#### CABINET

Venue: Town Hall, Moorgate Date: Wednesday, 27 March 2013

Street, Rotherham. S60

2TH

Time: 10.30 a.m.

#### AGENDA

1. To consider questions from Members of the Public.

- 2. To determine if the following matters are to be considered under the categories suggested in accordance with the Local Government Act 1972.
- 3. To determine any item which the Chairman is of the opinion should be considered as a matter of urgency.
- 4. Declarations of Interest.
- 5. Minutes of the previous meeting held on 13th March, 2013 (copy supplied separately)
- 6. Council Tax Discretionary Relief Policy 13A(1)(c) (report herewith) (Pages 2 9)
  - Strategic Director of Resources to report.
- 7. Celebratory Services Relocation and Fees Review (report herewith) (Pages 10 17)
  - Strategic Director of Environment and Development Services to report.
- 8. Exclusion of the Press and Public.

The following items are likely to be considered in the absence of the press and public as being exempt under Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended March 2006) (information relating to the financial or business affairs)

- 9. Award of Insurance Contracts (report herewith) (advance notice given) (Pages 18 22)
  - Strategic Director of Resources to report.
- 10. Magna Trust Loan Request (report herewith)\* (Pages 23 27)
  - Strategic Director of Resources to report.

In accordance with Section (7) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 the Chairman of the Overview and Scrutiny Management Board has agreed that the item marked (\*) contains a decision which needs to be acted upon as a matter of urgency and which cannot be reasonably deferred (see notice attached)

# Cabinet Meeting - 27<sup>th</sup> March, 2013

Take notice, in accordance with Regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, that the following reports are to be considered in the private part of the meeting without having provided the required twenty-eight days' notice:-

#### Magna Trust Loan Request

An exemption under Paragraph 3 (Information relating to the financial or business affairs of any particular person (including the authority holding that information)) of Part I of Schedule 12A of the Local Government Act 1972 is requested, as this report provides a request for financial support.

The Chair of the Overview and Scrutiny Management Board has agreed that this item is urgent and cannot reasonably be deferred.

Jacqueline Collins Director of Legal and Democratic Services 19<sup>th</sup> March, 2013.

# ROTHERHAM BOROUGH COUNCIL - REPORT TO

1.	Meeting:	Cabinet
2.	Date:	27 <sup>th</sup> March 2013
3.	Title:	Council Tax Discretionary Relief Policy 13A(1)(c)
4.	Directorate:	Resources

#### 5. Summary

Councils can reduce the amount of council tax payable by granting locally defined discounts under provisions contained in Section 13A of the Local Government Finance Act 1992. Section 13A(1)(c) allows for a discretionary reduction which can used in relation to any individual case or by determining a class of case for which the charge should be reduced. The discount must be funded from the Council's Revenue Budget (General Fund) and can amount to anything up to 100% of the council tax charge.

The Council has previously used the discretion allowed under this Section to grant discounts for groups such as those affected by the 2007 floods. It has not had cause to consider granting discretionary discount for any individual case and does not currently have a policy for doing so.

With the introduction of the Council Tax Reduction Scheme that will limit support to working age claimants to a maximum of 91.5% of Council Tax liability (and other welfare reform changes) the expectation is that Councils may now receive more individual discretionary relief referrals. To enable the Council to administer and determine these potential referrals the Council needs to introduce clear guidelines under which individual requests for discretionary relief can be determined.

#### 6. Recommendations

#### Cabinet are asked to:

- Approve the introduction of the attached Council Tax Discretionary Relief Policy, incorporating powers to grant relief under Section 13A(1)(c) of the Local Government Finance Act 1992, from 1 April 2013;
- Delegated authority be given to the Director of Financial Services to determine such applications for Council Tax Discretionary Relief where they relate to individual cases of exceptional financial hardship;
- Agree that application of Council Tax Discretionary Relief to a class of case is considered by Cabinet subject to the submission of an additional report by the Director of Financial Services.

#### 7. Proposals and Details

- 7.1 The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 set out a prescribed procedure in which an application may be made for a discretionary reduction and this requires the Council to introduce a policy for considering such applications.
- 7.2 The Council will exercise its discretionary power to reduce Council Tax by considering applications in accordance with the attached policy.
- 7.3 Consideration will be given to reducing council tax for an individual applicant where they can show exceptional financial hardship. Each case will need to be considered on its own merits, taking into account the circumstances of the applicant, although a consistent approach will need to be taken to ensure fairness.
- 7.4 Should the Council identify the need to determine a specific class of case to which discretionary relief should be granted it will bring a separate report to Cabinet for consideration.

#### 8. Finance

- 8.1 Discretionary discounts must be funded entirely by the Council and could amount to anything up to 100%, after other reductions, of the Council Tax charge in individual cases.
- 8.2 Although in the past the Council has granted a discretionary relief for a specific class of case, eg properties affected by the floods, it has never had to consider granting a discretionary discount for any individual case. It is therefore difficult to accurately forecast the potential level of applications or how much relief could be granted.
- 8.3 Numbers of applications and the costs associated with any reliefs awarded will be monitored closely during the year and Members will be informed accordingly of any significant cost pressure issues that this may cause via the Council's routine budget monitoring and reporting process.

### 9. Risks and Uncertainties

The risks for the Council are as follows:

- It is not possible to forecast the numbers of applications and the likely cost to the authority. While we are not anticipating the numbers and cost to be significant there is potential for applications to be high, with over 16,000 working age claimants affected by a reduction in Council Tax support, through the introduction of the new Council Tax Reduction Scheme.
- The Council have never previously had to consider granting a discretionary discount for any individual case. This will increase the workload of the Benefit Assessment team where the applications will be assessed. It is anticipated that this work will be carried out without additional resources however should a substantial number of applications be received this may

create a capacity issue within the team which may adversely affect service performance standards.

#### 10. Policy and Performance Agenda Implications

Should the Council identify the need to determine a specific class of case to which discretionary relief should be granted it will bring a separate report to Cabinet for consideration.

### 11. Background Papers and Consultation

Council Tax Discretionary Relief Policy – attached.

#### **Contact Name:**

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# **Rotherham Metropolitan Borough Council**

# - Council Tax Discretionary Relief Policy -

#### 1. General Provisions

- 1.1 The Council has power under S13A(1)(c) of the Local Government and Finance Act 1992 to reduce the council tax charge on any chargeable property in the borough for any day. This power can be exercised in relation to any individual case or by determining a class of case for which the charge should be reduced.
- 1.2 Should the Council identify the need to determine a specific class of case to which discretionary relief should be granted it will bring a separate report to Cabinet for its consideration.
- 1.3 Each case will be considered on its own merits but applications potentially relating to the wider determination of a class of property will be subject to consideration by Cabinet.
- 1.4 The amount of any successful award may reduce a Council Tax charge to nil, including reducing any balance left payable after Council Tax Reduction Scheme, discounts and exemptions have previously been granted to the applicant.
- 1.5 Any application made under S13A(1)(c) provisions must be a last resort following the exploration of any other entitlement such as Council Tax Reduction Scheme, discounts and exemptions.
- 1.6 There must be exceptional circumstances to justify any request for a reduction and the Council will only consider granting short term assistance, and not reduce Council Tax liability indefinitely.
- 1.7 These guidelines set out the manner in which the Council will receive and consider applications for discretionary council tax relief.

#### 2. Application Process

2.1 An application for a discretionary relief award can be made in writing, or by electronic communication in accordance with the approval of the Chief Executive of the Council.

#### 2.2 Where:

- the Council has made a determination under s13A(1)(c) in relation to a class of case in which the liability for council tax has been reduced, and
- a person in that class would otherwise be entitled to a reduction under its scheme.

that person's application for a reduction under the Council's local Council Tax Reduction Scheme will also be treated as an application under S13A (1) (c).

- 2.3 Applications that cannot be made personally by an applicant can be made by their advocate, appointee or a recognised third party acting on their behalf.
- 2.4 Applications must be accompanied by:
  - the name, address and Council Tax reference number of the applicant;
  - a full explanation as to why the discretionary relief is claimed;
  - details of any hardship, including a full financial statement of income and expenditure, or personal circumstances relating to the application;
  - the period for which relief is requested.

#### 3. Criteria for Considering Relief

- 3.1 The Council may consider the following in determining whether to grant to grant relief.
  - whether an application has been made for Council Tax Reduction Scheme or a Council Tax discount or exemption, and if so all evidence has been received in order to determine those claims;
  - the circumstances on which the application is based including evidence of the financial hardship incurred by the applicant, details how this is affecting their

personal circumstances and this would justify a reduction in their council tax charge;

- whether Council Tax Reduction, a discount or exemption has been awarded as a result of an error which the applicant could not reasonably have been expected to know about;
- whether the hardship experienced by the applicant is outside their control, for example due to a flood, storm damage, explosion or 'major incident' which forces them out of their property;
  - NB. A major incident is defined as: "Any event or circumstances (happening with or without warning) that causes or threatens death or injury, disruption to the community, damage to property or to the environment, on such a scale that the effects cannot be dealt with by emergency services, local authorities and other organisations as part of their normal day to day activities" (Dealing with Disasters Cabinet Office booklet).
- what reasonable steps have been taken by the applicant to resolve their situation prior to the application;
- the likelihood of the circumstances of the applicant improving;
- whether the applicant has access to other assets which could be accessed to help pay Council Tax;
- whether any outstanding debt is unpaid as a result of the wilful refusal or culpable neglect of the applicant to make payment;
- whether any award would be reasonable having regard to the interests of other council tax payers;
- 3.2 Alternative available assistance will be provided to applicants where it is considered appropriate.
- 3.3 Failure to provide information requested to support an application without sufficient reason, within any timescale set, will result in it being considered without that information;
- 3.3 Only in exceptional circumstances, for example where an applicant has just received an account due to late billing beyond their control, will consideration

be given to granting relief for a financial year prior to that in which the application is made.

### 4. <u>Decision Making Process</u>

- 4.1 Determination on discretionary relief applications in individual cases of exceptional financial hardship will be made by the Benefits Assessment Team.
- 4.2 Details of applications and recommendations will be prepared and presented to the Director of Financial Services for authorisation.
- 4.3 Applications for Council Tax Discretionary Relief which could potentially relate to a wider determination of class of case will be submitted to Cabinet by the Director of Financial Services.

#### 5. Period of Relief

- 5.1 Relief will normally be granted for a specific determined period, depending on the circumstances of the application, but not for more than 12 months.
- 5.2 Only in exceptional circumstances, for example where an applicant has just received an account due to late billing beyond their control, will relief be considered in respect of a financial year prior to which the application is made.

#### 6. Notification of Decision

6.1 The Council will aim to notify the applicant of its decision within 14 days of receiving sufficient information to make a decision.

#### 7. Review of Decisions

7.1 The Local Government Finance Act 1992 provides no right of appeal against the Council's use of discretionary powers. However, in the interests of transparency, the Council will provide a process for reviewing decisions where discretionary relief has not been granted. However a review will only be conducted if the applicant's circumstances have changed and they can provide sufficient new evidence to support their application.

- 7.2 The applicant must put their case in writing, giving the reason(s) why they consider the original decision should be overturned, to the Director of Financial Services, requesting a review of the decision. They must do this within 28 days of the date of the original decision, and provide additional evidence to support their request.
- 7.3 Any review will be considered on its own merits.
- 7.4 The Council will then decide whether the applicant has provided any additional information against the required criteria that could justify a change to its decision.
- 7.5 Any subsequent legal decision to allow discretionary decisions to be subject to appeal to the Valuation Tribunal Service will be addressed in accordance with procedures laid down.

### 8. Review Decisions

8.1 The Council will aim to notify an applicant, setting out the reason for its decision, within 8 weeks of receiving the appeal.

#### 9. Fraudulent Claims

9.1 The Council reserves the right to withdraw any award for relief where, following a decision, it becomes aware that this has been made as a result of a false or fraudulent claim.

#### **ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS**

1.	Meeting:	Cabinet
2.	Date:	27 <sup>th</sup> March, 2013
3.	Title:	Celebratory Services - Relocation and Fees Review
4.	Programme Area:	Environmental and Development Services

#### 5. Summary

The report seeks approval to relocate Celebratory Services to Clifton Park Museum and revise fees for celebratory services delivered under the Well Being Power.

#### 6. Recommendations

#### **That Cabinet:-**

- approves the relocation of Marriages, Civil Partnerships and individual Citizenship ceremonies from the Town Hall to Clifton Park Museum with effect from 1<sup>st</sup> December, 2013
- approves changes to the fees for non statutory celebratory services
- approves the required increase in opening hours of Clifton Park Museum to accommodate the requirement to deliver statutory services
- notes the resultant budget pressure on Heritage Services.

#### 7. Proposals and Details

#### **Background**

The Registration Service is delivered by the Local Authority on behalf of the General Register Office (GRO). The service is governed by the Registrar General (RG) and is delivered in accordance with legislation and the GRO good practice guide.

The Registration Service offers a range of statutory and non statutory services. Statutory fees are set by the RG for certain services; these apply nationally and can not be varied. The local authority has discretion to deliver additional services in accordance with the Well Being Power contained in the Local Government Act 2000. Local Authorities delivering Registration Services under the Well Being Power may set local fees but these must be on a cost recovery basis only.

The services referred to in this report are delivered under the Well Being Power.

#### Current and proposed service offer

Celebratory services are primarily delivered, at present, from Rotherham Town Hall. A premises rationalisation programme has enabled the Council to improve the use of the Town Hall, by transferring the Members' base there from the Eric Manns Building, and to use the Eric Manns Building as an integrated base for Youth Services. These moves will save the Council in excess of £100,000 per year.

The property rationalisation has also created an opportunity for the local authority to review and improve facilities for the delivery of celebratory services. Clifton Park Museum has been identified as the preferred site for celebratory services. The services will be enhanced by the excellent standard of the period ceremony room; set in a grade II\* listed building which looks out onto surrounding park land. The park also provides the ideal setting for photographs.

Not only does the relocation bring significant benefits to celebratory services, but it also provides the following advantages/opportunities for Clifton Park Museum and the Town Hall:

- Improved sustainability for the Museum, increase to opening hours, potential visitor numbers and likely supplementary spend.
- Provides opportunities for Heritage Services, in partnership with Green Spaces, to increase revenue through the potential to offer reception package options e.g. function room hire, catering.
- Possibility of closing Town Hall on Saturdays if no other functions are taking place.

- Possibility of increased revenue at Town Hall if the Garden Room / John Smith room become available for hire.
- Improved access for Members and others to facilities within the Town Hall.

It is recommended that group citizenship ceremonies continue to be delivered from the Town Hall. This is due to the large number of attendees (up to 80 per ceremony), the requirement for the involvement of the Mayor or other dignitary and the expectation that they are delivered in a civic setting. The Museum could not accommodate groups of 80.

It is, however, recommended that private citizenship ceremonies, attended by individual citizens, their families and guests will be held at Clifton Park Museum. These are few as they are delivered only when citizens are unable to attend a group ceremony. In the interest of efficiency these are included in existing ceremony programmes on week days only and without the requirement for a dignitary.

It is proposed that wedding and citizenship ceremonies are held in the Dining Room, sited on the ground floor of the Museum. The Walker family portraits and panels will remain in the room, together with the family tree that tells the story of the family. These displays will be pertinent to the ceremonies that will take place.

It is appreciated that a number of customers have already made bookings for the Town Hall during 2013, so in order to minimise the inconvenience on existing customers and to allow sufficient time for the preparation of facilities in Clifton Park Museum (including the ongoing redisplay of the York and Lancaster Regimental Museum), it is proposed that the new service model is implemented from 1<sup>st</sup> December, 2013.

#### Review of fees

A full fees review for celebratory services has not been carried out for over five years and the full cost of services provided is not currently being met by the fees charged.

Since fees were last set the Register Office has moved from Bailey House to Riverside House, with the majority of celebratory services taking place in the Town Hall. The change in location and the need to offer off site delivery of celebratory services comes with additional costs for caretaking and building attendants, neither of which is accounted for in current fees.

All customers arranging celebratory services are advised verbally and in writing that fees are subject to review. However, in order to minimise the impact on customers it is proposed that the increases to fees are tied in with the relocation of celebratory services to Clifton Park Museum. The proposed set of fees and charges is included in Appendix 1.

#### 8. Finance

The transfer of the Members' base to the Town Hall and the integration of Youth Services into the Eric Manns building will save £100,000 per year that will contribute to meeting the Council's budget challenge.

One-off re-fit costs for the Musuem, including for redecoration, fixtures & fittings, redisplay of galleries and the removal of display cases will be around £14,000 and can be met from existing budgets.

Heritage Services Revenue costs – a recent report to the Cabinet Member for Culture & Tourism (5<sup>th</sup> February, 2013) recommended changes to the service delivery within Heritage Services, including a reduction in the opening hours of Clifton Park Museum and the Archives & Local Studies Service, which would release savings to the Council of approximately £102,000 per year (£90,000 in 2013-14.)

Approval of the relocation of celebratory services will enable the Council to reinstate and increase opening hours. This would also enable the Council to meet the GRO requirements for wedding provision and to comply with Heritage Lottery Fund expectations for the Museum. The longer opening of the Museum would negate £55,000 of the proposed cost saving set out in the Council's budget and create a budget pressure within Heritage Services for this amount. Officers are looking at ways of mitigating this pressure.

Additional opening hours would be between 10:30 – 16:00 on Fridays and between 9:30 and 10:00 on Saturdays

Fees Revision - the revision of fees would mean celebratory services are delivered on a cost recovery basis with no financial implications for the Council; details are contained in Appendix 1.

It should be noted that the service must offer ceremonies at the non-variable statutory fees rate of £45, which would in all instances make a loss delivered from Clifton Park Museum, as is currently the case at the Town Hall.

The fee payable to local authorities by the Home Office for citizenship ceremonies has increased to £80 per new citizen attending a group ceremony. This is a fee the Home Office considers indicative of the cost of delivery, the additional fee for private citizenship ceremonies directly reflects this.

#### 9. Risks and Uncertainties

If approval is not granted in March 2013, an implementation date of 1<sup>st</sup> of December, 2013 is unlikely to be achieved without significantly impacting on customers. The service is legally obliged to take bookings up to one year in advance and ceremony bookings traditionally increase from April, particularly in the Easter period.

There is a risk that increasing fees could reduce demand for services, or shift demand to cheaper alternatives. However, benchmarking data suggests that Rotherham would still remain competitive in both price and range of services offered.

Failure to increase fees means the service would be delivered at a loss. Current financial constraints indicate that the Council is not in a position to subsidise services.

#### 10. Policy and Performance Agenda Implications

A range of celebratory services, at varying fees, are offered; this includes the minimum statutory fee. The scope of services offered ensures access and choice for all citizen groups.

The Registration Service regularly receives compliments in relation to celebratory services and no upheld complaints were received in the annual monitoring period ending 31<sup>st</sup> March, 2012.

Overall customer satisfaction for the service was 98.2% in the same annual monitoring period. Services are delivered to a very high standard and it is anticipated that an increase in fees would not reduce overall satisfaction levels.

### 11. Background papers and Consultation

Heritage Lottery Fund has confirmed that it has no objection to the proposal, so long as there is no adverse impact on existing customers.

Cabinet Member Report for Culture & Tourism, Heritage Services – Service Offer 2013/14, dated 5<sup>th</sup> February, 2013.

No changes to planning permission needed.

Benchmarking Data for fees is provided in Appendix 1.

#### 13. Contact names

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# **APPENDIX 1 - ROTHERHAM BOROUGH COUNCIL REPORT TO MEMBERS**Registration Service Fees Review

### Table of proposed fees for Marriage & Civil Partnership based on a cost recovery calculation

Ceremony Type/Venue	Fee	Mon - Thur	Friday	Sat to 6pm	Sun	Bank Holiday to 6pm
Clifton Park Museum Basic	Non variable statutory fee	45.00	45.00	N/A	N/A	N/A
Clifton Park Museum Enhanced	Proposed Fee	105.00	130.00	N/A	N/A	N/A
	Current Fee	67.00	67.00	N/A	N/A	N/A
Clifton Park	Proposed Fee	N/A	N/A	150.00	N/A	N/A
Museum Premium	Current Fee	N/A	N/A	77.00	N/A	N/A
Approved Venue	Proposed Fee	175.00	235.00	245.00	320.00	485.00
	Current Fee	160.00	160.00	230.00	230.00	305.00

## **Benchmarking Marriage and Civil Partnership**

Local Authority	Register Office Mon - Fri	Register Office Sat	Approved Venue Mon - Thur	Approved Venue Fri	Approved Venue Sat to 6pm	Approved Venue Sun	Approved Venue Bank Holiday to 6pm
Barnsley	61.50	81.50	227.50	297.50	331.50	388.00	404.00
Calderdale	Statutory only	Statutory only	320.00	320.00	380.00	380.00	380.00
East Riding of Yorkshire	90.00 or 135.00	120.00 or 190.00	240.00	270.00	370.00	410.00	410.00
Hull	70.00 or 130.00	130.00	250.00	285.00	320.00	375.00	375.00
Kirklees	87.00 or 113.00	153.00	320.00	320.00	320.00	390.00	390.00
Leeds	95.00 or 120.00	150.00 or 160.00	285.00	330.00	360.00	405.00	405.00
N Lincolnshire	85.00 or 110.00	125.00	290.00	295.00	330.00	400.00	400.00
Sheffield	110.00 or 130.00	130.00	225.00	290.00	305.00	360.00	430.00

## Table of proposed fees for Naming and Renewal Ceremonies based on a cost recovery calculation

Ceremony Venue	Naming/ Renewal Of Vows	Mon – Thur	Fri	Sat to 6pm	Sun	Bank Holiday to 6pm
Clifton Park	Proposed Fee	130.00	165.00	215.00	NA	NA
Museum	Current Fee	75.00	75.00	100.00	NA	NA
Approved Venue	Proposed Fee	195.00	250.00	265.00	355.00	515.00
	Current Fee	150/200	150/200	150/200	150/200	150/200

# **Benchmarking Naming and Renewal Ceremonies**

Local Authority	Register Office Mon - Fri	Register Office Sat	Approved Venue Mon - Thur	Approved Venue Fri	Approved Venue Sat to 6pm	Approved Venue Sun	Approved Venue Bank Hol to 6pm
Barnsley	NA	NA	165.00	165.00	165.00	165.00	165.00
Calderdale	150.00	150.00	150.00	150.00	150.00	150.00	150.00
East Riding of Yorkshire	135 or 190	190.00	240.00	270.00	370.00	370.00	370.00
Hull	70 or 130	130.00	150.00	285.00	375.00	375.00	375.00
Kirklees	85	105.00	210.00	210.00	210.00	265.00	N/A
Leeds	155	210.00 or 220.00	285.00	330.00	360.00	405.00	405.00
N Lincolnshire	114 or 228	198.00 or 252.00	228.00	240.00	252.00	300.00	300.00
Sheffield	75	75.00	150.00	150.00	150.00	150.00	150.00

# Table of proposed fees for Private Citizenship ceremonies based on a cost recovery calculation

Ceremony Venue	Private Citizenship	Mon– Fri
Clifton Park	Proposed Fee	80
Museum	Current Fee	68

# **Benchmarking Private Citizenship ceremonies**

Local Authority	Register Office Mon - Fri	Register Office Sat
Barnsley	N/A	N/A
Calderdale	75.00	N/A
East Riding of Yorkshire	135.00 or 190.00	190.00
Hull	70.00	N/A
Kirklees	85.00	105.00
Leeds	110.00	110.00
N Lincolnshire	75.00 or 95.00	N/A
Sheffield	50.00	N/A

# Agenda Item 9

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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# Agenda Item 10

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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