

## CABINET

Meeting held in the Council Chamber, Council Offices, Urban Road, Kirkby-in-Ashfield,

on Monday, 10th September, 2018 at 10.00 am

**Present:** Councillor Jason Zadrozny in the Chair;

Councillors Christian Chapman, Tom Hollis,  
Robert Sears-Piccavey, Helen-Ann Smith and  
John Wilmott.

**Officers Present:** Craig Bonar, Lynn Cain, Carol Cooper-Smith,  
Ruth Dennis, Katherine Green, Peter Hudson,  
Robert Mitchell, Paul Parkinson and Craig Scott.

### **CA.26 Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests**

There were no declarations of interest made.

### **CA.27 Minutes**

RESOLVED

that the minutes of the meeting of the Cabinet held on 9<sup>th</sup> July, 2018 be received and approved as a correct record.

(During consideration of the minutes, Councillor Helen-Ann Smith entered the meeting at 10.03 a.m.)

### **CA.28 Council Tax - Empty Property Premium**

Cabinet was requested to consider implementing the proposed Council Tax empty property premiums as provided for by the Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Bill. Once enacted the Bill would enable the Council to increase their empty property premiums thus helping to reduce the number of empty domestic properties whilst increasing the availability of housing stock for occupation.

During the presentation, Cabinet Members were asked to note that implementation of the empty property premiums would be via a gradual approach up to 2021 and not all elements would be introduced from 1<sup>st</sup> April, 2019 as outlined in the report. The 200% empty property premium would be eligible for implementation from 2020 and the 300% empty property premium from 2021.

Cabinet were advised that all eligible property owners would be receiving an explanatory letter in relation to the implementation of the empty property premiums in January 2019.

Members considered the alternative option of declining to apply the new powers leaving the Council Tax empty property premium at the current 50% rate which would forgo any potential for additional council tax income.

#### RESOLVED

that the following changes, provided for in the Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Bill, once enacted, be implemented giving the Council powers to:-

- a) apply a 100% Premium to the total annual Council Tax bill on unoccupied dwellings that have stood empty for over 2 years but less than 5 years;
- b) apply a 200% Council Tax Premium to the total annual Council Tax bill on dwellings that have been continuously unoccupied between 5 and 10 years;
- c) apply a 300% Council Tax Premium to the total annual Council Tax bill on properties that have been continuously unoccupied for a period exceeding 10 years.

#### Reasons:

1. The Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Bill has almost completed its passage through the House of Parliament and the House of Lords, and is due to receive Royal Assent shortly.
2. Originally the bill was designed to allow councils to increase the empty property premium chargeable on dwellings that have stood empty for more than 2 years, from 50% to 100%. A recent amendment to this bill was agreed by Parliament which will allow councils to increase the premium to 200% for properties that have been empty over 5 years, and to 300% for properties that have been empty for more than 10 years.
3. The legislation will allow the new empty property premiums to be implemented on a gradual basis over three years from 1st April 2019, as outlined at the meeting.
4. The decision to apply or not apply for the new Council Tax Empty Premiums falls within the powers of the Council however the new legislation does not give local authorities the power to increase the % Empty Property Premiums above those specified in the Council Tax (Empty Dwellings) Bill.

(During consideration of this item, Councillor Helen-Ann Smith left the room at 10.10 a.m. and returned to the meeting at 10.11 a.m.)

## **CA.29 Civil Penalties for Council Tax and for the Council Tax Reduction Scheme**

The report requested Cabinet Members to consider utilising a power available to local authorities to impose civil penalties for Council Tax if required. The penalty would be a £70 charge to the taxpayer and collected either by adding it to the existing Council Tax bill or by separate notice.

Following discussion, Members considered it would be prudent for the Council to undertake a civil penalties awareness campaign to ensure all Ashfield taxpayers were mindful of the consequences of providing false information or failing to advise the Council of any changes in circumstances.

Members considered the alternative option of declining to utilise the powers for imposing civil penalties as provided for by Schedule 3 of the Local Government Finance Act 1992.

### **RESOLVED**

that approval be given for the utilisation of powers for imposing civil penalties for Council Tax as and when required by the Council.

### **Reasons:**

1. Under Section 151 of the Local Government Act 1972, the Section 151 Officer has a statutory duty to implement appropriate measures to prevent and detect fraud and corruption.

In this context, fraud is where a person whilst applying for or in receipt of a Council Tax discount, exemption or reduction makes a false statement, produces a false document and/or fails to notify of a relevant change in circumstances which the person knows will affect the discount, exemption or reduction they are entitled to, or are in receipt of.

2. Local Authorities also have powers to impose civil penalties for Council Tax and for the Local Council Tax Reduction scheme where a Council Tax payer who is receiving a Council Tax reduction, discount or exemption, has failed to notify the Council within a reasonable period of time, of a change of circumstances which would have resulted in a reduction or removal of the Council tax reduction, discount or exemption they have been receiving.

At present these powers are not used at Ashfield District Council. A recent recommendation in the Anti-Fraud & Corruption audit undertaken by CMAP identified that the Council was not utilising the Council Tax enforcement powers by choosing not to issue Civil Penalties. The audit recommendation was that the Council should consider utilising Council Tax enforcement powers by issuing Civil Penalties as and when necessary.

## **CA.30 Budget Monitoring (Position to end of July 2018) - General Fund, Housing Revenue Account (HRA) and Capital Programme**

The report was presented to outline details of income and expenditure forecast for 2018/19 compared to the approved and proposed revised budgets for the General Fund, Housing Revenue Account (HRA) and Capital Programme with

Members being requested to note the content and approved the General Fund and HRA budget revisions as included in the report.

Members considered the alternative option of declining to endorse the budget revisions as stated.

RESOLVED that

- a) the forecast variances against proposed revised budgets for the General Fund (underspend of £20k), HRA (underspend of £927k) and Capital Programme (slippage of £7.265m), as presented, be received and noted;
- b) the proposed General Fund (£848.7k) and HRA (£42k) budget revisions as included in the report, be approved.

Reason:

To report to those charged with Governance the financial position to July 2018 and comply with the Council's Financial Regulations.

### **CA.31 Flexible Use of Capital Receipts Strategy**

Members were requested to consider the adoption of the 'Flexible Use of Capital Receipts Strategy', as appended to the report. It was acknowledged that the Strategy would provide scope for the Council to utilise General Fund Capital Receipts for transformation purposes thus enabling the potential for future additional reductions in revenue expenditure.

Members considered the alternative option of declining to take advantage of the Government's guidance around implementation of a strategy for the use of Capital Receipts. This was discounted as having a Strategy provided flexibility around the use of these funds and gave the Council the power of choice. Not having the Strategy removed this power and flexibility.

RESOLVED that

- a) the 'Flexible Use of Capital Receipts Strategy', as appended to the report, be agreed and recommended to Council for approval;
- b) as a result of a) above and upon approval by the Council, the Ministry of Housing, Communities and Local Government (MHCLG) be notified as to the adoption of the Strategy.

Reason:

Implementing a strategy in respect of the use of Capital Receipts in accordance with the statutory guidance provided by the Secretary of State in March 2016 and updated in February 2018 provided the Council with the flexibility of determining, subject to in-year General Fund capital receipts being available, how transformation activity in the Council was funded. Implementation of this strategy would provide options for preserving revenue funds.

### **CA.32 Aids and Adaptations Policy**

The report presented requested Cabinet to approve the Aids & Adaptations Policy, as appended to the report, to secure an approach for assisting residents requiring an aid or adaptation to their home to help them retain their independence. Consultations had already taken place with the Council's Gateway Tenant Group and the County Council's Occupational Therapy Service with their feedback and comments being incorporated into the Policy as presented to Cabinet.

Members considered the alternative option of continuing with the Disabled Facilities Grants Policy for private sector residents and a separate policy for Ashfield District Council tenants. This was rejected because operating two separate policies is not to the benefit of residents or to the efficiency of the service. Both policies were also in need of updating.

#### **RESOLVED**

that the Aids & Adaptations Policy, as appended to the report, be approved.

#### **Reasons:**

1. The Council is keen to ensure that residents are given the assistance they need to remain independent in their home for as long as practically possible.
2. The Council understands that not only does this protect the wellbeing and dignity of residents, it also reduces demand on other public sector services, such as hospitals, nursing and residential care.
3. Underlying this commitment is a need for a clear and transparent Policy. Residents, health professionals, officers and Members all need to be aware of who we can assist and in what ways we can assist.
4. This new Policy brings together existing policies and practices within one document. It also introduces changes to existing ways of working to try and ensure a level of consistency across all tenures.

### **CA.33 Private Sector Housing Renewals Policy**

Cabinet was requested to consider and approve the Private Sector Housing Renewal Policy, as appended to the report. Members discussed the prescriptive list of handyman jobs available to private sector tenants through the current free County Council service (as outlined in the Policy) and also acknowledged that the Council provided a similar, fee-paying service to tenants offering a more extensive range of services as required. It was agreed that the handyman services being offered by both the County Council and Ashfield District Council should be better advertised in key Council locations.

Due to the fact that the Council is required under the Regulatory Reform Housing Assistance (England and Wales) Order 2002, to publish information on the assistance available to improve private sector housing conditions, there were no alternative options for Members to consider.

RESOLVED that

- a) the Private Sector Housing Renewal Policy, as attached at Appendix A to the report, be approved;
- b) delegated authority be granted to the Director of Housing and Assets, in consultation with the Cabinet Member (Outward), to approve any minor changes to the Policy that are needed due to changes in legislation, regulation or good practice.

Reasons:

1. The Council has both statutory duties and discretionary powers to provide financial assistance to improve private sector housing conditions in the district.
2. Under the Regulatory Reform Housing Assistance (England and Wales) Order 2002, the Council is required to publish information on the assistance available to improve private sector housing conditions. This policy sets out the assistance available in Ashfield for private sector residents.
3. The Policy will be reviewed annually and minor changes are likely to be needed to reflect changes to service provision, funding, etc, hence the request for minor changes to be approved without the need for additional Cabinet consent.

#### **CA.34 Tenancy Strategy and Tenancy Policy**

Cabinet's approval was sought for a Tenancy Strategy and Tenancy Policy, as presented.

Due to the fact that the Council has a duty placed upon it by the Localism Act 2011 to prepare and publish a Tenancy Strategy, there were no alternative options for Members to consider.

RESOLVED that

- a) the Tenancy Strategy and Tenancy Policy, as presented, be approved;
- b) approval be given to the development of a tenant friendly version of the Tenancy Policy to be produced in association with the Council's current tenant groups.

Reasons:

1. The Localism Act 2011 places a duty on local housing authorities to prepare and publish a Tenancy Strategy. These strategies set out the matters to which registered social providers are to have regard in formulating their policies on tenancies in terms of:
  - The kinds of tenancies they grant;
  - The circumstances in which they will grant a tenancy of a particular kind;
  - Where they grant tenancies for a certain term, the length of the terms; and

- The circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy.
2. The Regulator for Social Housing's Tenancy Standard requires that registered providers of social housing publish clear and accessible policies which outline their approach to tenancy management, including interventions to sustain tenancies and prevent unnecessary evictions and tackling tenancy fraud.
  3. The Tenancy Strategy and Tenancy Policy fulfils the above legal and regulatory requirements. The first Ashfield Tenancy Strategy was published in 2012 and it is recommended that this is reviewed every 5 years. A Tenancy Policy was published by Ashfield Homes in 2014 and this has been updated to reflect that the Council stock is no longer managed by an ALMO.

The meeting closed at 10.55 am

Chairman.