

Public Document Pack

Cherwell District Council

Executive

Minutes of a meeting of the Executive held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 7 January 2019 at 5.00 pm

Present: Councillor Barry Wood (Chairman), Leader of the Council
Councillor G A Reynolds (Vice-Chairman), Deputy Leader of the Council and Lead Member for Sport

Councillor Colin Clarke, Lead Member for Planning
Councillor Ian Corkin, Lead Member for Customers and Transformation
Councillor John Donaldson, Lead Member for Housing
Councillor Tony Ilott, Lead Member for Financial Management and Governance
Councillor Andrew McHugh, Lead Member for Health and Wellbeing
Councillor Richard Mould, Lead Member for Performance
Councillor D M Pickford, Lead Member for Clean and Green
Councillor Lynn Pratt, Lead Member for Economy, Regeneration and Property

Also Present: Councillor Sean Woodcock, Leader of the Labour Group

Officers: Yvonne Rees, Chief Executive
Adele Taylor, Executive Director: Finance and Governance (Interim) & Section 151 Officer
Paul Feehily, Executive Director: Place and Growth (Interim)
Nick Graham, Director of Law and Governance / Monitoring Officer
Robert Jolley, Assistant Director: Planning & Economy
Hedd Vaughan Evans, Assistant Director Performance and Transformation
Natasha Clark, Governance and Elections Manager

78 **Declarations of Interest**

There were no declarations of interest.

79 **Petitions and Requests to Address the Meeting**

There were no petitions or requests to address the meeting.

80 **Minutes**

The minutes of the meeting held on 17 December 2018 were agreed as a correct record and signed by the Chairman.

81 **Chairman's Announcements**

There were no Chairman's announcements.

82 **Collaboration Agreement**

The Director Law and Governance / Monitoring Officer submitted a report for Executive to recommend to Full Council that it agrees to enter into a Collaboration Agreement between Cherwell District and South Northamptonshire councils.

Resolved

- (1) That Full Council be recommended to agree to enter into a Collaboration Agreement between Cherwell District and South Northamptonshire councils, and to delegate to the Monitoring Officer, in consultation with the Leader of the Council, authority to finalise and enter into the Agreement based on the provisions provided by the Local Government Act 1972, the Local Government Act 2000, the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 and the Localism Act 2011.

Reasons

It is important that both councils can continue to deliver services after 16 January 2019 which for most services will either be prior to separation taking place or permanent delivery arrangements being put in place for those services that cannot be separated. It is clear that in the interim there needs to be a legal arrangement that allows this and a Collaboration Agreement is seen as the most appropriate vehicle to enable this.

Alternative options

Option 1: not to enter into an agreement between the councils. This is rejected as many council services would not be able to function.

Option 2: a Collaboration Agreement based on the provisions provided through the Local Authority (Goods and Services) Act 1970.

Section 1 of the Local Authority (Goods and Services) Act 1970 enables a local authority to provide another public body with goods or materials, administrative, professional, or technical services. The Act does not in itself exempt local authorities from complying with the Public Contracts Regulations 2015, however an exemption is provided by "the Hamburg exemption" (Hamburg (Commission v Germany) Case C-480/06). A Collaboration Agreement containing these provisions would allow two-way co-operation

between the two councils with the aim of ensuring that the public services they have to perform: are provided with a view to achieving objectives they have in common; is governed solely by considerations relating to the public interest; and less than 20% of the activities concerned by the co-operation are performed on the open market.

Whilst it is considered that the Hamburg exemption could provide appropriate authority to enter into such an agreement, there is a potential argument that the Hamburg exemption applies only to services that Councils “have to perform” rather than any discretionary services. Therefore, any discretionary services over the financial threshold in the Public Contract Regulations 2015 would be subject to the procurement rules. Given that discretionary services are included in those which would be shared it is not considered that the Local Authority (Goods and Services) Act 1970 would be the best option for the Councils due to it carrying a risk of challenge.

83 **Business Rates Retail Relief Policy**

The Executive Director Finance and Governance (Interim) submitted a report to provide members with an update on the retail relief scheme announced in the Budget and to seek approval to recommend a Business Rates Retail Relief Policy for 2019-2020 to Council.

Resolved

- (1) That the contents of the report be noted.
- (2) That Full Council be recommended to approve the proposed Business Rates Retail Relief Policy.

Reasons

Members of Budget Planning Committee have considered this report and have recommended to Executive the introduction of the Business Rates Retail Relief Scheme and the related Policy effective from 1 April 2019.

Alternative options

Option 1: Members could agree not to determine a Business Rates Retail Relief Policy, but this would mean the Council is not complying with Central Government guidance and would be to the detriment of ratepayers in the district.

84 **Local Discretionary Business Rate Relief Scheme for 2019-20**

The Executive Director Finance and Governance (Interim) submitted a report for members to consider the proposed Local Discretionary Relief Policy and to seek approval of the Discretionary Business Rate Relief Scheme for 2019-2020.

Resolved

- (1) That the contents of the report be noted.
- (2) That the adoption of the local Discretionary Business Rate Relief Scheme for 2019-20 (annex to the Minutes as set out in the Minute Book) be approved.

Reasons

Members of Budget Planning Committee have considered this report and have recommended to Executive to approve the adoption of the Local Discretionary Business Rates Relief Scheme 2019-2020.

Alternative options

Option 1: Members could choose not to recommend the proposed schemes to Executive, but in view of the fact that expenditure will be reimbursed the Government expects billing authorities to grant relief to all qualifying ratepayers

85

Council Tax Base 2019-2020

The Executive Director: Finance and Governance (Interim) submitted a report to provide Executive with an estimate of the Council Tax Base for 2019-2020 and seek approval for the final determination of the Council Tax Base to be delegated to the Section 151 Officer in consultation with the Lead Member for Financial Management.

Resolved

- (1) That having given due consideration to the report of the Executive Director of Finance and Governance (Interim) for the calculation of the Council's Tax Base for 2019-2020, it be resolved:
 - (a) That pursuant to the Executive Director of Finance and Governance's report and in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, the amount calculated by Cherwell District Council as its Council Tax Base for the year 2019-2020 shall be **53,876.9** This shall be subject to final confirmation by the Section 151 Officer in consultation with the Lead Member for Financial Management and Governance.
 - (b) As for the parishes which form part of its area shown in the annex to the Minutes (as set out in the Minute Book), the amount calculated as the Council Tax Base for the year 2019-2020 in respect of special items shall be as indicated in the column titled Tax Base 2019-2020.
 - (c) As for the Flood Defence Areas which form part of its area, the amount calculated as the Council Tax Base for the year 2019-

2020 for the purposes of levies on Oxfordshire County Council by River Authorities, shall be:

Thames Flood Defence Area	51,560.8
Anglian (Great Ouse) Flood Defence Area	1,871.9
Severn Region Flood Defence Area	444.2
	<hr/>
	53,876.9

- (2) That final approval of the Council Tax Base for 2019-2020 be delegated to the Section 151 Officer in consultation with the Lead Member for Financial Management and Governance.

Reasons

For the purposes of Section 31B of the Local Government Finance Act 1992 and the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, the Council is required to calculate the tax base (which will be used for tax setting purposes in February 2019) in respect of:

- (a) the whole of its area and;
- (b) for any parts of its area for the purposes of:
 - (i) Apportioning precepts and levies and;
 - (ii) Calculating the tax base for each area subject to a special item

Alternative options

Option 1: None. The Council has to set a tax base in order to set its council tax for 2019-2020.

86

Draft Business Plan 2019/20 and Summary Medium Term Financial Strategy 2019/20 - 2023/24

The Executive Director Finance and Governance (Interim) submitted a report which provided members with an update on the Business Plan 2019/20 and the Council's Summary Medium Term Financial Strategy (MTFS) for 2019/20 to 2023/24 prior to the final MTFS being presented during February 2019. The Business Plan and summary MTFS were presented as an integrated report which demonstrated the Council's strategic approach to aligning its resource to the delivery of Council's Priorities.

Resolved

- (1) That the contents of the report be noted.

Reasons

This report provides members with an update on the Business Plan 2019/20 and the Council's Summary Medium Term Financial Strategy (MTFS) for 2019/20 to 2023/24 prior to the final MTFS being presented during February 2019.

Alternative options

Option 1: To not note the report but members will not be aware of the medium term financial forecast if they choose to take this option.

87 Monthly Performance, Risk and Finance Monitoring Report - November 2018

The Executive Director: Finance and Governance (Interim) and Assistant Director: Performance and Transformation submitted a report which summarised the Council's Performance, Risk and Finance monitoring position as at the end of each month.

Resolved

- (1) That the monthly Performance, Risk and Finance Monitoring Report be noted.

Reasons

The Council is committed to performance, risk and budget management and reviews progress against its corporate priorities on a monthly basis.

This report provides an update on progress made so far in 2018-19 to deliver the Council's priorities through reporting on Performance, the Leadership Risk Register and providing an update on the financial position.

Alternative options

Option 1: This report illustrates the Council's performance against the 2018-19 business plan. As this is a monitoring report, no further options have been considered. However, members may wish to request that officers provide additional information.

88 Urgent Business

There were no items of urgent business.

The meeting ended at 5.25 pm

Chairman:

Date:



Local Discretionary Business Rate Relief Scheme for 2019-20

1. Introduction

The Local Discretionary Business Rate Relief Scheme applies for the period 1 April 2019 to 31 March 2020. Under the scheme relief will only be provided where a qualifying ratepayer's bill has increased due to the 2017 Revaluation.

The assistance Cherwell District Council is able to offer under the scheme is limited by the funding provided. The funding allocation for Cherwell District Council over the next three years is as follows:

2019-20	2020-21
£147,000	£21,000

2. Qualifying Criteria

- 2.1 The property must have had an increase in rateable value as a result of the 2017 Revaluation.
- 2.2 All other mandatory reliefs must have been applied for prior to an award for Local Discretionary Business Rate Relief being considered.
- 2.3 The 2017 Rateable Value must be £200,000 or less.
- 2.4 Where a property is formed following a split, merger or reorganisation a new calculation will be carried out.
- 2.5 Where a qualifying ratepayer's business rates bill is reduced for any of the following reasons the amount of relief will be reduced or removed accordingly:
 - A reduction in rateable value in the 2017 Rating List.
 - The application of any additional relief or exemption
 - Vacation and reoccupation of the property
 - Any other relevant reason

3. Exclusions

3.1 Relief will not be awarded to the following types of ratepayers and properties:

- Precepting bodies (County, District and Parish Councils)
- Banks, building societies and other major financial institutions
- Multi-national businesses or large chains
- Businesses which occupy 3 or more properties
- National Health Service
- Charities
- Central Government bodies

3.2 Unoccupied properties

3.3 Where the award of relief would not comply with EU law on State Aid.

4. State Aid

Ratepayers will be required to confirm that they have received any other State Aid that exceeds €200,000 in total including any other rates relief being granted for premises other than the one to which the declaration relates, under the De Minimis Regulations EC 1417/2013.

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

5. How will the Local Discretionary Business Rate Relief be calculated?

Local Discretionary Business Rate Relief will be calculated after any or all of the following have been applied:

- Exemptions and other reliefs
- Transitional arrangements

6. Application Process

The Council will automatically award business rates relief to qualifying businesses.

The amount of relief awarded each year will be subject to review such that the total relief doesn't exceed the funding allocation from government.

This policy will be published on the Council's website www.cherwell.gov.uk.

7. Appeals

All appeals must clearly state the ground(s) and be made in writing to: Revenues and Recovery Team, Cherwell District Council, Bodicote House, Bodicote, Banbury OX15 4AA.

Any appeal will be judged in line with this policy and the decision is to be taken at the sole discretion of the Executive Director Finance and Governance Chief Finance Officer in consultation with the Joint Revenues and Benefits Manager. All appeals will be reviewed within 4 weeks of submission of all necessary information. All decisions taken on appeals are final and the outcome will be recorded and advised to the ratepayer in writing. If an appeal is successful, rate relief will be backdated for the full eligible period within the relevant financial year.