



INDIVIDUAL CABINET MEMBER AND OFFICER DELEGATED DECISIONS

THURSDAY, 27 NOVEMBER 2008

Please find enclosed Decision Notices in connection with the following:

Individual Cabinet Member Decisions: -

1. **Rent Grant Scheme** (Pages 1 - 5)
2. **Awards of Discretionary Rate Relief** (Pages 6 - 16)
3. **Discretionary Housing Payment Policy** (Pages 17 - 25)
4. **Award of Miscellaneous and Welfare Grants** (Pages 26 - 30)
5. **OPUS Development Queen St Morecambe** (Pages 31 - 34)
6. **Delegated Authority to Undertake Appeals or Reviews** (Pages 35 - 38)

Please note that these are subject to call-in.

Queries regarding these documents

Please contact Tom Silvani, Democratic Services, Telephone 01524 582132 or e-mail tsilvani@lancaster.gov.uk.

Gillian Noall,
Head of Democratic Services,
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Published on Thursday, 27 November 2008

LANCASTER CITY COUNCIL

Promoting City, Coast & Countryside

EXECUTIVE DECISIONS TAKEN BY CABINET PORTFOLIO HOLDER OR DELEGATED OFFICER NOTICE OF DECISION

THIS SECTION TO BE COMPLETED BY THE PORTFOLIO HOLDER AND CONTACT OFFICER

| | | | |
|---|---|--|--------------------------|
| TITLE OF DECISION: RENT GRANT SCHEME | | | |
| NAME OF DECISION TAKER: | COUNCILLOR EVELYN ARCHER AND COUNCILLOR ABBOTT BRYNING | | |
| POSITION AND RESPONSIBILITY HELD: | CABINET MEMBERS WITH JOINT RESPONSIBILITY FOR ECONOMIC ENVIRONMENT – EMPLOYMENT OPPORTUNITIES AND REGENERATION | | |
| CONTACT OFFICER: | BILL KINDON | | |
| TELEPHONE: | 01524 582071 | | |
| E-MAIL: | wkindon@lancaster.gov.uk | | |
| Details of Decision: | | | |
| (1) That progress in implementation of the Rent Grant Scheme is noted. | | | |
| (2) That the proposal to add funding of £6,000 received from the Lancashire Local Area Agreement to the £21,800 City Council budget for the scheme is approved and the General Fund Revenue Budget be updated appropriately. | | | |
| Reasons for the decision (continue on separate sheet or append relevant papers as necessary): | | | |
| The launch of the Scheme is specifically identified in the 2008/09 Corporate Plan. The level of interest in the Rent Grant Scheme suggests that additional funding is required to enable more cases to be considered, resulting in additional impact in terms of businesses assisted and new jobs. It is also noted that the Scheme is having particular impact on those business sectors which have been targeted under the District's regeneration strategy. Whilst there are potentially worthwhile options, the level of additional funding available, and the limited timescale, would suggest that it is best applied to enhance existing activity by boosting the 2008/09 funding for the Rent Grant Scheme. | | | |
| IS THE DECISION URGENT YES/NO PLEASE DELETE AS APPROPRIATE AND GIVE REASONS FOR URGENCY BELOW: N/A | | | |
| I CONFIRM THAT I HAVE BEEN CONSULTED ON THE ABOVE DECISION AND THAT IT IS URGENT AND REASONABLE IN ALL THE CIRCUMSTANCES. (IN ACCORDANCE WITH SECTION 17 OF THE OVERVIEW AND SCRUTINY COMMITTEE PROCEDURE RULES) | | | |
| SIGNATURE OF THE OVERVIEW AND SCRUTINY COMMITTEE CHAIRMAN: N/A | | | |
| I confirm that I have taken account of the options proposed by officers, the various implications set out in the report and the comments of the Monitoring and Section 151 Officers and am authorising the decision as set out above. | | | |
| SIGNATURE OF DECISION TAKER: | E. Archer A. Bryning | | |
| DATE: | 21/11/08 17/11/08 | | |
| <i>THIS SECTION TO BE COMPLETED BY DEMOCRATIC SERVICES</i> | | | REF NO. PD 217 |
| DATE DECISION TAKEN: | 21/11/08 | DATE RECEIVED BY DEMOCRATIC SERVICES: | 27/11/08 |
| DATE DECISION PUBLISHED: | 27/11/08 | IMPLEMENTATION DATE (publication day + 5 working days): | 05/12/08 |

A copy of the report considered by the decision taker should be appended to this form and forwarded immediately to Democratic Services on completion.

| |
|----------------|
| CABINET |
|----------------|

Rent Grant Scheme

Individual Cabinet Member Decision – Councillors Evelyn Archer and Abbott Bryning

Report of Head of Economic Development & Tourism

| | | | |
|--|-----|-------------------------|--|
| PURPOSE OF REPORT | | | |
| To report progress on the new Rent Grant Scheme and to outline proposals to boost the 2008/09 budget for the scheme with funding from the Lancashire Local Area Agreement. | | | |
| Key Decision | | Non-Key Decision | X Referral from Cabinet Member |
| Date Included in Forward Plan | N/A | | |
| This report is public | | | |

RECOMMENDATIONS

- (1) That progress in implementation of the Rent Grant Scheme be noted.
- (2) That the proposal to add funding of £6,000 received from the Lancashire Local Area Agreement to the £21,800 City Council budget for the scheme be approved and the General Fund Revenue Budget be updated appropriately.

1.0 Introduction

- 1.1 A report was considered by Cabinet in November 2007 setting out the impact of the Business Development Scheme and proposals to establish a new scheme targeted at new start and early stage businesses. This new scheme, providing Rent Grants of up to £2,500 to new start and expanding early stage businesses throughout the District (and engaged in eligible activities), was approved and City Council funding of £21,800 was subsequently budgeted for 2008/09 only. The Scheme was launched in June 2008 and, to date, six cases have been offered grant totalling just under £10,000, and a further seven firm expressions of interest are being taken forward. Consequently, there is a distinct prospect that the funding will be fully committed before the end of the year and the scheme would need to be closed early to new applications.
- 1.2 Through the Lancashire Local Area Agreement Economic Development Theme Group, the City Council, along with all other local authorities participating in the LAA, has received grant of £6,000 related to the achievement of business start-up targets

over the period April 2006 to March 2009. Whilst there is an expectation that this funding will support increased start up activity, there is a degree of flexibility in the precise application of the funding and we have received confirmation that the proposed use of the funding, outlined below, would be acceptable.

2.0 Proposal Details

2.1 It is proposed that the LAA funding be added to the current funding for the Rent Grant Scheme to give a total budget for 2008/09 of £27,800. This would serve to avoid early closure of the scheme based on existing funding alone, enabling more businesses to be supported. Whilst many of the businesses expressing interest in the scheme are not start up businesses, the assistance that can be offered will help towards business survival at a time when the economic climate for businesses is worsening. The enhanced funding would, therefore, directly contribute to LAA targets which include business survival rates as well as the number of business start ups.

2.2 Alternative uses for the funding have been considered but discounted and these are summarised in the options analysis below. The main alternative would be to fund additional start up counselling in the District. Whilst there would be merit in enabling more counselling to take place, especially for those who are not eligible for one-to-one counselling under the NWDA regional start up contract, this is complicated by there being two organisations responsible for local delivery of the contract during the period to the end of March 2009. However, should further LAA funding be available in the future, consideration will be given to supporting the availability of pre-start and early stage counselling to enhance the new NWDA start up contract which is due to begin in April 2009.

3.0 Details of Consultation

3.1 Consultation has not been considered necessary and has therefore not been conducted.

4.0 Options and Options Analysis (including risk assessment)

| Options | Advantages | Disadvantages | Risks |
|--|---|---|-------|
| 1. Do nothing ie return the funding | None | Lost opportunity to enhance business support activity within the District. | |
| 2. Fund additional business start up counselling within the District | The funding could support additional one-to-one counselling for non-target groups through current providers in the District (current one-to-one provision is restricted to specific groups including women, people with disabilities and ethnic minorities) | <p>i) Lancaster University has already secured limited LAA funding to provide start-up support which is not restricted to target groups.</p> <p>ii) Staff time would be incurred in selecting a provider(s), establishing a Service Level Agreement and monitoring progress</p> | |

| | | | |
|---|---|---|---|
| <p>3. Increase the funding available for the City Council Rent Grant Scheme</p> | <p>Scheme already in place. Increases the number of cases that may be considered and the overall impact of the scheme, including additional jobs.</p> | <p>Minor impact on existing staff time in delivering the scheme.</p> | <p>Whilst current interest in the scheme indicates that all available funding would be committed, in the event that the full funding is not committed within the year there is a risk that LAA funding simply displaces City Council funding with only limited additionality. This would need to be mitigated by active promotion (mainly through networking) and monitoring of the scheme.</p> |
| <p>4. Consider options for new types of business support eg mentoring</p> | <p>Opportunity to test new forms of support</p> | <p>The level of funding available is very limited and is not recurring. Any supported activity would be limited in scope and could not be maintained.</p> | |

5.0 Officer Preferred Option (and comments)

5.1 Option 3 is the preferred option. The low level of LAA funding provided suggests that it should be used to enhance existing start up/early stage business support rather than support new activity which could not be maintained. By increasing the funding for the Rent Grant Scheme, it will help increase the impact of the scheme and contribute to LAA targets.

6.0 Conclusion

6.1 It is notable that all Rent Grant cases offered grant, or under consideration, are businesses in the creative, ICT/new media and environmental technology sectors. The proposal to enhance the scheme with additional funding is, therefore, consistent with local regeneration strategy which specifically targets these sectors.

RELATIONSHIP TO POLICY FRAMEWORK

In enhancing the Rent Grant Scheme the proposals relate directly to the 2008/09 Corporate Plan as follows:

- the Council’s medium term objectives include: ‘Lead the regeneration of our District’
- the Priority Outcome to ‘improve economic prosperity throughout the Lancaster district’ includes specific reference to ‘Launch revised business development grant scheme for 12 months’ and to a Key Performance Indicator of 10 new/small businesses supported 2008/09.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

Diversity – positive impact. New business development should lead to a wider range of employment opportunities for residents
Human Rights – no adverse impact
Community Safety – no adverse impact
Sustainability – positive impact. The scheme will enhance business survival rates.
Rural Proofing – positive impact. The scheme is available throughout the District, including all rural areas.

FINANCIAL IMPLICATIONS

The proposals do not require any additional City Council expenditure. The 2008/09 budget for the Rent Grant Scheme is £21,800. The proposed addition of £6,000 LAA funding would raise the total available for Rent Grant payments to £27,800. As payments under the scheme are made in instalments, some will fall due in 2009/10. All outstanding payments at the end of 2008/09 against offers made will be treated as firm commitments and accrued for as part of the 2008/09 closedown process. As LAA funding needs to be defrayed in 2008/09, evidence will be maintained to show a minimum of £6,000 expenditure on grant payments in 2008/09 for LAA purposes.

If Option 3 is agreed then the General Fund Revenue Budget will need to be updated in 2008/09 to reflect the additional expenditure and external grant funding.

SECTION 151 OFFICER'S COMMENTS

The Deputy Section 151 Officer has been consulted and has no further comments to add.

LEGAL IMPLICATIONS

Legal Services have been consulted and no legal implications have been identified.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and her comments have been incorporated into the report.

BACKGROUND PAPERS

Cabinet report – Business Development Scheme Review, November 2007

Contact Officer: Bill Kindon

Telephone: 01524 582071

E-mail: wkindon@lancaster.gov.uk

Ref: n/a



**EXECUTIVE DECISIONS TAKEN BY CABINET PORTFOLIO HOLDER OR DELEGATED OFFICER
NOTICE OF DECISION**

THIS SECTION TO BE COMPLETED BY THE PORTFOLIO HOLDER AND CONTACT OFFICER

| | | | |
|--|---|---|----------------------|
| TITLE OF DECISION: AWARDS OF DISCRETIONARY RATE RELIEF | | | |
| NAME OF DECISION TAKER: | CLLR JOHN GILBERT | | |
| POSITION AND RESPONSIBILITY HELD: | CABINET PORTFOLIO HOLDER FOR REVENUE SERVICES | | |
| CONTACT OFFICER: | JULIE SMETHURST | | |
| TELEPHONE: | 01524 582203 | | |
| E-MAIL: | Jsmethurst@lancaster.gov.uk | | |
| Details of Decision: To grant discretionary relief in respect of three new applications (A - C) for 2008/09, at a cost to the General Fund of £479.39 and also for the relief to be back-dated in respect of Application B to 1/3/07. | | | |
| Reasons for the decision (continue on separate sheet or append relevant papers as necessary): Having considered each case on its merits, the decisions are in line with previous decisions made in respect of similar applications. | | | |
| Is the decision URGENT Yes/NO Please delete as appropriate and give reasons for urgency below: <u>No</u> <i>*To be completed in the case of URGENT decisions</i> | | | |
| I CONFIRM THAT I HAVE BEEN CONSULTED ON THE ABOVE DECISION AND THAT IT IS URGENT AND REASONABLE IN ALL THE CIRCUMSTANCES. (IN ACCORDANCE WITH SECTION 17 OF THE OVERVIEW & SCRUTINY PROCEDURE RULES) SIGNATURE OF THE OVERVIEW & SCRUTINY CHAIRMAN: N/A | | | |
| I confirm that I have taken account of the options proposed by officers, the various implications set out in the report and the comments of the Monitoring and Section 151 Officers and am authorising the decision as set out above. | | | |
| SIGNATURE OF DECISION TAKER: | J. Gilbert | | |
| DATE: | 25/11/08 | | |
| <i>THIS SECTION TO BE COMPLETED BY DEMOCRATIC SERVICES</i> | | | REF NO. PD218 |
| DATE DECISION TAKEN: | 25/11/08 | DATE RECEIVED BY DEMOCRATIC SERVICES: | 25/11/08 |
| DATE DECISION PUBLISHED: | 27/11/08 | IMPLEMENTATION DATE (publication day + 5 working days): | 05/12/08 |

A copy of the report considered by the decision taker should be appended to this form and forwarded immediately to Democratic Services on completion.



Applications for Discretionary Rate Relief

Individual Cabinet Member Decision (Councillor John Gilbert)

Report of Head of Revenue Services

| | | | |
|--|--------------------------|-------------------------|-------------------------------------|
| PURPOSE OF REPORT | | | |
| <p>The Council has a discretionary power to award rate relief to business ratepayers in specified circumstances.</p> <p>This report requests the Cabinet Member to consider:</p> <p>3 new applications for 20% top-up relief (A ,B & C)</p> | | | |
| Key Decision | <input type="checkbox"/> | Non-Key Decision | <input checked="" type="checkbox"/> |
| | | X | Referral from Cabinet Member |
| Date Included in Forward Plan | Not Applicable | | |
| This report is public | | | |

RECOMMENDATIONS:

It is recommended that rate relief be awarded as follows, in line with current council policy and taking into account previous decisions made in respect of similar organisations throughout the area.

Application A, B and C are granted 20% top-up relief.

1. Introduction

1.1 Under Section 43 of the Local Government Finance Act 1988, where a property is occupied by a registered charity or trustees for a charity, liability to Non-Domestic Rate is reduced by 80%.

Under Section 47 of the Act, the Council has discretion to 'top-up' to 100%, the relief given to any organisation receiving mandatory relief.

In addition, further discretion is available to grant up to 100% rate relief to other non-profit making organisations.

Because of the legal requirements for the length of notice to be given to an organisation when varying or cancelling relief, it is the Council's policy to grant discretionary relief for one year only rendering each case subject to an annual review. If it is determined that relief should be granted, it will be awarded to 31st March 2009.

Attached as **Appendix A** to this report is a guidance note, which the Cabinet Member may wish to use as a basis for their decision in granting relief.

Shown below is a summary of the current policy adopted by the Council when considering claims for mandatory/discretionary rate relief under each particular category.

1. **Scouts, Guides, etc.**
80% mandatory relief and 20% discretionary relief normally given.
2. **Sports Organisations**
100% discretionary relief or 80% mandatory and 20% 'top-up' where there is no bar.
50% discretionary relief where there is a bar.
3. **Recreational Organisations**
80% mandatory relief and 20% discretionary relief or 100% discretionary relief, if no mandatory relief.
4. **Village Halls/Community Centre**
80% mandatory relief and 20% discretionary relief, or 100% discretionary relief if no mandatory relief.
5. **Educational Organisations**
80% mandatory relief but no additional discretionary relief.
6. **Charity Shops**
80% mandatory relief but no additional discretionary relief unless the charity solely or mainly benefits local residents.
7. **Welfare Groups**
80% mandatory relief but no additional discretionary relief unless the organisation solely or mainly benefits local residents.
8. **Miscellaneous Organisations**
Playgroups have been given 80% mandatory relief and 20% discretionary relief, or 100% discretionary relief where appropriate. Other organisations falling within this category have been treated according to the merits of their case.

The cost of approving discretionary rate relief to organisations A to C amounts to **£479.39 for 2008/09**

2.0 Proposal Details

New Applications:

| | | |
|----------|-----------------------|---------------------------------|
| A | <i>Name</i> | Lonsdale District Scout Council |
| | <i>Situation</i> | 3-4 Moor Street, Lancaster |
| | <i>Description</i> | Shop & Premises – Category 1 |
| | <i>Rateable Value</i> | £6500 |

**Application for 20% top up Discretionary Rate Relief
(Recommendation to grant relief)**

| Rate Charge after Mandatory Relief | | Cost to General Fund of agreeing recommendation | |
|------------------------------------|---------------|---|---------------|
| 2008/09 ● | 399.85 | | 299.89 |
| TOTAL | 399.85 | TOTAL | 299.89 |

● **from 1st August 2008**

This shop is used as District Headquarters for the Scout Council along with meetings. The scout association uniforms are also sold from the property.

| | | |
|----------|-----------------------|---|
| B | <i>Name</i> | North Lancashire Counselling Service |
| | <i>Situation</i> | 12 Sulyard Street |
| | <i>Description</i> | Offices & Premises- Category 7 |
| | <i>Rateable Value</i> | £870 |

**Application for 20% top up Discretionary Rate Relief
(Recommendation to grant relief)**

| Rate Charge after Mandatory Rate Relief | | Cost to General Fund of agreeing recommendation | |
|---|---------------|---|---------------|
| 2006/07 ● | 6.40 | | 4.80 |
| 2007/08 | 77.26 | | 57.95 |
| 2008/09 | 80.39 | | 60.29 |
| Total | 164.05 | | 123.04 |

● **Backdated from 1st March 2007**

This organisation offers personal counselling to the people of Lancaster and its surrounding districts who need help and support at a particular time in their lives e.g anxiety, depression, and abusive relationships. The offices are used as counselling rooms providing support and advice to people in distress.

6.0 Conclusion

6.1 Decision should be made in accordance with recommendations.

RELATIONSHIP TO POLICY FRAMEWORK

The proposals within this report link to the strategy within our existing Corporate Plan whereby we aim to provide and improve upon Lancaster City Council services in the most effective and efficient way.

In addition, the report displays our commitment to joint working with voluntary organisations and recognises the positive contribution that voluntary and community groups play in the provision and prioritisation of service delivery.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

This report raises no implications

FINANCIAL IMPLICATIONS

Appendix B sets out the details of the financial implications of granting relief for the new applications as shown in the recommendations.

The Council has discretion to 'top-up' to 100%, the relief given to an organisation receiving mandatory relief. In addition, further discretion is available to grant up to 100% rate relief for other non-profit making organisations.

The account arrangements for discretionary relief are somewhat unusual in that the awards for a particular financial year are not accounted for until the following year. As a consequence, relief awarded in 2008/09 will be included in the 2009/10 revenue estimates. It is expected that the total annual cost to General fund of continuing relief to these organisations will be around £61,400 in 2008/09. The draft budget includes the following amounts:-

| Year | Budget |
|---------|--------|
| 2008/09 | 60,000 |
| 2009/10 | 62,400 |
| 2010/11 | 64,900 |

The council currently works on the basis that the budget will be driven by the policy for granting mandatory/discretionary relief, rather than the budget (and therefore the granting of relief) being cash limited. If the recommendations are agreed, together with relief already granted in previous reports, the projections above will need to be increased by £5,500 in 2009/10 and £3,200 in future years and will be adjusted as part of the 2009/10 budget process.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments to add.

LEGAL IMPLICATIONS

Legal Services have been consulted and have no observations to make on this report.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments to add.

BACKGROUND PAPERS

Exempt under Paragraph 3 of Schedule 12a
Local Government Act 1972

Contact Officer: Melanie Cragg
Telephone: 01524 582215

E-mail: mcragg@lancaster.gov.uk
Ref:

DISCRETIONARY RATE RELIEF

Under Section 47, Local Government Finance Act 1988 a charging authority may grant relief from all or part of the amount payable by way of National Non-Domestic Rate in respect of hereditaments occupied by a charity for charitable purposes, by certain voluntary bodies of a philanthropic nature, for recreation or by clubs and societies not established or conducted for profit.

Considerations

The notes shown below have been prepared to provide the Cabinet Member with guidance when considering applications for discretionary rate relief.

Due to the wide range of bodies eligible for discretionary rate relief, not all of the criteria shown below will be applicable in each case, therefore each case should be considered on its own merits, taking into account the contribution the organisation makes to the amenities of the area. Guidance is also provided for certain organisations where the Cabinet Member has previously considered applications and in an attempt to provide a consistent approach, the decision of the Cabinet Member has been provided.

When considering an application, the following points should be considered.

i. Access

A Is membership open to all sections of the community?

There may be legitimate restrictions placed on membership which relate for example to ability in a sport or to the achievement of a standard in the field covered by the organisation or where the capacity of the facility is limited. Clubs or organisations should not be considered if they have membership rates set at such a high level as to exclude the general community.

B Does the organisation actively encourage membership from particular groups in the community, e.g. young people, women, older age groups, persons with a disability, etc?

An organisation, which encourages such membership, might expect more sympathetic consideration than one, which makes no effort to attract members from groups, which the authority considered to be particularly deserving of support.

C Are the facilities made available to people other than members, e.g. schools, casual public sessions, etc?

The wider use of facilities should be encouraged and rate relief might be one form of recognition that an organisation was promoting its facilities more widely.

ii. Provision of Facilities

A Does the organisation provide training or education for its members?

Are there schemes for particular groups to develop their skills, e.g. young people, the disabled, retired people?

An organisation providing such facilities might deserve more support than one, which does not.

- B Have the facilities available been provided by self-help or grant aid?

The fact that a club uses or has used self-help for construction or maintenance or had facilities funded by grant aid might be an indicator that they were more deserving of relief.

- C Does the organisation run a bar?

The mere existence of a bar should not in itself be a reason for not granting relief. The Committee has, in all cases where the organisation operates a bar, limited the relief to a maximum of 50%.

The Authority should look at the main purpose of the organisation. In sports clubs, for example, the balance between playing and non-playing members might provide a useful guide as to whether the main purpose of the club is sporting or social activities. A social club whose main aim is to bring together people with similar interests should not be excluded from relief just because of the existence of a licensed bar.

- D Does the organisation provide facilities which indirectly relieve the authority of the need to do so, or enhance and supplement those which it does provide?

Authorities should not refuse relief on the grounds that an organisation is in competition with the Authority itself, but should look at the broader context of the needs of the community as a whole. Provision of facilities to meet a new need, not being provided by the Authority itself, but identified, as a priority for action, might be particularly deserving of support.

iii. **Other Considerations**

- A Is the organisation affiliated to local or national organisations, e.g. local sports or arts councils, national representative bodies?
- B Is membership drawn from people mainly resident in the billing authority's area?
- C Do the facilities provided benefit the Authority's area as a whole?

The Cabinet Member should be aware that for any application granted, 25% of the total granted will be borne by the taxpayers.

If the facilities provided do not benefit the area as a whole, the taxpayers may be financing a national organisation that is locally based.

The Cabinet Member has previously refused applications if the organisation does not benefit the area as a whole.

iv. **Charity Shops**

- A If the charity does not solely or mainly benefit local residents the Committee has previously *limited the total relief granted to the organisation to 80%* (this includes the 80% mandatory relief that is granted to registered charities).
- B Is the organisation used wholly or mainly for the sale of goods donated to a charity and are the proceeds of sale applied to the purposes of the charity?

*Charity shops, which wholly or mainly sell goods bought under normal trading conditions, are not entitled to relief (this arose from the decision in *Oxfam v Birmingham City Council* (1975)).*

Decisions and Determinations

For all applications for discretionary relief, the Authority must send written notification of the outcome of the application. The notification must state:

- i. Where relief is awarded –
 - (a) The first day to which the decision operates;
 - (b) If in respect of a particular period, the last day to which the decision operates;
and
 - (c) the amount chargeable.
- ii. Where relief is refused –
 - (a) The reasons for refusing the application.
- iii. Where relief is revoked or varied –
 - (a) The day on which the revocation or variation takes place;
 - (b) the amount chargeable;
and
 - (c) the reasons for the revocation/variation.

Summary

- i. **When considering an application for discretionary relief, the Cabinet Member should consider the points mentioned above.**
- ii. **The Cabinet Member should try to ensure that there is consistency in the level of relief granted to organisations of a similar nature.**
- iii. **25% of the total value of discretionary relief granted will be borne by the taxpayers. However, in cases where mandatory relief has been granted and the Cabinet Member grants the additional 20% 'top-up' relief, 75% of any additional relief granted will be borne by the taxpayers.**
- iv. **If an application for relief is refused, the Cabinet Member must give reasons for his decision.**

APPENDIX B

| PROPERTY ELIGIBLE FOR RATE RELIEF | TYPE OF RELIEF | AMOUNT OF RELIEF | FINANCIAL IMPLICATIONS | | |
|--|----------------|---------------------|---|---|--------|
| | | | Proportion offset against payments into NNDR Pool | Proportion borne locally by Council Taxpayers | |
| Property wholly or mainly used for charitable purposes which is occupied by a Registered, Excepted or Exempt Charity. | Mandatory | 80% | 100% | -- | £ |
| | Discretionary | Up to a further 20% | 25% | 75% | 479.39 |
| Property, all or part of which is occupied for the purposes of a non-profit making: (a) institution or other organisation, whose main objects are philanthropic or religious or concerned with social welfare, science, literature or the fine arts, or; (b) club, society or other organisation and is used for the purposes of recreation or sport | Discretionary | Up to 100% | 75% | 25% | £ |
| | Discretionary | Up to 100% | 75% | 25% | - |
| Property, all or part of which is occupied, other than as a trustee, by a charging or precepting authority. | None | None | -- | -- | -- |

LANCASTER CITY COUNCIL

Promoting City, Coast & Countryside

EXECUTIVE DECISIONS TAKEN BY CABINET PORTFOLIO HOLDER OR DELEGATED OFFICER NOTICE OF DECISION

THIS SECTION TO BE COMPLETED BY THE PORTFOLIO HOLDER AND CONTACT OFFICER

| | | | |
|---|---|--|----------|
| TITLE OF DECISION: DISCRETIONARY HOUSNG PAYMENT POLICY | | | |
| NAME OF DECISION TAKER: | COUNCILLOR JOHN GILBERT | | |
| POSITION AND RESPONSIBILITY HELD: | CABINET MEMBER WITH PORTFOLIO RESPONSIBILITY FOR REVENUE SERVICES | | |
| CONTACT OFFICER: | VIV MASON | | |
| TELEPHONE: | 01524 582252 | | |
| E-MAIL: | vmason@lancaster.gov.uk | | |
| Details of Decision: | | | |
| That the current arrangements for the administration and award of Discretionary Housing payments be formalised by the adoption of the Discretionary Housing Payments Policy attached to the report to Cabinet. | | | |
| Reasons for the decision (continue on separate sheet or append relevant papers as necessary): | | | |
| In the interests of openness and transparency and in accordance with good practice it is appropriate to have a published policy setting out the way in which the exercise of the discretion to award Discretionary Housing Payments is organised. | | | |
| Is the decision URGENT - NO | | | |
| <i>*To be completed in the case of URGENT decisions</i> | | | |
| I CONFIRM THAT I HAVE BEEN CONSULTED ON THE ABOVE DECISION AND THAT IT IS URGENT AND REASONABLE IN ALL THE CIRCUMSTANCES. (IN ACCORDANCE WITH SECTION 17 OF THE OVERVIEW AND SCRUTINY COMMITTEE PROCEDURE RULES) | | | |
| SIGNATURE OF THE OVERVIEW AND SCRUTINY COMMITTEE CHAIRMAN: | N/A | | |
| I confirm that I have taken account of the options proposed by officers, the various implications set out in the report and the comments of the Monitoring and Section 151 Officers and am authorising the decision as set out above. | | | |
| SIGNATURE OF DECISION TAKER: | J. Gilbert | | |
| DATE: | 25/11/08 | | |
| <i>THIS SECTION TO BE COMPLETED BY DEMOCRATIC SERVICES</i> | | | |
| | | REF NO. | PD219 |
| DATE DECISION TAKEN: | 25/11/08 | DATE RECEIVED BY DEMOCRATIC SERVICES: | 25/11/08 |
| DATE DECISION PUBLISHED: | 27/11/08 | IMPLEMENTATION DATE (publication day + 5 working days): | 05/12/08 |

A copy of the report considered by the decision taker should be appended to this form and forwarded immediately to Democratic Services on completion.

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| CABINET |
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**Discretionary Housing Payment Policy
Individual Cabinet Member Decision
(Cllr John Gilbert)**

Report of Head of Revenue Services

| | | | |
|---|--------------------------|-------------------------|---|
| PURPOSE OF REPORT | | | |
| The Council has a discretionary power to provide additional financial assistance towards housing costs to recipients of housing benefit/council tax benefit. | | | |
| This report sets out a policy framework to ensure that the Council acts fairly, reasonably and consistently throughout the Discretionary Housing Payment decision making process. | | | |
| Key Decision | <input type="checkbox"/> | Non-Key Decision | <input checked="" type="checkbox"/> Referral from Cabinet Member |
| Date Included in Forward Plan | Not Applicable | | |
| This report is public | | | |

RECOMMENDATION:

It is recommended that the Council adopts the Discretionary Housing Payments policy attached as Appendix A to this report.

1.0 Introduction

- 1.1 Under the Discretionary Financial Assistance Regulations 2001 the Council may award an additional payment to a recipient of Housing Benefit/Council Tax Benefit to provide help with housing costs. Housing costs are defined as rent and/or Council Tax liability.
- 1.2 The payments are made outside the Housing Benefit/Council Tax Benefit schemes and are made to people in a variety of circumstances. However, the characteristics of the awards mean that they are often paid to people in hardship and other vulnerable situations.
- 1.3 Whilst it is good practice to have a policy framework for dealing with applications for Discretionary Housing Payments the Council must treat each case on its merits so as not to fetter the discretion it is exercising.
- 1.4 The costs of awarding a Discretionary Housing Payment are currently met by a central government contribution towards such expenditure. However, as demand increases it is possible that expenditure may exceed this and the Council will need to make a decision during the 2010/11 budget process as to whether it wishes to finance expenditure over and above the Government contribution.

2.0 Proposal Details

- 2.1 The policy shown at Appendix A to this report sets out a policy framework and provides a procedural guide to dealing with applications under the scheme that ensures the Council acts fairly, reasonably and consistently during the decision making process.
- 2.2 The policy document formalises the current working arrangements.

3.0 Details of Consultation

- 3.1 The policy framework has been discussed with the Benefits Inter Agency Partnership Group and the members of the Discretionary Housing Payment panel themselves and any views are incorporated in to the document

4.0 Options and Options Analysis (including risk assessment)

- 4.1 Cabinet can decide not to adopt this policy however, it is good practice to have a policy that is open and transparent and demonstrates how the exercise of this particular discretion fits in with corporate objectives.
- 4.2 By adopting this policy Cabinet will endorse the current arrangements that are working effectively but which are not encapsulated in a policy document.

5.0 Officer Preferred Option (and comments)

- 5.1 Officers recommend the adoption of this policy.

6.0 Conclusion

- 6.1 Decision should be made in accordance with recommendation.

RELATIONSHIP TO POLICY FRAMEWORK

The proposals within this report link to the corporate objectives of:

- Alleviating Poverty
- Encouraging residents of the district to obtain and sustain employment
- Safeguarding residents in their own homes and preventing homelessness
- Helping families to stay together
- Supporting young people in their transition to adult life
- Supporting the vulnerable members of our community
- In addition, the report displays our commitment to joint working with stakeholders to improve service delivery

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

An initial Equality Impact Assessment has been undertaken and it has concluded that there is no adverse impact on the equality target groups.

FINANCIAL IMPLICATIONS

The amount spent on the award of Discretionary Housing Payments is subject to a cash limit set by the Department for Work & Pensions.

This “permitted total” is an amount up to which the Council can spend but not exceed in any financial year. For 2008/09 this figure is £53,963. The Government makes an annual contribution towards the Council’s permitted total. For 2008/09 this figure is £21,585.

Although the Council may finance any spending above the Government’s contribution it has not done so during the last 7 years. Revised estimates of expenditure on Discretionary Housing Payments for 2008/09 are that £21,382 will be awarded in 2008/09.

The 2009/10 budget shows an estimate of £22,600 income from central government and expenditure of the same amount. Although the government’s contribution will not be known until February 2009.

If the Council finds that there are increasing demands in 2009/10 to award Discretionary Housing Payments in excess of the Government contribution a growth bid will need to be considered as part of the 2010/11 budget.

DEPUTY SECTION 151 OFFICER’S COMMENTS

In terms of the budget framework, the award of Discretionary Housing Payments is limited to £21,585 for 2008/09 and an estimated £22,600 for 2009/10. Any awards above these sums would be subject to finding compensating savings elsewhere or the submission of a growth item in line with the relevant budget process.

LEGAL IMPLICATIONS

Legal Services have been consulted and have no observations to make on this report.

MONITORING OFFICER’S COMMENTS

The Monitoring Officer has been consulted and has no further comments to add.

BACKGROUND PAPERS

Contact Officer: Viv Mason

Telephone: 01524 582252

E-mail: vmason@lancaster.gov.uk

Ref:



LANCASTER CITY COUNCIL

Promoting City, Coast & Countryside

HOUSING BENEFIT AND COUNCIL TAX BENEFIT

DISCRETIONARY HOUSING PAYMENTS POLICY

Version 1.0

November 2008

Introduction

The Discretionary Housing Payment scheme allows the Council to provide discretionary financial assistance to persons claiming Housing Benefit and or Council Tax Benefit when it considers that additional help with housing costs is needed. Housing costs are defined as rent and or Council Tax liability.

Discretionary Housing Payments (DHPs) are not payments of benefit and are outside of the Housing Benefit and Council Tax Benefit regulations. The regulations covering DHPs are The Discretionary Financial Assistance Regulations 2001.

Financial implications

The amount spent on the award of DHPs is subject to a cash limit (permitted total) set annually by the Department for Work and Pensions.

The permitted total is an amount up to which the Council can spend but not exceed in a financial year.

The Government makes an annual contribution towards the Council's permitted total. The Council may finance any spending over and above the contribution, up to the permitted total.

The level of a DHP award cannot exceed the shortfall between rent charged and Housing Benefit paid or Council Tax charged and Council Tax Benefit paid. There are also elements of a person's rent or council tax and shortfalls in benefit that cannot be met by a DHP and these are prescribed by regulations.

Purpose of this policy

The purpose of this policy is to specify how the Council will operate the DHP scheme.

The scheme is discretionary and the Council will not prescribe any conditions that need to be satisfied outside of the legal framework. To prescribe such conditions would fetter the Council's discretion and could lead to legal challenge. Each case will be considered on its own merits.

This policy ensures that the Council will act fairly, reasonably, and consistently throughout the DHP decision-making process.

All customers will be treated with due courtesy and respect and in accordance with the Council's policies.

Aims of the policy

Through the operation of the policy, the Council will seek to support the following:

- Alleviating poverty
- Encouraging residents of the district to obtain and sustain employment
- Safeguarding residents in their own homes and preventing homelessness
- Helping families to stay together
- Supporting young people in the transition to adult life
- Supporting the vulnerable in the local community.

Administration of DHP claims

In accordance with the legislative requirements of the scheme, the Council is responsible for the determination and award of claims.

The Benefits & Customer Services Team of Revenue Services will administer the DHP scheme and will:

- Provide a specified claim form and guidance notes for the purpose of claiming a DHP. Claims may be accepted by other means such as by telephone and by personal visit.
- Identify potential DHP claimants from records held and invite a claim accordingly. This is in addition to normal take up activity.
- Set targets for the speedy resolution and notification of claims.
- Provide training and procedural notes to relevant members of staff.
- Pay awards of DHPs via the Housing Benefit/Council Tax Benefit payment systems and within the relevant payment cycles.
- Notify a person claiming a DHP payment of the outcome of his/her application in writing stating the reason/s for the decision and providing details of dispute rights.
- Inform a person claiming a DHP of their duty to notify the Council of relevant changes of circumstances.
- Review a DHP award at the same time as entitlement to Housing Benefit/Council Tax Benefit is reviewed.
- Recover overpaid DHP dependent on the circumstances that gave rise to the overpayment.
- Periodically review the DHP claim process for effectiveness and efficiency.

Discretionary Housing Payments Panel

A panel will consider DHP claims made.

The panel will consist of representatives from statutory and voluntary sector agencies who will work alongside Council officers to demonstrate impartiality, transparency and openness. This will also enable a wide range of skills and experience to be used in the decision making process. Currently, the panel includes representatives from CAB, DISC, DWP and Lancashire Care NHS.

The Council is committed to working with stakeholders to improve service delivery and achieve its corporate objectives.

The role of the panel will be:

- To meet fortnightly to jointly consider all complete claims made for a DHP and make recommendations for payment/non-payment based on the individual circumstances of each case
- To make recommendations regarding the length of awards based on the individual circumstances of each case
- To signpost claimants to other help that may be available and maximise entitlement to all available state benefits
- To guarantee complete confidentiality when dealing with individual claims
- To work together to develop/improve the service provided to customers.

Awarding a DHP

Consideration of the following will be taken into consideration when determining a DHP claim:

- The prevention of homelessness (long term sustainability of accommodation)
- Access to employment, education or training
- The financial and medical circumstances of the claimant and his/her household
- The availability of other state welfare benefits
- Claimant fleeing domestic violence.

Appeals procedure

DHPs are not payments of Housing Benefit or Council Tax Benefit and are not therefore subject to the statutory appeals process.

It is good practice however to have an appeals procedure to promote fairness and openness and to help reduce any legal challenge through the judicial review process.

A DHP claimant can ask the Council to look at a decision again within 14 days of the date of the decision. Ideally, the claimant should provide fresh information and evidence to support the request.

The Head of Revenue Services will deal with the appeals request and will review the original decision made by the DHP panel.

The outcome of the review will be notified to the claimant in writing as soon as is reasonably practical.

Working in partnership

The Benefits & Customer Services Team will work closely with the district's Homeless and Housing Advice Teams to assist with meeting the aims and objectives of the Council's Homelessness Strategy.

Take –Up

The Council will publicise the availability of DHPs widely and will work in partnership with its stakeholders to achieve this.

Training will be provided to other Council services and external bodies to raise awareness of the availability of DHPs.

As part of the Council's Housing Benefit & Council Tax Benefit Take-Up Strategy, potential entitlement to other welfare benefits will be identified where possible throughout the application and decision making process.

Equality Impact Assessment

An initial impact assessment has been completed on this policy and it has been concluded that there is no relevance in relation to the equality target groups and therefore no adverse impact on those groups.

Fraudulent claims

The Council is committed to preventing and detecting the fraudulent use of public funds and will use its legal powers to prosecute offenders through the Courts.

A person who tries to fraudulently claim a DHP may have committed an offence under the Theft Act and criminal proceedings will be instigated accordingly.

Monitoring & Reporting

Monitoring of the award process will be undertaken at quarterly intervals.

Performance against Key Work & Performance Objectives will be included in the Benefits & Customer Services reports which are produced quarterly and annually.

It has been agreed to report performance regarding the award of DHPs to the members of the Council's Benefits Inter-Agency Partnership Group on a quarterly basis.



**EXECUTIVE DECISIONS TAKEN BY CABINET PORTFOLIO HOLDER OR DELEGATED OFFICER
NOTICE OF DECISION**

| | |
|--|--|
| TITLE OF DECISION: | |
| Award of Miscellaneous and Welfare grants | |
| NAME OF DECISION TAKER: | COUNCILLOR DAVID KERR |
| POSITION AND RESPONSIBILITY HELD: | CABINET MEMBER WITH RESPONSIBILITY FOR THE VOLUNTARY SECTOR |
| CONTACT OFFICER: | GILLIAN NOALL |
| TELEPHONE: | 582060 |
| E-MAIL: | gnoall@lancaster.gov.uk |
| Details of Decision: | |
| <p>(1) That the following Welfare grant be awarded for 2008/09, to be paid upon submission of receipts, to be provided by the applicant:</p> <ul style="list-style-type: none"> • £100 - Caton Leisure Club; <p>(2) That the following Miscellaneous grants totalling £706 be awarded for 2008/09, to be paid upon submission of receipts, to be provided by the applicant:</p> <ul style="list-style-type: none"> • £250 - Lancaster 50 Forward; • £200 - Preston and Western Lancashire Racial Equality Council (subject to evidence to be provided that the events referred to take place in the Lancaster District and that they assist in meeting the Council's Corporate Objectives); • £256.25 - Torrisholme Cricket Club; <p>(3) That the following applications be refused on the grounds that they do not meet the specified criteria:</p> <ul style="list-style-type: none"> • Lancaster Priory Church; • Lancaster Free Methodist Church <p>(4) That for 2008/09 the remaining City Council contribution for Welfare Grants totalling £900 be vired to the Miscellaneous Grant budget to enable the allocations in (2) above to be paid.</p> | |
| Reasons for the decision (continue on separate sheet or append relevant papers as necessary): | |
| <p>The Cabinet Member met informally with the Head of Democratic Services and Senior Democratic Support Officer on 7th November 2008 to consider the Miscellaneous grant applications received in the context of the criteria and available budget.</p> <p>These grant allocations recognise the Council's corporate priorities to support local initiatives.</p> | |
| Is the decision URGENT | |
| No | |

| | | | |
|---|----------|---|------------------------------------|
| <p>I CONFIRM THAT I HAVE BEEN CONSULTED ON THE ABOVE DECISION AND THAT IT IS URGENT AND REASONABLE IN ALL THE CIRCUMSTANCES. (IN ACCORDANCE WITH SECTION 17 OF THE OVERVIEW AND SCRUTINY PROCEDURE RULES)</p> | | | |
| SIGNATURE OF OVERVIEW AND SCRUTINY CHAIRMAN: | | N/A | |
| <p>I confirm that I have taken account of the options proposed by officers, the various implications set out in the report and the comments of the Monitoring and Section 151 Officers and am authorising the decision as set out above.</p> | | | |
| SIGNATURE OF DECISION TAKER: | | D. Kerr | |
| DATE: | | 26/11/08 | |
| <p><i>THIS SECTION TO BE COMPLETED BY DEMOCRATIC SERVICES</i></p> | | | <p>REF NO.</p> <p>PD220</p> |
| DATE DECISION TAKEN: | 26/11/08 | DATE RECEIVED BY DEMOCRATIC SERVICES: | 27/11/08 |
| DATE DECISION PUBLISHED: | 27/11/08 | IMPLEMENTATION DATE (publication day + 5 working days): | 05/12/08 |

A copy of the report considered by the decision taker should be appended to this form and forwarded immediately to Democratic Services on completion.

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AWARD OF MISCELLANEOUS AND WELFARE GRANTS

INDIVIDUAL CABINET MEMBER DECISION Councillor David Kerr

Report of Chief Executive

| | | | |
|---|-----|-------------------------|--|
| PURPOSE OF REPORT | | | |
| This report considers the allocation of Miscellaneous and Welfare Grants. | | | |
| Key Decision | | Non-Key Decision | X Referral from Cabinet Member |
| Date Included in Forward Plan | N/A | | |
| This report is public | | | |

RECOMMENDATION

That consideration be given to the grant applications as set out in paragraph 1.1

1.0 Introduction

1.1 Applications were invited from voluntary organisations seeking Welfare and Miscellaneous grants. The following applications totalling £2,656.25 were received.

| | Name of Organisation | £ Amount requested | Purpose of Grant |
|---------------|--|--------------------|--|
| Welfare | | | |
| 1 | Caton Leisure Club | 400 | To pay for speakers. |
| Miscellaneous | | | |
| 1 | Lancaster Priory Church | 500 | Replacement of worn out music books and provision of additional copies |
| 2 | Lancaster Free Methodist Church | 500 | To build new website |
| 3 | Lancaster 50 Forward | 500 | To organise social events, to provide a mobile phone, to produce marketing materials. |
| 4 | Preston and Western Lancashire Racial Equality Council | 500 | To celebrate the achievements of the Preston and Lancashire Racial Equality Council and associated District Councils |
| 5 | Torrisholme Cricket Club | 256.25 | To buy a security camera system |

2.0 Proposal Details

A copy of the application forms have been supplied to the Cabinet Member and an informal meeting has been held with the Head of Democratic Services and Senior Democratic Support Officer on 7th November 2008 to offer advice and consider each of the applications in detail.

3.0 Details of Consultation

3.1 No consultation has taken place.

4.0 Options and Options Analysis (including risk assessment)

4.1 Alternative options open to the Cabinet Member range from making an allocation or no allocation to those organisations requesting funding.

5.0 Officer Preferred Option (and comments)

5.1 There is no officer preferred option other than ensuring that the total amount allocated does not exceed the budget available.

RELATIONSHIP TO POLICY FRAMEWORK

The grants schemes recognise the Council's corporate priorities to support local initiatives.

**CONCLUSION OF IMPACT ASSESSMENT
(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

Resources are available to be used to enable local initiatives to be developed.

FINANCIAL IMPLICATIONS

The 2008/09 budget included £8,100 for Welfare grants and £7,300 for Miscellaneous Grants. Any allocations agreed need to be contained within these budgets.

(50% of the awards under the Welfare Grant criteria are reimbursed by Lancashire County Council.)

Following the initial allocation of grants in September 2008 (including the virement of £1,400 to the Miscellaneous grant budget from the remaining City Council contribution to the Welfare budget), there remains a total of £1,700 in the Welfare grant budget. This is subject to a contribution of 50% from the County Council so should the Cabinet Member wish to vire any Welfare grant funding to the Miscellaneous grant budget to meet the cost of any miscellaneous applications a maximum of £950 would be available for that purpose.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

LEGAL IMPLICATIONS

Legal have been consulted and have no further comments to make.

MONITORING OFFICER'S COMMENTS

The Deputy Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

Grant application Guidance Notes
Grant applications forms contain exempt information

Contact Officer: Ron Matthews
Telephone: 01524 582074
E-mail: rmatthews@lancaster.gov.uk

LANCASTER CITY COUNCIL

Promoting City, Coast & Countryside

EXECUTIVE DECISIONS TAKEN BY CABINET PORTFOLIO HOLDER OR DELEGATED OFFICER NOTICE OF DECISION

THIS SECTION TO BE COMPLETED BY THE PORTFOLIO HOLDER AND CONTACT OFFICER

| | | | |
|--|---|--|----------------------|
| TITLE OF DECISION: OPUS Scheme Queen Street Morecambe | | | |
| NAME OF DECISION TAKER: | CLLR DAVID KERR | | |
| POSITION AND RESPONSIBILITY HELD: | CABINET MEMBER PORTFOLIO HOLDER HOUSING | | |
| CONTACT OFFICER: | SHEELAGH O'BRIEN | | |
| TELEPHONE: | 01524 405837 | | |
| E-MAIL: | sobrien@lancaster.gov.uk | | |
| Details of Decision: That the City Council do not support a bid for Housing Corporation finance that would enable social rented housing to be provided at the OPUS development. However, a bid for a shared ownership scheme could be supported. | | | |
| Reasons for the decision (continue on separate sheet or append relevant papers as necessary): The creation of 20 social rented units would run counter to the Council's regeneration objectives and would not promote social cohesion | | | |
| Is the decision URGENT NO Please delete as appropriate and give reasons for urgency below: N/A <i>*To be completed in the case of URGENT decisions</i> | | | |
| I CONFIRM THAT I HAVE BEEN CONSULTED ON THE ABOVE DECISION AND THAT IT IS URGENT AND REASONABLE IN ALL THE CIRCUMSTANCES. (IN ACCORDANCE WITH SECTION 17 OF THE OVERVIEW AND SCRUTINY COMMITTEE PROCEDURE RULES) SIGNATURE OF THE OVERVIEW AND SCRUTINY COMMITTEE CHAIRMAN: N/A | | | |
| I confirm that I have taken account of the options proposed by officers, the various implications set out in the report and the comments of the Monitoring and Section 151 Officers and am authorising the decision as set out above. | | | |
| SIGNATURE OF DECISION TAKER: | D. Kerr | | |
| DATE: | 26/11/08 | | |
| <i>THIS SECTION TO BE COMPLETED BY DEMOCRATIC SERVICES</i> | | | REF NO. PD221 |
| DATE DECISION TAKEN: | 26/11/08 | DATE RECEIVED BY DEMOCRATIC SERVICES: | 27/11/08 |
| DATE DECISION PUBLISHED: | 27/11/08 | IMPLEMENTATION DATE (publication day + 5 working days): | 05/12/08 |

A copy of the report considered by the decision taker should be appended to this form and forwarded immediately to Democratic Services on completion.

INDIVIDUAL CABINET MEMBER DECISION

OPUS Development Queen St Morecambe

Report of Corporate Director (Community Services)

| PURPOSE OF REPORT | | | | | |
|--|------------------------------|------------------|--|----------|------------------------------|
| To inform the Member of the issues surrounding this private development and to seek the Member's views on supporting bids for Housing Corporation finance. | | | | | |
| Key Decision | <input type="checkbox"/> | Non-Key Decision | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%; text-align: center; padding: 5px;">X</td> <td style="padding: 5px;">Referral from Cabinet Member</td> </tr> </table> | X | Referral from Cabinet Member |
| X | Referral from Cabinet Member | | | | |
| Date Included in Forward Plan | | | | | |
| This report is public | | | | | |

RECOMMENDATIONS

(1) That the City Council do not support a bid for Housing Corporation finance that would enable social rented housing to be provided at the OPUS development. However, a bid for a shared ownership scheme could be supported.

1.0 Introduction

1.1 The OPUS scheme in Poulton has been developed by McInerney Homes, a private developer. The scheme was designed to be for open market sale. It comprises 41 x 1 and 2 bed apartments. Since the credit crunch, many private developers are experiencing difficulties selling properties. The OPUS scheme may be put forward for funding by the Housing Corporation.

1.2 The City Council has been asked whether or not it can support this proposal.

2.0 Background

2.1 Lancaster District as a whole has a shortage of social rented housing and therefore the City Council will usually support the development of more of this type of housing. But as it makes clear in its Housing Strategy 2006 – 9, there are parts of the District where regeneration objectives make the promotion of owner occupation a higher priority. In both Poulton and the West End, the City Council has been supporting developments for open market sale and shared ownership, but has not been supporting the further development of social rented housing.

- 2.2 Since the credit crunch, the Housing Corporation (who mainly fund registered social landlords - housing associations) has sought to create additional social rented units where private developments are struggling to find a market. The City Council was asked initially if we would support the OPUS scheme for 100% social rented housing and, in line with our existing strategy, we responded that we would not. A different proposal has now been put forward.

3.0 Proposal details

- 3.1 A joint venture is proposed between the registered social landlord Guinness Northern Counties (GNC) and McInerney Homes (MH). The scheme would become a mixed tenure scheme. GNC would bid for grant to the Housing Corporation to produce around 20 social rented units. MH would bid to the Housing Corporation for Homebuy grant (a type of shared ownership/shared equity) for the remaining units and when they have "sold" these units, they would pass them on to GNC for onward management. GNC (through their subsidiary, Encore) would manage the entire site as a leasehold scheme.

- 3.2 Lancaster City Council is being asked if it would support this tenure mix and process.

4.0 Details of Consultation

- 4.1 The Poulton Neighbourhood Management Board have been consulted and their views are as follows

"Poulton Neighbourhood Management Board STRONGLY oppose any change in the Council's current policy of not supporting more social rented housing in regeneration areas, but the Board recommends that McInerney Homes consider alternative solutions such as a shared ownership scheme."

5.0 Options and Options Analysis (including risk assessment)

- 5.1 **Option 1:** Support the proposal for the joint venture being proposed by GNC and MH.

If the bids to the Housing Corporation are successful, the scheme is more likely to be occupied rapidly than if the properties remain on the open market. If the properties simply lie empty, that in itself isn't helping the area.

The proposal is now for a mixed tenure scheme rather than all social rented.

- 5.2 **Option 2:** Do not support the proposal for the joint venture being proposed by GNC and MH.

Adding 20 social rented units to the Poulton area will not help the Council achieve its regeneration objectives. It will have a detrimental effect on social cohesion.

There is already a substantial amount of private rented property in this area.

6.0 Recommended Option

- 6.1 Option two is recommended. More social rented housing is badly needed in the rest of the District, but if more is created now in the regeneration areas, the likely negative impact will remain long after the credit crunch is over.

7.0 Conclusion

7.1 The decision to be made is about the likely community impact of taking each option.

| | |
|---|---|
| <p>RELATIONSHIP TO POLICY FRAMEWORK</p> <p>The issue relates to the Housing Strategy and meeting the objectives of Poulton Neighbourhood Management..</p> | |
| <p>CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</p> <p>Although creating more social rented units in Poulton would assist those in housing need, many of whom are vulnerable and socially excluded, it would have a detrimental effect on ensuring social cohesion in the regeneration area. The Council is aiming to create sustainable communities and such a development would be contrary to this aim.</p> | |
| <p>FINANCIAL IMPLICATIONS</p> <p>There are no financial implications for the City Council arising from this report.</p> | |
| <p>SECTION 151 OFFICER'S COMMENTS</p> <p>The Deputy Section 151 Officer has been consulted and has no comments to add.</p> | |
| <p>LEGAL IMPLICATIONS</p> <p>There are no legal implications arising from this report. .</p> | |
| <p>MONITORING OFFICER'S COMMENTS</p> <p>The Monitoring Officer has been consulted and has no further comments.</p> | |
| <p>BACKGROUND PAPERS</p> <p>Housing Strategy 2006 – 2009 Report to Poulton Neighbourhood Management Board 6/11/ 2008 OPUS file NTF</p> | <p>Contact Officer: Sheelagh O'Brien Telephone: 01524 58405837 E-mail: Sobrien@lancaster.gov.uk Ref: NTF_ Opus Development</p> |

LANCASTER CITY COUNCIL

Promoting City, Coast & Countryside

EXECUTIVE DECISIONS TAKEN BY CABINET PORTFOLIO HOLDER OR DELEGATED OFFICER NOTICE OF DECISION

THIS SECTION TO BE COMPLETED BY THE PORTFOLIO HOLDER AND CONTACT OFFICER

| | | | |
|--|-------------------------|--|----------------|
| TITLE OF DECISION: | | | |
| Delegated Authority to Undertake Appeals or Reviews | | | |
| NAME OF DECISION TAKER: | COUNCILLOR DAVID KERR | | |
| POSITION AND RESPONSIBILITY HELD: | CABINET MEMBER | | |
| CONTACT OFFICER: | CHRIS HANNA | | |
| TELEPHONE: | 01524582516 | | |
| E-MAIL: | channa@lancaster.gov.uk | | |
| Details of Decision: | | | |
| (1) That delegated authority be given to the Head of Council Housing to designate in writing officers who are authorised to undertake appeals or reviews in relation to Introductory Tenancies, Demoted Tenancies, and matters arising from the Housing Register. | | | |
| (2) That the Scheme of Delegation in Part 3 of the Constitution be amended accordingly and that in accordance with Rule 1.4(b) of the Cabinet Procedure Rules, the Chief Executive present a report to Council setting out this change. | | | |
| Reasons for the decision (continue on separate sheet or append relevant papers as necessary): To ensure that there is a method of designating officers to undertake appeals or reviews in relation to tenancy and housing register matters to ensure the efficient management of the Service and to meet statutory requirements. | | | |
| IS THE DECISION URGENT Yes/NO PLEASE DELETE AS APPROPRIATE AND GIVE REASONS FOR URGENCY BELOW: | | | |
| <i>*To be completed in the case of URGENT decisions</i> | | | |
| I CONFIRM THAT I HAVE BEEN CONSULTED ON THE ABOVE DECISION AND THAT IT IS URGENT AND REASONABLE IN ALL THE CIRCUMSTANCES. (IN ACCORDANCE WITH SECTION 17 OF THE OVERVIEW AND SCRUTINY COMMITTEE PROCEDURE RULES) | | | |
| SIGNATURE OF THE OVERVIEW AND SCRUTINY COMMITTEE CHAIRMAN: | | N/A | |
| I confirm that I have taken account of the options proposed by officers, the various implications set out in the report and the comments of the Monitoring and Section 151 Officers and am authorising the decision as set out above. | | | |
| SIGNATURE OF DECISION TAKER: | D. Kerr | | |
| DATE: | 27/11/08 | | |
| <i>THIS SECTION TO BE COMPLETED BY DEMOCRATIC SERVICES</i> | | | REF NO. |
| | | | PD222 |
| DATE DECISION TAKEN: | 27/11/08 | DATE RECEIVED BY DEMOCRATIC SERVICES: | 27/11/08 |
| DATE DECISION PUBLISHED: | 27/11/08 | IMPLEMENTATION DATE (publication day + 5 working days): | 05/12/08 |

A copy of the report considered by the decision taker should be appended to this form and forwarded immediately to Democratic Services on completion.

| |
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| CABINET |
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**Delegated Authority to Undertake Appeals or Reviews
Individual Cabinet Member Decision
Councillor David Kerr
Report of Corporate Director (Community Services)**

| | | | |
|---|--------------------------|-------------------------|-------------------------------------|
| PURPOSE OF REPORT | | | |
| To seek an amendment to the Scheme of Delegation to enable officers to be authorised to undertake appeals or reviews in relation to tenancy and housing register matters. | | | |
| Key Decision | <input type="checkbox"/> | Non-Key Decision | <input checked="" type="checkbox"/> |
| | | | Referral from Cabinet Member |
| Date Included in Forward Plan | Not applicable | | |
| This report is public | | | |

RECOMMENDATIONS

- (1) That delegated authority be given to the Head of Council Housing to designate in writing officers who are authorised to undertake appeals or reviews in relation to Introductory Tenancies, Demoted Tenancies, and matters arising from the Housing Register.
- (2) That the Scheme of Delegation in Part 3 of the Constitution be amended accordingly and that in accordance with Rule 1.4(b) of the Cabinet Procedure Rules, the Chief Executive present a report to Council setting out this change.

1.0 Introduction

- 1.1 There are a number of circumstances where a housing applicant or a tenant can request an internal review (either oral or paper) of a decision taken by Council Housing Services. These are legal rights.
- 1.2 When a notice is served to end or extend an Introductory Tenancy the tenant has the legal right to request an internal review at which a panel considers whether or not the action is proportionate. If eviction is being sought the court is subsequently required to determine whether or not the correct procedure has been followed, if this is accepted, the court *must* grant an outright possession order.
- 1.3 Similar rights to review exist where the Council seeks to demote a tenancy (Demoted Tenancy) and where someone is deemed ineligible to go on the Housing Register.

1.4 Under previous delegated authority named officers undertook these reviews. Due to staff absences only the Principal Housing Manager remains to undertake the reviews, and this situation needs to be urgently addressed to enable reviews to be undertaken and to be undertaken within statutory timescales.

2.0 Proposal Details

2.1 It is proposed that the Head of Council Housing is given the delegated authority to designate in writing senior officers to undertake appeals or reviews in relation to Introductory Tenancies, Demoted Tenancies, and matters arising from the Housing Register, and that the Scheme of Delegation be amended accordingly. This will ensure that officers will always be available to deal with such reviews and appeals.

3.0 Details of Consultation

3.1 Advice has been sought from the Head of Legal and Human Resources

4.0 Options and Options Analysis (including risk assessment)

4.1

| Option | Advantages | Disadvantages | Risks |
|---|---|--|------------------|
| 1. Do nothing | None | The Council will fail in meeting its statutory duties. | Judicial Review. |
| 2. Delegated authority given to designate officers to undertake the appeals and reviews | The Council will meet its statutory duties. Appeals and reviews will be undertaken in an as efficient way as possible. | None identified. | None identified |

5.0 Officer Preferred Option (and comments)

5.1 The preferred option is Option 2 as set out above.

6.0 Conclusion

6.1 It is necessary to amend the existing delegated authority to ensure the efficient management of the Service and to meet statutory requirements.

RELATIONSHIP TO POLICY FRAMEWORK

Corporate Plan:

- To deliver value for money customer focused service.
- To reduce crime and the fear of crime
- To support sustainable communities

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

Impact assessments have been undertaken and no issues have been identified.

FINANCIAL IMPLICATIONS

There are no financial implications arising out of this report.

SECTION 151 OFFICER'S COMMENTS

The S151 Officer has been consulted and has no further comments.

LEGAL IMPLICATIONS

There are no additional legal implications arising out of this report.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

None

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