport Rates Relief is available for 5 years from the date it is first claimed. Businesses will be able to claim the relief, where eligible, from the date the Tax Site has been formally designated (and on or before 30 September 2026).

6. Principles for establishing the value of the Freeports Business Rates Relief

- 6.1 Subject to 6.3 below, the value of full relief for hereditaments falling within 5.1 above is 100% of the bill.
- 6.2 Subject to 6.3 below, the value of partial relief should be 100% of that part of the rates bill attributable to the part of the hereditament falling within 5.2 and 5.3 above where that increase is reasonably ascertainable. In establishing the part of the rates bill attributable to the part of the hereditament falling within 5.2 and 5.3 above, the Council will may have regard to:
- the survey and rating valuation of the hereditament provided by the ratepayer if available (e.g., for hereditaments valued by area on the rental comparison basis).
 - a change to the rateable value where it is clear that the change is solely due to the addition to the valuation of the parts of the hereditament falling within 5.2 and 5.3 above.
 - any other information the Council deems appropriate to determine the extent of the parts of the hereditament falling within 5.2 and 5.3 above.
- 6.3 The Council may withhold or reduce the Freeports Rates Relief in cases of displacement (see 5.6 above)

7. Sequence of Reliefs

- 7.1 The relief will be applied after mandatory reliefs and other discretionary reliefs have been applied, excluding those where the Council has used its wider discretionary relief powers introduced by the Localism Act 2011. The Council may its discretionary powers to offer further discounts outside this scheme, but where the Council applies a locally funded relief, this will be applied after the Freeport relief scheme.

8. Subsidy Control

- 8.1 Freeport Business Rates Relief is subject to the UK's domestic and international subsidy control obligations. Businesses located in the Tax Site will need to fulfil any requirements in place to ensure compliance with those obligations in advance of, during, and after claiming relief. See the BEIS guidance for public authorities which

explains the subsidies chapter of the TCA, World Trade Organisation rules on subsidies, and other international subsidy control commitments:

<https://www.gov.uk/government/publications/complying-with-the-uks-international-obligations-on-subsidy-control-guidance-for-public-authorities/technical-guidance-on-the-uks-international-subsidy-control-commitments>

9. Applications for Freeport Business Rates Relief

- 9.1 Business rate payments remain legally due and payable in accordance with the most recent bill, until such time as any relief is awarded. Written applications will usually be required for each individual property. The Council will ensure that the application forms for discretionary rate relief are made available to ratepayers upon request as well as through the Council's website.
- 9.2 Where it is necessary, the ratepayer may be required to provide further information to support their applications. Application forms and guidance notes will set out the evidence requirements that need to be met for a decision to be made. Failure to provide the necessary evidence will delay the decision making process.
- 9.3 The Non-Domestic (Business) Rates Team can provide assistance or advice to any organisation or business on the completion of applications.
- 9.4 All qualifying businesses and organisations are required to notify the Council of any change in circumstances that may affect their entitlement to Freeport Business Rates Relief.
- 9.5 Successful applications will be notified of the amount of the Freeport Business Rates 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. Where this puts the account in credit for the year, a refund will be made by the Council.
- 9.6 Unsuccessful applicants will be notified in writing and reasons for the decision will be provided. Although there is no legal right of appeal against the Council's decisions on discretionary rate relief applications, in keeping with good customer care practice and principles of transparency, this policy provides for a review/reconsideration by the Council's Section 151 Officer, should the applicant request it. Appeals would need to set out the specific and exceptional conditions of each individual case alongside the policy areas any claimant considers merit a review.

Likely to contain exempt information under paragraph(s) 3 of
Part 1 of Schedule 12A of the Local Government Act 1972.

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NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

CABINET – TUESDAY, 26 APRIL 2022



Title of Report	DISCRETIONARY COUNCIL TAX ENERGY REBATE SCHEME	
Presented by	Councillor Roger Bayliss Cabinet Member for Housing, Property and Customer Services	
Background Papers	None	Public Report: Yes
		Key Decision: Yes
Financial Implications	The financial implications of the rebate scheme will be addressed via direct government funding and new burdens funding. As such there is no direct impact on budget.	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	The process for agreeing a new Council Tax energy rebate scheme as outlined in the report has followed the correct process and is in accordance with the Constitution.	
	Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	None – addressed via the report or new burdens funding.	
	Signed off by the Head of Paid Service: Yes	
Purpose of Report	For cabinet to agree the discretionary scheme for the Council Tax Energy Rebate scheme as detailed in the report.	
Reason for Decision	To comply with the constitution.	
Recommendations	THAT CABINET 1. AGREE THE DISCRESSIONARY COUNCIL TAX ENERGY REBATE SCHEME AS SET OUT IN THE REPORT 2. DELEGATE ANY SUBSEQUENT CHANGES TO SCHEME TO THE STRATEGIC DIRECTOR WITH RESPONSIBILITY FOR THE REVENUES & BENEFITS SERVICE IN CONSULATION WITH THE PORTFOLIO HOLDER.	

1.0 BACKGROUND

- 1.1** On 3 February 2022 the Government announced a package of support known as the Energy Bills Rebate to help people with rising energy bills. This included a £150 non-repayable rebate for households in England in council tax bands A – D (including those valued in Band E but reduced to band D as a result of the disabled band reduction). This is known as the Council Tax Rebate (Main Scheme).
- 1.2** There is also discretionary funding for billing authorities to support households who are in need but are not eligible for the main Council Tax Rebate, known as the Discretionary Scheme. The guidance for both schemes were published on 23 February 2022, with further FAQ's being issued during March 2022.
- 1.3** The main scheme for properties in the A-D scheme will start to receive payments in the coming weeks, either through a bank payment where details are held, or via an alternative method allowing collection through the post office.

2.0 DISCRETIONARY SCHEME

- 2.1** NWL has been awarded £133,350.00 funding for the discretionary scheme, which is to complete payment by the end of November this year. As members are aware NWL is part of the Revenues and Benefits Partnership and as such we are harmonising this approach across those member authorities.
- 2.2** The Guidance states, Councils can determine locally how best to make use of this funding to support those suffering financial hardship as a result of the rising cost of living. This could include for example :
- Households living in property valued in bands E to H that are on income related benefits or those where the energy bills payers are not liable for council tax.
 - Where councils consider it the best means of supporting those in financial difficulty, they can use the discretionary fund to offer carefully targeted 'top-up' payments to the most vulnerable households in bands A to D (for example, those on means tested benefits), or to offer discretionary support exceeding £150 per household.
 - Occupants of class M (student halls) are unlikely to be eligible for discretionary support, unless they are exposed to rising energy prices in a similar way to other households.
 - Discretionary support should not be offered to occupants of property in exemption class O, where the Ministry of Defence will provide cost of living support. Support from the Discretionary Fund does not have to be provided in relation to the position on 1 April 2022.
- 2.3** The discretionary scheme can make payments at any level and is not limited to only making payments at £150. However officers are of the opinion to maintain parity with the main scheme payments of not less than £150 per property are made.
- 2.4 The Scheme**
- 2.5** Council Tax payers that will be eligible for £150 in bands E-H are as follows:
- I. Those resident and liable for Council Tax and in receipt of Local Council Tax Support (LCTS) on 1.4.2022.
 - II. Households who have a liability for rent on 1.4.2022, but not Council Tax, and are also liable for an energy bill and in receipt of housing benefit.

- III. The household must occupy the property as their main residence and be liable for rent or council tax on 1.4.2022.
 - IV. All those in receipt of a carers disregard on 1.4.2022.
 - V. Those in receipt of Discretionary Housing Payment (DHP) on 1.4.2022.
 - VI. Those in receipt of Discretionary Discount fund (DDF) (who by default should also be in receipt of LCTS) on 1.4.2022.
 - VII. All those in receipt of care leavers discount on 1.4.2022.
 - VIII. Those in exemption classes, N (students occupation), S (occupied only by persons under 18) , U (occupied solely by persons who are severely mentally impaired), W (annex occupied by a dependent relative) (to mirror the main scheme).
 - IX. Those across all bands where the energy bill payer is not the liable person e.g., HMOS
 - X. Those properties that have an alternative valuation band of band F to H, because of the disabled band reduction scheme.
- 2.6** At the end of the payment period, if funds remain available, we then look at the allocation remaining, and allocate on a taper basis according to band and the numbers of properties in each band and in receipt of LCTS. Likewise if the funds available were exhausted prior to the end of the period then the scheme would close
- 2.7** No award will be made to a local authority, corporate body, or other body such as a housing association, the government or governmental body. This is in line with the main scheme.
- 2.8** Payments for the discretionary scheme will be made in the same way as the main scheme where possible – for example where we hold the data that the council tax payer complies with the scheme and we hold backing details, payment will be made automatically once the scheme is launched. For those where we need further data or detail then an approach will be made to collect that to enable payment.
- 2.9** There will not be an appeals process, any matters arising will be dealt with via the NWLDC complaints procedure.
- 2.10** As this is still a developing area of policy development, the recommendation enables changes to be made to the scheme by the appropriate Director. Any changes will only be made after consultation with the portfolio holder and will maintain the direction of the scheme contained in this report.
- 2.11** This policy has not been able to be commented on by a scrutiny committee due to the timings of final government guidance on this issue, and the need to adopt a policy promptly to enable payments to begin being made. However, it has been informally circulate do Corporate Scrutiny Members and any comments made will be presented to Cabinet as part of the item.

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:	Existing Council Tax guidance

Safeguarding:	None
Equalities/Diversity:	The scheme attempts to further target support to those most in energy need and subject to disability.
Customer Impact:	None
Economic and Social Impact:	Discretionary scheme will aim to focus those parts of society experiencing most pressure due to the impacts of the energy price rises.
Environment and Climate Change:	None
Consultation/Community Engagement:	None
Risks:	None - wider that the risk and fraud issues associated with a grants process, which are and will be address in scheme design and future audit processes.
Officer Contact	Andy Barton Strategic Director Andy.Barton@nwleicestershire.gov.uk

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

CABINET – TUESDAY, 26 APRIL 2022



Title of Report	TENANT SCRUTINY PANEL REPORT: RESIDENT INVOLVEMENT SERVICE.	
Presented by	Councillor Roger Bayliss Housing, Property and Customer Services Portfolio Holder	
Background Papers	None	Public Report: Yes
		Key Decision: No
Financial Implications	The recommendations put forward by the Tenant Scrutiny Panel can be met by existing resources within the Housing Revenue Account budget.	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	No implications apparent	
	Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	No implications apparent	
	Signed off by the Head of Paid Service: Yes	
Purpose of Report	To seek approval to implement the action plan developed by the Housing Service in response to the recommendations put forward by the Tenant Scrutiny Panel in respect of The Resident Involvement Service	
Reason for Decision	To improve tenant engagement and support the housing service to prepare for anticipated regulations as a result of the publication of the Housing White Paper.	
Recommendations	THAT CABINET APPROVES THE ACTION PLAN PREPARED IN RESPONSE TO THE RECOMMENDATIONS FROM THE TENANT SCRUTINY PANEL'S INSPECTION OF THE RESIDENT INVOLVEMENT SERVICE	

1.0 CONTEXT

- 1.1 Cabinet approved the establishment of a Tenant Scrutiny Panel (TSP) on 13 March 2012 in response to introduction of the Localism Act 2011. The Act heralded the focus for Housing regulation moving towards a culture of local co-regulation, with greater emphasis on locally determining standards and priorities.
- 1.2 The reforms have also provided social housing tenants with stronger tools to hold their landlords to account through tenant panels, or similar bodies, in order to give tenants

the opportunity to carefully examine the services being offered and form judgements about the cost and quality of the services they receive.

- 1.3 Panel members were initially formally recruited in December 2012 and embarked on their first review in May 2013. To date, the panel have undertaken a further nine inspections with all recommendations approved by Cabinet.
- 1.4 The latest report issued by the Panel in respect of The Resident Involvement is a product of the Panel's work during the 2021/2022 financial year. This is the 10th report published by the panel since they were established.
- 1.5 The panel now consists of three volunteer members.
- 1.6 A recruitment campaign is underway as the aim is to have 8 panel members which is in line with the terms of reference.
- 1.7 The Panel will next be inspecting The Housing Support Service and a report detailing their findings and recommendations is anticipated before the end of 2022.

2.0 INSPECTION OF THE RESIDENT INVOLVEMENT SERVICE

- 2.1 The Panel's full report, including all recommendations can be found in Appendix A. The list of recommendations can be found specifically under section 9. All recommendations have been accepted by the Housing Senior Management Team (SMT).
- 2.2 To ensure the robustness of the inspection the panel worked with tpas who are tenancy engagement experts. They allocated an associate with expertise in tenant scrutiny throughout the process who offered advice and guidance, however the Resident Involvement Team leader also played an active role.
- 2.3 As part of the inspection the panel were acutely aware of the Housing White Paper and many of the recommendations will enable the housing service to ensure it complies with future anticipated regulations as a result of the White Paper.
- 2.4 It is important to note that the report attached has been produced by the Scrutiny Panel themselves, in their own words.

3.0 RESOURCE COMMITMENTS

- 3.1 Recommendations will be implemented through an action plan which outlines actions proposed to address the issues raised. All actions can be undertaken and implemented within existing resources. The action plan can be found in Appendix B.

Policies and other considerations, as appropriate	
Council Priorities:	Local people live in high quality, affordable homes.
Policy Considerations:	Tenant and Leaseholder Involvement Strategy
Safeguarding:	No specific considerations

Equalities/Diversity:	The report aims to increase engagement with a more diverse range of tenants, equality considerations will be monitored by The Tenant Scrutiny Panel.
Customer Impact:	The recommendations in the report will improve customer engagement
Economic and Social Impact:	No specific considerations
Environment and Climate Change:	No specific considerations
Consultation/Community Engagement:	Improved engagement with council tenants
Risks:	The recommendations and any associated risks will be monitored by the Housing Service and Tenant Scrutiny Panel
Officer Contact	Chris Lambert, Head of Housing 01530 454780 chris.lambert@nwleicestershire.gov.uk



**Tenant Scrutiny Panel
Report on:
Resident Involvement**

February 2022

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1. Acknowledgements

The Tenant Scrutiny Panel (TSP) gratefully acknowledges the support, guidance and assistance provided by the members of the Housing Team, including Amanda Harper and Andy Barton, The Resident Involvement Team (Justin O'Brien, Peter Warren and Laura Smythe) and Cllr Roger Bayliss. In addition the Panel would like to make a special thank you to Sam Goodwin (tpas associate) for her ongoing support and encouragement.

2. Executive Summary

The TSP made the decision to inspect the service delivered by the Resident Involvement Team for several reasons. Firstly it was acknowledged that the service had delivered effectively but it had been over seven years since the service had been reviewed. In addition the panel believed the publication of the Housing White paper

which clearly places a focus on social landlords to communicate and engage with their tenants more effectively and the impact of Covid 19 on housing services meant this was a good time to review and update the service.

3. Strengths:

- 3.1. The TSP consists of a group of volunteers who are also tenants of NWLDC, each of whom has different skill sets and seeks to improve their skills and value to the group by identifying development needs and attending relevant training.
- 3.2. Each TSP member knows the importance of adopting a flexible attitude and displays a high level of commitment to their voluntary involvement in working with NWLDC to improve Housing services to tenants and streamline processes.
- 3.3. The TSP mission is to be a “critical friend” to the Council, facilitating service improvements for Council tenants.
- 3.4. The TSP uses differing methodologies to analyse data, collect evidence, report on outcomes and make recommendations to NWLDC to enable changes and improvements to be implemented.

4. Vision and Strategy:

- 4.1 The topic of Resident Involvement is currently in the spotlight and NWLDC will need to change and improve to comply with the Housing white paper. The panel are aware work is being planned to this end and believe this report and recommendations will help move this work in the right direction.
- 4.2 The TSP are aware of the excellent work that has been on going (even throughout the pandemic) with the eight active Tenant Associations that NWLDC support across the district. The decision was taken that the focus of this inspection should be on how the Housing Service engages and communicates with tenants in relation to housing services.
- 4.3 The TSP also understand the current formal mechanisms of engagement, such as the Tenants and Leaseholders Consultation Forum (TLCF) and Working Groups are popular and effective, so rather than being prescriptive on how the housing service engages with tenants the panel believed the best approach was to take a wider holistic view of engagement and offer recommendations to allow for wider improvements of engagement and co-regulation.

5. Report

The TSP has reported on its findings as factually as possible and without any bias. Our inspections have, on occasion, increased awareness of the complexity of the work done by NWLDC and other agencies. However our findings and subsequent recommendations may lead us to be critical of certain parts of the process of reporting/investigating policies and procedures in place.

6. Aim of the Exercise

To review the Resident Involvement service with the aim of improving tenant engagement and assisting the housing service to comply with the housing white paper.

7. Methodology

- 7.1 Reviewed all relevant NWLDC documentation in respect of Resident Involvement.
- 7.2 Interviewed key staff members from Housing Management, Resident Involvement, Customer Services, and Housing Maintenance.
- 7.3 Interviewed Senior Members of staff including the Chief Executive and The Director and Head of Housing. The panel also interviewed the Portfolio Holder for Housing.
- 7.4 Interviewed Involved Residents that are currently engaged with the housing service.
- 7.5 Conducted face to face surveys with non-engaged residents via specifically organised pop up events so the panel were supported to go door knocking in selected areas in the district.
- 7.6 A tpas self-assessment and the subsequent feedback from tpas.

8. Findings

- 1. Staff know the purpose of Resident Involvement and why it is important. However there is inconsistency in staff awareness of the different resident engagement activities and the role of the Resident Involvement team
- 2. NWLDC does not appear to make the best use of digital ways it could engage with tenants. This includes the use of text messaging.
- 3. Many tenants spoken to said they did not know what resident involvement was and did not know there was a Resident Involvement Team. Although it should be acknowledged there was several non-involved tenants who were aware of the Resident Involvement Team.
- 4. There appears to be very little information/publicity about what has changed and improved as a result of resident Involvement.
- 5. There needs to be more local involvement activities
- 6. It is unclear how the various tenant groups and activities interact and feed up to decision makers.
- 7. There appears to be a lack of joined up working when it comes to consulting with tenants. This results in limited or poor consultation
- 8. It is not clear how NWLDC communicates ongoing performance information to enable tenants to challenge and hold the organisation to account.
- 9. There does not seem to be enough promotional information available about the Tenant Scrutiny Panel and what it does.
- 10. There is no tenant involvement in the complaints process. The Housing Ombudsman Service Code states landlords must pro-actively engage with customers in relation to complaints.
- 11. Communication is always a key priority for tenants. It is not clear if tenants know where to find information about housing services. NWLDC needs to ensure they are able to demonstrate that they listen to the diverse range of voices and experiences within their tenant base.
- 12. The Tenant involvement and Empowerment Standard requires social landlords to ensure tenants are aware of the Right to Manage and to show they would support this should there be an appetite, NWLDC does not appear to do this.
- 13. There is some good information on the website under compliance and servicing about health and safety which is a clear priority in the Housing White paper.

14. It is acknowledged the housing service has trained tenants in the past in the recruitment process and tenants have been full members of recruitment panels. However it would appear this has slipped, it would appear mainly as a result of the pandemic.

9. Recommendations

- 1.1 There should be a more formal induction session for new housing staff in relation to Resident Involvement.
 - 1.2 The Resident Involvement Team should attend Team meetings across the housing service to deliver a presentation to staff about the Resident Involvement service.
 - 1.3 There should be two community Days held each year where staff go out and work in the community alongside tenants. It might be worth considering partnering with Tenant Associations to achieve this objective. Team Managers will need to ensure their teams comply with this.
 - 1.4 Key Housing Staff who work directly with tenants should be set an engagement target in their appraisals, this could be attending a working group or a Pop up event
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- 2.1 The Resident Involvement Team needs to do more work to grow and make use of the email group.
 - 2.2 The incoming Tenant portal should be utilised to push out information to tenants and should also be used as a consultation tool
 - 2.3 Wi-Fi should be installed in all community building and sheltered schemes by summer 2022
 - 2.4 There should be better use of social media to push out information, promote resident involvement and for the use of tenant polls.
 - 2.5 The Resident Involvement Team needs to make better use of text messaging services to push out information and advertise events and activities.
 - 2.6 There should be better use of chat applications which are available for use via the ICT team. However it is understood the ICT team will not allow the use of WhatsApp or other chat platforms that young people use so this may not be possible.
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- 3.1 There should be a Resident Involvement Campaign that takes place in 2022
 - 3.2 NWLDC needs to publicise, using all forms of media, the changes/improvements to homes and services that have been brought about as a result of resident involvement.
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- 4.1 There should be a 'You said, we did' article in every edition of the quarterly tenant magazine Intouch.
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- 5.1 Housing Officer Surgeries and Estate Walkabouts need to be scheduled regularly and well publicised in all forms of media.

- 6.1 A flow chat needs to be produced that demonstrates how various groups and activities feed up to decision makers.
- 7.1 All public reports to SMT and Cabinet should include a section on how tenants were consulted where this is appropriate. The panel understands some reports will have little or relevance to tenants.
- 7.2 The Resident Involvement Team should be informed of any tenant consultations taking place within the housing service so they can support and advise on the best activities.
- 7.3 The Service Level Agreement on tenant consultations drawn up by the Resident involvement team should be reviewed and recirculated.
- 8.1 Performance information needs to be relevant, promoted better and made as widely available as possible.
- 9.1 The TSP should consider changing their name and relaunch the group.
- 9.2 The TSP needs to take feedback and information from other tenant groups and the wider tenant base to help inform which topics to scrutinise.
- 10.1 NWLDC needs to explore how tenants can be involved in second stage housing complaints.
- 10.2 Trends and learning from complaints should be shared with the Landlord Services Working Groups at least on a quarterly basis, so they are able to input into improvements and to hold the housing service to account.
- 10.3 The Housing Ombudsman Service should be invited to a tenant networking event to talk about the code.
- 11.1 NWLDC needs to do some site testing of the external website with tenants, to see how and where they would expect to find information, this should be used to help improve the website.
- 11.2 There needs to be times dedicated to more informal opportunities such as the use of data and insight, surveying and information provision. This will be key in meeting the White Paper requirements.
- 11.3 NWLDC needs to consider how they will demonstrate the use of insight and data to understand whose voices they are, and are not hearing from, to help identify ways to hear the 'non vocalised' tenant experience.
- 12.1 The Right to Manage needs to be referenced within Involvement literature so that tenants are aware of the possibility and to show that the housing service would be willing to engage in discussions should tenants wish to explore this.
- 13.1 Details of those responsible for compliance need to be made available to tenants. This will ensure the housing service is able to demonstrate that tenants are able to hold it to account.
- 13.2 The housing service needs to ensure it is able to demonstrate how they ensure tenants receive the information required to show they are meeting standards with regards to fire safety, gas, electric, water, asbestos etc. A quick win will be to ensure the housing service publish performance and compliance information, along with the key roles and responsibilities for health and safety and compliance on their website and should also consider where and how else

this can be communicated to tenants to ensure the Council meets the requirements for transparency of information.

- 14.1 A cohort of tenants should be retrained in the recruitment process and there should be a tenant on the recruitment panel for all housing staff. Customer Services should also consider using tenants on their recruitment panels.

Janet Higgins, Chair, On behalf of the Tenant Scrutiny Panel

NWLDC/TSP/2022 Reports: Resident Involvement.

APPENDIX B

Tenant Scrutiny Panel Action Plan: Resident Involvement Service: March 2022

Recommendation 1:

1.1 There should be a more formal induction session for new housing staff in relation to Resident Involvement.

1.2 The Resident Involvement Team should attend Team meetings across the housing service to deliver a presentation to staff about the Resident Involvement service.

1.3 There should be two community Days held each year where staff go out and work in the community alongside tenants. It might be worth considering partnering with Tenant Associations to achieve this objective. Team Managers will need to ensure their teams comply with this.

1.4 Key Housing Staff who work directly with tenants should be set an engagement target in their appraisals, this could be attending a working group or a Pop up event

Ref	Task	Lead	Target Date	Status
1.1	Develop induction paperwork in relation to Resident Involvement activities and share with managers in the housing service	Resident Involvement Team Leader	June 2022	
1.2	Arrange with managers across the housing service for the RI Team to attend a team meeting to deliver a presentation on the work of the RI Team and to offer ways staff members can get involved	Resident Involvement Team Leader/Resident Involvement officer	January 2023	
1.3	RI Team will identify potential projects and make recommendations to SMT in April 2023. SMT will then decide which projects to support and who will attend and when.	Resident Involvement Team Leader/SMT	July 2023	
1.4	Team Managers will identify the staff in their teams who should have an engagement target and ensure targets are set.	Team Managers/SMT	July 2022	

Recommendation 2:

2.1 The Resident Involvement Team needs to do more work to grow and make use of the email group.

2.2 The incoming Tenant portal should be utilised to push out information to tenants and should also be used as a consultation tool

2.3 Wi-Fi should be installed in all community building and sheltered schemes by summer 2022

2.4 There should be better use of social media to push out information, promote resident involvement and for the use of tenant polls.

2.5 The Resident Involvement Team needs to make better use of text messaging services to push out information and advertise events and activities.

2.6 There should be better use of chat applications which are available for use via the ICT team. However it is understood the ICT team will not allow the use of WhatsApp or other chat platforms that young people use so this may not be possible.

Ref	Task	Lead	Target Date	Status
2.1	Develop and promote the virtual panel ensuring managers in the housing service are aware of the panel and how to use it.	Resident Involvement Team Leader	July 2022	
2.2	Work with the AIP Team to ensure the tenant portal can and is used as effectively as it can be for tenant communication and resident engagement	Resident Involvement Team Leader	July 2022	
2.3	Work with the ICT Team manager to ensure all community buildings have Wi-Fi access	Housing Management Team Manager/ Resident Involvement Team Leader	September 2022	
2.4	Develop communications plan which incorporates social media, text messaging and the use of chat apps	Resident Involvement Team Leader	July 2022	
2.5	As 2.4 above	Resident Involvement Team Leader	July 2022	

2.6	As 2.4 above	Resident Involvement Team Leader		
Recommendation 3:				
3.1 There should be a Resident Involvement Campaign that takes place in 2022				
3.2 NWLDC needs to publicise, using all forms of media, the changes/improvements to homes and services that have been brought about as a result of resident involvement.				
Ref	Task	Lead	Target Date	Status
3.1	Set up a task and finish group of tenants to inform the development of an involvement campaign and deliver the campaign	Resident Involvement Team Leader/Resident Involvement Officer	September 2022	
3.2	Develop communications plan highlighting the impact of Resident Involvement in partnership with the Communications Team, this should be linked to 2.4 above.	Resident Involvement Team Leader	August 2022	
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Recommendation 4:				
4.1 There should be a 'You said, we did' article in every edition of the quarterly tenant magazine Intouch.				
Ref	Task	Lead	Target Date	Status
4.1	'You said we did' article added to the forward plan for all future editions of Intouch	Resident Involvement Team Leader	April 2022	
Recommendation 5:				
5.1 Housing Officer Surgeries and Estate Walkabouts need to be scheduled regularly and well publicised in all forms of media.				
Ref	Task	Lead	Target Date	Status
5.1	Schedule to be established and promotion completed.	Principle Housing Management Team Leader	July 2022	

Recommendation 6: 6.1 A flow chat needs to be produced that demonstrates how various groups and activities feed up to decision makers.				
Ref	Task	Lead	Target Date	Status
6.1	Develop a flow chart highlighting the linkages between working groups and engagement activities and how this feeds into decision making.	Resident Involvement Team Leader	July 2022	
Recommendation 7: 7.1 All public reports to SMT and Cabinet should include a section on how tenants were consulted where this is appropriate. The panel understands some reports will have little relevance to tenants. 7.2 The Resident Involvement Team should be informed of any tenant consultations taking place within the housing service so they can support and advise on the best activities. 7.3 The Service Level Agreement on tenant consultations drawn up by the Resident involvement team should be reviewed and recirculated.				
Ref	Task	Lead	Target Date	Status
7.1	Review reports paperwork to ensure there is a section which highlights when and how tenants were consulted.	Housing Management team Manager/Resident Involvement Team Leader	May 2022	
7.2	As part of the RI Team attending Housing Team Meeting (1.2 above) a section of the presentation should be dedicated to highlighting how the RI Team can and should help with all housing consultations.	Resident Involvement Team Leader	January 2023	
7.3	Review the SLA the was developed to sure it is up to date and fit for purpose and distribute to all mangers within the housing service	Resident Involvement Team Leader	June 2022	
Recommendation 8: 8.1 Performance information needs to be relevant, promoted better and made as widely available as possible.				

Ref	Task	Lead	Target Date	Status
8.1	Review with SMT what performance information can be produced, this will then be ratified by the Performance and Finance Working Group and communicated in line with the communications plan identified in 2.4 above.	Resident Involvement Team Leader/SMT	September 2022	
Recommendation 9: 9.1 The TSP should consider changing their name and relaunch the group. 9.2 The TSP needs to take feedback and information from other tenant groups and the wider tenant base to help inform which topics to scrutinise.				
Ref	Task	Lead	Target Date	Status
9.1	Arrange a session with an external trainer to look at the name and identity of the TSP	Resident Involvement Team Leader	July 2022	
9.2	Develop a communications plan for how the TSP maintains regular contact and communication with other groups, specifically looking at the TLCF	Resident Involvement Team Leader	July 2022	
Recommendation 10: 10.1 NWLDC needs to explore how tenants can be involved in second stage housing complaints. 10.2 Trends and learning from complaints should be shared with the Landlord Services Working Groups at least on a quarterly basis, so they are able to input into improvements and to hold the housing service to account. 10.3 The Housing Ombudsman Service should be invited to a tenant networking event to talk about the code.				
Ref	Task	Lead	Target Date	Status
10.1	Set up a Task and finish group of tenants to get their views and the findings will be presented to SMT	Resident Involvement Team Leader	September 2022	
10.2	Add 'Learning from complaints' to the LSWG forward plan every quarter.	Resident Involvement Team Leader	May 2022	

10.3	Contact the Ombudsman service and invite them to the next Resident Networking event that is organised.	Resident Involvement Team Leader	August 2022	
Recommendation 11: 11.1 NWLDC needs to do some site testing of the external website with tenants, to see how and where they would expect to find information, this should be used to help improve the website. 11.2 There needs to be times dedicated to more informal opportunities such as the use of data and insight, surveying and information provision. This will be key in meeting the White Paper requirements. 11.3 NWLDC needs to consider how they will demonstrate the use of insight and data to understand whose voices they are, and are not hearing from, to help identify ways to hear the 'non vocalised' tenant experience.				
Ref	Task	Lead	Target Date	Status
11.1	Set up a task and finish group of tenants to site test. Different devices should be used and the focus should be the full council site and not just housing. Outcomes need to be fed back to the Communications Team	Resident Involvement Team Leader/Resident Involvement Officer	October 2022	
11.2	This should be linked to communications plan in 2.4 above	Resident Involvement Team Leader	September 2022	
11.3	As above	Resident Involvement Team Leader	September 2022	
Recommendation 12: 12.1 The Right to Manage needs to be referenced within Involvement literature so that tenants are aware of the possibility and to show that the housing service would be willing to engage in discussions should tenants wish to explore this.				
Ref	Task	Lead	Target Date	Status

12.1	Review website and RI literature to ensure the 'Right to Manage' is referenced and add 'Right to Manage' to a future TLCF meeting for discussion.	Resident Involvement Team Leader	June 2022	
Recommendation 13: 13.1 Details of those responsible for compliance needs to be made available to tenants. This will ensure the housing service is able to demonstrate that tenants are able to hold it to account. 13.2 The housing service needs to ensure it is able to demonstrate how they ensure tenants receive the information required to show they are meeting standards with regards to fire safety, gas, electric, water, asbestos etc. A quick win will be to ensure the housing service publish performance and compliance information, along with the key roles and responsibilities for health and safety and compliance on their website and should also consider where and how else this can be communicated to tenants to ensure the Council meets the requirements for transparency of information.				
Ref	Task	Lead	Target Date	Status
13.1	There should be a dedicated compliance page on NWLDC website detailing who is responsible for what in terms of compliance.	Asset Management Team Manager	July 2022	
13.2	In addition to a dedicated compliance webpage, this information should be published at least yearly in Intouch and the TLCF should receive regular updates in terms of how we as a housing service are managing our compliance responsibilities.	Asset Management Team Manager	July 2022	
Recommendation 14: 14.1 A cohort of tenants should be retrained in the recruitment process and there should be a tenant on the recruitment panel for all housing staff. Customer Services should also consider using tenants on their recruitment panels.				
Ref	Task	Lead	Target Date	Status
14.1	Arrange training session with HR and invite interested tenants to attend. Communicate to all managers in housing and customer services of the availability of tenants to undertake recruitment interviews and promote this as good practice across the service.	Resident Involvement Team leader	July 2022	

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