



Public Document Pack

North Devon Council
Brynsworthy Environment Centre
Barnstaple
North Devon EX31 3NP

M. Mansell, BSc (Hons),
F.C.P.F.A.
Chief Executive.

EXECUTIVE

A meeting of the Executive will be held in the Barum Room - Brynsworthy Environment Centre on **MONDAY, 7TH JANUARY, 2019 at 10.00 am.**

(NOTE: A location plan for the Brynsworthy Environment Centre is attached to the agenda front pages. There are limited car parking spaces in the Visitors parking area. If no spaces are available, please find an alternative space. Please ensure that you enter your name and car registration details in the book in front of the entrance door)

Members of the Executive

Councillor Brailey (Leader)

Councillors Barker, R Cann, Edgell, Jones, Lane, Luggar, Meadlarkin, Moores and Yabsley

AGENDA

1. Apologies for absence
2. To approve as a correct the minutes of the meeting held on 3rd December 2018 (attached) (Pages 1 - 10)
3. Leader's announcements
4. Declarations of Interests
(Please complete the enclosed form or telephone the Corporate and Community Services Unit to prepare a form for your signature before the meeting. Interests must be re-declared when the item is called, and Councillors must leave the room if necessary).
5. To agree the agenda between Part A and Part B (Confidential Restricted Information)

PART A

6. **Community Housing Fund - Housing** (Pages 11 - 14)
Report by Service Lead Housing Market Balance (attached).
7. **Housing Infrastructure Fund Project Updates**

- (a) Housing Infrastructure Fund Project Update: Westacott (Pages 15 - 16)
Report by Regeneration Manager (attached).
- (b) Housing Infrastructure Fund Project Update: Ilfracombe Southern Extension (Pages 17 - 20)
Report by Regeneration Manager (attached).
- 8. **Council Tax Reduction Scheme 2019/20** (Pages 21 - 50)
Report by Head of Resources (attached).
- 9. **Council Tax Discounts** (Pages 51 - 54)
Report by Revenues and Benefits Manager (attached).
- 10. **Compulsory Purchase - The White Hart, Bratton Fleming** (Pages 55 - 58)
Report by Head of Corporate and Community (attached).
- 11. **Approval and Release of S106 Funds - Greenways Play Area and Blakes Hill Road Play Area** (Pages 59 - 62)
Report by Principal Parks Officer (attached).
- 12. **Approval and Release of Section 106 Funds - Braunton** (Pages 63 - 64)
Report by Project, Procurement and Open Space Officer (attached).

PART B (CONFIDENTIAL RESTRICTED INFORMATION)

Nil.

If you have any enquiries about this agenda, please contact Corporate and Community Services, telephone 01271 388253

Date Not Specified



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The Council is committed to openness and transparency in its decision-making. Recording is permitted at Council meetings that are open to the public. The Council understands that some members of the public attending its meetings may not wish to be recorded. The Chairman of the meeting will make sure any request not to be recorded is respected.

The rules that the Council will apply are:

1. The recording must be overt (clearly visible to anyone at the meeting) and must not disrupt proceedings. The Council will put signs up at any meeting where we know recording is taking place.
2. The Chairman of the meeting has absolute discretion to stop or suspend recording if, in their opinion, continuing to do so would prejudice proceedings at the meeting or if the person recording is in breach of these rules.
3. We will ask for recording to stop if the meeting goes into 'part B' where the public is excluded for confidentiality reasons. In such a case, the person filming should leave the room ensuring all recording equipment is switched off.
4. Any member of the public has the right not to be recorded. We ensure that agendas for, and signage at, Council meetings make it clear that recording can take place – anyone not wishing to be recorded must advise the Chairman at the earliest opportunity.
5. The recording should not be edited in a way that could lead to misinterpretation or misrepresentation of the proceedings or in a way that ridicules or shows a lack of respect for those in the recording. The Council would expect any recording in breach of these rules to be removed from public view.

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For more information contact the Corporate and Community Services team on **01271 388253** or email **memberservices@northdevon.gov.uk** or the Communications Team on **01271 388278**, email **communications@northdevon.gov.uk**.

North Devon Council offices at Brynsworthy, the full address is:
Brynsworthy Environment Centre (BEC), Roundswell,
Barnstaple, Devon, EX31 3NP.

Sat Nav postcode is EX31 3NS.

At the Roundswell roundabout take the exit onto the B3232, after about ½ mile take the first right, BEC is about ½ a mile on the right.

Drive into the site, visitors parking is in front of the main building on the left hand side.

On arrival at the main entrance, please dial 8253 for Corporate and Community Services.



hNORTH DEVON COUNCIL

Minutes of a meeting of the EXECUTIVE held at the Brynsworthy Environment Centre, Barnstaple on Monday 3rd December 2018 at 10.00 a.m.

PRESENT: Members:

Councillor Brailey (Leader)

Councillors Barker, R. Cann, Edgell, Jones, Lane, Luggar, Meadlarkin and Yabsley.

Officers:

Chief Executive, Head of Resources, Head of Operational Services, Senior Solicitor, Parking Manger, Assistant Estates Officer (HB) and Senior Corporate and Community Services Officer (BT).

Also Present:

Councillors Edmunds, Greenslade, Moore and Tucker.

73 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Moores.

74 MINUTES

RESOLVED that the minutes of the meeting held on 5th November 2018 (circulated previously) be approved as a correct record and signed by the Chairman subject to Councillor Barker being included in the list of attendees.

75 LEADER'S ANNOUNCEMENTS

(a) Tour of Britain – Award of Best Land Art

The Leader announced that following on from the Tour of Britain the Farmers at South Molton had been awarded first place in the Arts award for the best land art during the tour, beating opposition from Nottingham and Carmarthenshire. He congratulated them for the hard work involved alongside the time and effort which involved a frame of the cycle and tractors be driven in a circle for one and a half hours to simulate the two wheels.

(b) Festive Greetings

The Leader wished everyone a very Happy Christmas as it was the last meeting of the Executive this year.

76 DECLARATIONS OF INTEREST

There were no declarations of interest announced.

77 TREASURY MANAGEMENT STRATEGY STATEMENT AND ANNUAL INVESTMENT STRATEGY – MID YEAR REVIEW REPORT 2018/19

The Executive considered a report by the Chief Financial Officer (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding the Treasury Management Strategy Statement and Annual Investment Strategy Mid-Year Review report 2018/19.

The Head of Resources highlighted the following:

- The Council was required through regulations issued under the Local Government Act 2003 to produce a mid-year treasury report reviewing treasury management activities and the prudential and treasury indicators for 2018/19.
- The objectives of the Treasury Management Strategy were security and liquidity of money first and then consider yield and return in order to safeguard the Council's investments.
- The capital financing requirement as detailed in paragraph 5.1 of the report had been revised and increased by £600,000 to £4,847,000. The increase had mainly been due to additional capital budget in relation to temporary accommodation approved by Council in February 2018.
- The operational boundary for external debt had originally been set at £2m. Due to increase in cash flows within the authority, the Council was only required to borrow £1,250,000; therefore the borrowing costs were lower.
- An assumption had been made that all projects within the capital programme for 2017/18 would be completed within that financial year. However, some projects within the capital programme had slipped and not been completed and were therefore carried forward and other projects within the capital programme had been moved back from 2019/20 due to timings for the delivery of projects.
- As Chief Financial Officer it was confirmed that no difficulties were envisaged for the current or future years in complying with the prudential indicator.
- Any additional borrowing requirements in excess of the current borrowing limit of £10m would be subject to a separate report being presented to the Executive and to Council.
- As Chief Financial Officer it was confirmed that the approved limits within the Annual Investment Strategy were not breached during the first six months of 2018/19.
- The Council's budgeted investment return for 2018/19 was £60,000. As at 30th September 2018, £39,972 investment interest was earned in the half year period, which was higher than budgeted.
- A new appendix (appendix 2 (a)) had been added to the Treasury Management Policy to deal with non-treasury investments in line with the new CIPFA requirements. This included an approved schedule for non-treasury

investments with authorised limits. The acquisition of the sub lease interest at Plot 1, Seven Brethren Bank, Barnstaple to be considered under item 12 on the agenda would be classified as a non-treasury investment. Opportunities for non-treasury investments would be presented to the Executive and full Council as they arose. The approach to risk management was a low risk; non material approach to investment. Any changes to thresholds or limits would require approval by Council. Investments would only be made within the North Devon Council area. The policy set out the roles and parameters; together with authorised limits for category of investment.

- No changes were proposed to the main Treasury Management Policy.
- The Capital Strategy would be presented to the Executive in February 2019.

In response to questions, the Head of Resources advised the following:

- That the procurement of houses for the provision of temporary accommodation fell within the Treasury Management Policy as it was providing Council services.
- The procurement of the leasehold interest at Gaydon Street, Barnstaple would fall within the Non-Treasury investment policy.

RECOMMENDED

- (a) That the changes to the prudential indicators be approved;
- (b) That the report and the treasury activity be noted;
- (c) That the revised Treasury Management Policy and Practices, contained in Appendix two, be approved.

REASONS FOR RECOMMENDATIONS

- (a) This Council is required through regulations issued under the Local Government Act 2003 to produce a mid-year treasury report reviewing treasury management activities and the prudential and treasury indicators for 2018/19. This report meets the requirements of the CIPFA Code of Practice on Treasury Management (revised 2017).
- (b) This Council is also required under the Code to give prior scrutiny to the treasury management reports by the Overview and Scrutiny Committee before they are reported to the full Council.
- (c) The Treasury Management Policy and Practices have been updated to take account of the following:
 - CIPFA Code of Practice on Treasury Management 2017
 - CIPFA Prudential Code 2017

- CIPFA Treasury Management in the Public Services Guidance Notes 2018
- Statutory investment guidance where it has been updated in 2018
- Statutory MRP guidance where it has been updated in 2018

The main objective of the above was to respond to the major expansion of local authority investment activity over the last few years into the purchase of non-financial investments, particularly property.

A new appendix has been added to our treasury management policy to deal with non-treasury investments in line with the new CIPFA requirements.

78 REVIEW OF THE NORTH DEVON (OFF STREET PARKING PLACES) ORDER

The Executive considered a report by the Parking Manager (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding the annual Review of the North Devon (Off Street Parking Places) Order.

The Parking Manager highlighted the following:

- Changes requested by Braunton Parish Council, Combe Martin Parish Council, Instow Parish Council, Lynton and Lynmouth Town Council and South Molton Town Council for inclusion in the amendments to the Off Street Parking Order.
- A request had been received from Lynton and Lynmouth Town Council to rename the Cemetery car park to “Upper Valley of the Rocks” car park, which had not been included within the report.
- Proposed amendments to the scale of charges and regulations for Off Street parking places within the management control of North Devon Council.

In response to questions, the Parking Manager advised of the following:

- The additional car parks included within the proposed changes to the Barnstaple Long Stay permit were Rolle Quay and the Rugby Club (weekdays only).
- Currently the Rolle Quay car park was only used in the main for 1 or 2 hour stays and was 80% empty. It was now proposed to change it to a “medium stay” car park which would enable a cheaper all-day parking option and allow long stay permit holders to park there. This would ensure that the car park was better used and would relieve pressure and increase revenue at Fairview.
- In terms of offering free car parking in the lead up to Christmas, late night Christmas shopping took place on Thursdays. Parking was already free of charge after 6.00 pm. Long stay car parks were free of charge on Sundays. The car parks were already at capacity and if they were free of charge there

would not be sufficient car parking spaces available to accommodate the additional visitors.

- North Devon Council was part of a Devon wide project which had sought European funding for the provision of vehicle charging points. The bid had been submitted for one to be located in Barnstaple, South Molton and Ilfracombe. The outcome of the bid would be known in February 2019. It was anticipated that there would be no cost for the Council for the installation of the charging points, however contingency funding was available for the installation of cabling if required. Visitors using the charging points would also be required to purchase a parking ticket.
- The car park at the Rugby Club was under the management of the Rugby Club on Saturdays and Sundays. Mill Road car park was previously free of charge however there had been issues with residents parking. A low fee had been introduced for parking the previous year which had been successful.
- The proposed changes would be subject to consultation and the report would be brought back to the Executive for final approval in February 2019.

DECISIONS

- (a) That the changes requested by Parishes be accepted and the following amendments be included into the Off Street Parking Order:

(i) **Braunton Parish Council**

Approve and adopt the charges and regulations for Caen Street and Chaloners Road car parks as described in paragraph 5.1 and shown Appendix 1.

(ii) **Combe Martin Parish Council**

Approve and adopt the charges and regulations for Combe Martin car parks as described in paragraph 5.2 and shown in Appendices 1, 2 and 3.

(iii) **Instow Parish Council**

Approve and adopt the charges and regulations for Marine car park as described in paragraph 5.3 and shown in Appendices 1 and 2.

(iv) **Lynton & Lynmouth Town Council**

Approve and adopt the charges and regulations for Lynton and Lynmouth car parks as described in 5.4 and shown in Appendices 1 and 2.

(v) **South Molton Town Council**

Approve and adopt the charges and regulations for East Street, South Molton as described in 5.5 and shown in Appendices 1 and 2.

- (b) That the changes to charges and regulations for North Devon Council car parks be accepted and the amendments be included into the Off Street Parking Order as described in paragraph 5.6 and shown in Appendices 1, 2 and 4.

REASONS FOR DECISIONS

To update the Off Street Parking Order to reflect current needs of Parish, Town and District Councils following the annual review.

79 RECYCLE MORE

The Executive received an update by the Head of Operational Services regarding the Recycle More project. He advised that following the operational difficulties experienced in June 2018, the vehicle replacement project had been accelerated and 12 new vehicles had been procured. He advised of the types of vehicles that had been procured. Some of these vehicles had been replaced and a number were additional vehicles to improve resilience. Staff job descriptions had been reviewed and salaries had been re-evaluated accordingly. This had had a positive impact on recruitment. Overtime and the number of missed collections had both reduced. He advised that a bid was currently being prepared to be submitted to the Project Appraisal Group for the replacement of the process hall and equipment. The timetable for collections over the Christmas period had now been published and the waste collection teams would work three consecutive Saturdays during this period. A trial of heavy weight hessian sacks for recycling materials had commenced in Ilfracombe the previous week. The trial would be for six months and would be reviewed after three months. Customers would need to be educated on the types of materials that could be placed in the sacks. An update would be provided to the Executive following the first three months of the trial.

80 TARKA TENNIS CENTRE ARTIFICIAL GRASS PITCH

The Executive considered a report by the Parks, Leisure and Culture Officer (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding the allocation of funding towards the cost of delivering an Artificial Grass Pitch at Tarka Tennis Centre.

The Parks, Leisure and Culture Officer highlighted the following:

- In May 2018, the Council had allocated £285,962.47 of capital funding and a £20,000 revenue budget towards the cost of delivering an Artificial Grass Pitch at Tarka Tennis Centre.
- The Council had since been awarded £445,423 capital funding from the Premier League and the Football Association Facilities Fund towards the cost of the project.

- It was requested that two further section 106 (S106) capital receipts as detailed in paragraph 5.2 of the report that were banked for such a project be allocated to the project to meet the remaining funding shortfall.

In response to a question, the Parks, Leisure and Culture Officer confirmed that the relevant Ward Members had been informed regarding the use of section 106 funds from developments within their ward towards this project.

DECISION

- (a) That £48,148.86 of S106 public open space capital funding be allocated, as detailed in paragraph 5.2 of the report;

RECOMMENDED

- (b) That Council vary the capital programme by (£55,465.67) as the value of the construction contract was lower than the £850,000 previously approved by Full Council;
- (c) That funds of £794,534.33 be released for the project cost.

REASONS FOR DECISION/RECOMMENDATIONS

- (a) This is a priority project within the Northern Devon Playing Pitch Strategy 2017 – 2031.
- (b) The project helps achieve the aims of the NDC Leisure and Health Strategy.
- (c) The addition of the Artificial Grass Pitch will improve the operational viability of North Devon Council's leisure facilities.

81 COMMUNITIES TOGETHER FUND (CTF) – STRATEGIC FUNDING STREAM

The Executive considered a report by the Senior Corporate and Community Services Officer (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding the assessment of funding applications to the Strategic Funding Stream of the Communities Together Fund.

DECISION

That funding be offered as detailed in paragraph 4.7 (a) of the report to the following Voluntary and Community Sector organisations that provide services across a wide area of the North Devon Council area as follows:

Application 005	Martial Arts Hub	£6449.51
Application 014	Over and Above	£9890.08

REASON FOR DECISION

The applications received to the funding stream, have all been assessed against the published criteria in the CTF fund scheme as per appendix 2.

82 EXCLUSION OF PUBLIC AND PRESS AND RESTRICTION OF DOCUMENTS

RESOLVED:

- (a) That under the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (as amended), as made under the Local Government Act 2000, the public and press be excluded from the meeting for the following item on the grounds that the items shown on the copy notice of private meeting attached to the agenda would, if considered in public require the disclosure of exempt information as described in paragraph 3 of Schedule 12A to the Local Government Act 1972 (as amended) noted against each of those items in the table(s) incorporated in the notice;
- (b) That all documents and reports relating to the item be confirmed as "Not for Publication".

83 THE ACQUISITION OF THE SUB LEASE INTEREST AT PLOT 1, SEVEN BRETHERN BANK, BARNSTAPLE

The Executive considered a report by the Head of Resources (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding the acquisition of the sub lease interest at Plot 1, Seven Brethren Bank, Barnstaple.

A larger copy of the location plan was tabled.

The Head of Resources advised the Executive of the opportunity that had been identified for the Council to invest in its own asset to create added value and the potential for the Council to acquire the sub lease interest at Plot 1, Seven Brethren Bank, Barnstaple.

DECISIONS

- (a) That power be delegated to the Head of Resources in consultation with the Lead Members for Assets and Resources to discuss and agree terms with the current tenants of Plot 1b, Seven Brethren and that Ward Members be kept informed;
- (b) That approval be given to the purchase of the sublease of Unit 1B, Seven Brethren;

- (c) That once the lease arrangements have been secured and NDC hold the remaining long sublease interest, Estates proceed to let the property on occupational leases.

RECOMMENDATION

- (d) That Council vary the capital programme and that funds be released. This budget includes purchase price and planned reconfiguration works.

REASONS FOR DECISIONS/RECOMMENDATION

- (a) Part B Annexe 4 and referred power as it contains financial sensitive information.
- (b) To allocate capital funds to this project and to release value to Council, in terms of the future regeneration uses for the asset.
- (c) NDC's corporate aim is to encourage organisational transformation and growing North Devon. These key objectives are supported by new and additional property income generation. Identifying property vehicles and creating opportunities to support them are key objectives and will promote the Council's medium term financial plan.
- (d) The under-lessees are marketing their remaining 45 year leasehold interest in part of plot 1 Seven Brethren, if we can secure the release of this element of the site at plot 1 from the head-lease, NDC hold the freehold vacant possession of this building, which can then be let and act as an investment and redevelopment opportunity for NDC going forward.
- (e) The acquisition and landholding would compliment NDC's regeneration plans for Seven Brethren.
- (f) This would demonstrate the beneficial use of an existing Council asset (The freehold of the site subject to long leasehold interests limiting the current freehold value).

Chairman

The meeting ended at 11.24 a.m.

NOTE: The above decisions shall not take effect until the five clear working days have elapsed from the date of publication: 5th December 2018.

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Open

NORTH DEVON COUNCIL



REPORT TO: EXECUTIVE

DATE: 07.01.2019

TOPIC: COMMUNITY HOUSING FUND – HOUSING NEEDS SURVEYS & DELEGATED AUTHORITY

REPORT BY: SERVICE LEAD HOUSING MARKET BALANCE

1 INTRODUCTION

- 1.1 In 2016/17 North Devon Council received an allocated £667,869 sum from DCLG and this was placed into the Community Housing Fund earmarked reserve.
- 1.2 Rural CLT sites are notoriously more challenging to develop due to the very issues that discourage developers from building in such parishes: the topography, the lack of developable land, the lack of interested landowners, the planning policy allocations for land often requiring high levels of affordable housing (exception sites), high levels of site abnormalities¹, adverse impact on character and amenity, sites in conservation areas, difficult access points, protected leaseholds and the significant viability issues to bring the rents down to an affordable level at social rent. This all takes time and resource (people and finance). In addition, there is the added time needed to complete housing needs surveys, form community groups and work within their time restraints as volunteers and gain community trust and interest.
- 1.3 This report addresses the unallocated balance of £417,769. The balance is set aside for the 5 original parishes² to make their schemes viable. However, it has not been formally allocated because until the land is available and feasibility/planning work has been completed, the full costs of policy compliant schemes at social rent levels will not be known. The feasibility work will also establish whether the balance of £417,769 is adequate to make the schemes viable; it may be necessary to apply for further funding from the Government's second tranche of funding – the Community Housing Fund 2018-20.

2 RECOMMENDATIONS

- 2.1 That Executive approves the following two items:

¹ Items not normally expected for sites such as contamination, ground stabilisation, flood works etc.

² Mortehoe, Lynton & Lynmouth, Parracombe, Combe Martin and Chittlehampton.

Agenda Item 6

2.1.1 That £40,000 from the Community Housing Fund earmarked reserve be allocated to the Community Affordable Housing Grant for Housing Needs Surveys.

2.2 That power be delegated to the Head of Environmental Health and Housing in consultation with the Executive Members for Health & Wellbeing for the remaining balance of the Community Housing Fund for appropriate revenue or capital items that fit the criteria of the Community Housing Fund and move forward community-led affordable housing.

3 REASONS FOR RECOMMENDATIONS

3.1 To allocate the Fund effectively to achieve its stated aims “to enable capital investment, technical support and revenue to be provided to make more schemes viable and significantly increase community groups’ current delivery pipelines”.

3.2 To invest in communities and increase rural affordable housing stock.

3.3 To continue the level of progress made on the original 5 parishes working towards community-led housing and generate a continued pipeline of sites.

4 REPORT

4.1 This report is divided into 2 areas:

4.1.1 Increasing the Community Affordable Housing Grant by £40,000 to provide for Housing Needs Surveys

4.1.2 Delegating power to the Head of Environmental Health and Housing in consultation with the Executive Members for Health & Wellbeing for the spend of the balance of the Community Housing Fund

Item One: Housing Needs Surveys

4.2 Devon Rural Housing Partnership have been working hard to produce a pipeline of communities that are potentially interested in community-led housing schemes for the future. As part of the initial work with a Parish Council one of the first steps after contact is often to carry out a housing needs survey to make a judgement on the level of affordable housing need in the area and to raise awareness of the issue before further work is undertaken.

4.3 For the last three years “Awards for All” funding has been used by Parish Councils to fund Housing Needs Surveys. Unfortunately, due to demand the last three bids have been rejected and it has been confirmed that this source will no longer be available to Parish Councils.

4.4 The Community Housing Fund Board³ (November 2018) proposed the allocation of funds from the Community Housing Fund for this purpose. This is essential to establish a pipeline of parishes interested in community-led housing with a proven

³ From the outset of the Community Housing Fund, Executive were keen to monitor the progress of community-led housing. This officer/member working group was set up to push forward work on these sites and unblock issues where possible. Devon Rural Housing Partnership attend and report.

need for affordable housing. Alternative funding sources have been explored such as Supermarket Funding and Nationwide Funding but there is a need for match-funding or the types of projects funded are more physical, environmental projects. Parishes can apply to the Community Housing Fund 2018-20 but the funds will not be immediate, paid in arrears and 10% must be self-funded.

4.5 Officers recommend £40,000 from the Community Housing Fund earmarked reserve be allocated to the Community Affordable Housing Grant to fund Housing Needs Surveys for the Rural Alliance, Chittlehampton, Georgeham, North Molton, Instow and Westleigh. This amount would also leave a small amount to cover four to five additional housing needs survey if necessary.

4.6 Officers can extend the current guidelines and application forms set up for the initial grant for the Community Affordable Housing Grant. As part of their Service Level Agreement with NDC, Wessex appraise all grant applications from community groups, ensuring they are compliant with grant criteria and recommending whether an application be authorised or declined. Delegated Authority is already with the Head of Service for Environmental Health and Housing to award community affordable housing grants (June 2017 Executive).

Item 2: Delegated authority for spend of balance

4.7 The Community Housing Fund Board also recommended that power be delegated to the Head of Environmental Health and Housing in consultation with the Executive Members for Health & Wellbeing for the remaining balance of the Community Housing Fund for appropriate revenue or capital items that fit the criteria of the Community Housing Fund that will move forward community-led affordable housing. Officers will report quarterly to the Community Housing Board and via the quarterly performance and financial management report on the progress of the community-led affordable housing schemes and the spend of the Community Housing Fund.

5 RESOURCE IMPLICATIONS.

5.1 All costs identified can be funded from the existing balance of £417,769

6 CONSTITUTIONAL CONTEXT

Article or Appendix and paragraph	Referred or delegated power?	Key decision?
Article 7.7 and Part 3, Annexe 4	Delegated	Yes

7 STATEMENT OF CONFIDENTIALITY

7.1 This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

8 BACKGROUND PAPERS

8.1 The following background papers were used in the preparation of this report: None

Agenda Item 6

9 STATEMENT OF INTERNAL ADVICE

9.1 The author (below) confirms that advice has been taken from all appropriate Councillors and officers.

Executive Members: Councillors Moores and Jones

Author: Jaimie Jeyes

Date: 26.11.2018

Reference: 181126 Exec Jan 2019 Community Housing Fund HNS & Delegated Authority JJ v3



Open

NORTH DEVON COUNCIL

Report to: EXECUTIVE COMMITTEE
Portfolio Holders: LOCAL PLAN AND REGENERATION
Date: 7 JANUARY 2019
Topic: HOUSING INFRASTRUCTURE FUND PROJECT
UPDATE: WESTACOTT
Report By: HEAD OF PLACE
Author: REGENERATION MANAGER

1 INTRODUCTION

- 1.1 The Housing Infrastructure Fund (HIF) is available for local authorities to fund infrastructure that will unlock new homes in areas of greatest housing demand but where developments are marginally viable.
- 1.2 In February 2018 the Council was advised that it had been successful with a bid. The Council was awarded £2,080,000 (subject to appropriate financial checks) to bring forward a new roundabout off the A361 to access the Westacott site.
- 1.3 An update was provided to members at Executive on the 5th November 2018. This report provides further update.

2 RECOMMENDATIONS

- 2.1 Members to note progress.

3 REASONS FOR RECOMMENDATIONS

- 3.1 It was requested that members be updated on this project on a monthly basis.

4 REPORT

- 4.1 Since the HIF award we have been working with Homes England, stakeholders and the land promoters/developers to progress this project.
- 4.2 As reported to members in November, Homes England and their advisors; CBRE, visited the site in October 2018.
- 4.3 CBRE have since requested additional information and an updated cost appraisal, which is being prepared.

Agenda Item 7a

- 4.4 We are continuing to work with Homes England, CBRE, Devon County Council (DCC) as Highways Authority and Barwood Land as land promoter to progress this project. Discussions continue between DCC and Barwood Land to ensure that the access required for the Westacott development and the roundabout that forms part of the 'Link Road' project are compatible.
- 4.5 The outline planning application for the whole of the Westacott site was submitted in August 2018 and is being considered by the Development Management Team. The North Devon Link Road Improvements planning application has also been submitted and is being considered by the Planning team at DCC.

5 RESOURCE IMPLICATIONS

- 5.1 Internal resource will be required from Economic Development to project manage the process. Additional resource will be required from DCC Highways, Legal, Finance and Planning.

6 CONSTITUTIONAL CONTEXT

Article or Appendix and paragraph	Referred or delegated power?	Key decision?
Article 7.12	Appendix 4, para 17	No

7 STATEMENT OF CONFIDENTIALITY

- 7.1 This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

8 BACKGROUND PAPERS

- 8.1 The following background papers were used in the preparation of this report:

- The adopted North Devon and Torridge Local Plan
- Housing Infrastructure Fund Prospectus and bidding documents

The background papers are available for inspection and kept by the author of the report.

9 STATEMENT OF INTERNAL ADVICE

- 9.1 The author confirms that advice has been taken from all appropriate Councillors and Officers.

Executive Member: Councillor Barker/Councillor Yabsley

Author: SJ Mackenzie-Shapland

Date: 7 December 2018

Reference:



Open

NORTH DEVON COUNCIL

Report to: EXECUTIVE

Portfolio Holders: LOCAL PLAN AND REGENERATION

Date: 7 JANUARY 2019

Topic: HOUSING INFRASTRUCTURE FUND PROJECT
UPDATE: ILFRACOMBE SOUTHERN EXTENSION

Report By: HEAD OF PLACE

Author: REGENERATION MANAGER

1 INTRODUCTION

- 1.1 The Housing Infrastructure Fund (HIF) is available for local authorities to fund infrastructure that will unlock new homes in areas of greatest housing demand but where developments are marginally viable.
- 1.2 In February 2018 the Council was advised that it had been successful with a bid. The Council was awarded £6,500,000 (subject to appropriate financial checks) to bring forward the primary school on the Ilfracombe Southern Extension.
- 1.3 An update was provided to members at Executive on the 5th November 2018. This report provides further update and clarifies points made in the earlier report.

2 RECOMMENDATIONS

- 2.1 Members to note progress.

3 REASONS FOR RECOMMENDATIONS

- 3.1 It was considered necessary to provide members with an update of this project and to clarify key points raised by Executive in November.

4 REPORT

- 4.1 Since the report to members in November, the Council has received clarification from Homes England on the conditions originally recommended and we have now received a revised draft set of conditions, which state:

Pre-Contract	Condition	Date
1.	First Phase of Southern Urban Extension (350 units) - NDDC to undertake viability testing to maximise	

Agenda Item 7b

	affordable housing provision in first phase of 350 units on the basis that the Section 106 contributions for the primary school are not levied.	
Post-Contract		
1.	Provide evidence of the contract between NDDC and DCC for delivery of the school, including provision for the drawdown of funding.	
2.	Second Phase - See below.	

4.2 What the second condition is trying to capture is the following:

- a) If the later phases are not capable of delivering a policy compliant level of affordable housing, the Section 106 contributions for the school will not be levied and this will improve the viability of the scheme and enable the scheme to deliver a higher level of affordable housing
- b) If the later phases come forward and are capable of delivering policy compliant affordable housing, the Section 106 contributions in relation to the delivery of the school will be utilised to unlock and accelerate other housing.

4.3 The Section 106 Agreement for the Ilfracombe Southern Extension sought the payment of £3,000.67 per dwelling for the eastern land i.e. Phase 1. This would equate to a total of £1,050,234.50 and would be the maximum amount of money that would be available from Phase 1 to recycle. Rather than be repaid to NDDC, the proposed condition requires the monies to be re-invested into the scheme to increase the provision of affordable housing on the site. A development appraisal would need to show how the money would be used to increase the provision of affordable housing from the 11% currently secured.

4.4 The second condition will claw back the remaining Section 106 contributions secured across the site. This would be for the remaining 353 dwellings on the later phases. The current condition states that if the scheme is not capable of delivering a policy compliant scheme, then these contributions should be re-invested to deliver a higher level of affordable housing. Should the scheme be able to deliver a policy compliant scheme then the contributions should be repaid to the Council to unlock and accelerate other housing. The education contribution for the later phases is not known but DCC advise that they would currently ask for £4005 per family dwelling together with a land contribution. It is likely to be approximately £1.6 million.

4.5 The maximum amount that the Council could ask the scheme to repay would be the amount the scheme would otherwise be contributing towards the provision of a school at this site i.e. approximately £2.7m. The Council would not be able to secure the entire £6.5m. In this case, rather than being repaid to NDDC, the monies would be re-invested into the scheme to increase the provision of affordable housing on the site (unless it can be shown that the later phases could deliver policy compliant schemes).

- 4.6 Officers are currently working with Homes England, the developer and Devon County Council to deliver the school and to accelerate housing delivery on this site and to finalise the details of the Grant Agreement between the parties.

5 RESOURCE IMPLICATIONS

- 5.1 Internal resource will be required from Economic Development to project manage the process. Additional resource will be required from DCC Highways, DCC Education, Legal, Finance and Planning.

6 CONSTITUTIONAL CONTEXT

Article or Appendix and paragraph	Referred or delegated power?	Key decision?
Article 7.12	Appendix 4, para 17	No

7 STATEMENT OF CONFIDENTIALITY

- 7.1 This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

8 BACKGROUND PAPERS

- 8.1 The following background papers were used in the preparation of this report:
- The adopted North Devon and Torrington Local Plan
 - Housing Infrastructure Fund Prospectus and bidding documents

The background papers are available for inspection and kept by the author of the report.

9 STATEMENT OF INTERNAL ADVICE

- 9.1 The author confirms that advice has been taken from all appropriate Councillors and Officers.

Executive Member: Councillor Barker/Councillor Yabsley

Author: SJ Mackenzie-Shapland

Date: 7 December 2018

Reference:

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NORTH DEVON COUNCIL

REPORT TO: EXECUTIVE
DATE: 7 January 2019
TOPIC: COUNCIL TAX REDUCTION SCHEME (2019/20)
REPORT BY: HEAD OF RESOURCES

1. INTRODUCTION

- 1.1 The Government announced as part of its spending review in 2010 that it would abolish Council Tax Benefit and replace it with localised support for Council Tax by 2013-14.
- 1.2 The Local Government Finance Bill introduced to Parliament on 19 December 2011 provided for the imposition of a duty for local authorities in England to implement a local scheme for Council Tax Reduction by 31 January 2013 and the scheme commenced on 1 April 2013.
- 1.3 Each year we have to review our scheme. The Devon Local Government Steering Group and Benefits Officers Groups work together in reviewing the Council Tax Reduction Schemes across the county. Changes were made last year to bring schemes in line with the changes being made by Central Government in Housing Benefit and Universal Credit. The proposal this year is that no changes are to be made.

2. RECOMMENDATIONS

That Executive:

- 2.1 Recommends to Council that it adopts and continues with the same scheme for 2019/20 financial year to include the uprating of applicable amounts, premiums and non-dependant deductions, as shown in the Council Tax Reduction Scheme Policy document.

NB – A copy of the Council Tax Support scheme (Section 13 a) is available at the Corporate and Community Services Team and on the Council's website.

- 2.2 Considers the Equality Impact Assessment in relation to the scheme, as set out in **Appendix 1**, and the Council Tax Support Scheme Vulnerability/Incentivising Work Statement as set out in **Appendix 2**
- 2.3 Approves and recommends to Council the Exceptional Hardship Policy in relation to the Council Tax Support Scheme as set out in **Appendix 3**

Agenda Item 8

3. REASONS FOR RECOMMENDATIONS

3.1 To ensure that the Council adheres to the legislative requirements to provide a Council Tax Reduction Scheme for 2019-20.

4. REPORT

4.1 Current Scheme for North Devon Council (2018/19)

4.1.2 The current scheme protects **pension age customers** (persons who have attained the qualifying age for state pension credit) with up to 100% support.

- A limit of £16,000 in savings or capital

4.1.3 **Working age** customers are subject to a Council Tax support scheme which is:

- Everyone pays at least 25% towards their Council Tax liability
- A limit of £6,000 in savings or capital
- Provide additional support for exceptional cases through an Exceptional Hardship Fund. The Council recognises the importance of protecting our most vulnerable customers and also the impact these changes have had. We have an Exceptional Hardship Fund to ensure that we protect and support those most in need. The Exceptional Hardship Fund is intended to help in cases of extreme financial hardship and not support a lifestyle. The Council has an Exceptional Hardship Policy to be used as a working document when assessing eligibility for funding.
- Standard working disregards. These are standard sums, currently set at £5 for a single person and £10 for a couple, which are disregarded when an assessment of benefit/support entitlement is made. It is therefore an incentive to work. The rest of the Devon Councils will continue to use these standard disregards however North Devon stands alone with incentivising customers to work by increasing the disregards and therefore allowing more income to be earned before support is assessed. Although this does reflect an increase in cost to the scheme it provides a positive gain for those willing to find employment. North Devon Council's disregards are as follows:
 - First £10.00 of weekly earnings for single customers
 - First £20.00 of weekly earnings for couples
 - First £20.00 of weekly earnings for people who are disabled or long term sick, carers or part-time fire fighters, auxiliary coast guards, part-time life boat workers and member of the Territorial Army.
 - First £25.00 of weekly earnings for lone parents

- An assumed set minimum income within the calculation of Council Tax Reduction for self-employed earners after one year's self-employment. This was introduced into North Devon Council's scheme in order to align with Universal Credit. A minimum level of income, in line with the National Living Wage or the National Minimum Wage (for under 25's) for 35 hours worked per week, is assumed if someone, who is self-employed, earns less than this amount. Any income above the assumed Minimum Income Floor would be taken into account based on the actual amount earned. This income does not apply for a designated start-up period of one year from the start of the business.
- A person can be absent from Great Britain and still receive Council Tax Reduction for four weeks. This was changed from 13 weeks in April 2017 to align with the same change being introduced to Housing Benefit and to the prescribed Council Tax Reduction Scheme for pensioners.
- A limit of a maximum of two dependent children within the calculation for Council Tax Support. This was introduced in April 2017 to reflect the changes in Housing Benefit and other Central Government Benefits. There are exceptions, for example where there are multiple births, adopted children, or where households merge, etc.

5. RESOURCE IMPLICATIONS

The first year of the Council Tax Reduction Scheme was originally forecast to cost **£6.57M**. The schemes have so far cost -:

Year 1	(2013/14) the scheme cost	£6.26M
Year 2	(2014/15) the scheme cost	£5.95M
Year 3	(2015/16) the scheme cost	£5.69M
Year 4	(2016/17) the scheme cost	£5.59M
Year 5	(2017/18) the scheme cost	£5.45M
Year 6	(2018/19) has a current forecast of cost to the Council of	£5.50M

Since the schemes were introduced in April 2013, all Devon billing authorities are seeing a reduction in the number of claims for Council Tax Reduction. It is widely accepted this is due to the gradual improvement in economic conditions as well as increases in the pension age population.

The government grant for Council Tax Reduction is now rolled into the General Grant settlement and therefore no longer ring-fenced for future years after the initial first year of funding.

The Council has been faced with significant funding reductions over the last few years and therefore it is imperative that a cost effective Council Tax Reduction scheme continues year on year. Any future year schemes will be dependent on funding available to the Council.

As at 31 October 2018, North Devon has 6311 households eligible for Council Tax Reduction split currently as follows.

3121 Pension age customers	(49.45%)
3190 working age customers	(50.55%)

Agenda Item 8

The Benefits team processed 81 Exceptional Hardship claims from customers during 2017/18 of which 49 claims have been successful, at a cost of £11,659.48 averaging £237.95 per claim.

So far in the current financial year (2018/19), up to 31/10/2018, the number of Exceptional Hardship claims received has been 41, of which 23 have been successful at a cost of £6,344.26, averaging £275.83 per claim.

6. EQUALITY and HUMAN RIGHTS

6.1 The introduction of the local scheme for Council Tax was subject to an Equality Impact Assessment (EINA) throughout every stage. An EINA has been carried out on the overall scheme and a separate one for the Vulnerability and Hardship Policy

The introduction of the Council Tax Reduction Scheme in April 2013 meant a negative impact for anyone who used to receive full Council Tax Benefit prior to that date as they have had to pay at least 25% under the new scheme. Vulnerable groups have been helped where possible and applications under Exceptional Hardship have been assessed and awarded where applicable.

The EINA was supported with the results from the consultation in 2013 when the scheme was implemented and has been updated periodically and again following the recent consultation and is shown in **Appendix 1**.

7. CONSTITUTIONAL CONTEXT

Article or Appendix and paragraph	Referred or delegated power?	Key decision?	In the Forward Plan?
Article 4.4	referred	yes	Yes (yearly)

8. STATEMENT OF CONFIDENTIALITY

This report contains no confidential information nor any exempt information within the meaning of Schedule 12 A of the Local Government Act 1972 (as amended)

9. BACKGROUND PAPERS

No background papers have been used in the preparation of this report other than legislation and government guidelines already in the public domain.

10. STATEMENT OF INTERNAL ADVICE

The author (below) confirms that advice has been taken from appropriate officers.

Executive Members: Councillor Richard Edgell and Councillor Glyn Lane

Author: David Good, Assistant Revenues and Benefits Manager, 23 November 2018.

Appendix 1

Council Tax Reduction Scheme -EINA –What impact might there be?



Name of policy, project or decision: Council Tax Reduction Scheme Vulnerability Statement and Hardship Policy

Lead Officer, job title & service: David Good

Date of this assessment: 23 November 2018 - **this is continually being adding to as a working document**

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 25</p> <p>1. What is the main purpose or aims?</p>	<p>The Government has been clear that, in developing local Council Tax Reduction schemes, vulnerable groups should be protected. Other than statutory protection for low income pensioners the Government has not prescribed other groups that local Councils should support. Each Council must tailor their schemes to take account of the various statutes that currently protect vulnerable people.</p> <p>The Vulnerability statement sets out the council's approach to defining and assisting those deemed as vulnerable, under the local Council Tax Reduction Scheme. In doing so it seeks to:</p> <ul style="list-style-type: none"> • Protect those who have reached the qualifying age for state pension credit • Help those who are trying to help themselves • Encourage and support people in and into employment <p>The Exceptional Hardship Fund (EHF) covers the shortfall between Council Tax liability and payments of Council Tax Reduction.</p> <p>It is cash limited fund, which has been set up from the revenue funds of North Devon Council. Every customer who is entitled to Council Tax Reduction and who has a shortfall is entitled to make a claim for help from the Fund.</p>
<p>2. Who is intended to benefit and how?</p>	<p>All working age recipients of Council Tax Reduction are affected by the changes. The scheme negatively impacts different people because some will need to pay towards council tax when previously they would not have paid under the Council Tax Benefit scheme which ended 31.3.13. This policy is designed to define and assist those who are most vulnerable. These will include lone parents with a child under 5, those at risk of homelessness, those in receipt of</p>

Agenda Item 8

	<p>war disablement pension, those in receipt of disability premiums and supporting those going back into work.</p>	
<p>3. What are the expected outcomes?</p>	<p>We recognise the importance of supporting our most vulnerable customers and also the impact these changes have. We have created an Exceptional Hardship Fund to ensure that we protect and support those most in need. The Exceptional Hardship Fund is intended to help in cases of extreme financial hardship and not support a lifestyle.</p>	
<p>4. What is the potential impact on different groups giving the reason and evidence</p>		
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Age</p>	<p>Positive</p>	<p>The council needs to take into account the Child Poverty Act. There will be an allowance for certain incomes not to be included in the financial assessment of Council Tax Reduction e.g. child benefit etc. The decision to protect pensioners is a national one and will be reflected in legislation. Central Government is therefore responsible for conducting their own EqIA on this aspect. This is available at: http://www.communities.gov.uk/documents/localgovernment/pdf/2063707.pdf A childcare cost disregard of up to £175.00 for one child or up to £300.00 for two or more children can be given where the applicant or their partner is working and meet the specified criteria.</p>
	<p>Negative</p>	<p>All working age people will receive less support, although the impact is not specific to this characteristic. Teenagers and children may be disadvantaged indirectly if their parents receive less support.</p>
	<p>Neutral</p>	
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Disability</p>	<p>Positive</p>	<p>Our Council Tax Reduction scheme will continue to disregard income received specifically relating to disability in the financial assessment as defined in the Council Tax Benefit statutory scheme. Any family member in receipt of DLA Care (mid or high) or PIP equivalent (daily living component), at the enhanced rate, disabled child premium disability premium for dependants or Enhanced Disability will be considered for support.</p>
	<p>Negative</p>	<p>All working age people will receive less support, although the impact is not specific to this characteristic.</p>
	<p>Neutral</p>	

Gender	Positive	North Devon Council will continue to disregard War Disablement Pension or War Widows payments from the calculation of Council Tax Reduction under the provision of s.139 of the Social security Administration Act 1992 as previously applied under the Council Tax Benefit statutory scheme. Income disregards, such as child benefit, continue to be a feature of the Council Tax Reduction Scheme.
	Negative	All working age people will receive less support, although the impact is not specific to this characteristic.
	Neutral	
Gender reassignment	Positive	
	Negative	
	Neutral	No information is collected on the gender reassignment status of Council Tax Reduction Claimants and gender has no impact on the calculation of Council Tax Reduction in the current scheme.
Race	Positive	
	Negative	
	Neutral	No information is collected on race. Nationality and race has no impact on the calculation of Council Tax Reduction.
Religion or Belief	Positive	
	Negative	
	Neutral	No information is collected on the religion/belief status of Council Tax Reduction Claimants and religion/belief has no impact on the calculation of Council Tax Reduction.
Sexual Orientation	Positive	
	Negative	
	Neutral	No information is collected on sexual orientation status of Council Tax Reduction Claimants however; it could be assessed via the information provided on relationship status. Sexual orientation has no impact on the calculation of Council Tax Reduction.

5. Will anyone in the following groups be impacted?	Yes	No	State the impact e.g. positive, negative, neutral and give the reason/s and evidence
Marriage and civil partnership status		x	Married couple and civil partnerships are recognised equally in the current Council Tax Reduction system.
Pregnancy and maternity status		x	The treatment of income and savings of women expecting children is a feature of the Council Tax Reduction Scheme.

6. Any other issues to consider

The personal circumstances, age and medical circumstances (including ill health and disabilities) of the customer, their partner and any dependants and any other occupants of the customer's home will be taken into account when assessing if entitled to additional support through the Exceptional Hardship Policy. North Devon Council has recognised the importance of maintaining the components which were within the Council Tax Benefit statutory scheme which gave additional protection to families. To support families who are working and going into work, allowances can be made from earnings and other benefits in respect of eligible childcare costs when defined criteria (below) are met and the childcare is provided by a registered childcare provider or after school club. Different favourable treatment of income and allowances of disabled people and women with children are carried over into our local scheme so it is our view that there is no adverse or disproportionate impact on any of the groups with protected characteristics

7. If a negative impact has been identified, how can it be minimised?

Impacted Group	Description of the negative impact	Steps to take to minimise the impact
Everyone affected by the changes	The impact of the changes with the introduction of the Council Tax Reduction Scheme had a negative impact on many as some people have had to pay council tax for the first time.	We aim to make all information about Council Tax Reduction Scheme available in alternative formats and languages. Claim forms for Council Tax Reduction will be available online or by visiting one of our offices or remote offices. Customers can contact us by telephone or email, or have face-to-face contact at one of our offices. Additional information about our Council Tax Reduction Scheme will be available on our website. We will work closely with welfare groups and other agencies who support customers to ensure customers can access the Council Tax Reduction they are entitled to.
Those most vulnerable	North Devon Council recognises that there may be exceptional circumstances where customers are unable to meet the shortfall between their Council Tax and the Council Tax Reduction they receive.	The Exceptional Hardship Fund Policy ensures that those who are most vulnerable and in greatest financial hardship can access additional financial assistance from the Exceptional Hardship Fund.

This EINA and impacts identified are based on the information and data available at the time of carrying it out.

Appendix 2



COUNCIL TAX REDUCTION SCHEME
VULNERABILITY/ INCENTIVISING WORK
STATEMENT

Agenda Item B

CONTENTS		Page
1	Introduction	
2	Purpose of the vulnerability/Incentivising work statement	
3	Accessibility of the Council Tax Reduction Scheme	
4	Statutory framework and other considerations	
5	Pensioners	
6.	Disabled and Chronically Sick	
7.	Households with children	
8.	Prevention of Homelessness	
9.	Armed Forces Covenant (Service personnel)	
10.	Work incentive	
11.	Council Tax Reduction Exceptional Hardship Fund	

1. INTRODUCTION

Section 9 of The Local Government Finance Bill 2011 amended s.13A of the Local Government Finance Act 1992 and required all local authorities working within this legislative framework to design their own Council Tax reduction scheme.

With effect from 1 April 2013 a local Council Tax Reduction scheme replaced the national Council Tax Benefit statutory scheme (S.I. 2006/215) as the method of supporting low income households to pay their council tax. In designing this new scheme North Devon Council adopted the core elements of the Council Tax Benefit scheme, which is a proven and robust system of support, which affords financial support to the most vulnerable.

The Government has been clear that, in developing local Council Tax Reduction schemes, vulnerable groups should be protected. Other than statutory protection for low income pensioners the Government has not prescribed other groups that local Councils should support. Each Council must tailor their schemes to take account of the various statutes that currently protect vulnerable people.

2. PURPOSE OF THE VULNERABILITY/ INCENTIVISING STATEMENT

This statement sets out North Devon Council's approach to defining and assisting those deemed as vulnerable. In doing so it seeks to:

- Protect those who are state pension credit age
- Help those who are trying to help themselves
- Encourage and support people both into employment and those already in employment

3. ACCESSIBILITY OF THE COUNCIL TAX REDUCTION SCHEME

In order to ensure that all customers have equal access to Council Tax Reduction, the Council has adopted a communications strategy which aims to reach all vulnerable and hard to reach customers in our communities.

In doing this, we will ensure that:

- We aim to make all information about our Council Tax Reduction scheme available in alternative formats and languages.
- Claim forms for Council Tax Reduction will be available by post or on line or by visiting one of our offices or remote offices.
- Customers can contact us by telephone or email, or have face-to-face contact at one of our offices.

Agenda Item B

- Additional information about our Council Tax Reduction scheme will be available on our website and will be publicised in leaflets.
- We will work closely with welfare groups and other agencies who support customers to ensure customers can access the Council Tax Reduction they are entitled to.

4. STATUTORY FRAMEWORK AND OTHER CONSIDERATIONS

In developing this policy the Council has taken account of the following statutes:

- Local Government Finance Bill 2011 (protection for low income pensioners)
- Equality Act 2010 (public sector equality duty)
- Child Poverty Act 2010 (duty to mitigate the effects of child poverty)
- Housing Act 1996 (the duty to prevent homelessness)

It also takes account of:

- Work incentive principles set out in the Welfare Reform Act 2012
- Armed Forces Covenant 2011

As part of the Equality Act 2010 (section 149) the Council has paid due regard to the following in designing its Council Tax Reduction scheme:

- Eliminate unlawful discrimination (harassment, victimisation and any other prohibited conduct)
- Advance equality of opportunity between those people who share a relevant protected characteristic and people who do not share it
- Foster good relations between those who share a relevant protected characteristic and people who do not share it

The relevant protected characteristics, as defined by the Equality Duty, are:

- Age
- Disability:
- Gender reassignment:
- Pregnancy and maternity:
- Race:
- Religion or belief:
- Sex:
- Sexual orientation:
- Marriage or civil partnership status (in respect of the requirement to have due regard to eliminate discrimination)

In developing the Council Tax Reduction scheme and this statement North Devon Council has undertaken an Equality Impact Needs Assessment and given 'due regard' to its findings to ensure it does not lead to unlawful discrimination.

5. PENSIONERS

5.1 DEFINITION

The Local Government Finance Bill 2011 sets out that the requirement to fully protect the support provided under the Council Tax Benefit statutory scheme (S.I.2006/216) to low income pensioners in the Council Tax Reduction scheme.

5.2 ELIGIBILITY UNDER THE LOCAL GOVERNMENT FINANCE BILL & DRAFT COUNCIL TAX REDUCTION SCHEMES (PRESCRIBED REQUIREMENTS) REGULATIONS

- Applicants in receipt of guaranteed pension credit and who have income below their applicable amount will receive full council tax support subject to non-dependent deductions (Class A)
- Those applicants who have income in excess of their applicable amount will have 20% of the excess income deducted from their maximum support and will also be subject to non-dependent deductions (Class B).
- Someone who has attained the qualifying age for state pension credit and has at least one second adult living with them will qualify for Second Adult Rebate. A second adult is someone who is not the applicant's partner and not someone who pays rent on a commercial basis. Typically a second adult is an adult friend or relative who is on a low wage and/or other welfare benefits (Class C).
- Council Tax Reduction for state pension credit age applicants and Second Adult Rebate cannot be paid together; it will be the highest entitlement that will determine which support is paid.

Agenda Item B

6. DISABLED AND CHRONICALLY SICK

6.1 DEFINITION

The following pieces of legislation set out the council position and responsibility for those who are disabled:

- Disabled Persons (Services, consultations and Representation) Act 1986
- Chronically Sick and Disabled Persons Act 1970
- Disabled Persons (Services, consultations and Representation) Act 1986
- Disability Discrimination Act 1995 (s.1 & sch 1)
- Equality Act 2010

6.2 HOW THE COUNCIL'S STATEMENT ADDRESSES THE ISSUES OF DISABILITY

North Devon Council's Council Tax Reduction Scheme maintains the key elements of the previous Council Tax Benefit scheme, and as such provides protection in the overall calculation of support for disabled customers.

Our Council Tax Reduction Scheme will continue to disregard income received specifically relating to disability in the financial assessment as defined in the previous Council Tax Benefit statutory scheme. This means that all income received from Disability Living Allowance and Personal Independence Payments will not be included. The effect of this is that these customers will be able to retain more of their income before their Council Tax Reduction is reduced.

In addition to this, the calculation of support will also include all of the premiums which existed under the Council Tax Benefit statutory schemes:

- Disability Premium – awarded when a customer or their partner (if any) is classed as disabled and receives either a qualifying disability benefit or meet defined disability criteria or long-term sick.
- Enhanced Disability Premium – awarded where either the customer or their partner (if any) are in receipt of Higher Rate Disability Living Allowance Care Component or where the customer receives the Support Component of Employment and Support Allowance;
- Severe Disability Premium – awarded when both customer or their partner (if any) are both severely disabled and receive either a qualifying disability benefit or meet defined disability criteria:
- Support component – where this component is awarded to the customer or their partner's Employment and Support Allowance

In all situations where a customer or their partner (if any) is classed as disabled under the scheme, then no non-dependant deductions will be made where the customer or their partner is registered blind or where they are in receipt of the Care Component of Disability Living Allowance/Personal Independence Payments.

7. HOUSEHOLDS WITH CHILDREN

7.1 DEFINITION

The Child Poverty Act 2010 places the following duties on local authorities and their partners to:

- Co-operate to tackle child poverty in their area
- Prepare and publish a local child poverty needs assessment
- Prepare a joint local child poverty strategy
- Take child poverty into account when preparing or revising their Sustainable Communities Strategy

In partnership, Devon County Council and all the district councils, including North Devon Council has signed up to the Devon Strategic Partnership's Child Poverty Strategy. In developing the Council Tax Reduction Scheme and this statement North Devon Council has taken into account the DSP Child Poverty Strategy.

Furthermore, North Devon Council has taken account of the Government's National Strategy for tackling child poverty: *Tackling the causes of disadvantage and transforming families' lives published in April 2011*. The Council Tax Reduction Scheme therefore supports the key measures within this strategy to strengthen families, encourage responsibility, promote work and guarantee fairness and provide support to the most vulnerable.

The Government definition used within this policy is as follows:

- Households with children in which income is less than 60% of the national median

The authority is mindful of the proportion of dependent children within its area who live in households whose equivalised income is below 60% of the national median.

7.2 HOW THE COUNCIL'S STATEMENT ADDRESSES THE ISSUE OF CHILD POVERTY

North Devon Council recognises the importance of maintaining the components within the Council Tax Benefit statutory scheme that gives additional protection to families.

Agenda Item B

These allow for the following incomes not to be included in the financial assessment of Council Tax Support:

- All Child Benefit
- All Child Maintenance
- All other income payable to children
- Up to £175.00 per week for one child and £300.00 per week for two or more children towards childcare payments, for working families under defined criteria.

When assessing a claim for Council Tax Support a family's income will be compared to their applicable amount (living allowances). The applicable amounts (living allowances) copied the provisions defined within the previous Council Tax Benefit statutory scheme. The applicable amount contains the following elements:

- Child personal allowances – an allowance for each dependent child in the applicant's household, limited to two following changes introduced to the scheme in April 2017
- Family Premium – where there is at least one child in the household.
- Disabled Child Premium – where a child is in receipt of any component of Disability Living Allowance or a comparable component of Personal Independence Payments or is blind or is treated as registered blind.
- Enhanced Disability Premium – where a child is in receipt of the highest rate of the care component of Disability Living Allowance or the equivalent component of Personal Independence Payments. (PIP will not be applicable for children under 16 as they will remain on DLA)

CHILD CARE DISREGARDS

To support families who are working and going into work, allowances can be made from earnings and other benefits in respect of eligible childcare costs when defined criteria (below) are met and the childcare is provided by a registered childcare provider or after school club.

A weekly child care disregard will be applied under the following criteria:

- Where a customer is a lone parent and works 16 or more hours each week:
- Where a couple both work 16 hours or more each week:
- Where one partner works 16 or more hours each week and the other partner is incapacitated, a hospital in-patient or is in prison.

Where a customer is a lone parent or part of a couple and either the lone parent works 16 or more hours; or both members of the couple work 16 hours or more or where one of the couple is incapacitated, a maximum weekly disregard will be set annually.

8. PREVENTION OF HOMELESSNESS

8.1 DEFINITION

Under the Housing Act North Devon Council has a Duty to help homeless people defined as priority need within vulnerable groups. Where people apply to North Devon Council for assistance we will give careful consideration to the circumstances that have led to homelessness and make our decisions on accommodation provision accordingly. Under the Homelessness Act 2002 North Devon Council has a duty to prevent homelessness and provide a homelessness advice service and further information on this can be found in North Devon Council's Homelessness Strategy 2012.

North Devon Council has given consideration to the threat of homelessness in the development of the local Council Tax Reduction Scheme.

8.2 HOW THE COUNCIL'S STATEMENT ADDRESSES THE ISSUES WITHIN THE HOUSING & HOMELESSNESS ACTS

- North Devon Council will ensure that any applicant who is supported under our Homelessness Policy, will also be supported to apply for Council Tax Reduction once they have secured accommodation
- North Devon Council will ensure that any applicant at risk of homelessness and who is vulnerable will be assisted to apply for Council Tax Reduction.

9. ARMED FORCES COVENANT

9.1 DEFINITION

In 2011 the Government launched the tri-service armed services covenant which it intends to enshrine in the Armed Forces Bill

A Community Covenant is a voluntary statement of mutual support between a civilian community and its local Armed Forces Community. It is intended to complement, at local level, the Armed Forces Covenant, which outlines the moral obligation between the Nation, the Government and the Armed Forces.

Agenda Item B

The aims of the Armed Forces Community Covenant are to:

- encourage local communities to support the Armed Forces community in their areas
- nurture public understanding and awareness amongst the public of issues affecting the Armed Forces community
- recognise and remember the sacrifices faced by the Armed Forces Community
- encourage activities which help to integrate the Armed Forces Community into local life
- to encourage the Armed Forces Community to help and support the wider community, whether through participation in events and joint projects, or other forms of engagement

Above extract from

<https://www.gov.uk/government/publications/2010-to-2015-government-policy-armed-forces-covenant/2010-to-2015-government-policy-armed-forces-covenant#appendix-3-armed-forces-community-covenant>

North Devon Council has signed up to the Armed Forces Covenant and has considered this obligation in developing the Council Tax Support scheme

9.2 HOW THE COUNCIL'S STATEMENT MEETS THE ARMED FORCES COVENANT

- North Devon Council will continue to disregard War Disablement Pension or War Widows payments from the calculation of Council Tax Support under the provision of s.139 of the Social Security Administration Act 1992 as previously applied under the Council Tax Benefit statutory scheme.

10. WORK INCENTIVE

10.1 DEFINITION

As part of the Council Tax Reduction Scheme North Devon Council wishes to support and provide incentives for applicants to return to work or to support those already working to increase the hours they work, wherever possible.

The Council Tax Reduction Scheme reflects the following principles:

- People should get more overall income in work than out of work.

- People should get more overall income from working more and earning more.
- People should be confident that support will be provided whether they are in or out of work and that it will be timely and correct and that claiming will not be a complicated and frustrating experience.

10.2 HOW THE COUNCIL'S STATEMENT PROVIDES WORK INCENTIVES

North Devon Council is keen to support applicants back into work. The Council Tax Reduction Scheme will achieve this by supporting both customers in receipt of benefits or on low income.

The Council retained the core elements within the Council Tax Benefit statutory scheme which means that reduction is reduced based upon a 20% withdrawal rate. This means that where a customer's income exceeds their applicable amount a deduction of 20p for every £1 will be made from Council Tax Reduction.

- When calculating weekly earned income a net figure will be used, this will be gross earnings less all Income Tax, National Insurance and half of any pension contribution. In addition, a further disregard will be applied:
 - First £10.00 of weekly earnings for single customers
 - First £20.00 of weekly earnings for couples
 - First £20.00 of weekly earnings for people who are disabled or long term sick, carers or part-time fire fighters, auxiliary coast guards, part-time life boat workers and member of the Territorial Army
 - First £25.00 of weekly earnings for lone parents
- Where the applicant or their partner is able to undertake work on or above a defined number of hours then an additional earnings disregard may be applied;
- A childcare costs disregard of up to £175.00 for one child or up to £300.00 for two or more children can be given where the applicant or their partner is working and meet the specified criteria. Please see Childcare Disregards above.
- An additional four week extended payment of support can be awarded when the customer moves into work, and meets specified conditions. The extended payment will give support at the pre work entitlement to allow for additional costs incurred when starting work.

Agenda Item 8

11. COUNCIL TAX REDUCTION EXCEPTIONAL HARDSHIP FUND

North Devon Council recognises that there may be exceptional circumstances where customers are unable to meet the shortfall between their Council Tax and the Council Tax Reduction they receive.

North Devon Council's Exceptional Hardship Fund Policy ensures that those who are most vulnerable and in greatest financial hardship can access additional financial assistance from the Exceptional Hardship Fund.

Appendix 3



COUNCIL TAX REDUCTION - EXCEPTIONAL HARDSHIP POLICY

Agenda Item 8

1.0	Background.....	3
2.0	Exceptional Hardship and Equalities	4
3.0	Purpose of this policy.....	4
4.0	The Exceptional Hardship Process.....	4
5.0	Awarding an Exceptional Hardship Payment.....	6
6.0	Publicity	7
7.0	Claiming an Exceptional Hardship payment	7
8.0	Changes in circumstances.....	7
9.0	Duties of the customer and the customer's household	8
10.0	The award and duration of an Exceptional Hardship Payment.....	8
11.0	Award of the Exceptional Hardship payment.....	8
12.0	Overpaid Exceptional Hardship Payments	8
13.0	Notification of an award.....	8
14.0	Appeals	8
15.0	Fraud.....	9
16.0	Complaints	9
17.0	Policy Review	9

1.0 Background

- 1.1 An Exceptional Hardship Policy has been created by North Devon Council to assist applicants for Council Tax Reduction who are facing 'exceptional hardship'. This is to provide further assistance where an application has been received for Council Tax Reduction but the level of support being paid by the North Devon Council does not meet their full Council Tax liability.
- 1.2 Exceptional Hardship will be available to any applicant where their daily award of Council Tax Reduction does not meet 100% of their Council Tax liability (less any appropriate discounts and non-dependant deductions).
- 1.3 The main features of the policy are as follows:
- The operation of the policy will be at the total discretion of the North Devon Council;
 - The policy will be operated by the Revenues and Benefits section on behalf of North Devon Council;
 - Exceptional Hardship falls within S13A 1 A of the Local Government Finance Act 1992 and forms part of the Council Tax Reduction Scheme;
 - Exceptional Hardship payments will only be available from 1st April 2019 and **will not be available for any other debt other than outstanding Council Tax**;
 - A pre-requisite to receive a payment is that an application for Council Tax Reduction has been made;
 - Where an Exceptional Hardship Payment is requested for a previous period, Exceptional Hardship must have been proven to have existed throughout the whole of the period requested;
 - Exceptional Hardship Payments are designed as a short-term help to the customer only and it is expected that payments will be made for a short term only; and
 - All applicants will be expected to engage with North Devon Council and undertake the full application process. Failure to do so will inevitably mean that no payment will be made.

Agenda Item 8

2.0 Exceptional Hardship and Equalities

- 2.1 The creation of an Exceptional Hardship Policy facility meets North Devon Council's obligations under the Equality Act 2010.
- 2.2 North Devon Council recognises the importance of protecting our most vulnerable customers and also the impact the changes imposed by the removal of Council Tax Benefit by Central Government. This policy has been created to ensure that a level of protection and support is available to those applicants most in need. It should be noted that an Exceptional Hardship Policy is intended to help in cases of **extreme** financial hardship and not support a lifestyle or lifestyle choice. Whilst the definition 'Exceptional Hardship' is not exactly defined by this policy, it is accepted that changes to the level of support generally will cause financial hardship and any payment made will be at the total discretion of North Devon Council. Exceptional Hardship should be considered as 'hardship beyond that which would normally be suffered.

3.0 Purpose of this policy

- 3.1 The purpose of this policy is to specify how North Devon Council will operate the scheme, to detail the application process and indicate a number of factors, which will be considered when deciding if an Exceptional Hardship payment can be made.
- 3.2 Each case will be treated on its own merits and all applicants will be treated fairly and equally in both accessibility and also decisions made with applications.

4.0 The Exceptional Hardship Process

- 4.1 As part of the process of applying for additional support, all applicants must be willing to undertake **all** of the following:
 - a. Make a separate application for assistance;
 - b. Provide full details of their income and expenditure;
 - c. Where a person is self-employed or a director of a private limited company, details of their business including business accounts must be supplied;

- d. Accept assistance from either North Devon Council or third parties such as the CAB or similar organisations to enable them to manage their finances more effectively including the termination of non essential expenditure;
- e. Identify potential changes in payment methods and arrangements to assist the customer;
- f. Assist North Devon Council to minimise liability by ensuring that all discounts, exemptions and reductions are properly granted; and
- g. Maximise their income through the application for other welfare benefits, cancellation of non-essential contracts and outgoings and identifying the most economical tariffs for the supply of utilities and services generally.

4.2 Through the operation of this policy North Devon Council will look to

- Allow a short period of time for someone to adjust to unforeseen short-term circumstances and to enable them to “bridge the gap” during this time, whilst the customer seeks alternative solutions;
- Enable long term support to households in managing their finances;
- Help applicants through personal crises and difficult events that affect their finances;
- Prevent exceptional hardship;
- Help those applicants who are trying to help themselves financially; and
- Encourage and support people to obtain and sustain employment.

4.3 It cannot be awarded for the following circumstances:

- Where the full Council Tax liability is being met by Council Tax Reduction;
- For any other reason, other than to reduce Council Tax liability;
- Where North Devon Council considers that there are unnecessary expenses/debts etc and that the applicant has not taken reasonable steps to reduce these;
- To pay for any arrears of Council Tax Reduction caused through the failure of the applicant to notify changes in circumstances in a timely manner or where the applicant has failed to act correctly or honestly; or
- To cover previous years Council Tax arrears

Agenda Item 8

5.0 Awarding an Exceptional Hardship Payment

5.1 North Devon Council will decide whether or not to make an Exceptional Hardship award, and how much any award might be.

5.2 When making this decision North Devon Council will consider:

- The shortfall between Council Tax Reduction and Council Tax liability;
- Whether the applicant has engaged with the Exceptional Hardship process;
- The personal circumstances, age and medical circumstances (including ill health and disabilities) of the applicant, their partner any dependants and any other occupants of the applicant's home;
- The difficulty experienced by the applicant, which prohibits them from being able to meet their Council Tax liability, and the length of time this difficulty will exist;
- The income and expenditure of the applicant, their partner and any dependants or other occupants of the applicant's home;
- How reasonable expenditure exceeds income;
- In the case of a self-employed applicant, whether they are in gainful employment;
- All income received by the applicant, their partner and any member of their household irrespective of whether the income may fall to be disregarded under the Council Tax Reduction Scheme;
- Any savings or capital that might be held by the applicant, their partner and any member of their household irrespective of whether the capital may fall to be disregarded under the Council Tax Reduction Scheme;
- Other debts outstanding for the applicant and their partner;
- The exceptional nature of the applicant and/or their family's circumstances that impact on finances; and
- The length of time they have lived in the property;

5.3 The above list is not exhaustive and other relevant factors and special circumstances will be considered.

5.4 An award of Exceptional Hardship does not guarantee that a further award will be made at a later date, even if the applicant's circumstances have not changed.

5.5 An Exceptional Hardship payment may be less than the difference between the Council Tax liability and the amount of Council Tax Reduction paid. The level of payment may be nil if the authority feels that, in its opinion, the customer is not suffering 'exceptional hardship' or where the applicant has failed to comply with the Exceptional Hardship process.

6.0 Publicity

6.1 North Devon Council will make a copy of this policy available for inspection and will be published on the North Devon Council's website.

7.0 Claiming an Exceptional Hardship payment

7.1 An applicant must make a claim for an Exceptional Hardship award by submitting an application to North Devon Council. The application form can be obtained via the telephone, in person at one of North Devon Council offices and/or via North Devon Council's website.

7.2 Applicants can get assistance with the completion of the form from the Revenues and Benefits Service or from the Customer Services Team at one of the three North Devon Council offices.

7.3 The application form must be fully completed and supporting information or evidence provided, as reasonably requested by North Devon Council. The form must be returned within one calendar month of its issue.

7.4 In most cases the person who claims the Exceptional Hardship award will be the person entitled to Council Tax Reduction. However, a claim can be accepted from someone acting on another's behalf, such as an appointee, if it is considered reasonable.

8.0 Changes in circumstances

8.1 North Devon Council may revise an award of Exceptional Hardship where the applicant's circumstances have changed which either increases or reduces their Council Tax Reduction entitlement.

Agenda Item 8

9.0 Duties of the customer and the customer's household

9.1 A person claiming an Exceptional Hardship payment is required to:

- Provide North Devon Council with such information as it may require to make a decision;
- Tell North Devon Council of any changes in circumstances that may be relevant to their ongoing claim; and
- Provide North Devon Council with such other information as it may require in connection with their claim.

10.0 The award and duration of an Exceptional Hardship Payment

10.1 Both the amount and the duration of the award are determined at the discretion of North Devon Council, and will be done so on the basis of the evidence supplied and the circumstances of the claim.

10.2 The start date of such a payment and the duration of any payment will be determined by North Devon Council. In any event, the maximum length of the award will not exceed the end of the financial year in which the award is given.

11.0 Payment

11.0 Any Exceptional Hardship payment will be made direct onto the applicant's Council Tax account, thereby reducing the amount of Council Tax payable.

12.0 Overpaid Exceptional Hardship Payments

12.1 Overpaid Exceptional Hardship payments will generally be recovered directly from the applicant's council tax account, thus increasing the amount of council tax due and payable.

13.0 Notification of an award

13.1 North Devon Council will notify the outcome of each application for Exceptional Hardship payment.

14.0 Appeals

14.1 Exceptional Hardship payments are granted under S13A 1A of the Local Government Finance Act 1992 as part of the Council Tax Reduction Scheme, as such the normal Council Tax appeal process applies and an appeal can be made at any time. The initial appeal should be made to North Devon Council

who will review any decision. Ultimately any decision can be considered by an independent Valuation Tribunal.

15.0 Fraud

- 15.1 North Devon Council is committed to protecting public funds and to ensure that funds are awarded to the people who are rightfully eligible to them.
- 15.2 An applicant who tries to fraudulently claim an Exceptional Hardship payment by falsely declaring their circumstances, providing a false statement or evidence in support of their application, may have committed an offence under The Fraud Act 2006.
- 15.3 Where North Devon Council suspects that such a fraud may have been committed, this matter will be investigated as appropriate and may lead to criminal proceedings being instigated.

16.0 Complaints

- 16.1 North Devon Council's Complaints Procedure (available on the North Devon Councils website) will be applied in the event of any complaint received about this policy.

17.0 Policy Review

- 17.1 This policy will be reviewed on a regular basis and updated as appropriate to ensure it remains fit for purpose. However, a review may take place sooner should there be any significant changes in legislation.

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REPORT TO: EXECUTIVE

Date: 7 January 2019

TOPIC: COUNCIL TAX DISCOUNTS

REPORT BY: REVENUES AND BENEFITS MANAGER

1 INTRODUCTION

1.1 The report seeks to confirm Council Tax Discounts relating to certain properties for the financial year commencing 1 April 2019.

2 RECOMMENDATIONS

2.1 That Executive recommends the Council makes the following determinations in relation to the classes of dwellings set out below for the financial year commencing 1 April 2019 :-

2.2 Class A and Class B

Unoccupied and furnished properties

Set a 0% discount, thereby levying full council tax.

2.3 Classes A and B do not include any dwelling –

- a) Which consists of a pitch occupied by a caravan or a mooring occupied by a boat
- b) Where a qualifying person in relation to that dwelling is a qualifying person in relation to another dwelling in England, Wales or Scotland which is job related
- c) Which for a qualifying person is job related where that person is a qualifying person in relation to another dwelling in England, Wales or Scotland

2.4 Class C

Unoccupied and substantially unfurnished properties

Set a discount of 100%, for up to three months.

2.5 For the purpose of Class C, in considering whether a dwelling has been unoccupied for any period, any one period, not exceeding six weeks, during which it was occupied shall be disregarded.

2.6 Properties which have been unoccupied and substantially unfurnished for over two years, levy the empty home premium of 200% of the normal liability.

Agenda Item 9

3 REASONS FOR RECOMMENDATIONS

3.1 To approve the level of discounts to certain properties for the financial year commencing 1 April 2019.

4 REPORT

4.1 The determinations are made by North Devon District Council for the financial year 2019/20.

4.2 They are made under its powers contained in The Local Government Finance Act 2012 and the Council Tax (Prescribed Classes of Dwellings) (England) (Amendment) Regulations 2012 (SI 2012/2964).

4.3 Section 12 (2) of the Local Government Finance Act 2012 allows local authorities to set a council tax rate for long term empty properties of up to 200% of the normal liability. A 'long term empty property' must have been unoccupied and substantially unfurnished for at least two years

4.4 This report is to confirm the discounts and levy for the financial year commencing 1 April 2019

- Class A and Class B (unoccupied and furnished) – discount of 0%
- Class C (unoccupied and substantially unfurnished) – discount of 100% for up to three months) For the purpose of Class C, in considering whether a dwelling has been unoccupied for any period, any one period, not exceeding six weeks, during which it was occupied shall be disregarded.
- Long term empty properties (unoccupied and substantially unfurnished for at least two years – set a council tax rate of 200% of the normal liability.

From 1 April 2020 the Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018 enables Councils to charge a maximum of 300% of the normal liability against property that has been unoccupied and unfurnished for at least 5 years. This will be subject to a future report to Executive.

From 1 April 2021 the Act also enables Councils to charge a maximum of 400% of the normal liability against property that has been unoccupied and unfurnished for at least 10 years. This will be subject to a future report to Executive.

5 RESOURCE IMPLICATIONS

5.1 There are no additional human resource implications

6 CONSTITUTIONAL CONTEXT

Article or Appendix and paragraph	Referred or delegated power?	Key decision?
4.1 (b) ii and 4.2 (e) iii	Referred	Y

7 STATEMENT OF CONFIDENTIALITY

7.1 This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

8 BACKGROUND PAPERS

8.1 The background papers are available for inspection and kept by the author of the report.

9 STATEMENT OF INTERNAL ADVICE

9.1 The author (below) confirms that advice has been taken from all appropriate Councillors and officers.

Executive Member: Cllr R Edgell & Cllr G Lane

Author: Anya Williams Date: 29 November 2018

Reference: Discount for empty properties and second homes 2019-20

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Open/

NORTH DEVON COUNCIL

REPORT TO: EXECUTIVE

Date: **7TH JANUARY 2019**

**TOPIC: COMPULSORY PURCHASE – THE WHITE HART,
BRATTON FLEMING**

REPORT BY: HEAD OF CORPORATE AND COMMUNITY

1 INTRODUCTION

- 1.1 The Council has been requested to consider the use of compulsory purchase powers in respect of The White Hart, Bratton Fleming (“the premises”).
- 1.2 The request follows the successful listing of the premises as an Asset of Community Value. Negotiations between the freehold owner and a community group have not been successful as there are substantial differences in opinion regarding the value.
- 1.3 The community group would therefore like the Council to consider compulsory purchase of the premises in order to allow the premises to be used by the community.

2 RECOMMENDATIONS

- 2.1 That Executive consider whether it wishes to explore the use of compulsory purchase powers in this instance.

3 REASONS FOR RECOMMENDATIONS

- 3.1 To allow officers to explore the use of compulsory purchase powers and to commence preparation for the exercise of those powers in advance of a further report to Executive.

4 REPORT

- 4.1 The Localism Act 2011 introduced the regime relating to Assets of Community Value (“ACV”). Under this system, community groups can nominate assets that they feel have a community value. If the local authority agree, the asset is included on a list for a period of 5 years. During that time, if the freehold owner wishes to sell the asset, the community group must be given an opportunity to be treated as a bidder.
- 4.2 The legislation does not however impose a duty on the freeholder to sell the asset to the community group and nor does it specify the consideration for any sale.

Agenda Item 10

- 4.3 In this case, the premises has been listed as an ACV as a result of its past use as a public house providing community use. At the time of listing the premises was however closed and that position remains at the current time.
- 4.4 The freeholder has indicated his intention to dispose of the asset. In turn, the community group indicated that it wished to be treated as a potential bidder. It is unclear what actual negotiations have taken place between the two parties but what is clear is that no agreement is likely to be reached on the value of the premises and so it is highly unlikely that a sale to the community group will take place.
- 4.5 In the past few years, the freeholder has also submitted planning applications involving elements of residential development which have been refused. The community group remain concerned that the community use will be lost through development at some stage.
- 4.6 There are various legislative provisions that give a local authority power to compulsorily purchase land and buildings. None of those powers are specific to ACVs however but the most likely power that could be used is under section 226 of the Town and Country Planning Act 1990.
- 4.7 That section allows a local planning authority to compulsorily purchase land where the LPA consider that the purchase will facilitate the carrying out of development, re-development or improvement of the land or in the interests of proper planning of the area.
- 4.8 A more general power exists under the Local Government Act 1972.
- 4.9 Guidance on the use of compulsory purchase powers has been issued and this sets out some expectations from the exercise of such powers. As an example, it is expected that the use of compulsory purchase powers should only take place where there is a compelling case in the public interest. There is also an expectation that steps will have been taken to attempt to purchase the land voluntarily.
- 4.10 Importantly, there will be an expectation that the Council will be able to show that it has a clear idea of how the land will be used following purchase and that resources are available to achieve that purpose.
- 4.11 Specific guidance is provided where it is intended to use the powers in order to purchase an ACV. This states that local authorities should consider all requests from community groups to use the powers and should provide a formal response. The guidance goes on to state that the local authority should be able to show that the costs of the scheme can be financed, including the compensation payable together with the costs of making the order etc, either from its own resources or with a contribution from the community group.
- 4.12 The local authority should also ascertain the value of the asset to the community, the effect of bringing it back into use, the perceived threat to the asset, the future use of the asset and who would manage it, any planning issues and how the purchase would be financed.

4.13 Before the Council decides whether to proceed and use its powers, there are clearly a number of issues to consider as set out above. This report does not seek a decision to proceed with a CPO but instead is looking for an indication from Executive as to whether it wishes officers to explore the option further. In exploring the options, the officers will seek further information that will enable any further report to deal with the above considerations in full.

5 RESOURCE IMPLICATIONS

5.1 There will be resource implications in progressing this matter or in exploring it further but these will be managed through existing budgets and resources.

6 EQUALITY and HUMAN RIGHTS

6.1 Progressing with a CPO will involve the Council's Equality duty and will also involve an interference with the freeholders human rights. All of these issues would need to be balanced into the decision if the request proceeds.

7 CONSTITUTIONAL CONTEXT

Article and paragraph	Appendix and paragraph	Referred or delegated power?	A key decision?
Annexe 3 Part 4		Delegated	No

8 BACKGROUND PAPERS

8.1 List of background papers (but not including published works or those that disclose exempt or confidential information (as defined in rule 10 of appendix 15 (Access to Information Procedural Rules) and the advice of a Political Advisor/Assistant):

Guidance
ACV papers

Background papers will be available for inspection and will be kept by the author of the report.

9 STATEMENT OF INTERNAL ADVICE

9.1 The author (below) confirms that advice has been taken from all appropriate Councillors and officers.

Executive Member: Author: Ken Miles

Date: 17 December 2018

Reference: \\w2knddc.ad\data\CivicCentre\Units\Corp
Comm\Democratic\Committee\Reports\Executive\2019\2019.01.07\2019.01.07 CPO White
Hart Bratton Fleming.doc

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Open

NORTH DEVON COUNCIL

REPORT TO: EXECUTIVE

Date: 7th January 2019

**TOPIC: APPROVAL & RELEASE OF S106 FUNDS-
GREENWAYS PLAY AREA & BLAKES HILL ROAD
PLAY AREA**

REPORT BY: PRINCIPAL PARKS OFFICER

1 INTRODUCTION

1.1 This report seeks to allocate S106 public open space funds to two projects in Ilfracombe and Landkey.

2 RECOMMENDATIONS

2.1 That Executive allocates £38,005.22 towards the following schemes:

2.1.1 Greenways Play Area, Ilfracombe £15,664.80

2.1.2 Blakes Hill Road Play Area, Landkey £22,340.42

2.2 Executive recommends that Council vary the Capital Programme by £38,005.22 as detailed in 2.1 above, and that funds be released, subject to funding agreements upon such terms and conditions as may be agreed by the Head of Corporate and Community Services.

3 REASONS FOR RECOMMENDATIONS

3.1 To ensure that appropriate funding is transferred into and released from the capital programme.

3.2 To improve public open space facilities for children and young people within the community.

4 REPORT

4.1 Two schemes in Ilfracombe and Landkey have been identified for S106 public open space funds towards play area projects within the Landkey, Swimbridge & Taw ward and Ilfracombe West ward. NDC currently holds £38,005.22 from three S106 agreements.

- Birch Road/ Denes Lane (54958) £13,730.02
- Birch Road/ Denes Lane (57410) £8610.40

Agenda Item 11

- 41 Torrs Park (65114) £15,664.80

4.2 The two schemes are identified below:

4.2.1 Greenways Play Area

The play area is owned and maintained by North Devon District Council.

It is approximately 4220m² in size and the site is in close proximity for which the S106 contribution has been generated.

The scheme will involve the installation of a junior multi-unit and safety surfacing.

A tender will be run to provide a design for the new equipment. The project will be managed by the Parks, Leisure and Culture team.

4.2.2 Blakes Hill Road Play Area

This play area is owned and maintained by North Devon District Council.

It is approximately 315m² in size and is in close proximity to the development for which the S106 contribution has been generated.

The scheme will involve the installation of a roundabout, seesaw, basket swing, interactive games, safety surfacing and accessible paths for all users. Some elements of play will be for inclusive use.

A tender will run to provide a design for the new equipment. The project will be managed by the Parks, Leisure and Culture team.

5 RESOURCE IMPLICATIONS

5.1 Financial

5.1.1 That £38,005.02 be funded from the following sources:

Development Description	Application number	Amount
Birch Road/ Denes Lane	54958	£13,730.02
Birch Road/ Denes Lane	57410	£8610.40
Torrs Park	65114	£15,664.80

5.1.2 No external funding has been secured.

6 CONSTITUTIONAL CONTEXT

Article or Appendix and paragraph	Referred or delegated power?	Key decision?
Part 4 Annex 3	Delegated	No

7 STATEMENT OF CONFIDENTIALITY

7.1 This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

8 BACKGROUND PAPERS

8.1 The following background papers were used in the preparation of this report:

o

The background papers are available for inspection and kept by the author of the report.

9 STATEMENT OF INTERNAL ADVICE

9.1 The author (below) confirms that advice has been taken from all appropriate Councillors and officers.

Executive Member: Councillor Jones and Moores, Health and Wellbeing

Author: M.Jones

Date: 5th December 2018

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REPORT TO: EXECUTIVE

Date: 7 January 2018

TOPIC: APPROVAL & RELEASE OF S106 FUNDS - BRAUNTON

REPORT BY: PROJECT, PROCUREMENT & OPEN SPACE OFFICER

1 INTRODUCTION

1.1 This report seeks to allocate S106 public open space funds towards a project in Braunton.

2 RECOMMENDATIONS

2.1 That Executive allocates £8,990 towards enhancement of the village green, Braunton.

2.2 Subject to approval of 2.1 above, that Executive recommends Council vary the capital programme by £8,990 and that funds be released, subject to Funding Agreements upon such terms and conditions which may be agreed by the Head of Corporate & Community.

3 REASONS FOR RECOMMENDATIONS

3.1 To allocate funds in line with the requirements within the S106 agreement.

3.2 To protect and enhance public open space.

4 REPORT

4.1 Braunton Parish Council has identified a scheme to provide enhancement and improvement to the village green in Braunton. The wider project will fund a range of lighting, CCTV and external Wifi in the open space, with the proposed open space contribution covering purchase and installation of a large circular heavy duty metal seat and new tree's to replace those lost as a result of fungal infection, along with the associated ground preparation works.

4.2 Quotations have been sought by the Parish Council and it is hoped that works will be carried out in March 2019, ready for use in the spring.

4.3 The project is supported by Braunton ward members, who are keen to provide a replacement maple tree, similar to that which was in the village during the 1930's.

Agenda Item 12

4.4 At the time of submitting the report, no feedback has been received from Heanton Punchardon ward member or Heanton Punchardon Parish Council. A verbal update will be given at Executive.

5 RESOURCE IMPLICATIONS

5.1 The total project cost is £22,481, with £13,491 to be funded by Braunton Parish Council and external funding. The remaining balance to be funded from the source below.

Development Description	Application Number	Amount
Chivenor Cross	55214	£8,990
	Total	£8,990

Any project overspend be met by Braunton Parish Council. The WiFi and maintenance will be the responsibility of the Parish Council.

6 CONSTITUTIONAL CONTEXT

Article or Appendix and paragraph	Referred or delegated power?	Key decision?
4.5.2, Part 3, annex 4	Delegated	No

7 STATEMENT OF CONFIDENTIALITY

7.1 This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

8 BACKGROUND PAPERS

8.1 The background papers are available for inspection and kept by the author of the report.

9 STATEMENT OF INTERNAL ADVICE

9.1 The author (below) confirms that advice has been taken from all appropriate Councillors and officers.

Executive Member: Councillors Jones & Moores

Author: L. Wheeler

Date: 4/12/18

Reference: I:\Projects\Open Space & S106\Reports\Executive reports\Executive 2018\Exec December 2018.doc