

COPELAND BOROUGH COUNCIL**MINUTES OF MEETING HELD ON 22 JANUARY 2013**

Present: Councillors Peter Tyson (Mayor); David Banks; Geoffrey Blackwell; John Bowman; Jackie Bowman; Yvonne Clarkson; George Clements; Margarita Docherty; Jon Downie; Eileen Eastwood; John Fallows; Geoffrey Garrity; Phil Greateorex; Stephen Haraldsen; Ian Hill; Lena Hogg; Allan Holliday; Joan Hully; Alan Jacob; John Kane; Peter Kane; Michael McVeigh; David Moore; Alistair Norwood; Jack Park; Sam Pollen; Robert Salkeld; Gilbert Scurrah; William Southward; Peter Stephenson; Graham Sunderland; Gillian Troughton; Paul Whalley; Jeanette Williams; Norman Williams; Doug Wilson; Felicity Wilson; Carole Woodman; Elaine Woodburn; Henry Wormstrup

Apologies for absence were received from Councillors Hugh Branney; Peter Connolly; Karl Connor; Brian Dixon; Anne Faichney; Fred Gleaves; Reg Heathcote; Keith Hitchen; John Jackson; David Riley; Dave Smith;

C 74 Minutes

The Minutes of the Meeting held on 6 December 2012 were signed by the Mayor as a correct record.

C 75 Declarations of Interests

Councillor Haraldsen declared a Non Disclosable Pecuniary Interest in Agenda Item 6 - Localised Support for Council Tax due to being exempt from paying Council Tax.

Councillor Joan Hully declared a Disclosable Pecuniary Interest in Agenda Item 6 - Localised Support for Council Tax due to being n receipt of single occupancy discount.

Councillors Yvonne Clarkson and Graham Sunderland declared a Disclosable Pecuniary Interest in Agenda Item 7 Council Tax Technical Reform due to being landlords and left the meeting during its consideration.

Councillor Joan Hully declared a Non Disclosable Pecuniary Interest in Agenda Item 9 Community Asset Transfer due to being a member of a group which may look to community asset transfer and also as a Member of the Town Council.

Councillor Gilbert Scurrah declared a Non Disclosable Pecuniary Interest in Agenda Item 7

C 76 Mayor's Announcements

Due to this being a special meeting there were no Mayor announcements

C 77 Questions from Members of the Public

There were no questions from members of the public

C 78 Questions from Members of the Council under Procedure Rule 13.1

There were no questions under Procedure Rule 13.1.

C 79 Scheme for Localised Support for Council Tax

Consideration was given to a report setting out a proposed scheme for Localised Support for Council Tax 2013/14

RESOLVED – That

- (i) the current level of reductions given to existing Council Tax Benefit recipients be continued when changing from a Benefit to a Discount be approved.
- (ii) the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 sets out the statutory duties on billing authorities when establishing their own local scheme be noted;
- (iii) that Copeland Borough Council's CTRS Scheme will be, where legislation permits identical to the current Department for Work and Pension's Council Tax Benefit Scheme but written as a S13A policy document, under The Local Government Finance Act 1992 (as amended by Section 10, of the Local Government Finance Act 2012), to ensure it becomes a legal Discount rather than a Benefit be approved;
- (iv) that given that the matter has financial implications for the Authority, the Council will wish to include the CTRS within the definition of documents included under the umbrella of 'Budget' in its Budget and Policy Framework. This would mean that the setting of the Scheme would be reserved to Council be approved;
- (v) Approve that any detailed amendments to the scheme be delegated to the Head of Corporate Resources to take account any detailed technical guidance and that Members be notified of any alterations and their consequences at the review points be approved;
- (vi) the principles of funding the scheme, in part or full, through the application of Council Tax Technical Reforms (created under Section 11A and Section 11B of the Local Government Finance Act 1992 as amended by Section 11 and Section 12 of the Local Government Finance Act 2012) and other funding streams be approved;
- (vii) the Department for Communities and Local Government (DCLG) announced in October 2012 their plans that an additional £100million, nationally, of funding for councils is to be made available. These additional funds are aimed at supporting the development of well-designed council tax support schemes and to maintain positive incentives to work be noted;

- (viii) that the Council passes onto the Parish Councils the full grant awarded by the Government in order to protect the Parishes from the impact that CTRS has on their individual tax bases as outlined in paragraph 2.6 of this report be approved;
- (ix) an application for the additional funding may be made by the Head of Corporate Resources at the appropriate time be approved;
- (x) a full appraisal is completed by December 2013 to take into account the financial and other implications of the CTRS in its first operational year with a view to recommending any necessary changes in respect of 2014/15 onwards be approved;
- (xi) the changes detailed within the Report are being implemented via the Welfare Reform Act 2012, the Local Government Finance Act 1992 (as amended) and ancillary regulations and guidance be noted;
- (xii) the revision of the Council's Scheme of Delegated Authority to recognise the change in legislation and replicate the Section 151 Officer and Head of Service responsibilities in terms of the existing administration of Council Tax Benefit scheme to be continued within the new setting of CTRS. Council Tax Benefit will not be awarded for any date following 31st March however, the appropriate officers will retain residual responsibilities for that scheme for a period from 1st April 2013 during which time CTRS will be in operation be approved.

C 80 Proposals for Council Tax Technical Reform

Consideration was given to final proposals for Council Tax Technical Reform following consultation and receipt of the Government Regulations as detailed in the report which will enable the Tax Base implications to be taken into account in the Tax Base calculation which is a statutorily required by 31st January 2013.

RESOLVED – That

- (i) Classes A and B:
 Class A - unoccupied and furnished properties (second homes).
 Class B – unoccupied and furnished properties with a planning restriction of at least 28 days (second homes)

Classes A and Class B discount to be set at Zero.
- (ii) Classes C & D:
 Class C – unoccupied and unfurnished.

Class D – Unoccupied unfurnished properties requiring major repairs for a period up to 12 months.

Class C discount to be set at 50% for a period up to 3 months, then 10% thereafter.

Class D discount to be set at 50%

(iii) Classes E & F:

Class E – A property excluded from the long term empty premium due to the relevant person residing elsewhere in accommodation provided for and in connection with their employment with the Ministry of Defence.;

Class F – A property which forms part of an annexe to another property and is being used as part of that main residence.

Class E discount to be set at 50% for a period up to 3 months, then 10% thereafter.

Class F discount to be set at 50% for a period up to 3 months, then 10% thereafter.

(iv) Long Term Empty Premium

A long term empty dwelling is a dwelling that has been unoccupied and substantially unfurnished for a continuous period of at least 2 years.

The higher amount for long term empty dwellings to be set at 50%

(v) Local Flood Discount

A local flood discount to be awarded under S13A of the Local Government Finance Act 1992 (as inserted by S76 of the LGFA 2003), and not S11A or S11B of the LGFA 1992 as per the recommendations above. **The proposed scheme is to award a local discount of 100% for an indefinite period but subject to inspection at regular intervals.**

C 81 Capital Financing and Capital Criteria

Consideration was given to a report setting out the proposed Capital Financing and Capital Criteria.

RESOLVED – That the Council approve:-

- (i) the capital criteria as set out in this report (Appendix A) to assist in the prioritisation of potential capital projects for inclusion in our non-housing Capital Programme in accordance with service requirements;
- (ii) the use of the VAT share receipt to finance the non-housing capital programme for 2012/13 & 2013/14 onwards as detailed within paragraph 2.8 & Table 1 in 2.9;

- (iii) repayment of any internal borrowing required for the non-housing elements of the programme back to the Preserved Right to Buy and Residual Right to Buy elements of the useable capital receipts reserve by swapping funding to the VAT Share receipt; and
- (iv) for ease of reference the renaming of the Useable Capital Receipts Reserve elements as outlined in paragraph 2.12 of the report.

C 82 Policy Framework 2013-15 Localism Act 2011 – Community Rights and Community Asset Transfer

Consideration was given to three proposed Policies, Community Asset Transfer; Nominations of Assets of Community Value and the Community Right to Challenge which would form part of the wider policy framework.

RESOLVED – That (a) this report and its appendices form the basis of the policy framework for community asset transfer and the Localism Act 2011 rights to bid and challenge;

(b) in respect of community asset transfer that the key principles in paragraph 3.3 of this report and the policy at Appendix A be approved.

(c) In respect of the community right to bid that:

(1) that the Head of Nuclear, Energy and Planning be delegated with authority to determine (a) whether a community nomination request for a community asset be included in the list of assets of community value should be accepted and (b) in consultation with the Head of Corporate Resources applications for compensation and the amount thereof; and that the Director of Services be delegated with authority to determine requests for a review of a decision made by the Head of Nuclear, Energy and Planning;

(2) that the Head of Nuclear, Energy and Planning be delegated with authority to oversee the implementation and day to day management of the community right to bid process;

(3) in respect of community right to bid that the key principles in paragraph 4.2 of this report and the policy at Appendix B be approved;

(4) that a risk based reserve be set up utilising funds currently in the general fund for a sum up to £20,000 for the period 1st December 2012 to 31st March 2014 to fund claims for compensation which may become payable;

(5) that a separate report be made to the Executive in the event of any appeal being made to the First Tier Tribunal to put in place funding for dealing with such appeal; and

(6) that the scheme be reviewed in December 2013 to assess scheme take up, budget requirements for 2014/15 and whether it is advisable to specify any definition or guidelines on the meaning of social interest or well being for the determination of compensation

(d) In respect of the community right to challenge that the key principles in paragraph 5.2 of this report and the policy at Appendix C be approved.

(e) That the policy framework for community asset transfer and the Localism Act 2011 rights to bid and challenge and associated arrangements are reviewed within 12 months.

(f) that resources required for the implementation of policy framework for community asset transfer and the Localism Act 2011 rights to bid and challenge set out at 4.3 are noted and that these are monitored and reviewed;

(g) subject to approval, each policy will be made available via the Council's website and made available upon request

The meeting closed at 6.45pm

Mayor