

A meeting of the **OVERVIEW AND SCRUTINY PANEL (ENVIRONMENT, COMMUNITIES AND PARTNERSHIPS)** will be held in **CIVIC SUITE, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN** on **THURSDAY, 2 NOVEMBER 2023** at **7:00 PM** and you are requested to attend for the transaction of the following business:-

AGENDA

APOLOGIES

1. MINUTES (Pages 5 - 6)

To approve as a correct record the Minutes of the Overview and Scrutiny Panel (Environment, Communities and Partnerships) meeting held on 5th October 2023.

Contact Officer: B Buddle
01480 388008

2. RESPONSES TO QUESTIONS ARISING FROM PREVIOUS MEETINGS (Pages 7 - 8)

To note responses received to questions asked at previous meetings.

Contact Officer: B Buddle
01480 388008

3. MEMBERS' INTERESTS

To receive from Members declarations as to disclosable pecuniary and other interests in relation to any Agenda item.

Contact Officer: B Buddle
01480 388008

4. OVERVIEW AND SCRUTINY WORK PROGRAMME (Pages 9 - 22)

- a) The Panel are to receive the Overview and Scrutiny Work Programme
- b) Members to discuss future planning of items for the Work Programme

Contact Officer: B Buddle
01480 388008

5. COUNCIL TAX SUPPORT SCHEME 2024/25 (Pages 23 - 66)

The Panel is invited to comment on the Council Tax Support Scheme report.

Executive Councillor: S Ferguson

**Contact Officer: K Kelly
01480 388151**

6. TRANSFER OF PUBLIC OPEN SPACES POLICY (Pages 67 - 120)

The Panel is invited to comment on the Transfer of Public Open Spaces Policy and Public Open Space Transfer Process.

Executive Councillor: S Taylor

**Contact Officer: N Sloper
01480 388635**

7. GARDEN WASTE SUBSCRIPTION SERVICE IMPLEMENTATION UPDATE

To receive a presentation updating the Panel on the implementation of the Garden waste subscription service.

Executive Councillor: M Hassall

**Contact Officer: L Smith
01480 388290**

8. A14 TREE PLANTING UPDATE

To receive a presentation updating the Panel on the A14 Tree Planting project.

Executive Councillor: L Davenport-Ray

**Contact Officer: N Sloper
01480 388635**

25 day of October 2023

Michelle Sacks

Chief Executive and Head of Paid Service

Disclosable Pecuniary Interests and other Registerable and Non-Registerable Interests.

Further information on [Disclosable Pecuniary Interests and other Registerable and Non-Registerable Interests is available in the Council's Constitution](#)

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The District Council also permits filming, recording and the taking of photographs at its meetings that are open to the public. Arrangements for these activities should operate in accordance with [guidelines](#) agreed by the Council.

Please contact Mrs Beccy Buddle, Democratic Services Officer (Scrutiny), Tel No: 01480 388008/e-mail Beccy.Buddle@huntingdonshire.gov.uk if you have a general query on any Agenda Item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Committee/Panel.

Specific enquiries with regard to items on the Agenda should be directed towards the Contact Officer.

Members of the public are welcome to attend this meeting as observers except during consideration of confidential or exempt items of business.

Agenda and enclosures can be viewed on the [District Council's website](#).

Emergency Procedure

In the event of the fire alarm being sounded and on the instruction of the Meeting Administrator, all attendees are requested to vacate the building via the closest emergency exit.

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HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the OVERVIEW AND SCRUTINY PANEL (ENVIRONMENT, COMMUNITIES AND PARTNERSHIPS) held in Civic Suite, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Thursday, 5 October 2023.

PRESENT: Councillor J E Kerr – Chair.

Councillors T Alban, M J Burke, S Bywater, S J Criswell, N J Hunt and M Kadewere.

APOLOGY(IES): Apologies for absence from the meeting were submitted on behalf of Councillors S Cawley, J E Harvey, C Lowe and D J Shaw.

IN ATTENDANCE: Councillor B M Pitt.

22. MINUTES

The Minutes of the meeting held on 7th September 2023 were approved as a correct record and signed by the Chair.

23. MEMBERS' INTERESTS

No declarations were received.

24. OVERVIEW AND SCRUTINY WORK PROGRAMME

With the aid of a report by the Democratic Services Officer (Scrutiny) (a copy of which is appended in the Minute Book) the Overview and Scrutiny Work Programme was presented to the Panel and the current Notice of Key Executive Decisions which had been prepared by the Executive Leader for the period 1st October 2023 to 31st January 2024 was noted.

25. SUPPORT TO THE FINANCIALLY VULNERABLE

By means of a report and presentation by the Interim Corporate Director (People) (copies of which were appended in the Minute Book), the Support to the Financially Vulnerable Report was presented to the Panel.

Councillor Kerr observed that the positive difference in the community is already noticeable and praised the good work undertaken so far.

Following a question from Councillor Cawley, the Panel heard that a case management approach was being taken to ensure best practice with partners to develop a pathway in place of referrals. It was further advised that the challenge was not underestimated but that by being engaged with partners it was possible to move forward together for the benefit of residents.

In response to a question from Councillor Alban on bed blocking, the

Panel were advised that by working with partners in health, it is possible to manage the realisation of an ageing population within the district by building in success instead of responding to failure. The work being undertaken ensures that the Council are shaping this agenda and leading the conversation.

The Panel were further advised that the Council were supporting partners to ensure they have everything needed to support residents.

Following a question from Councillor Bywater, the Panel heard that spending was on track and that outcomes would be monitored and reported on in due course. The Panel were further assured that the providers had been appointed across the district to ensure that the outcomes were deliverable to all residents and that community groups were being supported to enable self sufficiency in the long term with clear deliverables.

In response to a question from Councillor Hunt, the Panel heard that contacts were being developed and opportunities maximised to the benefit of local communities and providing the best support for local residents.

The Panel were supportive of the work undertaken to date and shared best practice examples from their local communities.

Chair

Overview and Scrutiny (Environment, Communities & Partnerships) Panel – Questions requiring a response.

| Minute No. | Item | Councillor | Question | Answer |
|-------------------|----------------|-------------------|---|--|
| | Work Programme | Cllr Alban | Update on Lettings Policies for previous developments specifically Roman's Edge, Godmanchester. | Following the initial implementation of the Lettings Plans, a 12 month review was conducted which found that the plan had given a positive and balanced mix of tenants on the first lets of properties within the development. This is now a delegated power so no further updates are planned. The 2018 review of the Lettings Plan can be viewed online Agenda for Overview and Scrutiny Panel (Customers and Partnerships) on Thursday, 8 November 2018, 7:00 pm - Huntingdonshire.gov.uk |

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Overview and Scrutiny Work Programme 2023-24

| Performance and Growth Agenda Items | | | |
|--|--|------------------------|--|
| Meeting Date | Pre-Scrutiny | Scrutiny Review | Task and Finish Groups Working Groups |
| 1 st November 2023 | <ul style="list-style-type: none"> • Risk Management Strategy • Performance Management Framework • Corporate Performance Report 2023/24 Q2 • Finance Performance Report 2023/24 Q2 • Treasury Management Six Months Performance Review | | |
| 6 th December 2023 | <ul style="list-style-type: none"> • Infrastructure Funding Statement 2022/23 • Market Towns Programme – Winter Update | | |
| 31 st January 2024 | <ul style="list-style-type: none"> • Final 2024/25 Budget and Medium - Term Financial Strategy (2025/26 to 2028/29) including Capital programme • 2024/25 Treasury Management, Capital and Investment Strategies • Financial Performance Report 2023/24 Q3 • Corporate Performance Report 2023/24 Q3 | | |
| 6 th March 2024 | <ul style="list-style-type: none"> • Market Towns Programme – Spring Update | | |
| Unscheduled/Pending Further Details | | | <ul style="list-style-type: none"> • Market Towns Programme • Business Development |

Environment, Communities and Partnerships Agenda Items

| Meeting Date | Pre-Scrutiny | Scrutiny Review | Task and Finish Groups Working Groups |
|--|---|--|--|
| 2 nd November 2023 | <ul style="list-style-type: none"> • Redesign of Council Tax Support Scheme • Open Spaces Transfer/Lease Policy | <ul style="list-style-type: none"> • Garden Waste Subscription Service – Parish Council Engagement Update • Tree Planting on A14 | |
| 7 th December 2023 | <ul style="list-style-type: none"> • Non Domestic Rates Rural Settlements List | <ul style="list-style-type: none"> • Open Spaces Update • Flooding Management Update | |
| 4 th January 2024 | <ul style="list-style-type: none"> • Electric Vehicle Charging Strategy | <ul style="list-style-type: none"> • Update on Reducing the Carbon Impact of Council Facilities • Update on Alternative Land Management Scheme | |
| 1 st February 2024 | <ul style="list-style-type: none"> • Non Domestic Rates Discretionary Rate Relief Policy | | |
| Unscheduled/ Pending Further Details | | <ul style="list-style-type: none"> • GP Waiting Times • Issue of concrete affecting public buildings – specifically Hinchingsbrooke Hospital • Lack of NHS Dentists within the District • Corporate performance reports • Great Fen Project update • Romans Edge Lettings Plan – <i>see November agenda item 2</i> | <ul style="list-style-type: none"> • Engagement with Parish Councils and development of relationship • Hydrogen Vehicles • Environmental impacts on planning – renewable energy, green spaces |

Task and Finish Groups

Performance and Growth

Review of External Appointments to Outside Organisations

Membership: Cllrs S Cawley, S J Corney, I D Gardener and S A Howell

Progress:

Summer 2022: Terms of Reference have been established. Questionnaire has been sent to all relevant boards and organisations. Regular meetings are established from September.

September 2022: Evidence and information gathering underway.

November 2022: Information gathering completed.

February 2023: Report presented to O&S Panel and Cabinet

March 2023: Cabinet response to the report received by the Panel.

July 2023: Communication to be sent to all Councillors who are representatives on outside organisations to advise the new reporting progress.

Next steps: Plan to regularly review and monitor implementation of recommendations.

Environment, Communities and Partnerships

Climate Working Group

Members: Cllrs T D Alban, J Kerr, C Lowe and D Shaw

Lead Officer: Neil Sloper

Progress:

November 2022: Initial Meetings held to establish Terms of Reference for the group.

April 2023: Regular meetings established. Evidence and information gathering to be progressed.

Group to be involved in the Electric Vehicle Charging Strategy Development.

Next Steps: Subgroup formed to develop the Electric Vehicle Charging Strategy.

Ongoing dialogue with the team to develop a proposed work plan.

Climate Sub Group
Electric Vehicle Charging Strategy

Members: Cllrs T D Alban, J Kerr, C Lowe and D Shaw

Lead Officer: George McDowell

Progress:

February 2022: Initial meeting held

May 2023: Regular meetings established. Residents survey agreed.

July 2023: Meeting to review the outcome of the survey.

September 2023: Meeting to review applications for the EV pilot scheme

Next Steps: Final report anticipated for January 2024 cycle of meetings

NOTICE OF EXECUTIVE KEY DECISIONS INCLUDING THOSE TO BE CONSIDERED IN PRIVATE

Prepared by: Councillor Sarah Conboy, Executive Leader of the Council
Date of Publication: 12 October 2023
For Period: 1 November 2023 to 29 February 2024

Membership of the Cabinet is as follows:

| Councillor Details | | Councillor Contact Details |
|----------------------------|--|--|
| Councillor S J Conboy | Executive Leader of the Council and Executive Councillor for Place | Cloudberry Cottage 9 Earning Street Godmanchester Huntingdon PE29 2JD Tel: 01480 414900 / 07831 807208 E-mail: Sarah.Conboy@huntingdonshire.gov.uk |
| Councillor L Davenport-Ray | Executive Councillor for Climate & Environment | 73 Hogsden Leys St Neots Cambridgeshire PE19 6AD E-mail: Lara.Davenport-Ray@huntingdonshire.gov.uk |
| Councillor S Ferguson | Executive Councillor for Customer Services | 9 Anderson Close St Neots Cambridgeshire PE19 6DN Tel: 07525 987460 E-mail: Stephen.Ferguson@huntingdonshire.gov.uk |

| | | |
|--------------------------|---|--|
| Councillor M Hassall | Executive Councillor for Corporate & Shared Services | Care of Huntingdonshire District Council St Mary's Street Huntingdon Cambridgeshire PE29 3TN Tel: 07825 193572 E-mail: Martin.Hassall@huntingdonshire.gov.uk |
| Councillor B Mickelburgh | Executive Councillor for Finance & Resources | 2 Grainger Avenue Godmanchester Huntingdon Cambridgeshire PE29 2JT Tel: 07441 392492 E-mail: Brett.Mickelburgh@huntingdonshire.gov.uk |
| Councillor B Pitt | Executive Councillor for Community & Health | 17 Day Close St Neots Cambridgeshire PE19 6DF Tel: 07703 169273 E-mail: Ben.Pitt@huntingdonshire.gov.uk |
| Councillor T Sanderson | Deputy Executive Leader and Executive Councillor for Planning | 29 Burmoor Close Huntingdon Cambridgeshire PE29 6GE Tel: 01480 436822 E-mail: Tom.Sanderson@huntingdonshire.gov.uk |

| | | |
|-----------------------|---|---|
| Councillor S Taylor | Executive Councillor for Leisure, Waste & Street Scene | 66 Wren Walk Eynesbury St Neots Cambridgeshire PE19 2GE Tel: 07858 032076 E-mail: Simone.Taylor@huntingdonshire.gov.uk |
| Councillor S Wakeford | Executive Councillor for Jobs, Economy and Housing | 4 Croft Close Brampton Huntingdon Cambridgeshire PE28 4TJ Tel: 07762 109210 E-mail: Sam.Wakeford@huntingdonshire.gov.uk |

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notice is hereby given of:

- Key decisions that will be taken by the Cabinet (or other decision maker)
- Confidential or exempt executive decisions that will be taken in a meeting from which the public will be excluded (for whole or part).

notice/agenda together with reports and supporting documents for each meeting will be published at least five working days before the date of the meeting. In order to enquire about the availability of documents and subject to any restrictions on their disclosure, copies may be requested by contacting the Democratic Services Team on 01480 388169 or E-mail Democratic.Services@huntingdonshire.gov.uk.

Agendas may be accessed electronically at the [District Council's website](#).

Formal notice is hereby given under The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 that, where indicated part of the meetings listed in this notice will be held in private because the agenda and reports for the meeting will contain confidential or exempt information under Part 1 of Schedule 12A to the Local Government (Access to Information) Act 1985 (as amended) and that the public interest in withholding the information outweighs the public interest in disclosing it. See the relevant paragraphs below.

Any person who wishes to make representations to the decision maker about a decision which is to be made or wishes to object to an item being considered in private may do so by emailing Democratic.Services@huntingdonshire.gov.uk or by contacting the Democratic Services Team. If representations are received at least eight working days before the date of the meeting, they will be published with the agenda together with a statement of the District Council's response. Any representations received after this time will be verbally reported and considered at the meeting.

Paragraphs of Part 1 of Schedule 12A to the Local Government (Access to Information) Act 1985 (as amended) (Reason for the report to be considered in private)

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the Financial and Business Affairs of any particular person (including the Authority holding that information)
4. Information relating to any consultations or negotiations or contemplated consultations or negotiations in connection with any labour relations that are arising between the Authority or a Minister of the Crown and employees of or office holders under the Authority
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings
6. Information which reveals that the Authority proposes:-
 - (a) To give under any announcement a notice under or by virtue of which requirements are imposed on a person; or
 - (b) To make an Order or Direction under any enactment
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Huntingdonshire District Council
Pathfinder House
St Mary's Street
Huntingdon PE29 3TN.

- Notes:-
- (i) Additions changes from the previous Forward Plan are annotated ***
 - (ii) Part II confidential items which will be considered in private are annotated ## and shown in italic.

| Subject/Matter for Decision | Decision/ recommendation to be made by | Date decision to be taken | Documents Available | How relevant Officer can be contacted | Reasons for the report to be considered in private (paragraph no.) | Relevant Executive Councillor | Relevant Overview & Scrutiny Panel |
|--|--|---------------------------|---------------------|--|--|-------------------------------|------------------------------------|
| Risk Management Strategy*** | Cabinet | 14 Nov 2023 | | Karen Sutton, Director Finance and Corporate Services Tel No: (01480) 387072 or Email: karen.sutton@huntingdonshire.gov.uk | | M Hassall | Performance & Growth |
| Redesign of Council Tax Support Scheme | Cabinet | 14 Nov 2023 | | Katie Kelly, Revenue and Benefits Manager Email: katie.kelly@huntingdonshire.gov.uk | | S Ferguson | |
| Performance Management Framework | Cabinet | 14 Nov 2023 | | Emma Charter, Performance and Data Analyst Tel: (01480) 388013 or Email: emma.charter@huntingdonshire.gov.uk | | S Ferguson | Performance & Growth |

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| Subject/Matter for Decision | Decision/ recommendation to be made by | Date decision to be taken | Documents Available | How relevant Officer can be contacted | Reasons for the report to be considered in private (paragraph no.) | Relevant Executive Councillor | Relevant Overview & Scrutiny Panel |
|--|--|--|---------------------|---|--|-------------------------------|---|
| Open Transfer/Lease Policy*** | Cabinet | 14 Nov 2023 | | Neil Sloper, Assistant Director Strategic Insights and Delivery Tel No: (01480) 388635 or Email: Neil.Sloper@huntingdonshire.gov.uk | | S Taylor | Environment, Communities and Partnerships |
| Community Chest Grant Aid Awards 2023/24 | Grants Panel | 15 Nov 2023 20 Dec 2023 17 Jan 2024 21 Feb 2024 | | Claudia Deeth, Community Resilience Manager Tel No: (01480) 388233 or Email: Claudia.Deeth@huntingdonshire.gov.uk | | B Pitt & M Hassall | Environment, Communities & Partnerships |

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| Subject/Matter for Decision | Decision/ recommendation to be made by | Date decision to be taken | Documents Available | How relevant Officer can be contacted | Reasons for the report to be considered in private (paragraph no.) | Relevant Executive Councillor | Relevant Overview & Scrutiny Panel |
|---|--|---------------------------|---------------------|---|--|-------------------------------|--|
| Infrastructure Funding Statement | Cabinet | 12 Dec 2023 | | Clara Kerr, Chief Planning Officer Tel: (01480) 388430 or Email: clara.kerr@huntingdonshire.gov.uk | | T Sanderson | Performance & Growth |
| Market Towns Programme Winter Update | Cabinet | 12 Dec 2023 | | Pamela Scott, Regeneration and Housing Delivery Manager Tel No: (01480) 388486 or Email: pamela.scott@huntingdonshire.gov.uk | | S Wakeford | Performance & Growth |
| Non-Domestic Rates Rural Settlements List | Cabinet | 12 Dec 2023 | | Katie Kelly, Revenue and Benefits Manager Tel No: 01480 388388 or Email: Katie.Kelly@huntingdonshire.gov.uk | | S Ferguson | Environment, Communities & Partnership |

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| Subject/Matter for Decision | Decision/ recommendation to be made by | Date decision to be taken | Documents Available | How relevant Officer can be contacted | Reasons for the report to be considered in private (paragraph no.) | Relevant Executive Councillor | Relevant Overview & Scrutiny Panel |
|---|--|---------------------------|---------------------|--|--|-------------------------------|---|
| Approval of Council Tax Base 2024/25 | Cabinet, Chair of Corporate Governance and Section 151 Officer | 14 Dec 2023 | | Katie Kelly, Revenue and Benefits Manager Tel No: 01480 388388 or email: Katie.Kelly@huntingdonshire.gov.uk | | N Wells | Performance & Growth |
| Electric Vehicle Charging Strategy | Cabinet | 16 Jan 2024 | | George McDowell, Parking Services Officer Tel: (01480) 388386 or Email: george.mcdowell@huntingdonshire.gov.uk | | L Davenport-Ray | Environment, Communities & Partnerships |
| 2024/25 Treasury Management, Capital and Investment Strategies*** | Cabinet | 6 Feb 2024 | | Karen Sutton, Director Finance and Corporate Services Tel No: (01480) 387072 or Email: karen.sutton@huntingdonshire.gov.uk | | B Mickelburgh | Performance & Growth |

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| Subject/Matter for Decision | Decision/ recommendation to be made by | Date decision to be taken | Documents Available | How relevant Officer can be contacted | Reasons for the report to be considered in private (paragraph no.) | Relevant Executive Councillor | Relevant Overview & Scrutiny Panel |
|---|--|---------------------------|---------------------|--|--|-------------------------------|---|
| Final 2024/25 Budget and Medium Term Financial Strategy (2025/26 to 2028/29) including Capital Programme*** | Cabinet | 6 Feb 2024 | | Karen Sutton, Director Finance and Corporate Services Tel No: (01480) 387072 or Email: karen.sutton@huntingdonshire.gov.uk | | B Mickelburgh | Performance & Growth |
| Non-Domestic Rates Discretionary Relief Policy*** | Cabinet | 6 Feb 2024 | | Katie Kelly, Revenue and Benefits Manager Email: katie.kelly@huntingdonshire.gov.uk | | S Ferguson | Environment, Communities & Partnerships |

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**Public
Key Decision - Yes**

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Council Tax Support Scheme 2024/25

Meeting/Date: Overview & Scrutiny (Environment, Communities and Partnerships)

Executive Portfolio: Cllr S Ferguson

Report by: K Kelly – Revenues & Benefits Manager

Ward(s) affected: All

Executive Summary:

This report sets out actions taken to date to redesign the Council's Council Tax Support Scheme along with a recommendation for a new scheme to be adopted with effect from 1st April 2024.

RECOMMENDED

The Overview and Scrutiny Panel is invited to comment on the Council Tax Support Scheme report and appendices.

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Public
Key Decision - Yes

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Council Tax Support Scheme 2024/25

Meeting/Date: Cabinet 14th November 2023

Executive Portfolio: Cllr S Ferguson

Report by: K Kelly – Revenues & Benefits Manager

Ward(s) affected: All

Executive Summary:

Since the abolition of Council Tax Benefit in 2013, Local Authorities in England have been required to administer their own Council Tax Support (CTS) schemes.

Whilst support for residents of pensionable age is determined by Central Government, schemes for working age residents are set locally. Local Authorities are required to review their CTS schemes annually and to decide to either maintain their existing scheme or replace it.

A review of the CTS scheme provides an opportunity to ensure the scheme best meets the needs of our residents and contributes to the Corporate Plan commitment to both prevent crisis, and to support those in crisis. The recommended amendments to the scheme will also contribute to Priority 3 of the Corporate Plan – to deliver good quality, high value for money services with good control and compliance with statutory obligations.

This report sets out the action taken to date to redesign the CTS scheme to ensure that it is fit for the future, provides the rationale for change and leads to a recommendation that the Council approves the introduction of a new, income-banded scheme for working age applicants with effect from 1st April 2024, increasing levels of support available to the most vulnerable residents across Huntingdonshire.

Given that CTS is a reduction on the taxbase, it should be noted there would be financial implications for all precepting authorities, in particular Cambridgeshire County Council (CCC). The recommendations contained within the report support the CCC ambition to help people out of poverty and income inequality.

The draft scheme design has been subject to a statutory consultation process and in addition to the public consultation, major preceptors were invited to comment on the proposals. Although further information relating to the estimated financial impact was sought from Cambridgeshire County Council, no consultation responses were received from the Major Preceptors. Parish Councils were invited to participate in the public consultation, and responses are included in the totals in APPENDIX A.

Recommendation(s):

The Council is asked to approve the introduction of a new income-banded CTS scheme for working age applications with effect from 1st April 2024

The reasons for the recommendation are as follows:

- Increasing the level of support for eligible residents directly supports the aims specified within the Corporate Plan, to keep people out of crisis and to help those in crisis.
- Simplifying the scheme to make it more accessible for residents, reducing the administrative burden and improving delivery times directly supports the aim specified within the Corporate Plan to deliver good quality, value-for-money services with good control and compliance with statutory obligations.
- The reduction in caseload and therefore reduction of the impact of CTS on the taxbase provides an opportunity to consider increasing support to those most in need.

PURPOSE OF THE REPORT

- 1.1 The Council is required to review the CTS scheme each year in accordance with schedule 1A of the Local Government Finance Act 1992 and decide to maintain or amend the scheme. Where changes to the scheme are proposed, Councils must publish a draft scheme and consult with local taxpayers and precepting authorities prior to implementation.
- 1.2 The current CTS scheme has remained largely unchanged since its introduction in 2013, when its design was largely informed by Council Tax Benefit along with limits to the maximum amount of Council Tax liability that could be covered by the scheme. However, the introduction of Universal Credit (UC) has significantly increased the administrative burden for Councils, as the responsive nature of UC awards leads to high levels of changes to administer.
- 1.3 Along with the Council's commitments within the Corporate Plan to both prevent crisis and support those in crisis, and to deliver good quality, high value-for-money services, a reduction to the additional work generated by UC changes has been a key driver for a detailed review to be conducted. There has been a decline in caseload since CTS was first introduced and this has presented an opportunity to consider if support can be increased to further support low-income families through difficult economic times.
- 1.4 Scheme design and modelling has been conducted with the support of industry experts ACS Ltd, who have worked with over 250 Local Authorities in relation to CTS and have assisted 95 LAs to successfully implement changes to their CTS schemes. Consideration has been given to national trends in CTS schemes alongside considerable analysis of our own data to develop a scheme to best support Huntingdonshire residents.

BACKGROUND

- 2.1 CTS is a means-tested support scheme that reduces the amount of Council Tax payable by residents on low incomes. Whilst CTS rules for pension age residents are prescribed by Central Government, Local Authorities are required to design and administer their own schemes to support residents of working age.
- 2.2 Prior to the implementation of CTS in 2013, Local Authorities administered Council Tax Benefit on behalf of the Department for Work and Pensions and received funding to support the cost. As part of the move to Localised CTS, Government reduced the funding by 10%, resulting in many Local Authorities introducing schemes where recipients were required to make a minimum contribution towards their Council Tax. Huntingdonshire District Council set contribution levels within the scheme to be as follows:

| Scheme Name | Maximum CTS award | Minimum Contribution to Council Tax |
|--|-------------------|-------------------------------------|
| Working Age | 80% | 20% |
| Working Age - household includes child under 5 years of age | 85% | 15% |
| Working Age – applicant or child deemed vulnerable (based on disability) | 100% | 0% |

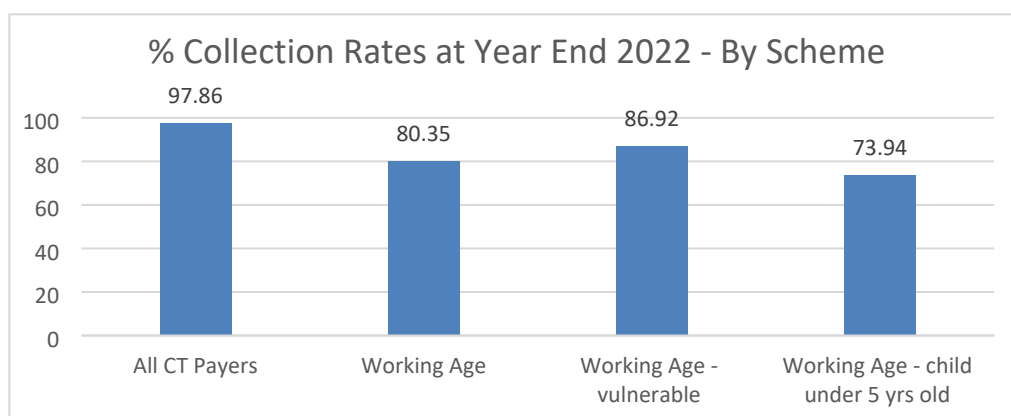
2.3 Pensioners can receive up to 100% support via the scheme prescribed by Central Government. The Council has no power to change this amount.

2.4 Since 2013 only minor changes have been made to the scheme and a more fundamental change is now required if the system is to continue to provide effective and efficient support to low-income households across Huntingdonshire.

3.0 RATIONALE FOR CHANGE

Levels of support

3.1 Whilst there is an expectation within the current scheme for residents to contribute towards Council Tax unless the household is considered vulnerable, the limit on the amount of support available has not always delivered the desired outcome. Indeed, collection rates at the end of March 2022 showed a lower collection rate for those in receipt of CTS than those that were not.



3.2 The value of Council Tax uncollected at the end of the financial year 2022/23 for CTS working age recipients was around £320k, although collection activity in respect of this continues into the next financial year.

3.3 This suggests that perhaps despite our requirement for contribution within the existing scheme, residents within these groups may not always have sufficient financial capacity to meet this requirement. For example, a single person aged 25 on Universal Credit will be awarded a standard UC element excluding any Housing Costs of £368.74 per calendar month / £85.09 per week. Residing in a band B property in St Neots, CTS would be calculated as follows:

| | |
|-----------------------------|----------------------------|
| Annual CTAX charge 2023 | £ 1,737.64 |
| Less Single Person Discount | £ 434.41 |
| Net Liability | £ 1,303.23 |
| CTS (80%) | £ 1,042.58 |
| Net balance to pay | £ 260.65 (£5.01 pw) |

- 3.4 After the contribution to Council Tax, the resident would have just £80.08 per week to cover all other living expenses, such as food, gas, electricity, water, insurance, travel expenses etc.
- 3.5 Whilst the principle of all working age households paying a contribution was initially thought to be an approach which would be central to the design of CTS schemes, the reality is that since its introduction 10 years ago, low-income taxpayers and the poorest households have often struggled to pay the balance remaining, leading to additional costs, court hearings, enforcement action and, in some cases, the amounts demanded may have been written off as uncollectable.
- 3.6 Given the current economic climate there is a need to consider if the requirement for a contribution towards council tax in such circumstances really is proportionate or indeed feasible, given the administrative overheads of pursuing such a small debt from those with the least financial capability to pay.

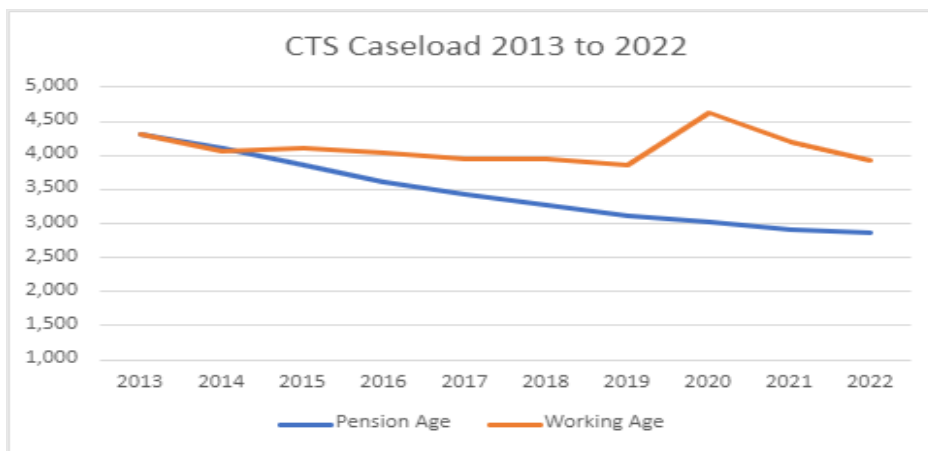
Universal Credit and its impact on Administration

- 3.7 Since the introduction of Universal Credit (UC), local authorities have seen a considerable increase in workload per claim, despite the reduction in caseload. The responsive nature of UC means on average, 40% of UC claimants have between 8 and 12 changes in the amount of UC awarded per annum. For HDC this equates to around 32k changes per annum currently, and this will continue to increase as more customers transition onto UC over the coming years.
- 3.8 Generally, each time the UC award changes so too does the amount of CTS, impacting on Council Tax bills, collection and cashflow as new bills are issued and instalments change. Multiple changes make it difficult for low-income households to budget effectively as the amount they are required to pay can fluctuate every month. As more residents' transition to UC from legacy benefits the impact of these changes will continue to grow, increasing resource requirements for Local Authorities to process the changes across both CTS and Council Tax collection, and impacting on the Council's ability to process new claims and other changes in a timely manner.
- 3.9 As a result of the national rollout of UC, around 30% of authorities have implemented CTS schemes with income bands to help reduce the impact of frequent changes. With income-banded schemes, small changes to income do not always result in a change to the amount of CTS awarded, reducing the requirement to issue updated Council Tax bills and providing more certainty regarding payment amounts for residents. Additional benefits include:

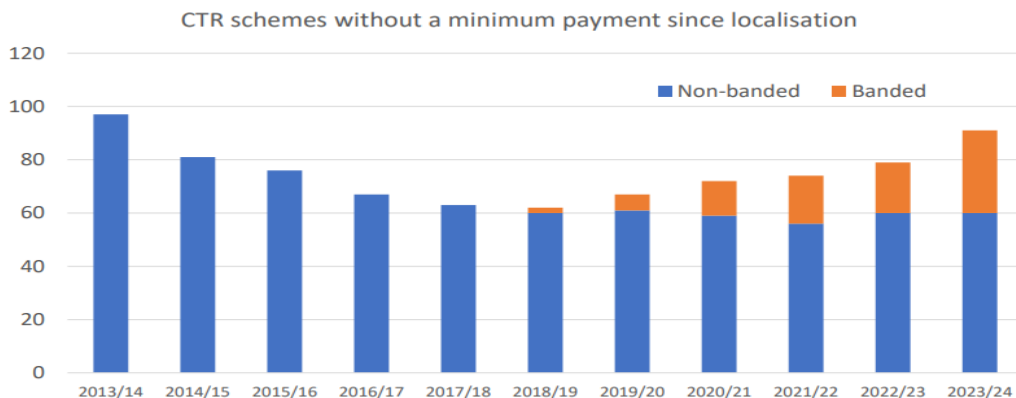
- ✓ Easier for residents to understand and access.
- ✓ Reduction in Council Tax bills being sent as change in circumstances will not always generate changes to entitlement.
- ✓ Simplified administration and training requirements
- ✓ Opportunities for greater process automation
- ✓ Improvements in processing times to deliver support more quickly to those in need

Caseloads

3.10 Since the introduction of CTS in 2013 caseloads have fallen consistently, largely driven by a reduction in pensioner claims as a result of pensioners receiving increases in state and occupational pensions higher than the allowances within the prescribed regulations.



3.11 This reduction in caseload provides an opportunity to consider increasing the level of support offered to those households on the lowest incomes, as the overall reduction to the taxbase in respect of CTS has declined over time and the proportion of Council Tax yield foregone in respect of CTS has reduced. Indeed, a report of CTS schemes in 2023/24 published by Entitled To shows a growing trend toward Councils moving towards increasing the maximum support.



Source: Entitled To - Review of Council Tax Reduction Schemes 2023/24, May 2023

4. SCHEME DESIGN

- 4.1 Local authorities have freedom around what their working age schemes should look like, and the sheer number of options available can make it difficult to identify what design might best support local residents in line with Council objectives. Therefore, two key principles have underpinned this design process:
- i) The scheme needs to align with the HDC corporate plan, particularly around our commitment to prevent crisis and to support those in crisis;
 - ii) The administrative burden needs to be reduced to support our aim of delivering good quality, high value-for-money services
- 4.2 Using these principles and the rationale for change already detailed, the proposed scheme has been designed to use income bands to provide a more straightforward indication of CTS award amounts and to reduce the impact of small changes to CTS amounts on Council Tax bills. The scheme also looks to remove the maximum liability limit of the existing scheme, providing increased support of up to 100% of Council Tax liability to low-income households across the district.
- 4.3 The new scheme design has been subject to a full consultation process with the public and the major precepting authorities, in line with legislative requirements. No consultation responses were received from the Major precepting authorities, and responses to the public consultation are shown in APPENDIX A.
- 4.4 It should be noted that the Council has received no adverse responses to the proposed approach from the major preceptors and in the case of the public consultation, all changes proposed have received a positive majority response. 75% of respondents were in favour of introducing the proposed scheme, with 16% against and 9% not indicating a preference.
- 4.5 The consultation asked respondents to indicate yes / no / don't know in relation to proposals in each of the change categories. Provision was also made for respondents to provide further comment in support of their responses if they wished. Some comments were received but these have not impacted on the overall positive outcome of each question.
- 4.6 The scheme has been designed to provide increased levels of support to the low-income households by increasing the maximum amount up to 100%, and by replacing the various "personal allowances" in the current scheme with an income-banded model as shown below, the scheme is easier to understand. The figures shown in the table below are based on 2023-24 income figures.

| Band | Discount | Single Person (weekly net income) | Couple with no children (weekly net income) | Couple or Lone Parent with one child/young person (weekly net income) | Couple or Lone Parent with two children /young persons (weekly net income) | Couple or Lone Parent with three children /young persons (weekly net income) | Couple or Lone Parent with four or more children/young persons (weekly net income) |
|------|----------|-----------------------------------|---|---|--|--|--|
| 1* | 100% | £0 to £86.00 | £0 to £135.00 | £0 to £196.00 | £0 to £258.00 | £0 to £321.00 | £0 to £383.00 |
| 2 | 75% | £86.01 to £135.00 | £135.01 to £185.00 | £196.01 to £246.00 | £258.01 to £308.00 | £321.01 to £371.00 | £383.01 to £433.00 |
| 3 | 50% | £135.01 to £185.00 | £185.01 to £235.00 | £246.01 to £296.00 | £308.01 to £358.00 | £371.01 to £421.00 | £433.01 to £483.00 |
| 4 | 25% | £185.01 to £235.00 | £235.01 to £285.00 | £296.01 to £346.00 | £358.01 to £408.00 | £421.01 to £471.00 | £483.01 to £533.00 |
| 5 | 0% | £235.01 + | £285.01+ | £346.01+ | £408.01+ | £471.01+ | £533.01+ |

4.7 The fixed discount amounts are set at 25% per band to be consistent with other Council Tax discounts, and the income bands are aligned with levels of personal allowances within UC as a starting point with a view to providing a consistent approach for residents. The current CTS scheme applies a 20% reduction in support for every £0.01p of income over personal allowance amounts, and so the rationale of having fixed bands not only reduces the impact of UC changes on Council Tax bills, but also provides a much clearer scheme which is easier to understand and therefore access. Further detail regarding the operation of the proposed scheme is included in APPENDIX B.

4.8 If the recommendations are accepted by the Council, the new scheme will take effect from 1 April 2024.

5. SCHEME BENEFITS

5.1 By simplifying the scheme to take an approach more in line with other Council Tax discounts, the issues identified with the current scheme can be addressed:

5.2 **Levels of support.** The new scheme will look to deliver increased support of up to 100% to low-income households across Huntingdonshire, supporting those in need in line with the Council's Corporate Plan.

5.3 **The scheme will deliver a simplified claiming process.** For Universal Credit applicants, Universal Credit data received from the Department for Work and Pensions (DWP) will be treated as a claim for Council Tax Reduction. Where sufficient information is received from DWP, the entitlement to CTS will be processed without the likely need to request further information from the resident, as the details would have already been subject to DWP verification processes. This streamlined approach will also support quicker processing times, delivering much-needed support to residents in a timely manner.

5.4 **The income bands are sufficiently wide to avoid constant changes in discount.** The current CTS scheme is very reactive and will alter even if the overall change to the person's liability is small. This is leading to constant changes in Council Tax liability, the need to recalculate monthly instalments and the requirement to issue a large number of Council Tax demands. The new scheme, with its simplified income banding approach will have the following advantages:

- (i) Only significant changes in income will affect the level of discount awarded;
- (ii) Council Taxpayers who receive CTS will not receive multiple Council Tax demands and adjustments to their instalments, providing more certainty regarding amounts to pay and enabling residents to budget more effectively, whilst also reducing costs associated with billing and postage; and
- (iii) The new scheme is designed to reflect a more modern approach, where any discount changes it will be effective from the day of the change rather than the Monday of the following week, in line with how Council Tax is calculated.

6. KEY IMPACTS

6.1 In deciding on any new scheme, the Council must be mindful that any changes may result in a change to the entitlement for some applicants. Whilst the scheme has been designed with a view to protect the most vulnerable by maintaining or increasing support levels for most, as with changes in any such scheme, there will be some that receive a greater level of support, and some that will receive less. From modelling based on current values, approximately 96% of applicants will receive either the same or more support and only 4% will receive a reduced level of assistance.

6.2 To mitigate the impact on those who face a reduction in support, the new scheme will contain additional provisions to protect those who experience exceptional hardship as a result of changes to the scheme. Where any applicant is likely to experience exceptional hardship, they will be encouraged to apply for an exceptional hardship payment. The Council will consider all applications for exceptional hardship on an individual basis, taking into account available income and essential outgoings. Where appropriate further support will be given to the applicant for a period of up to one year to assist with the transition to the new scheme.

6.3 This approach will enable individual applicants to be dealt with in a fair and equitable manner. The Exceptional Hardship Scheme will form part of the CTS Scheme and fall to be paid through the Collection Fund. Details of the Exceptional Hardship Scheme are provided in Appendix B.

6.4 Financial impacts are detailed in point 10 of this report.

7. CORPORATE OBJECTIVES

7.1 Our Corporate plan for 2023-2028 outlines our commitment to:

1. Improve the happiness and wellbeing of residents by keeping people out of crisis and helping those in crisis; and
 2. Deliver good quality, high value-for-money services
- 7.2 There are a range of Council Tax discounts and exemptions available to ensure residents contribute to the cost of local services proportionately to their circumstances. CTS further builds on this with the assessment of resident's financial capacity to contribute, supporting those most in need by reducing or eliminating the requirement for a contribution where it would be considered disproportionate to their financial circumstances.
- 7.3 The simplified scheme design recommended would be easier to understand and therefore access, whilst reduced administration requirements will improve the speed of decisions for residents and enable the high volume of UC changes to be managed within existing resources. A more generous scheme would directly improve the financial position for many eligible low-income households across the district and negate the need for HDC to pursue recovery action on such small debts.
- 7.4 The cost impact of CTS is calculated as a reduction to the taxbase, and as such there is a financial impact of any increase for the other precepting authorities, mainly Cambridgeshire County Council. It should be noted these proposals support CCC's ambition to help people out of poverty and income inequality, working with partners to ensure support for people is straightforward, equitable and does not stigmatise. Cambridgeshire County Council and other Major preceptors have been consulted on the proposed new scheme, although no consultation responses were received.
- 7.5 It is also important to recognise the wider impact which poverty and debt have on health and wellbeing, and the potential for positive outcomes which could be realised more broadly by increasing the level of CTS support. A report by the Joseph Rountree Foundation, UK Poverty 2023, found that *".....among working-age adults, people living in poverty are more likely to suffer from poor health more broadly. There is evidence that suggests low incomes are associated with potential symptoms of anxiety, such as lack of sleep, lacking energy and feelings of depression. For children, even at a young age, there is a gap in young people's educational attainment by parental income level, and this continues throughout the different stages of a child's education"*. Increasing the maximum level of support available via the CTS scheme will directly impact on poverty within Huntingdonshire and will therefore contribute to the wider health and wellbeing of residents.

8. ALTERNATIVE OPTIONS

- 8.1 The alternative to introducing a new scheme for CTS from 2024/25 is to leave the existing scheme in place. This would likely be a short-term option, for it would lead to increasing administration costs as the continued rollout of Universal Credit over the coming years will result in increased volume of changes to process. In the longer term, the collection of Council Tax may also be affected as those low-income

households continue to struggle to pay 20% of the Council Tax, which often results in recovery action and additional costs on small debts from those least able to pay.

9. LEGAL IMPLICATIONS

- 9.1 Schedule 1a of the Local Government Finance Act 1992 requires Local Authorities to review their CTS schemes annually and any revision or replacement must be made no later than 11th March in the financial year preceding the year for which the revision is made.
- 9.2 Before agreeing a new scheme, the Authority must:
- consult any major precepting authority which has power to issue a precept to it,
 - publish a draft scheme in such manner as it thinks fit; and
 - consult such other persons as it considers are likely to have an interest in the operation of the scheme.
- 9.3 The public consultation ran for 7 weeks from 21st July 2023 to 10 September 2023 and the preceptor consultation for 4 weeks from 21st July. Responses from the public consultation are found in APPENDIX A. It should be noted that no consultation responses were received from Major Preceptors.

RESOURCE IMPLICATIONS

- 10.1 CTS is a Council Tax discount and as such the cost of any scheme is calculated as a reduction to the taxbase. That is, the number of dwellings in the area, after adjustments for discounts and exemptions, and a forecast for growth, on which a precept can be charged. This means that the overall cost of the CTS scheme, as with other discounts and exemptions, is shared proportionately across the preceptors. The approximate percentage split is as follows:

| | |
|--|------|
| Cambridgeshire County Council | 71% |
| Cambridgeshire Police & Crime Commissioner | 12% |
| Huntingdonshire District Council | 7% |
| Parish & Town Councils | 6% |
| Cambridgeshire Fire Authority | 3.5% |
| Cambridgeshire & Peterborough Combined Authority | 0.5% |

- 10.2 Initial modelling conducted in June 2023 estimated the additional cost of the CTS proposals to be in the region of £890k per annum. Further modelling carried out in early September estimated the additional cost to be around £990k per annum, or around 450 band D equivalent properties in the taxbase. The additional cost of the scheme would be split across the preceptors in the following proportions:

| Additional cost | District | County | Police | Fire | CPCA | Parish | Total |
|-----------------|-----------|------------|------------|-----------|----------|-----------|------------|
| cost @ £890k | 63,285.46 | 626,467.59 | 110,654.14 | 32,450.75 | 4,872.49 | 52,269.58 | 890,000.00 |

| | | | | | | | |
|--------------|-----------|------------|------------|-----------|----------|-----------|------------|
| cost @ £990k | 70,396.19 | 696,857.20 | 123,087.18 | 36,096.90 | 5,419.96 | 58,142.57 | 990,000.00 |
| difference | 7,110.73 | 70,389.62 | 12,433.05 | 3,646.15 | 547.47 | 5,872.99 | 100,000.00 |

10.3 This change in estimated impact is mainly as a result of further work carried out over the summer to enhance the quality of data forecasting, coupled with general changes in caseload. It is important to note that scheme costs, caseload and indeed the overall taxbase are subject to regular movement. As such, the forecast of financial impact remains a “best guess”, and modelling will continue to be undertaken throughout the remainder of the current financial year to track the likely scheme costs.

10.4 The cost of supporting current CTS recipients transitioning to the new scheme via an Exceptional Hardship scheme has been forecast to cost an additional £44k if full support is provided for one year. This would be split across the precepting authorities as follows:

| Additional Cost | District | County | Police | Fire | CPCA | Parish | Total |
|-----------------------------|----------|-----------|----------|----------|--------|----------|-----------|
| Exceptional Hardship Scheme | 3,128.72 | 30,971.43 | 5,470.54 | 1,604.31 | 240.89 | 2,584.11 | 44,000.00 |

10.5 Although the cost of the CTS scheme for 2024/25 is anticipated to increase as a result of the proposed scheme design, the overall level of CTS as a proportion of the Council Tax Base has reduced year on year since 2013 as shown below, and this would still represent a significant reduction in the proportion of costs in real terms compared to the original CTS level in 2013:

| | Average Band D Charge | Taxbase | Gross Yield (Taxbase x Average Band D) | CTS £ | % of yield | Estimated CTS spend | Estimated % of yield |
|------|-----------------------|---------|--|-----------|------------|---------------------|----------------------|
| 2023 | 2192 | 65,795 | 144,216,061 | 7,649,291 | 5.04 | 8,683,290.65 | 5.68 |
| 2022 | 2075 | 64,501 | 133,866,020 | 7,314,969 | 5.18 | | |
| 2021 | 1986 | 63,355 | 125,810,993 | 7,360,375 | 5.53 | | |
| 2020 | 1925 | 62,854 | 121,004,635 | 7,357,244 | 5.73 | | |
| 2019 | 1855 | 61,749 | 114,567,860 | 6,777,367 | 5.59 | | |
| 2018 | 1753 | 60,542 | 106,153,737 | 6,650,929 | 5.90 | | |
| 2017 | 1675 | 60,111 | 100,694,341 | 6,509,060 | 6.07 | | |
| 2016 | 1641 | 59,358 | 97,413,601 | 6,609,231 | 6.35 | | |
| 2015 | 1609 | 58,329 | 93,868,276 | 6,740,617 | 6.70 | | |
| 2014 | 1585 | 57,357 | 90,897,079 | 6,884,853 | 7.04 | | |
| 2013 | 1558 | 56,358 | 87,805,764 | 7,170,721 | 7.55 | | |

10.6 Coupled with the ongoing reduction in pensioner caseload as detailed in 3.10, the overall cost of the CTS scheme as a proportion of the taxbase is anticipated to reduce in future years.

10.7 Whilst the County Council would realise the greatest impact of increasing CTS support, this change would equate to around 0.19% of the overall CCC precept, which for 2023-24 was £371,811,613.

10.8 Increasing support via the CTS scheme directly aligns with the corporate priorities of both HDC and CCC as set out in part 7. It should also be

noted that 100% schemes are already in place elsewhere in Cambridgeshire, with schemes for 2023 offering as follows:

| Authority | Banded Yes / No | Maximum Award |
|----------------------|-----------------|-----------------|
| Cambridge City | Yes – for UC | 100% |
| East Cambridgeshire | No | 91.5% |
| Fenland | No | 80% |
| Huntingdonshire | No | 80%, 85% & 100% |
| South Cambridgeshire | Yes | 100% |

11.0 Equality and Diversity/Equality Impact Assessment

11.1 The move to the new scheme will either have a neutral or positive affect to the majority of working age claimants. From initial modelling it is anticipated that around 3,958 (96%) applicants will receive the same or more support than under the previous scheme.

11.2 As with all changes however, latest modelling indicates there will be up to 163 applicants who may receive less support that previous. Where a reduction in CTS arises as a result of changed to the scheme, the applicant is able to make an application for further support via the Council’s Exceptional Hardship Fund which is shown in Appendix C.

11.3 A full EQIA is attached within Appendix D.

12.0 REASONS FOR THE RECOMMENDED DECISIONS

12.1 It is recommended that Council agrees to adopt an income- banded scheme as detailed within this report which offers a greater level of support to residents than the current CTS scheme. The reasons for the recommendation are set out below. The revised scheme:

- ✓ Aligns with the Council’s commitments within the Corporate Plan. That is, to keep people out of crisis, help those in crisis, and deliver good quality, high value-for-money services
- ✓ Aligns with CCC’s ambition to help people out of poverty and income inequality
- ✓ Increases the level of support for low-income households up to 100% of Council Tax Liability
- ✓ Targets support in line with local family demographics
- ✓ Distributes support across the whole caseload fairly, minimising the number of residents that are significantly impacted, positively or negatively
- ✓ Aligns with UC personal allowance rates to ensure scheme keeps pace with national support levels

- ✓ Supports reduced administrative requirements to allow improved service delivery, providing support to residents quicker whilst reducing the impact council tax billing and collection

13.0 LIST OF APPENDICES INCLUDED



| | |
|------------|--------------------------------|
| APPENDIX A | Consultation Responses |
| APPENDIX B | CTS Scheme Further Information |
| APPENDIX C | Exceptional Hardship Scheme |
| APPENDIX D | Equalities Impact Assessment |

CONTACT OFFICER




Name/Job Title: Katie Kelly / Revenues and Benefits Manager
Tel No: 01480 388151
Email: katie.kelly@huntingdonshire.gov.uk

Huntingdonshire District Council - Council Tax Support Scheme 2024/25 Consultation - Responses

Background to the Council Tax Support Scheme consultation

| 1. I have read the background information about the Council Tax Support Scheme: This question must be answered before you can continue. | | | | |
|---|-----|--|------------------|----------------|
| Answer Choices | | | Response Percent | Response Total |
| 1 | Yes |  | 99.53% | 210 |
| 2 | No |  | 0.47% | 1 |
| | | | answered | 211 |
| | | | skipped | 124 |


Introducing an income-banded scheme for all working age applicants which will provide up to 100% support



| 2. Do you agree with introducing an income-based banded discount scheme as shown above? | | | | |
|---|------------|---|------------------|----------------|
| Answer Choices | | | Response Percent | Response Total |
| 1 | Yes |  | 75.00% | 108 |
| 2 | No |  | 15.97% | 23 |
| 3 | Don't Know |  | 9.03% | 13 |
| | | | answered | 144 |
| | | | skipped | 191 |

Key themes from people that disagree

- Levels of support should not be increased
- Income bands are too broad and income levels too high

Removing Non Dependant Deductions




| 4 Do you agree with this proposal? | | | | |
|------------------------------------|-----|---|------------------|----------------|
| Answer Choices | | | Response Percent | Response Total |
| 1 | Yes |  | 64.96% | 89 |

| 4 Do you agree with this proposal? | | | |
|------------------------------------|------------|---|----------|
| 2 | No |  | 19.71% |
| 3 | Don't Know |  | 15.33% |
| | | | answered |
| | | | 137 |
| | | | skipped |
| | | | 198 |

Key themes from people that disagree

- Whole household should contribute




Disregarding certain elements of Universal Credit

| 6. Do you agree with this proposal? | | | | |
|-------------------------------------|------------|---|------------------|----------------|
| Answer Choices | | | Response Percent | Response Total |
| 1 | Yes |  | 74.22% | 95 |
| 2 | No |  | 18.75% | 24 |
| 3 | Don't Know |  | 7.03% | 9 |
| | | | answered | 128 |
| | | | skipped | 207 |

Key themes from people that disagree

- All income should be taken into account




Where applicants or their partner (if they have one) are working, a standard disregard of up to £50 per week will be applied.

| 8. Do you agree with this proposal? | | | | |
|-------------------------------------|------------|---|------------------|----------------|
| Answer Choices | | | Response Percent | Response Total |
| 1 | Yes |  | 74.80% | 95 |
| 2 | No |  | 15.75% | 20 |
| 3 | Don't Know |  | 9.45% | 12 |
| | | | answered | 127 |
| | | | skipped | 208 |

Key themes from people that disagree

- £50 is too generous




Any new claim or change in circumstances will be applied on a daily basis

| 10. Do you agree with this proposal? | | | | |
|--------------------------------------|------------|--|------------------|----------------|
| Answer Choices | | | Response Percent | Response Total |
| 1 | Yes |  | 90.32% | 112 |
| 2 | No |  | 4.03% | 5 |
| 3 | Don't Know |  | 5.65% | 7 |
| | | | answered | 124 |
| | | | skipped | 211 |

Key themes from people that disagree

- Misunderstanding that this means CTS will change daily




Backdating support (up to a maximum of 12 months from the date of claim) where circumstances show that the applicant would have been continuously eligible for the period in question had they applied at that time.

| 12. Do you agree with this proposal? | | | | |
|--------------------------------------|------------|--|------------------|----------------|
| Answer Choices | | | Response Percent | Response Total |
| 1 | Yes |  | 80.65% | 100 |
| 2 | No |  | 13.71% | 17 |
| 3 | Don't Know |  | 5.65% | 7 |
| | | | answered | 124 |
| | | | skipped | 211 |

Key themes from people that disagree

- There should be good reason for not claiming sooner




Protecting people with a disability by disregarding PIP, ESA (Support Component) and DLA.

| 14. Do you agree with this proposal? | | | | |
|--------------------------------------|------------|---|------------------|----------------|
| Answer Choices | | | Response Percent | Response Total |
| 1 | Yes |  | 77.24% | 95 |
| 2 | No |  | 17.07% | 21 |
| 3 | Don't Know |  | 5.69% | 7 |
| | | | answered | 123 |
| | | | skipped | 212 |

Key themes from people that disagree

- All income should be taken into account




Protecting families by disregarding Child Benefit and Child Maintenance

| 16. Do you agree with this proposal? | | | | |
|--------------------------------------|------------|---|------------------|----------------|
| Answer Choices | | | Response Percent | Response Total |
| 1 | Yes |  | 70.25% | 85 |
| 2 | No |  | 21.49% | 26 |
| 3 | Don't Know |  | 8.26% | 10 |
| | | | answered | 121 |
| | | | skipped | 214 |

Key themes from people that disagree

- All income should be taken into account




Disregarding Carer's Allowance

| 18. Do you agree with this proposal? | | | | |
|--------------------------------------|------------|--|------------------|----------------|
| Answer Choices | | | Response Percent | Response Total |
| 1 | Yes |  | 81.82% | 99 |
| 2 | No |  | 13.22% | 16 |
| 3 | Don't Know |  | 4.96% | 6 |
| | | | answered | 121 |
| | | | skipped | 214 |

Key themes from people that disagree

- All income should be taken into account




Protecting War Pensioners by continuing to disregard War Pensions or War Disablement pensions in full

| 20. Do you agree with this proposal? | | | | |
|--------------------------------------|------------|--|------------------|----------------|
| Answer Choices | | | Response Percent | Response Total |
| 1 | Yes |  | 88.14% | 104 |
| 2 | No |  | 6.78% | 8 |
| 3 | Don't know |  | 5.08% | 6 |
| | | | answered | 118 |
| | | | skipped | 217 |

Key themes from people that disagree

- All income should be taken into account




Reducing the Capital Limit to £10,000 and removing the assumed income from capital (or 'tariff' income) from the calculation of Council Tax Support

| 22. Do you agree with this proposal? | | | |
|--------------------------------------|------------|---|----------------|
| Answer Choices | | Response Percent | Response Total |
| 1 | Yes |  | 76.27% 90 |
| 2 | No |  | 14.41% 17 |
| 3 | Don't know |  | 9.32% 11 |
| | | answered | 118 |
| | | skipped | 217 |

Key themes from people that disagree

- Might be confusing as other benefits have different limits
- Capital level too high
- Capital level too low




Removing the Extended Payment provision.

| 24. Do you agree with this proposal? | | | |
|--------------------------------------|------------|---|----------------|
| Answer Choices | | Response Percent | Response Total |
| 1 | Yes |  | 73.95% 88 |
| 2 | No |  | 13.45% 16 |
| 3 | Don't know |  | 12.61% 15 |
| | | answered | 119 |
| | | skipped | 216 |

Key themes from people that disagree

- This should be retained

Providing an Exceptional Hardship Scheme

| 26. Do you agree with this proposal? | | | | |
|--------------------------------------|------------|--|------------------|----------------|
| Answer Choices | | | Response Percent | Response Total |
| 1 | Yes |  | 83.05% | 98 |
| 2 | No |  | 9.32% | 11 |
| 3 | Don't know |  | 7.63% | 9 |
| | | | answered | 118 |
| | | | skipped | 217 |

Key themes from people that disagree

- Needs careful management

Any other comments and suggestions on the proposed Council Tax Support Scheme

Key themes

- General agreement with the proposals
- Concerns about cost of the proposals
- Some reluctance to increase support
- Support may be required to transition to the new scheme



Information about those responding to the consultation:



| 29. Are you completing this form on behalf of an organisation or group? | | | | |
|---|-----|--|------------------|----------------|
| Answer Choices | | | Response Percent | Response Total |
| 1 | Yes |  | 2.61% | 3 |
| 2 | No |  | 97.39% | 112 |
| | | | answered | 115 |
| | | | skipped | 220 |

Key themes



- Debt Advice sector
- Parish Council

Questions for Individuals




| 30. Do you live in the Huntingdonshire area? | | | | |
|--|-----|--|------------------|----------------|
| Answer Choices | | | Response Percent | Response Total |
| 1 | Yes |  | 93.75% | 105 |
| 2 | No |  | 6.25% | 7 |
| | | | answered | 112 |
| | | | skipped | 223 |

| 31. Do you pay Council Tax? | | | | |
|-----------------------------|-----|--|------------------|----------------|
| Answer Choices | | | Response Percent | Response Total |
| 1 | Yes |  | 96.43% | 108 |
| 2 | No |  | 3.57% | 4 |
| | | | answered | 112 |
| | | | skipped | 223 |








32. Are you currently receiving Council Tax Support?

| Answer Choices | | Response Percent | Response Total |
|----------------|-----|--|----------------|
| 1 | Yes |  | 17.86% 20 |
| 2 | No |  | 82.14% 92 |
| | | answered | 112 |
| | | skipped | 223 |










33. How would you describe your gender?

| Answer Choices | | Response Percent | Response Total |
|----------------|----------------------------------|---|----------------|
| 1 | I prefer not to say |  | 7.21% 8 |
| 2 | Female |  | 63.96% 71 |
| 3 | Male |  | 28.83% 32 |
| 4 | I describe myself in another way | | 0.00% 0 |
| | | answered | 111 |
| | | skipped | 224 |




34. Which of the following age ranges do you fall into?

| Answer Choices | | Response Percent | Response Total |
|----------------|-------------------|---|----------------|
| 1 | Prefer not to say |  | 7.14% 8 |
| 2 | 16-24 | | 0.00% 0 |
| 3 | 25-34 |  | 8.04% 9 |
| 4 | 35-44 |  | 19.64% 22 |
| 5 | 45-59 |  | 38.39% 43 |
| 6 | 60-74 |  | 17.86% 20 |
| 7 | 75 or over |  | 4.46% 5 |
| 8 | 75-84 |  | 4.46% 5 |
| 9 | 85+ | | 0.00% 0 |
| | | answered | 112 |
| | | skipped | 223 |




35. Which of the following best describes your ethnic group?

| Answer Choices | | | Response Percent | Response Total |
|----------------|---|---|------------------|----------------|
| 1 | Prefer not to say |  | 15.93% | 18 |
| 2 | Arab | | 0.00% | 0 |
| 3 | Asian or Asian British: Indian |  | 1.77% | 2 |
| 4 | Asian or Asian British: Pakistani | | 0.00% | 0 |
| 5 | Asian or Asian British: Bangladeshi |  | 0.88% | 1 |
| 6 | Asian or Asian British: Chinese | | 0.00% | 0 |
| 7 | Any other Asian Background | | 0.00% | 0 |
| 8 | Black or Black British: Caribbean | | 0.00% | 0 |
| 9 | Black or Black British: African |  | 0.88% | 1 |
| 10 | Any other Black Background | | 0.00% | 0 |
| 11 | Mixed Heritage: White and Black Caribbean |  | 0.88% | 1 |
| 12 | Mixed Heritage: White and Black African |  | 2.65% | 3 |
| 13 | Mixed Heritage: White and Asian | | 0.00% | 0 |
| 14 | Any other Mixed Background |  | 0.88% | 1 |
| 15 | White British |  | 75.22% | 85 |
| 16 | White Irish | | 0.00% | 0 |
| 17 | Any other White Background |  | 4.42% | 5 |
| | | | answered | 113 |
| | | | skipped | 222 |






36. What is your religion/belief?

| Answer Choices | | | Response Percent | Response Total |
|----------------|--|---|------------------|----------------|
| 1 | Prefer not to say |  | 17.43% | 19 |
| 2 | Buddhist |  | 0.92% | 1 |
| 3 | Christian (includes Church of England, |  | 46.79% | 51 |

36. What is your religion/belief?

| | | | | |
|---|---|---|----------|-----|
| | Catholic, Protestant and all other Christian Denominations) | | | |
| 4 | Sikh | | 0.00% | 0 |
| 5 | Jewish | | 0.00% | 0 |
| 6 | Muslim |  | 0.92% | 1 |
| 7 | Hindu | | 0.00% | 0 |
| 8 | Other |  | 1.83% | 2 |
| 9 | No religion |  | 33.03% | 36 |
| | | | answered | 109 |
| | | | skipped | 226 |

37. Which of the following best describes your sexual orientation?

| Answer Choices | | Response Percent | Response Total | |
|----------------|-----------------------|---|----------------|-----|
| 1 | Prefer not to say |  | 22.52% 25 | |
| 2 | Bisexual |  | 2.70% 3 | |
| 3 | Gay or lesbian |  | 0.90% 1 | |
| 4 | Straight/Heterosexual |  | 73.87% 82 | |
| 5 | Other |  | 0.90% 1 | |
| | | | answered | 111 |
| | | | skipped | 224 |

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APPENDIX B – CTS Scheme Design: Further Details

In addition to the details contained within the report, further details regarding the proposed scheme are as follows:

1) Income Bands

| Band | Discount | Single Person (weekly net income) | Couple with no children (weekly net income) | Couple or Lone Parent with one child/young person (weekly net income) | Couple or Lone Parent with two children /young persons (weekly net income) | Couple or Lone Parent with three children /young persons (weekly net income) | Couple or Lone Parent with four or more children/young persons (weekly net income) |
|------|----------|-----------------------------------|---|---|--|--|--|
| 1* | 100% | £0 to £86.00 | £0 to £135.00 | £0 to £196.00 | £0 to £258.00 | £0 to £321.00 | £0 to £383.00 |
| 2 | 75% | £86.01 to £135.00 | £135.01 to £185.00 | £196.01 to £246.00 | £258.01 to £308.00 | £321.01 to £371.00 | £383.01 to £433.00 |
| 3 | 50% | £135.01 to £185.00 | £185.01 to £235.00 | £246.01 to £296.00 | £308.01 to £358.00 | £371.01 to £421.00 | £433.01 to £483.00 |
| 4 | 25% | £185.01 to £235.00 | £235.01 to £285.00 | £296.01 to £346.00 | £358.01 to £408.00 | £421.01 to £471.00 | £483.01 to £533.00 |
| 5 | 0% | £235.01 + | £285.01+ | £346.01+ | £408.01+ | £471.01+ | £533.01+ |

- 2) The highest level of discount will be at a maximum Council Tax liability (100%), Band 1, and all current applicants that are in receipt of a ‘*passported benefit’ such as Income Support, Jobseeker’s Allowance (Income Based) and Employment and Support Allowance (Income Related) will receive maximum discount;
- 3) All other discount levels are based on the applicant’s and partner’s, (where they have one) net weekly income, and the scheme allows for variation in household size with the levels of income per band increasing where an applicant has a partner, and / or dependants.
- 4) The scheme is designed so that Band 1 figures align with Universal Credit allowances. The figures shown align with 2023/24 rates followed by bands of £50. These will be updated annually from April 2024 in line with UC allowances.
- 5) Any changes will be applied on a daily basis rather than weekly, in line with Council Tax liability. The scheme will include provision to backdate claims up to a maximum of 12 months from the date of claim where circumstances show

that the applicant would have been continuously eligible for the period in question had they applied at the time.

- 6) There will be no reductions in CTS award levels where an applicant has non-dependants living with them. The existing scheme currently applies a fixed deduction for most non-dependant members of the household at the rate of £5 per week for those not in work, or £7 per week for working people. This change means the administration of the scheme will be more straightforward whilst also protecting low-income families where adult sons and daughters, for example, remain at home.
- 7) To encourage work, a standard disregard of up to £50 per week will be provided against all earnings, replacing the current earnings disregards which are dependent on individual circumstances and working hours, and are complex to navigate.
- 8) Disability benefits such as Disability Living Allowance and Personal Independence Payment will continue to be disregarded as they are currently, and a further disregard of £50 per week will be applied to a customers' total income where one of those benefits are in payment.
- 9) Carer's Allowance and the Support Component of Employment and Support Allowance will be disregarded to protect carers and those with additional support needs;
- 10) The current childcare and child maintenance disregards will remain in place, and child benefit will be fully disregarded in order to better support families.
- 11) Universal Credit is made up of different components dependant on the household circumstances. The following elements will be disregarded within the new scheme: housing, limited capability for work, childcare, disabled child, and carer's element.
- 12) War pensions and war disablement pensions will continue to be disregarded;
- 13) Extended payments will be removed. Currently, in some cases when individuals in receipt of Income Support, Jobseekers Allowance or Employment and Support allowance move into work that ends their entitlement, CTS can be paid for an extended four weeks. Similar provisions do not exist for UC claimants, and so this change will ensure all applicants in receipt of DWP benefits are treated equally;
- 14) The Capital limit will be set at £10,000, and any applicant who has capital above that level will not qualify. Currently, for every £250 of savings over £6,000 and up to £16,000, additional income of £1 is added to an applicant's weekly assessed income
- 15) The full technical scheme document will be available on request

Huntingdonshire District Council

Council Tax Support Exceptional Hardship
Policy

2024-25

1.0 Background

- 1.1 An Exceptional Hardship Fund has been created by the Council to assist applicants for Council Tax Support (CTS) who are facing 'exceptional hardship' due to the implementation of a new CTS scheme for 2024-25.
- 1.2 The fund has been created to provide further assistance for the financial year 2024-25 only to support transition to the new scheme rules.
- 1.3 The Exceptional Hardship Fund will be available to any applicant who is of working age where:
- a) They had a live CTS claim in payment (ie with an entitlement to CTS) on 31st March 2024; and
 - b) On 1st April 2024, the amount of CTS entitlement is reduced, or they no longer qualify for CTS, as a result of changes to the scheme for 2024-25.
- 1.4 The Exceptional Hardship Fund will not be available to those that have a nil award within the revised CTS scheme as a result of capital exceeding the threshold of £10,000. Nor will it be available to those who are precluded from the scheme under the Prescribed Requirement Regulations (ie pension age cases).
- 1.5 The main features of the fund are as follows:
- The operation of the fund will be at the total discretion of the Council;
 - The fund will be operated by the Revenues and Benefits service on behalf of the Council;
 - There is no statutory right to payments from the fund although the Council will consider all applications received;
 - Exceptional Hardship Fund payments are not payments of Council Tax Support (as defined within S13a of the Local Government Finance Act 1992);
 - Exceptional Hardship Fund payments will not be available for any other debt other than outstanding Council Tax;
 - Where an Exceptional Hardship Payment is requested for a previous period, Exceptional Hardship must have been proven to have existed throughout the whole of the period requested;
 - Exceptional Hardship Payments are designed to support those negatively impacted as a result of changes to the CTS scheme design, and will be offered for a period of up to 1 year only; and
 - All applicants will be expected to engage with the Council and undertake the full application process. Failure to do so will inevitably mean that no payment will be made.

2.0 Exceptional Hardship Fund and Equalities

- 2.1 The creation of an Exceptional Hardship Fund facility meets the Council's obligations under the Equality Act 2010.
- 2.2 This policy has been created to ensure a level of protection and support is available to those applicants most in need due to the transition to the new scheme rules. It should be noted the Exceptional Hardship Fund is intended to help in cases of extreme financial hardship and not support a lifestyle or lifestyle choice. Any payment made will be at the total discretion of the Council. Exceptional Hardship should be considered as 'hardship beyond that which would normally be suffered'.

3.0 Purpose of this policy

- 3.1 The purpose of this policy is to specify how the Council will:
- operate the scheme,
 - to detail the application process, and
 - indicate the factors that will be considered when deciding if an Exceptional Hardship Fund payment can be made.
- 3.2 Each case will be treated on its own merits and all applicants will be treated fairly and equally in terms of access to the fund and the decisions made.

4.0 The Exceptional Hardship Fund Process

- 4.1 As part of the process of applying for additional support from the Exceptional Hardship Fund, all applicants must be willing to undertake all of the following:
- (a) Make a separate application for assistance;
 - (b) Provide full details of the household income and expenditure;
 - (c) Accept assistance from either the Council or third parties such as debt advice agencies to enable them to manage their finances more effectively, including the termination of non-essential expenditure;
 - (d) Maximise their income through the application of other Council Tax discounts or reductions, welfare benefits, cancellation of non-essential contracts and outgoings and identifying the most economical tariffs for the supply of utilities and services generally.
- 4.2 It cannot be awarded for the following circumstances:
- Where full Council Tax liability is already being met by Council Tax Support;
 - For any other reason, other than to reduce Council Tax liability;
 - Where the Council considers there are unnecessary expenses/debts etc. and that the applicant has not taken reasonable steps to reduce these; or
 - To pay for any additional Council Tax caused through the failure of the applicant to notify changes in circumstances in a timely manner or where the applicant has failed to act correctly or honestly.
 - To cover previous years' Council Tax arrears.

5.0 Awarding an Exceptional Hardship Fund Payment

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

5.2 When reaching a decision the Council will consider:

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

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

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

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

6.0 Claiming an Exceptional Hardship Fund payment.

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

- 6.2 Applicants can request assistance with the completion of the form from the Revenues and Benefits Service or Customer Services at the Council.
- 6.3 The application form must be fully completed and supporting information or evidence provided, as reasonably requested by the Council.
- 6.4 In most cases the person who claims the Exceptional Hardship Fund award will be the person entitled to Council Tax Support. However, a claim can be accepted from someone acting on another's behalf, such as an appointee, if it is considered reasonable.
- 6.5 A person claiming an Exceptional Hardship Fund payment is required to:
- Provide the Council with such information as it may require making a decision;
 - Tell the Council of any changes in circumstances that may be relevant to their ongoing claim within 21 days; and
 - Provide the Council with such other information as it may require in connection with their claim.

7.0 The award and duration of an Exceptional Hardship Payment

- 7.1 Both the amount and the duration of the award are determined at the discretion of the Council and will be done so on the basis of the evidence supplied and the circumstances of the claim.
- 7.2 The start date of such a payment and the duration of any payment will be determined by the Council. In any event, the maximum length of the award will not exceed the end of the financial year in which the award is given.
- 7.3 Any Exceptional Hardship Fund payment will be made direct onto the applicant's Council Tax account, thereby reducing the amount of Council Tax payable.
- 7.4 The Council will notify the outcome of each application for Exceptional Hardship Fund payments in writing. The notification will include the reason for the decision and advise the applicant of their appeal rights.

8.0 Appeals

- 8.1 Exceptional Hardship Fund payments are subject to the statutory appeal process as they are made as part of the Council's Council Tax Support scheme under Section 13A 1A of the Local Government Finance Act 1992.
- 8.2 If the applicant is not satisfied with the decision in respect of an application for an Exceptional Hardship Fund payment, a decision to reduce the amount of Exceptional Hardship Fund payment, a decision not to backdate an Exceptional Hardship Fund payment or a decision that there has been an overpayment of an Exceptional Hardship Fund payment, the Council will look at the decision again.

- 8.3 An officer, other than the original decision maker, will consider the appeal by reviewing the original application and any other additional information and/or representation made, and will make a decision within 21 days of referral or as soon as practicable.
- 8.4 The outcome of the appeal will be set out in writing, detailing the reasons for the decision, or upholding the original decision.
- 8.5 Where the applicant remains aggrieved with the decision, further appeals can be made as per Council Tax Support to an independent Valuation Tribunal.

8.0 Changes in circumstances

- 8.1 The Council may revise an award from the Exceptional Hardship Fund where the applicant's circumstances have changed which either increases or reduces their Council Tax Support entitlement.
- 8.2 Overpaid Exceptional Hardship Fund payments will generally be recovered directly from the applicant's council tax account, thus increasing the amount of council tax due and payable.

9.0 Fraud

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

10.0 Complaints

- 10.1 The Council's 'Compliments and Complaints Procedure' (available on the Council's website) will be applied in the event of any complaint received about this policy.

11.0 Policy Review

- 11.1 This policy will be in place for the financial year 2024-25 only and will be updated as appropriate to ensure it remains fit for purpose. However, a review may take place should there be any significant changes in legislation.



| | |
|--|---|
| Service area | Revenues and Benefits |
| Date of assessment | 20/09/2023 |
| Name of policy/service to be assessed | Council Tax Support Scheme (CTS) 2024-25 |
| Is this a new or existing policy/service? | Redesign of existing scheme |
| Name of manager responsible for new or amended policy/service | Katie Kelly |
| Names of people conducting the assessment | Katie Kelly |
| Step 1 – Description of new or amended policy/service | |
| Describe the aims; objectives and purpose of the new or amended policy/service (include how it fits in to wider aims or strategic objectives). | <p>Our Corporate plan for 2023-2028 outlines our commitment to:</p> <ul style="list-style-type: none"> • Improve the happiness and wellbeing of residents by keeping people out of crisis and helping those in crisis; and • Deliver good quality, high value-for-money services <p>A review of the CTS scheme was listed as an action within the corporate plan in furtherance of these aims.</p> <p>The Council is required to review its scheme for working age each year. There are issues with the current scheme that need to be addressed if the system is to continue to provide effective support to low-income taxpayers and to support the Council to provide the service in an efficient manner. The main issues are as follows:</p> <ul style="list-style-type: none"> • The need to assist low-income households and assist in the collection |



| | |
|---|--|
| | <p>of Council Tax;</p> <ul style="list-style-type: none"> • The introduction of Universal Credit for working age applicants; and • The need for a simplification of the scheme <p>In view of the problems being experienced with the current scheme, it is proposed that an alternative approach be taken from 2024/25. The approach has been to fundamentally redesign the scheme to address all of the issues with the current scheme and in particular;</p> <p>(a) The level of support available to the poorest households; (b) The problems with the introduction of full-service Universal Credit; and (c) The significant increase in administration costs due to the high level of changes received in respect of Universal Credit.</p> <p>Pension age applicants for CTS will not be affected by this change</p> |
| <p>The Equality Act 2010 requires the Council to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations, the Council also needs to demonstrate its compliance with the Equality Duty. The Council therefore needs to understand how its decisions and activities impact on different people. An Equality Impact Assessment is the current method by which the Council can assess and keep a record of the impact of new or amended strategies, policies, functions or services. The council retains these duties even when outsourcing services or providing shared services.</p> <p><i>Definition of Adverse Impact - occurs when a decision, practice, or Policy has a disproportionately negative effect on a protected group. Adverse Impact may be unintentional.</i></p> | |
| <p>Are there any (existing) equality objectives of the new/amended policy/service</p> | <p>Improved support for working age applicants</p> |



| | | | | | | | | | | | | | | | |
|--|--|-----------------|-------|---------|-------------------------|------------|------------|--|-------------|--|-------------|--|-------------|--|----------|
| <p>Who is intended to benefit from the new/amended policy/service and in what way?</p> | <p>Low income working age households who apply and qualify for Council Tax Reduction. The revised scheme will:</p> <ul style="list-style-type: none"> (a) Provide more support to those on the lowest income (up to 100% of the Council Tax payable); (b) Be easier to understand and claim; and (c) Address the administration issues caused by the introduction of Universal Credit. | | | | | | | | | | | | | | |
| <p>What are the intended outcomes of this new/amended policy/service?</p> | <p>Improved support for low-income households</p> | | | | | | | | | | | | | | |
| <p>Step 2 – Data</p> | | | | | | | | | | | | | | | |
| <p>What baseline quantitative data (statistics) do you have about the function relating to equalities groups (e.g. monitoring data on proportions of service users compared to proportions in the population), relevant to this new/amended policy/service? Huntingdonshire Statistics</p> | <p>Financial modelling has been conducted across the current working age caseload in order to assess any potential impacts. The current working age caseload is as follows:</p> <table data-bbox="1088 959 1659 1193"> <tr> <td>Total caseload:</td> <td>4,121</td> </tr> <tr> <td>Female:</td> <td>67.8%, Male 32.2% split</td> </tr> <tr> <td>Age Range:</td> <td>18-24 4.6%</td> </tr> <tr> <td></td> <td>25-34 20.5%</td> </tr> <tr> <td></td> <td>35-44 23.4%</td> </tr> <tr> <td></td> <td>45-59 36.4%</td> </tr> <tr> <td></td> <td>60+ 15.1</td> </tr> </table> <p>Proportion of cases with a disability premium: 43.4%</p> <p>Financial modelling has shown that 96% of caseload will be better off or will have no change to the levels of support awarded as a result of changes to the scheme. Around 4% may receive a reduced amount or nil</p> | Total caseload: | 4,121 | Female: | 67.8%, Male 32.2% split | Age Range: | 18-24 4.6% | | 25-34 20.5% | | 35-44 23.4% | | 45-59 36.4% | | 60+ 15.1 |
| Total caseload: | 4,121 | | | | | | | | | | | | | | |
| Female: | 67.8%, Male 32.2% split | | | | | | | | | | | | | | |
| Age Range: | 18-24 4.6% | | | | | | | | | | | | | | |
| | 25-34 20.5% | | | | | | | | | | | | | | |
| | 35-44 23.4% | | | | | | | | | | | | | | |
| | 45-59 36.4% | | | | | | | | | | | | | | |
| | 60+ 15.1 | | | | | | | | | | | | | | |



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|---|---|
| | <p>award. Where this occurs, the applicant may apply for additional support under the Council's Exceptional Hardship scheme.</p> |
| <p>What qualitative data (opinions etc) do you have on different groups (e.g. comments from previous consumer satisfaction surveys/consultation, feedback exercises, or evidence from other authorities undertaking similar work), relevant to this new/amended policy/service?</p> | <p>The proposals have been subject to a statutory consultation process. A public consultation ran for 7 weeks from 21st July 2023. A consultation for major preceptors ran for 4 weeks from the same date. The responses received are contained within Appendix C of the report.</p> |
| <p>Age – this refers to the protected characteristic of age. A person belonging to a particular age (for example 32-year olds) or range of ages (for example 18 to 30-year olds).</p> <p>Are there concerns that the new policy/service could have a differential impact on individuals with this protected characteristic?</p> <p>Are there any concerns that the policy/service amendments could have differential impact on individuals with this protected characteristic?</p> <p>For some services this should include consideration of impact in terms of safeguarding young people.</p> <p>What evidence do you have for your answer?</p> | <p>The proposed changes will affect working age applicants only. Pension age applicants will not be affected as their scheme is prescribed by Government. The majority of working age applicants will see an increase in support or maintain the same level of support. Inevitably with any change in scheme there may be some that received a reduced amount or nil award under the new scheme.</p> <p>Where this occurs, the applicant may apply for additional support under the Council's Exceptional Hardship scheme.</p> |
| <p>Disability – this refers the protected characteristic of disability. A person has a disability if they have a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.</p> | <p>The proposed change to the scheme will have no differential impact due to disability, the proposed scheme is designed to continue to protect the disabled by disregarding disability benefits such as Disability Living Allowance and Personal Independence Payments.</p> |



| | |
|---|---|
| <p>Are there concerns that the new policy/service could have a differential impact on individuals with this protected characteristic.</p> <p>Are there any concerns that the policy/service amendments could have differential impact on individuals with this protected characteristic?</p> <p>What evidence do you have for your answer?</p> | <p>The scheme will also further protect disabled applicants as it will provide a further income disregard per week which will reduce the level of income taken into account when calculating any support.</p> <p>If a reduction in support occurs as a result of changes to the scheme, the applicant may apply for additional support under the Council's Exceptional Hardship scheme.</p> |
| <p>Gender reassignment – gender reassignment discrimination occurs when a person is treated differently because they are trans*.</p> <p>Are there concerns that the new policy/service could have a differential impact on individuals with this protected characteristic.</p> <p>Are there any concerns that the policy/service amendments could have differential impact on individuals with this protected characteristic? What evidence do you have for your answer?</p> <p>*although the term gender reassignment and transsexual is in the Equality Act 2010, it is accepted that the preferred term is trans.</p> | <p>The proposed change to the scheme will have no differential impact due to gender or gender reassignment.</p> |
| <p>Marriage and civil partnership in the workplace; this refers the protected characteristic of marriage and civil partnership which is a union between a man and a woman or between a same-sex couple. Civil partnership is between partners of the same sex. Discrimination is when a person is treated differently at work because a person is married or in a civil partnership.</p> <p>Are there concerns that the new policy/service could have a differential impact on individuals with this protected characteristic.</p> | <p>The proposed change to the scheme will have no differential impact due to marriage or civil partnership</p> |



| | |
|--|--|
| <p>Are there any concerns that the policy/service amendments could have differential impact on individuals with this protected characteristic?</p> <p>What evidence do you have for your answer?</p> | |
| <p>Are there concerns that the function could have a differential impact in terms of pregnancy and maternity in the workplace (e.g. pregnant or breast-feeding women). Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.</p> <p>Are there concerns that the new policy/service could have a differential impact on individuals with this protected characteristic.</p> <p>Are there any concerns that the policy/service amendments could have differential impact on individuals with this protected characteristic?</p> <p>What evidence do you have for your answer?</p> | <p>The proposed change to the scheme will have no differential impact due to pregnancy or maternity</p> |
| <p>Race – this refers to the protected characteristic of race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins. Gypsy/Travellers are distinct group within this category</p> <p>Are there concerns that the new policy/service could have a differential impact on individuals with this protected characteristic.</p> | <p>The proposed change to the scheme will have no differential impact due to race</p> |



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| <p>Are there any concerns that the policy/service amendments could have differential impact on individuals with this protected characteristic?</p> <p>What evidence do you have for your answer?</p> | |
| <p>Religion and Belief in the workplace - refers to any religion, including a lack of religion. Belief refers to any religious or philosophical belief and includes a lack of belief.</p> <p>Are there concerns that the new policy/service could have a differential impact on individuals with this protected characteristic.</p> <p>Are there any concerns that the policy/service amendments could have differential impact on individuals with this protected characteristic?</p> <p>What evidence do you have for your answer?</p> | <p>The proposed change to the scheme will have no differential impact due to religion or belief</p> |
| <p>Sex - this refers to the protected characteristic of sex which can mean either male or female, or a group of people like men or boys, or women or girls.</p> <p>Are there concerns that the new policy/service could have a differential impact on individuals with this protected characteristic.</p> <p>Are there any concerns that the policy/service amendments could have differential impact on individuals with this protected characteristic?</p> <p>What evidence do you have for your answer?</p> | <p>The proposed change to the scheme will have no differential impact due to sex.</p> |



| | |
|---|--|
| <p>Sexual orientation – this relates to whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.</p> <p>Are there concerns that the new policy/service could have a differential impact on individuals with this protected characteristic.</p> <p>Are there any concerns that the policy/service amendments could have differential impact on individuals with this protected characteristic?</p> <p>What evidence do you have for your answer?</p> | <p>The proposed change to the scheme will have no differential impact due to sexual orientation</p> |
| <p>Are there concerns that the function could have a differential impact on part time/full time employees?</p> <p>What evidence do you have for your answer?</p> | <p>The proposed change to the scheme will have no differential impact due to part-time or full-time employees. The scheme treats earnings in the same way irrespective of hours worked.</p> |
| <p>Are there concerns that the function could have a differential impact in terms of specific characteristics of Huntingdonshire e.g. Rural isolation</p> | <p>The proposed change to the scheme will have no differential impact for any other reasons and in summary is more generous to working age applicants.</p> |

Findings

Pension age applicants will not be affected as their scheme is prescribed by Central Government. Other measures undertaken to mitigate any potential negative impact on other protected groups include consulting the public about the proposed changes and asking for their views on the proposals, the disregard of disability benefits and implementation of the Council's CTS Exceptional Hardship scheme.

Council Tax Support is widely publicised on the Council's website, through information with Council Tax bills, and via signposting by officers. The Council has good links with independent debt advice agencies across the district, some of which fed into the consultation, to where customers that may be struggling financially would be signposted for support.

Recommendations

It is recommended that the EIA is approved

Public
Key Decision - Yes

HUNTINGDONSHIRE DISTRICT COUNCIL

Title: Transfer of Public Open Spaces Policy

Meeting/Date: Overview & Scrutiny (Environment, Communities and Partnerships)

Executive Portfolio: Councillor S Taylor –
Executive Councillor for Leisure, Waste and Street Scene

Report by: Assistant Director Strategic Insight and Delivery

Ward(s) affected: All

RECOMMENDATION

The Overview and Scrutiny Panel is invited to comment on the **Transfer of Public Open Spaces Policy** and **Public Open Space Transfer Process** for any requests to transfer of title of Huntingdonshire District Council (HDC) owned public open space to another community organisation from the Cabinet report attached.

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**Public
Key Decision - Yes**

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Transfer of Public Open Spaces Policy

Meeting/Date: Cabinet – 14th November 2023

Executive Portfolio: Councillor S Taylor –
Executive Councillor for Leisure, Waste and
Street Scene

Report by: Assistant Director Strategic Insight and Delivery

Ward(s) affected: All

Executive Summary:

This report sets out a policy for the transfer of public open spaces of more than 0.25 acres owned by the District Council. Play areas contained within public open spaces exceeding 0.25 are included under the policy. The policy and process proposed are intended to ensure requests are managed in a consistent, effective, and efficient manner so any opportunities to work collaboratively for better community outcomes are explored. This supports the underlying principles of the **Council's Corporate Plan 2023-2028** based on what the Council and its services can **do, enable, or influence** to achieve better outcomes.

There is no universal definition of public open space, for this purpose of this report and policy we refer to Public open space as defined in the Town and Country Planning Act 1990 as **land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground.**

S123 Local Government Act 1972 provides that a Council may dispose of land in any manner they wish but they **must do so at best value**. There are specific considerations within the Act such that **surplus land** may be disposed of to **secure the promotion or improvement of the economic, social, or environmental well-being of its area**. S123(2A) provides specifically that a **Local Authority may not dispose of land forming part of a public open space without first advertising its intention.**

Public open spaces are high valued by the residents of Huntingdonshire and contribute directly to the **achievement of the priority outcomes in our Corporate Plan**. Access to play, recreation and nature within public open spaces are proven to **improve the quality of life for local people, improving their happiness and wellbeing**. The Council's Healthy Open Spaces Strategy 2020

recognised and prioritised community driven priorities to maintain and enhance our public open spaces. 95% of those surveyed had visited an open space in the last 12 months, 64% rated open spaces as essential to quality of life and 98% stated open spaces make themselves and other people happy. Public open spaces are also a key part of **creating a better Huntingdonshire for future generations** and **contributing to the Councils priorities within the Climate Strategy adopted February 2023, lowering carbon emissions, and enhancing nature.**

The Council's public open spaces also provide an opportunity to secure Biodiversity Net Gain Units, especially smaller units, which would ensure small developments contribute to local biodiversity net gain, supporting future management costs. The importance of retaining such land and how it is managed is therefore significant.

Given the unique nature and complexity of individual sites, their potential future uses, land values and benefits to our communities and nature; transfers of open spaces can be complex. Issues and costs often unique to the site in question. The benefits and outcomes delivered must therefore be satisfied through consideration of a business case and public committee as required.

Recommendation(s):

Cabinet is

RECOMMENDED to

- 1) Adopt the Transfer of Public Open Spaces Policy set out in Appendix A. the key elements of this are:
 - Not to ordinarily seek or pursue the transfer of public open spaces that the Council is responsible for, to ensure the appropriate use of Council resources and that Council remains custodian of public open spaces to be maintained for the benefit of communities and the natural environment, with due regard to the powers under which the land is held.
 - Only pursue any lease or public open space transfer proposal if the costs of doing so are fully met through the requestor as set out in a business case.
- 2) Adopt the Public Open Space Transfer Process set out in Appendix B.
 - To enable swift determination of any proposals.
 - To ensure any proposal is screened consistently against the Transfer of Public Open Spaces Policy to ensure it has merit before investing resources in the detailed work required to achieve a transfer.

1. PURPOSE OF THE REPORT

- 1.1 To present a policy and process for any requests to transfer of title of Huntingdonshire District Council (HDC) owned public open space to another community organisation including but not limited to Town and Parish Councils.
- 1.2 This report and its recommendations do not cover the disposal/sale of surplus land for other purposes as this is covered by the existing policies that take account of the commercial considerations in such cases:
 - HDC's Disposal of Small Land Parcels and Disposal Policy (Appendix D)
 - HDC's Acquisitions of Land and Buildings Policy (Appendix E)
- 1.3 This report does not amend or change any of the requirements of the HDC's constitution and the delegations set out within it, which must be applied as appropriate to any proposal under consideration.
- 1.4 This report applies to public open spaces larger than 0.25 acres already owned by HDC.
- 1.5 Areas of play on public open spaces of more than 0.25 acres will be considered under this policy.
- 1.6 This report does not set out policy regarding the creation and ownership of public open space created by new developments as this is determined through the planning development process.

2. BACKGROUND

- 2.1 There is no universal definition of open/green space, in respect of size, quality or description. However open space is defined in the Town and Country Planning Act 1990 as **land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground.**

Open space may be managed under public or local acts of parliament (such as parks and open spaces held by local authorities under the Open Spaces Act 1906), or under schemes of management (made by local authorities for common land and town/village greens).

- 2.2 On occasions it may prove beneficial to achieve the outcomes that HDC and its communities would like by enabling or encouraging others to deliver enhancements or solutions within public open spaces owned by HDC. Other public bodies or community groups may be better positioned to interpret local need and raise funds from alternative sources. A local community organisation, parish or town council may also wish to deliver an enhanced level provision through by investing in public open spaces they do not own or when core play or open space requirements for an area have been met.

- 2.3 Open space is built into housing developments for two main reasons.
- 1) To provide 'incidental open space', smaller areas of land that break up blocks of housing to create a less dense pattern of housing (in a visual sense), literally breaking up the spaces; providing very local access to green space for residents to enjoy as open space, which creates an opportunity for local communities to develop in a social sense and benefit from access to nature.
 - 2) The second are more substantial areas of public open space which meet the recreational needs of places. These areas are larger and often more formally laid out, including footpaths, cycleways, sports pitches, and other facilities. All areas (towns and villages where new houses are built) are required to provide a minimum level of this type of space and our Local Plan, and associated Developer Contributions SPD 2011 sets out the policy directions on this matter.
- 2.4 HDC has a history of supporting local investment on its public open space when another public body does not hold suitable public open space/locations itself. In these situations, HDC has granted a licence or lease which enables the third party to progress and maintain an investment. This also allows HDC to maintain oversight that the use of the public open space is fulfilling the purpose for which the public open space is held, and the outcomes identified within HDC's Corporate Plan.
- 2.5 HDC itself holds leases with other landowners which allow for the maintenance and development of public open spaces for the benefit and access of the local community in keeping with the terms of that lease. Examples include Paxton Pits Nature Reserve (Part of) (St Neots), Hinchingsbrooke Country Park (Huntingdon), Berman Park (St Ives) and Spring Common (Huntingdon). HDC does so to deliver the objectives and outcomes of the Corporate Strategic Plan, Healthy Open Spaces and Climate Strategies.
- 2.6 S123 Local Government Act 1972 (see Appendix C) provides that a Council may dispose of land in any manner they wish but they must do so at best value. There are specific considerations within the Act such that surplus land may be disposed of to secure the promotion or improvement of the economic, social, or environmental well-being of its area.
- 2.7 S123 Local Government Act 1972 requires specific considerations and processes to be undertaken to achieve the lawful disposal of land which must be complied with.

3. CONSIDERATIONS

3.1 Green Open Spaces as Assets

The green open space held by HDC is an asset that supports both the community and nature. The community and health benefits of access to open space are well documented (Improving access to greenspace - A new review for 2020, Public Health England). HDC's Healthy Open Spaces

Strategy (2020) recognised and prioritised community driven priorities to maintain and enhance our public open spaces. 95% of those surveyed had visited an open space in the last 12 months, 64% rated open spaces as essential to quality of life and 98% stated open spaces make themselves and other people happy.

In addition to these community benefits, the public open spaces managed by HDC can contribute to the delivery of improved biodiversity in response to the climate and ecological crisis. Trees, hedges, and other natural landscape contribute to reduction in pollution, climate adaptation (reducing heat) and carbon emissions/sequestration. These sites therefore offer an opportunity for biodiversity net gain which can be supported by future housing developments, particularly those where the site of development may mean an off-site contribution is more appropriate. Such arrangements will support the delivery of increased biodiversity and its management.

Recommendations

Given the high value of public open space, HDC title is important to secure the on-going protection and management of those spaces for the benefits of our communities and nature.

Loss of title will reduce the bank of sites that HDC can offer for biodiversity net gain in the future. Retaining title ensures that the right mix of biodiversity and community benefit is maintained delivering the outcomes of the Climate Strategy, securing maintenance contributions through biodiversity net gain credits.

Retaining the title of land ensures that the wider benefits to our communities in terms of the health and wellbeing are maintained to deliver the outcomes of HDC's Corporate Plan.

3.2 Resources

HDC has finite resources and must use them to deliver the priorities of the Corporate Plan and its statutory functions. The disposal of any public open space may or may not align with these.

Regardless of the end lessor/recipient research is required to establish how complex and resource intensive a proposed transfer may be, potential costs and difficulty:

- Investigation of the source of title (reason the public open space is held).
- Investigation of any existing legal restrictions placed on the title of the public open space, covenants etc.
- Investigation of any public open space use restrictions such as Local Green Space, Field in Trust Designation, Community Asset registration
- Consideration of the value of the public open space via an official RICS survey

- Consideration of the proposed plan for public open space use in the future, including any existing restrictions.
- Evaluation of biodiversity net gain opportunity.

These must be considered against the business case made by the third-party seeking ownership.

Recommendations:

A lease or licence is the preferred enabler to support a third party to enhance the facilities of a public open space owned by HDC to ensure costs are minimised and the benefits and outcomes proposed deliver against the HDC's objectives and outcomes of its Corporate Plan, Healthy Open Spaces Strategy and Climate Strategy.

The transfer/disposal of a public open space is the exception and only if there are no additional costs to HDC and it is progressed on a cost recovery basis, the benefits outweighing any costs involved.

A structured process is required to ensure the requesting body is clear about why they are requesting the transfer, what they intend to deliver and what outcomes and benefit of the community will be delivered and how they meet HDC's objectives set out in the Corporate Plan. It will also request details of how any proposal is to be funded, both costs of transfer and on-going management.

3.3 Evaluation of Requests

A process proposed as set out in Appendix B to ensure a consistent, timebound process for an initial evaluation of any opportunities or requests to transfer ownership of green open space to another party.

STEP 1 – Outline Business Case, delegated to officers and SLT decision. This will be considered against the Open Spaces Transfer Policy (Appendix A).

STEP 2 – Detailed Business Case, this will be a detailed project, commissioned and resourced to undertake the activity required to conclude to transfer the public open space or not. This will include any formal consultation requirements and notices. The detailed business case will be presented alongside a formal report for cabinet via scrutiny which sets out the basis for decision proposed.

3.3.1 STAGE 1 - Outline Business Case

Clear reasons must be set out to justify the progression of any transfer of ownership, lease or licence including the anticipated work and costs required set against the benefits and desired outcome. An application form will be set up to ensure this information is captured, which must be completed by the requestor. A draft template is included as an appendix to the Policy.

An outline business case will be successful if it enables investment or enhancement not possible through any other means (including lease or licence) to deliver better outcomes for our communities. It should achieve these without additional financial cost to HDC.

Investigations will not be progressed if an enquiry is speculative and without a completed application form to inform the outline business case.

It is proposed that the outline business case and recommendation is delegated to the Senior Leadership Team member with responsibility for Open Spaces. This will take the form of a report (in consultation with the appropriate Executive Councillor for Open Spaces). This will draw on input from Planning and Estates. The outline business case consideration and recommendation will be based on the Transfer of Open Spaces Policy (Appendix A).

The expected outcomes of an Outline Business Case:

No transfer – this may be because there are negative financial implications, it does not deliver against the Corporate Plan objectives, there are already potential alternative plans for the site, the proposed use is contrary to the Council’s Development Plan, or the enquiry has prompted an alternative course of action.

Propose a lease/licence – given the business case there is insufficient benefit to justify the progression of public open space transfer, all benefits may be obtained through an appropriate length of lease/licence which ensures HDC retains oversight of future uses. Full cost recovery principles will normally apply to the applicant depending upon the benefits/outcomes that will be achieved.

Transfer (requiring a detailed business case) – there are clear community benefits and transfer will deliver the best outcomes, linked to HDC’s corporate plan. The proposed improvements would not be possible without transfer. The transfer delivers clearly articulated community need, providing resources and benefits which otherwise would not be delivered. The progression to detailed business case will require assignment of resources/funding and a project plan,

3.3.2 STAGE 2 - Detailed Business Case

If an outline business case is endorsed, a detailed business case will be resourced with funding agreed with the applicant. This will set out specific considerations including legal requirements, land values, protections on use and covenants alongside what is required to be in place to support a transfer. Progressing to detailed business case does not mean the transfer is agreed, just that the business case warrants investment of time and resources to see if the benefits proposed can be secured.

A detailed business case will be required to support the formal reporting of the proposal to Cabinet via Scrutiny.

Recommendations:

The detailed business case will be presented for formal decision through the HDC's reporting pathway. This will also require the approvals as set out in the HDC's Disposal of Small Land Parcels and Disposal Policy and the HDC's Constitution.

The expected outcome will be as before:

- **No transfer**
- **Propose a lease** given the detailed work; a transfer is not sustainable.
- **Transfer** confirmed.

If approved the transfer will be delegated to the Senior Leadership Team member with responsibility for public open spaces. An appropriate project will be established with appropriate governance and resources. It may be conditional on all costs being borne by the applicant depending upon the benefits/outcomes reviewed.

3.4 Financial Considerations

The impact of leasing/licensing or transferring any public open space must not generate additional cost for HDC. Any transfer must deliver additional benefit that may not be achieved through a simpler arrangement such as a lease or other agreement given the time, resources and costs involved in transferring/disposing of public open space.

There may be development agreements associated with any public open space for the provision of additional facilities to serve a growing community. The status of these and re-assignment of them must be considered which may involve negotiations with developers, the requirement of a planning application and a deed of variation to existing legal agreements incurring cost.

HDC does not have financial reserves or capital funding associated with its public open spaces unless to deliver an agreed project or action within its Corporate Plan. HDC is not able to provide funds to any applicant seeking a lease/licence or transfer of a public open space to support its future operation or development.

HDC will seek to recover any costs incurred. This applies in the development of the detailed business case and any lease or transfer if agreed.

HDC will require in any form of agreement that the on-going maintenance and re-provision at end of life of equipment falls to the lease/licence holder. This will include any costs of termination or making good at the end of life of any assets.

Recommendation:

- Any public open space transfer is without provision of any capital or revenue funding unless associated with wider project funding.
- An outline business case will confirm the funding requirements from the applicant, to support progression to detailed business case, the principle of cost recovery will apply.
- A detailed business case will be required that confirms the full funding required from the applicant to achieve a lease/licence or transfer if approved, the principle of cost recovery will apply.
- Any outstanding S106 development agreements which relate to the public open space will pass to a new owner.
- CIL is subject to separate application and approval that supports growth in Huntingdonshire. CIL awards cannot be associated directly with any open space lease/licence or transfer.
- All costs of maintenance and termination fall to the third party including making good at the end of any agreement.

4. COMMENTS OF OVERVIEW & SCRUTINY

- 4.1 The comments of the relevant Overview and Scrutiny Panel will be included in this section prior to its consideration by the Cabinet.

5. KEY IMPACTS

- 5.1 The transfer of public open spaces in Local Authority ownership can be a complex and time-consuming matter that requires legal investigation and support. Obtaining clear information about historic title and restrictions can determine specific courses of action to enable a lawful transfer.
- 5.2 The transfer of public open space if not surplus to the needs of the community can be a positive step to unlock investment and grant opportunities not available should HDC retain ownership. However, upon transfer there is a requirement to ensure appropriate legal and other protections are in place such that the public open space continues to be managed for the benefit of Huntingdonshire, the local community's health and well-being needs as well as positively contributing to the environment and nature. HDC must be confident and assured, through legal remedy.
- 5.3 The transfer of public open spaces consumes operational resources which would otherwise be deployed in the development and enhancement of them, HDC needs to be assured that any transfer will deliver a better outcome than would otherwise be achieved and that the opportunity cost of the work not able to be progressed is less than those benefits.

6. TIMETABLE FOR IMPLEMENTATION

- 6.1 If the proposals are adopted an application form will be developed to allow proposals to be put forward from 1st December 2023.

7. LINKS TO THE CORPORATE PLAN

- 7.1 The delivery of good quality and accessible open spaces and play facilities has a direct impact on:
- **Improving the quality of life for local people specifically improving happiness and wellbeing of residents**
 - **Creating a better Huntingdonshire for future generations specifically lower carbon emissions**
- 7.2 The corporate plan recognises the importance of **enabling residents** and businesses to thrive by **listening and collaborating with them**, opportunities to **collaborate in the effective and efficient delivery** of open spaces and play facilities is a priority **to best meet the needs and wants** of our communities.
- 7.3 The corporate plan also highlights the importance of **influencing partner organisations and stakeholders** by creating a **shared vision** benefiting Huntingdonshire. By providing **evidence and sharing opportunity** we can influence the provision of the **right open spaces and play facilities** for our communities.

8. LEGAL IMPLICATIONS

- 8.1 The requirements of S123 Local Government Act 1972 are set out in Appendix C and must be worked through in a logical manner. Failure to do so will lead to an unlawful transfer of public open space.
- 8.2 Any other restrictions or classifications placed on the public open space requested to be transferred must be identified with appropriate remedy and/or be written into the legal obligations of the prospective owner.

9. RESOURCE IMPLICATIONS

- 9.1 As set out in the main body of the report a transfer of public open space will require input from a project team at both outline and detailed business case stages. It is essential that the proposed outcome and use and/or investment enabled outweighs these. This will be decided at detailed business case stage.
- 9.2 The services required:

| Service | Role |
|---------------------|--|
| Legal | Advice on basis of public open space ownership Advice on required considerations based on the ownership. Any special applications for approval required e.g., Secretary of State approval if necessary |
| Open Spaces | Assessment of proposed benefits against community need and existing site benefits for the community Existing plans for the site |
| Ecology | Biodiversity value/opportunity on the site Any environmental designations |
| Grounds Maintenance | Consideration of current maintenance implications |

| | |
|------------------|--|
| Street Cleansing | Consideration of current maintenance implications |
| Estates | Consideration of any potential uses and implications of transfer such as linked access. Formal RICS public open space valuation |
| Planning | Status of Site in relation to Neighbourhood/Local Plan Any linked S106 development agreements |
| Finance | Any public open space valuation/asset valuations |
| Insurance | Any insurance/liability implications |
| Health & Safety | Any health and safety implications given nature of public open space/assets |

- 9.3 A non-refundable minimum charge of £500 is required upon application to licence/lease or transfer public open space. This covers the cost of preparing the Outline Business Case.
- 9.4 The level of resource investment for a licence to occupy or lease is less than the potential needs for a public open space transfer which will be considered at the outline business case stage.
- 9.5 The financial costs of any transfer must be scoped at the outline business case stage, broadly these may be expected to be £6,000 to £9000:
- An estimated minimum cost for officer research and processing (£3,000, depending on the requirements to achieve a successful transfer).
 - HDC's Legal costs (starting between £750 to £1,000)
 - Any requirements to publicly advertise or notify official bodies (starting between £750 to £1,000)
 - An official Royal Institution of Chartered Surveyors valuation (up to £1000).
 - Additional formal reporting and associated administration of detailed business case (£500 to £3,000) based on financial and reporting thresholds required (as set out in the Disposal of Small Land Parcels and Disposal Policy).

The outline business case will need to confirm funding from the applicant for these additional costs.

- 9.6 HDC's Disposal of Small Land Parcels and Disposal Policy additionally has financial thresholds set which determine minimum administration charges ranging from £500 to £3,000 based on land value and decision-making level. **These will also apply as per that Policy.**

10. HEALTH IMPLICATIONS

- 10.1 The provision of open spaces, managing them for the benefit of biodiversity, our environment and wellbeing benefits is critical to the delivery of our Corporate Plan. Access to play for all ages and nature which supports physical and mental health are key components of the wider determinants of health which impact the long-term sustainability, health, and economy of our district.
- 10.2 HDC adopted a Healthy Open Spaces Strategy in 2020 which set out our key priorities and actions to 2030 to ensure our open spaces are protected,

that biodiversity and nature is enhanced and that they support healthy and active communities. 90% of our residents confirmed that greenspaces improved mental health and well-being with nature and wildlife being the most important aspects of greenspaces.

11. ENVIRONMENT AND CLIMATE CHANGE IMPLICATIONS

- 11.1 HDC adopted its Climate Strategy in February 2023 along with an action plan setting out short-, medium- and long-term actions. Following consultation and an evidence review the strategy identified increasing biodiversity and natural capital as one of the three district wide climate priorities.

12. REASONS FOR THE RECOMMENDED DECISIONS

- 12.1 The transfer of public open space into alternative ownership to facilitate better outcomes must always be considered, but in a structured and organised way to ensure the benefits and proposals are clear and that all benefits to the community and environment are legally preserved.
- 12.2 Public Open Space is highly valued by our communities and are significant assets that enable the delivery of health and well-being to our residents, linking directly to the objectives of the Corporate Plan.
- 12.3 Public Open Space is of great importance to support increased biodiversity. This links directly with our Climate Strategy and action plan. New developments will require biodiversity net gain and the enhancement and management of HDC owned land presents an opportunity to support development and the costs of improving public open spaces for nature.
- 12.4 There are financial and resource implications of progressing a public open space transfer which must be considered in decision making so there is no adverse impact on HDC.

13. LIST OF APPENDICES INCLUDED

Appendix A – Transfer of Public Open Spaces Policy
Appendix B - Public Open Space Transfer Process
Appendix C - Circular LGA 1972 general disposal consent (England) 2003
Appendix D - HDC's Disposal of Small Land Parcels and Disposal Policy
Appendix E - HDC's Acquisitions of Land and Buildings Policy

14. BACKGROUND PAPERS

[Corporate Plan 2023-2028](#)
[Climate Strategy 2023](#)
[Healthy Open Spaces Strategy 2020-2030](#)
[Improving Access to Greenspace, A new review for 2020 – Public Health England](#)

CONTACT OFFICER

Name/Job Title: Neil Sloper Assistant Director Strategic Insights & Delivery
Email: neil.sloper@huntingdonshire.gov.uk

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APPENDIX A

Huntingdonshire District Council

**Transfer
of**

**Public Open Spaces
Policy**

Date Approved: xxxxxx

Review Date: xxxxx

Version Draft

Definition

There is no universal definition of public open space for this purpose of this report and policy we refer to Public Open Space as defined in the Town and Country Planning Act 1990 as **land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground.**

This policy applies to public open spaces already owned by Huntingdonshire District Council, land more than 0.25 acres. This policy applies to assets (play equipment) contained within public open space which is greater than 0.25 acres.

Open spaces may be managed under public or local acts of parliament (such as parks and open spaces held under the Open Spaces Act 1906), or under schemes of management (made by local authorities for common land and town/village greens). Land held as “open space” (or amenity land) is considered as held to support the provision of a Council service.

Scope

This policy is limited to public open space **already within the ownership** of Huntingdonshire District Council and therefore excludes creation and ownership of public open space created by new developments determined through the planning process.

Land Under 0.25 Acres

Matters of **small land parcels and disposal of surplus property** owned by the Council are **determined under the Council’s Disposal of Small Land Parcels and Disposal Policy** if it no longer meets corporate and/or investment priorities.

A request to lease or licence a small part of a public open space (under 0.25 acres) is delegated to the Senior Leadership Team Member with responsibility for Open Spaces in conjunction with their Executive Member. Any decisions will need to take full account of the reporting requirements and delegations contained within the **Council’s Disposal of Small Land Parcels and Disposal Policy** where they apply. A delegated record of decision will be kept and reported to Cabinet for information

Land Over 0.25 Acres

This policy will guide considerations of all public open space **transfers** larger than 0.25 acres and transfers of play areas within land larger than 0.25 acres.

A request to lease or licence a public open space (over 0.25 acres) is delegated to the Senior Leadership Team Member with responsibility for Open Spaces in conjunction with their Executive Member. Any decisions will need to take full account of the reporting requirements and delegations contained within the **Council’s Disposal of Small Land Parcels and Disposal Policy** where they apply. A delegated record of decision will be kept and reported to Cabinet for information.

Risk Management

All activity relating to the lease or transfer of public open spaces and play areas will be undertaken within an environment that minimises risk to both services and the capital, or

revenue, investment that has been made. This includes impacts on reputation. There will be appropriate reporting to ensure parties are aware of the risk within any proposal.

Transparency and Fairness

This policy provides a framework which is both transparent and consistent and demonstrates fairness in the consideration of requests to lease or seek ownership of a Council owned public open space.

Any requests will be screened through an informal business case based on the application made (Appendix 1 of the Policy) and an initial assessment of the costs and benefits.

If the outline business case is approved without condition a further detailed business case will be required to gain final endorsement and initial the project to complete the agreed action. This will be subject to the required legal and constitution reporting requirements.

Value for Money

Value for Money is at the heart of how the Council delivers its services. In respect of the leasing/licensing/transferring of public open spaces, the Council will ensure that there is no additional cost to the Council and that resources and expenses are recovered.

Given the unique nature and complexity of individual sites, their potential future uses, land values and benefits to our communities and nature; transfers of open spaces can be complex with issues and costs unique to the sites in question.

Lease or Transfer of Public Open Spaces Policy

- Public open spaces will be greater than 0.25 acres (1,011 square meters) and not considered suitable for development.
- Public open spaces owned by the Council **will not be transferred to third parties unless in exceptional circumstances**, evidenced by a detailed business case where the benefits of doing so outweigh any costs and if the open space no longer contributes to service, corporate and/or investment priorities.
- Public open space will be leased or licensed to facilitate local investments and improvements by third parties which benefit the community in a way that would not be achieved by the Council alone. This will ensure public open space continues its contribution to the delivery of the objectives and outcomes of the Corporate Plan, Climate Strategy and Health Open Spaces Strategy. Any future development including biodiversity gain is retained to support continued management of open spaces.
- If, in an exceptional circumstance, a public open space is transferred to a third party to enable better outcomes, the Council will ensure through covenant/legal agreement that any future benefits of development (including biodiversity gain) will be recovered and that the purpose of the land is preserved for the benefit of community.
- The Council will not transfer or lease any public open space without the costs of doing so being fully funded by the requestor.
- Prior to lease/licence or transfer, partners of the Council may be contacted to determine if there is an alternative use for the public open space.

- The Council will undertake investigations into the legal, planning, financial and other aspects of the public open space before entering any agreements.
- Subject to legislative requirements, the Council will only transfer surplus public open space for the best consideration, where this is not possible or where corporate objectives are not being met, appropriate activity will be undertaken to ensure that the Council maximises any capital receipts. Valuations of land will be undertaken by suitably qualified professionals. VAT and other tax implications will always be considered.
- Persons wishing to lease or seek title to public open space may do so by completing an application. Such applications will be:
 - subject to an application fee of £500 (this does not confirm any rights to purchase and is non-returnable) but covers the initial administrative costs of considering an outline business case.
 - added to the list of sites for consideration by outline business case.
 - be progressed, if endorsed without condition, to detailed business case subject to agreement that all costs are met by the requestor (this does not confirm any rights to lease/title and is non-refundable).
 - if the detailed business case is endorsed without condition through the approvals process required by the constitution and legal requirements, it will be added to a future project list, commencement, and completion subject to all costs being met.
- Any financial benefit from the transfer of public open space will be excluded from the provisions of 10% transfer of sale proceeds to Town and Parish Councils.

Policy Context

S123 Local Government Act 1972 provides that a Council may dispose of land in any manner they wish but they must do so at best possible value. There are specific considerations within the Act such that surplus land may be disposed of to secure the promotion or improvement of the economic, social, or environmental well-being of its area. S123(2A) provides specifically that **a Local Authority may not dispose of land forming part of a public open space without first advertising its intention.**

Public Open Spaces contribute directly to the **achievement of the priority outcomes in our Corporate Plan:**

Priority 1) Improving the quality of life for local people, improving their happiness and wellbeing. Through access to play, recreation, and nature within public open spaces

Priority 2) Creating a better Huntingdonshire for future generations. Through attractive and climate resilient environments within which people want to live and work. Public open spaces contribute to lower carbon emissions and enhancing nature.

The Climate Strategy 2023, set a district wide priority placed by our residents on **increasing biodiversity and natural capital.** This is delivered through the way we maintain the public open spaces that we own and how we influence the maintenance undertaken by other organisations to do the same.

Biodiversity Net Gain, public open space presents an opportunity to expand and develop biodiversity in consultation with our communities who benefit and use the public open space. Biodiversity Net Gain will be a requirement of all new developments that meet the criteria established within the planning process. As a landowner the Council can be paid to deliver off site biodiversity gain which will contribute to the shaping and maintenance of the public open space, minimising the burden on the taxpayer regarding the maintenance and development of public open space for the benefit of nature.

The Healthy Open Spaces Strategy (2020) reflects and recognises that Public Open Spaces are high valued by the residents of Huntingdonshire. 95% of those surveyed had visited an open space in the last 12 months, 64% rated open spaces as essential to quality of life and 98% stated open spaces make themselves and other people happy.

Public Engagement Considerations

The Council's communication and democratic services team will be consulted to ensure that any lease or transfer is undertaken in a proportionate way.

Council Ward members will be consulted prior to any transfer of public open space.

Consideration will be given to the statutory requirements of the Local Government Act 1972 and the Town and County Planning Act 1990.

Any agreement to lease/licence or transfer public open space will be conditional on evidence of adequate public consultation by the requestor to evidence that any plans used to justify that the lease/licence or transfer meets the needs of, and are supported by, the local community.

Performance Management

If receipts exceed £10,000, these will be Capital Receipts and will be accounted for as such that will be assessed annually as part of the routine budget monitoring cycle.

There will be ongoing monitoring of applications for leases/transfers between the responsible officers and the parties selling or otherwise concerned with the disposal.

There will be appropriate reporting to Corporate Management Team where performance is in question.

Resources

The lessor or applicant will meet all legal (and ancillary costs) of the Council. In the event of transfer the applicant will be charged a fee for the administration of the transaction, as set out in the **Disposal of Small Land Parcels and Disposal Policy** which covers any formal decision making and associated administration. In addition, the costs detailed below will be met by the lessor or applicant:

Charges Lease/Transfer of Public Open Space to Other Public Bodies

| Consideration | Minimum Fee (Actual to be confirmed in detailed business case) |
|---|--|
| Open Spaces Management – Preparation of Outline Business Case – Application Fee | £500 |

| | |
|---|--------|
| Open Spaces Management - Preparation and review of detailed business case including committee reporting | £3,000 |
| Land Valuation | £1,000 |
| Legal Fees | £1,000 |

* These charges exclude all other ancillary costs. Further it is the minimum charge that any applicant will pay. If any sale requires additional resources, officer time beyond what would reasonably be expected, the purchaser will be required to meet this.

The financial thresholds will be reviewed every 2 years.

Governance

The Council will have regard to all statutory and local regulations, including reporting to Corporate Management Team and in line with the Constitution.

Initial Application

Any applications to lease/licence or transfer a public open space will be considered by Senior Leadership Team member with responsibility for Open Spaces as an Outline Business Case in consultation with the Executive Councillor for Open Spaces. Refusal at this stage is final. A new revised application may be made upon payment of additional fee. A record of delegated decision will be made and reported to Cabinet for information.

The progression of lease and licence is then delegated to the Senior Leadership Team member with responsibility for Open Spaces.

Successful Outline Business Case for Transfer

Only if a transfer is endorsed without condition as an Outline Business Case and payment of any required fees, will the work commence on the detailed business case for a transfer.

The detailed business case will then be **considered formally** with reporting to Senior Leadership Team the appropriate Overview & Scrutiny Panel and Cabinet. Additional reporting may be required taking account of any requirements set out in the **Disposal of Small Land Parcels and Disposal Policy**

Changes to Process of Consideration

The process of consideration of any proposals and changes to that process will be delegated to the Senior Leadership Team member with responsibility for Open Spaces.

Policy Change

Any policy change will be subject to the formal reporting requirements set out in the Council's Constitution.

Appendix 1 – Proposed Form of Application

The Council will require an application to be submitted by anyone requesting the transfer of public open space.

Details of Requestor

- Their name and role
- Their authority to make the request, what approvals or report is in place.
- Contact details for all queries.

Request Summary

An executive summary of the proposal, location, commitment, and benefits

Objectives and Goals

- What land it wants?
- What it plans to do with the land (or play/sport facilities) and why
- How its plans will help the community, what need is it responding to
- How the plans will enable the delivery of the Council's Corporate Plan and its Objectives
- How the plan fit with their organisational goals and objectives

Proposed Fit with Huntingdonshire District Council's Corporate Plan

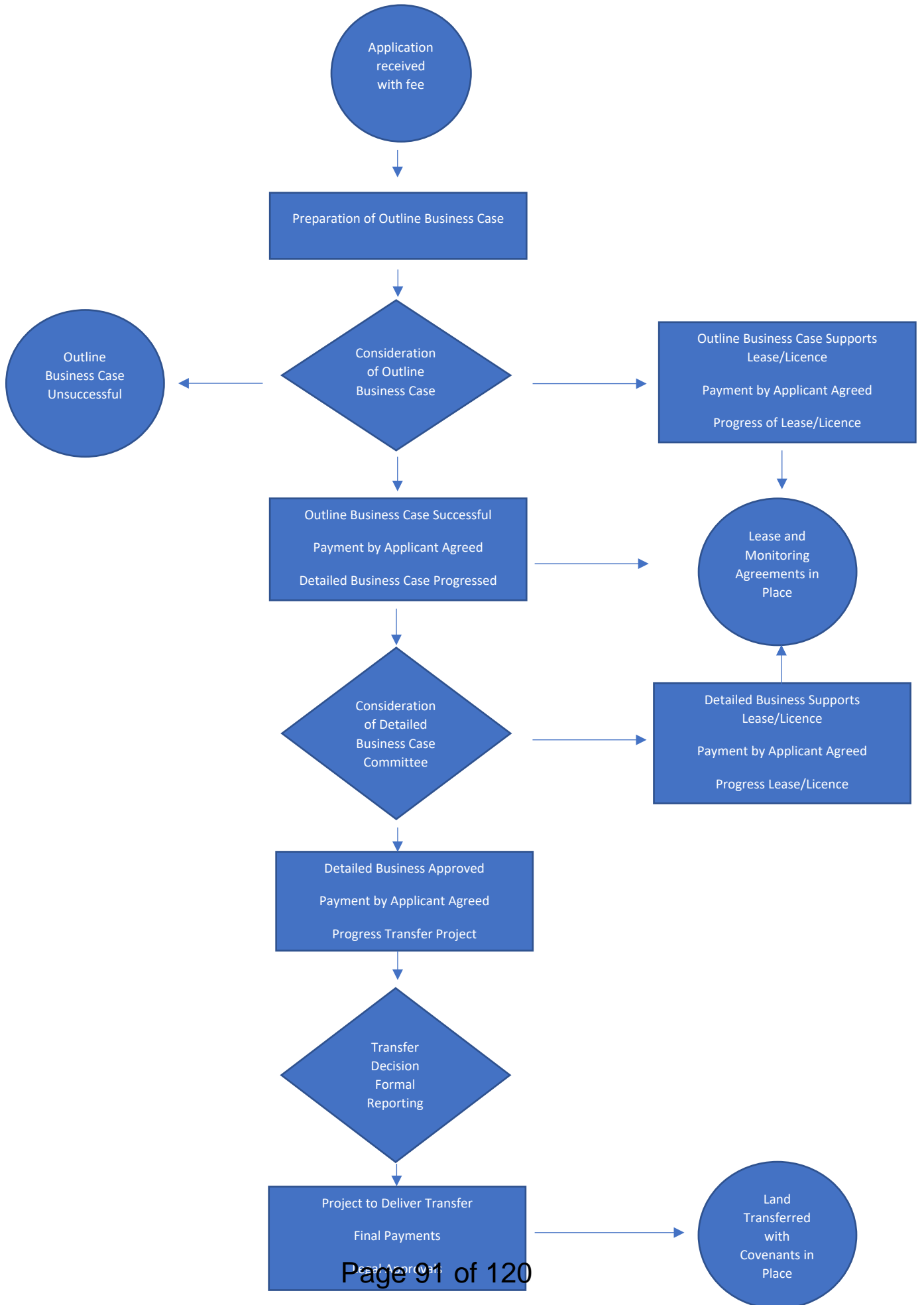
A statement of how the applicant believes the proposal will deliver positive outcomes against the Corporate Plan.

Details of Request

- The specific area of public open space the proposal relates to.
- Whether other people agree with what the requesting body plans to do.
- If it wants to buy or rent or have other rights in the land
- How much it wants to pay.
- How it will get money to carry out its plans
- How any costs of transfer will be met.

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Transfer of Public Open Spaces Process



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**Circular 06/03: Local Government Act 1972
general disposal consent (England) 2003
disposal of land for less than the best
consideration that can reasonably be obtained**

On 5th May 2006 the responsibilities of the Office of the Deputy Prime Minister (ODPM) transferred to the Department for Communities and Local Government.

Department for Communities and Local Government
Eland House
Bressenden Place
London SW1E 5DU
Telephone: 020 7944 4400
Website: www.communities.gov.uk

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Corrigendum

Please note that paragraph 21 in the Technical Appendix to this Circular under the heading "Consideration for the exercise of an option" which came into force on 4 August 2003 contains errors. Sub-paragraphs **d**, **e** and **f** should correctly read **a**, **b** and **c** so that the proper calculations can be made according to the formula. While we have taken steps to rectify the errors in the web version of the Circular we have no plans at present to do the same with the printed versions (ISBN 0-11-753896-5) published by the Stationery Office (TSO).

Introduction

1. The purposes of this Circular are to convey the Local Government Act 1972: General Disposal Consent 2003 ("the Consent"), which is attached as an Annex, and to provide guidance to those local authorities in England (listed in paragraph 3(1) of the Consent) which have land disposal powers under sections 123 and 127 of the Local Government Act 1972 ("the 1972 Act"). The Consent removes the requirement for authorities to seek specific consent from the Deputy Prime Minister and First Secretary of State ("the Secretary of State") for any disposal of land where the difference between the unrestricted value of the interest to be disposed of and the consideration accepted ("the undervalue") is £2,000,000 (two million pounds) or less. It therefore offers authorities greater freedom than previously to exercise discretion in the disposal of their land, and this Circular aims to provide guidance on the exercise of this freedom. However, this guidance is not exhaustive and does not purport to be an authoritative interpretation of the law. It remains the responsibility of each authority to seek their own legal or other professional advice as appropriate.

Consultation

2. Local Government and other interested bodies in England have been consulted on the Circular and the General Disposal Consent 2003. All comments and suggestions received from consultees and others to the draft Circular issued as a consultation paper in December 2002 have been fully considered. Where practicable, text has been altered in order to meet concerns which have been expressed or suggestions which have been made.

3. The main topics covered in this Circular are:

- Powers
- General Disposal Consent (England) 2003
- Applications for Specific Disposal Consent
- Other considerations
- Valuations
- Options

Annex: **The General Disposal Consent (England) 2003**

Technical Appendix: the Valuation report

- unrestricted value
- restricted value
- voluntary conditions
- negative development value
- grants

Related Circulars

4. For the purposes of local authorities in England, this Circular replaces Circular DOE

6/93, which was issued on 16 April 1993 and the advice given to authorities in the Circular Letter issued on 11 December 1998. The Consent accompanying this Circular replaces the Local Government Act 1972 General Disposal Consents issued on 11 December 1998.

Powers

5. Local authorities are given powers under the 1972 Act to dispose of land in any manner they wish, including sale of their freehold interest, granting a lease or assigning any unexpired term on a lease, and the granting of easements. The only constraint is that a disposal must be for the best consideration reasonably obtainable (except in the case of short tenancies, see footnote 3, paragraph 1 of the Consent), unless the Secretary of State consents to the disposal.

6. It is Government policy that local authorities and other public bodies should dispose of surplus land wherever possible. Generally it is expected that land should be sold for the best consideration reasonably obtainable. However, it is recognised that there may be circumstances where an authority considers it appropriate to dispose of land at an undervalue. Authorities should clearly not divest themselves of valuable public assets unless they are satisfied that the circumstances warrant such action. The Consent has been issued to give local authorities autonomy to carry out their statutory duties and functions, and to fulfil such other objectives as they consider to be necessary or desirable. However, when disposing of land at an undervalue, authorities must remain aware of the need to fulfil their fiduciary duty in a way which is accountable to local people.

The Consent

7. Section 128(1) of the 1972 Act confers on the Secretary of State power to give a general consent for the purposes of land disposals by local authorities carried out under their powers in Part 7 of the 1972 Act. The Secretary of State's sole statutory function in respect of the exercise by local authorities of these disposal powers is to give or withhold consent to a proposed disposal in cases where his consent is required.

8. The terms of the Consent mean that specific consent is not required for the disposal of any interest in land which the authority considers will help it to secure the promotion or improvement of the economic, social or environmental well-being of its area. Where applicable, authorities should also have regard to their community strategy. Although these criteria derive from the Local Government Act 2000, their use in the Consent is not confined to authorities with duties and powers under that Act. Therefore, authorities not covered by the 2000 Act can also rely upon the well-being criteria when considering disposals at less than best consideration. It will be for the authority to decide whether these decisions taken comply with any other relevant governing legislation. In all cases, disposal at less than best consideration is subject to the condition that the undervalue does not exceed £2,000,000 (two million pounds).

9. In determining whether or not to dispose of land for less than the best consideration reasonably obtainable, and whether or not any specific proposal to take such action falls within the terms of the Consent, the authority should ensure that it complies with normal and prudent commercial practices, including obtaining the view of a professionally qualified valuer as to the likely amount of the undervalue.

Application for Specific Consent for Disposal

10. It will be for the local authority to decide whether any proposed disposal requires specific consent under the 1972 Act, since the Secretary of State has no statutory powers to advise authorities that consent is needed in any particular case. Once an application for a specific consent is submitted, the Secretary of State is obliged to make a decision on the proposed disposal on its merits. However, if he is of the opinion that his consent is not required (ie the sale is not at an undervalue), or if he believes that the case falls within the terms of the Consent, his statutory function to give specific consent will not arise. Where an authority is uncertain about the need to seek consent, it may wish to seek its own legal advice on the matter. An authority may find it useful to keep its appointed auditor informed of any legal advice it receives and the proposed action it wishes to take. An auditor has a duty to consider whether the authority is acting lawfully.

11. Applications for specific consent should be sent to the Secretary of State via the Director of Planning at the Government Office for the relevant Region. The Secretary of State will require the following information:

- i)** a written description of the site and buildings, its physical characteristics, location and surroundings together with a plan which should be accurate enough to allow it to be used to identify the land in the Secretary of State's decision in cases where consent is given;
- ii)** a written description of the authority's tenure and a summary of the details of any leases, encumbrances, such as easements etc, to which it is subject. Details should be given of the purpose(s) for which the authority holds the land. Normally land is held for the purposes of the power under which it was acquired, or taken on lease, unless it has since been formally appropriated to another purpose;
- iii)** a written description of the existing use(s), current planning consents and alternative planning uses(s) that are likely to be permitted;
- iv)** a summary of the proposed transaction, noting the reasons for disposing at an undervalue, the key terms and any restrictions to be imposed by the authority; and
- v)** a detailed Valuation Report covering the matters listed in the Technical Appendix, and signed by a qualified valuer (a member of the RICS). The Department would normally expect the valuation to have been undertaken no earlier than six months before the submission.

Other Considerations

Procedural requirements

12. It is the responsibility of the authority to undertake any further procedures which may be necessary to enable it to dispose of any particular area of land. For example, sections 123(2A) and 127(3) of the Local Government Act 1972 and section 233(4) of the Town and Country Planning Act 1990 ("the 1990 Act") require a local authority wishing to dispose of

open space under those powers¹ to advertise its intentions in a local newspaper for two consecutive weeks and to consider objections. Authorities should carry out these procedures before making any final decisions about disposal as the public response to the notices may be material to any such decision. It could also be an important factor in any determination by the Secretary of State of an application for specific consent.

Land held under correct powers

13. It is the responsibility of the authority to satisfy itself that the land is held under powers which permit it to be disposed of under the terms of the 1972 Act and, if not, to take action to appropriate it (for example, under section 122 of the 1972 Act). In this regard, authorities are reminded that the terms of the Consent do not extend to proposals to dispose of land under section 233 of the 1990 Act, for which specific consent is still required. Nor does the Consent apply to the disposal of land held under powers derived from the Housing Act 1985, upon which authorities should seek advice from LAH 5 Division in the Housing Directorate, ODPM, Zone 2/D2, Eland House, Bressenden Place, London, SW1E 5DU.

State aid

14. Authorities are reminded that all disposals need to comply with the European Commission's State aid rules. The Commission's Communication on State aid elements in sales of land and buildings by public authorities (97/C 209/03) provides general guidance on this issue. When disposing of land at less than best consideration authorities are providing a subsidy to the owner, developer and/or the occupier of the land and property, depending on the nature of the development. Where this occurs authorities must ensure that the nature and amount of subsidy complies with the State aid rules, particularly if there is no element of competition in the sale process. Failure to comply with the rules means that the aid is unlawful, and may result in the benefit being recovered with interest from the recipient.

15. Authorities might find it helpful to refer to the decisions by the Commission concerning commercial bespoke and speculative developments (N747/A/99 & N747/B/99) which the Commission has indicated may also be applicable to local authorities. These decisions set out the amount of aid that could be provided within and outside the Assisted Areas.

16. English authorities may obtain further advice and guidance from the State Aid and Taxation Team in EASD A, ODPM, Eland House, Bressenden Place, London, SW1E 5DU and at: www.bridgingthegap.uk.com.

Valuations

17. Before disposing of any interest in land for a price which may be less than the best consideration reasonably obtainable, local authorities are strongly advised in all cases to ensure that they obtain a realistic valuation of that interest, following the advice provided in the Technical Appendix. This applies even for disposals by means of formal tender, sealed bids or auction, and irrespective of whether the authority considers it necessary to make an application to seek the Secretary of State's specific consent. By following this advice, an authority will be able to demonstrate that it has adopted a consistent approach to decisions about land disposals by carrying out the same step by step valuation process on each

occasion. Supporting documents will provide evidence, should the need arise, that an authority has acted reasonably and with due regard to its fiduciary duty.

Options

18. Where an authority wishes to grant an option, or an option holder wishes to exercise his option on land which the authority holds, the authority will need to consider whether the consideration for either the grant or exercise of the option will result in a discount. In relation to the exercise of an option this will depend on the valuer's assessment of whether, if the option were to be exercised, the terms would be likely to require the authority to accept less than the best price that could reasonably be obtained for that interest at the time of disposal and, if so, whether that would fall within the terms of the Consent. The matters which would need to be considered by the valuer are covered in paragraphs 20 and 21 of the Technical Appendix. If, as a result of the valuer's advice, the authority wished to seek specific disposal consent, it would need to provide the Secretary of State with full details of the terms of the option agreement which is to be entered into or implemented.

Contacts

19. If there are any questions about this Consent, please contact Marlene Rodney or Cyril Kearney by email to cpocrown@communities.gsi.gov.uk or write to ODPM, Planning Directorate (Plans, International, Compensation and Assessment Division), Zone 3/J4 at Eland House, Bressenden Place, London, SW1E 5DU (telephone 020 7944 8726/ 3915). Please note that cases which fall outside this Consent will require an application to be made to the Secretary of State for specific consent for disposal. These applications will continue to be handled by the Government Offices for the Regions.

Lisette Simcock

Divisional Manager
Plans, International, Compensation and Assessment Division

The Chief Executive
County Councils
District Councils }
Metropolitan Borough Councils }
London Borough Councils } England
Parish Councils }
Council of the Isles of Scilly }

The Town Clerk, City of London

The Chief Executive
The National Park Authorities in England

The Chief Executive, Broads Authority

The Chief Officer
Joint Authorities } England
Police authorities }
The Metropolitan Police Authority
The London Fire and Emergency Planning Authority

Annex

The Local Government Act 1972: General Disposal Consent (England) 2003

1. The First Secretary of State ("the Secretary of State"), in exercise of the powers conferred by sections 123(2), 127(2) and 128(1) of the Local Government Act 1972, hereby gives consent to a disposal of land² otherwise than by way of a short tenancy³ by a local authority in England in the circumstances specified in paragraph 2 below.

2. The specified circumstances are:

- a) the local authority considers that the purpose for which the land is to be disposed is likely to contribute to the achievement of any one or more of the following objects in respect of the whole or any part of its area, or of all or any persons resident or present in its area;
 - i) the promotion or improvement of economic well-being;
 - ii) the promotion or improvement of social well-being;
 - iii) the promotion or improvement of environmental well-being; and
- b) the difference between the unrestricted value of the land to be disposed of and the consideration for the disposal does not exceed £2,000,000 (two million pounds).

Interpretation and savings

3. (1) In this instrument -

"local authority" means:

- i) London borough council;
- ii) a county council;
- iii) a district council;
- iv) a parish council and parish trustees acting with the consent of a parish meeting;
- v) a National Park authority;
- vi) a Metropolitan Borough Council
- vii) a joint authority established under Part IV of the Local Government Act 1985;
- viii) a police authority established under section 3 of the Police Act 1996;
- ix) the Metropolitan Policy Authority;

- x) the London Fire and Emergency Planning Authority;
- xi) the Broads Authority;
- xii) the Council of the Isles of Scilly;

and any other person to whom, by virtue of statute, section 123(2) or section 127(2) of the Local Government Act 1972 applies;

"unrestricted value" means the best price reasonably obtainable for the property on terms that are intended to maximise the consideration, assessed in accordance with the procedures set out in the Technical Appendix.

(2) Nothing in this instrument shall be construed as giving consent to a disposal for any purpose for which the consent of the Secretary of State is required by virtue of section 25(1) of the Local Government Act 1988, section 133(1) of the Housing Act 1988, section 32(2) or section 43(1) of the Housing Act 1985, or otherwise as having effect as a consent for any purposes other than those of Part 7 of the Local Government Act 1972.

Citation and revocation

4. (1) This instrument may be cited as the Local Government Act 1972 General Disposal Consent (England) 2003 and shall come into effect on 4 August 2003.

(2) The Local Government Act 1972 General Disposal Consents 1998 are hereby revoked insofar as they apply to England.

Signed by authority of the First Secretary of State

Lisette Simcock

30 July 2003 Divisional Manager

Plans, International, Compensation and Assessment Division

Technical Appendix

Valuations For The Purpose Of Determining Whether Proposed Land Disposals Under The Terms Of The Local Government Act 1972 Fall Within The Provisions Of The General Disposal Consent 2003

The Valuation Report

1. An application to the Secretary of State for a specific consent to dispose of land under the terms of Part 7 of the Local Government Act 1972 for less than the best consideration reasonably obtainable must be supported by a report prepared and signed by a qualified valuer (a member of the RICS), providing the following information.

Valuations

2. The report should set out the unrestricted and restricted values together with the value of conditions. Where any of these is nil this should be expressly stated. The valuer should also describe the assumptions made. These might include, for example, existing or alternative uses that might be permitted by the local planning authority, the level of demand and the terms of the transaction. The effect on value of the existence of a purchaser with a special interest (a special purchaser) should be described.

3. The Consent removes the requirement for authorities to seek specific consent from the Secretary of State where the difference between the unrestricted value of the land to be disposed of and the consideration accepted is £2,000,000 or less. The purpose of requiring the restricted value and the value of conditions to be reported as well as the unrestricted value is to ensure that the monetary value to the authority of any voluntary conditions can be taken into account when applications for specific consent are considered by the Secretary of State.

4. The valuer should take into account the requirements of the RICS Appraisal and Valuation Standards (Fifth Edition), ("the Red Book"), including UK Guidance Note 5⁴. All values should be assessed in capital, not rental, terms; and where a lease is to be granted, or is assumed by the valuer to be granted, the valuer should express the value of the consideration as a capital sum.

Unrestricted value

5. The unrestricted value is the best price reasonably obtainable for the property and should be expressed in capital terms. It is the market value of the land as currently defined by the RICS Red Book (Practice Statement 3.2)⁵, except that it should take into account any additional amount which is or might reasonably be expected to be available from a purchaser with a special interest (a "special purchaser"). When assessing unrestricted value, the valuer must ignore the reduction in value caused by any voluntary condition imposed by the authority. In other words, unrestricted value is the amount that would be paid for the property if the voluntary condition were not imposed (or it is the value of the property subject to a lease without the restriction).

6. In general terms, unrestricted value is intended to be the amount which would be received for the disposal of the property where the principal aim was to maximise the value of the receipt. Apart from the inclusion of bids from a purchaser with a special interest it is defined in the same way as market value. For example, the valuer should take account of whatever uses might be permitted by the local planning authority insofar as these would be reflected by the market rather than having regard only to the use or uses intended by the parties to the proposed disposal.

7. The valuer should assume that the freehold disposal is made, or the lease is granted, on terms that are intended to maximise the consideration. For example, where unrestricted value is based on the hypothetical grant of a lease at a rack rent, or a ground rent with or without a premium, the valuer should assume that the lease would contain those covenants that a prudent landlord would normally include. The valuer should also assume that the lease would not include any unusual or onerous covenants that would reduce the consideration, unless these had to be included as a matter of law.

8. In the case of a proposed disposal of a leasehold interest, or where the valuer has assumed that a lease would be granted, the unrestricted value should be assessed by valuing the authority's interest after the lease has been granted plus any premium payable for its grant. This will usually be the value of the authority's interest subject to the proposed or assumed lease. In other words, it will be the value of the right to receive the rent and other payments under the lease plus the value of the reversion when the lease expires.

9. Where an authority has invited tenders and is comparing bids, the unrestricted value is normally the highest bid. But where, on the advice of the authority's professionally qualified valuer, the authority considers that the highest submitted tender is unrealistically high, or is too low, the unrestricted value may be assessed by the valuer.

Restricted value

10. The restricted value is the market value of the property having regard to the terms of the proposed transaction. It is defined in the same way as unrestricted value except that it should take into account the effect on value of any voluntary condition(s).

11. Where the authority has invited tenders and is comparing bids, the restricted value is normally the amount offered by the authority's preferred transferee. In other cases it is normally the proposed purchase price.

12. In cases where the proposed consideration is more or less than the restricted value both figures need to be given.

Voluntary conditions

13. A voluntary condition is any term or condition of the proposed transaction which the authority chooses to impose. It does not include any term or condition which the authority is obliged to impose, (for example, as a matter of statute), or which runs with the land. Nor does it include any term or condition relating to a matter which is a discretionary rather than a statutory duty of the authority.

14. The value of voluntary conditions is the total of the capital values of voluntary conditions imposed by the authority as terms of the disposal or under agreements linked to the disposal that produce a direct or indirect benefit to the authority which can be assessed in monetary terms. It is not the reduction in value (if any) caused by the imposition of voluntary conditions and any adverse effect these may have on value should not be included in this figure.

15. The proposed disposal, or an agreement linked with it, may give rise to non-property benefits to the authority. For example, these might include operational savings or income generated as a result of the transaction where the authority has an associated statutory duty. The monetary value of these benefits to the authority should be included in the value of voluntary conditions.

16. Where the status in law of a voluntary condition is unclear, the authority may need to seek legal advice as to whether the condition is such that its value to the authority can form part, or all, of the consideration. Conversely, there may be cases where, in law, the condition can form part, or all, of the consideration but it has no quantifiable value to the authority.

17. Where the valuer is not qualified to assess the value of any benefits (for example, of share options) the report should make clear the extent to which the valuer accepts liability for the figures. Where the valuer does not accept full responsibility the report should make it clear by whom the remainder of the figures have been assessed, and copies of any valuations or advice received from accountants or other professional advisers should be annexed.

18. All the values given should be in capital, not rental, terms; and the values of individual conditions as well as the total should be provided. Where there are no conditions, or their value is nil, this should be stated.

Valuation of Options

19. A discount may occur in connection with the consideration for either the grant of an option or the exercise of an option, or both. Where the consideration is less than the best price that can reasonably be obtained, (or where the valuer considers that if the option were to be exercised its terms would require the authority to accept less than the best consideration that can reasonably be obtained), the valuations described in paragraphs 20 and 21 below must be provided in support of an application for disposal consent.

Payment for the grant of an option

20. In explaining the basis for calculating the consideration for the grant of an option, the valuer's report needs to include the following information, based on the most likely date for the exercise of the option:

- a)** the unrestricted value of the option to be granted;
- b)** the proposed cash consideration for the option to be granted (which may be nominal or nil); and

- c) the value to the authority of any terms or conditions which, in the valuer's opinion, form part of the consideration for the option to be granted.

The grant of an option will then be at an undervalue where the unrestricted value at (a) exceeds the proposed cash consideration at (b) plus the value of any conditions at (c) (ie: where $a > (b+c)$).

Consideration for the exercise of an option

21. In explaining the basis for calculating the consideration for the interest to be disposed of under an option, the valuer's report should include the following information, based on the most likely date for the exercise of the option:

- a) the unrestricted value of the interest to be disposed of under the option, disregarding the effect of the option;
- b) the proposed cash consideration for the interest to be disposed of under the option (which may have been specified in the terms and conditions for the granting of the option); and
- c) the value to the authority of any terms or conditions which, in the valuer's opinion, form part of the consideration for the interest to be disposed of under the option.

The disposal of an interest pursuant to an option will then be at an undervalue where the unrestricted value of the interest at (a) exceeds the proposed cash consideration at (b) plus the value of any conditions at (c) (ie: where $a > (b+c)$).

Development Land

22. In cases where there is no detailed scheme, the valuer should make reasonable assumptions about the form of the development.

Negative Development Value

23. Where the value of the completed scheme is less than the development cost, (for example, where there is low demand or high costs associated with land reclamation or decontamination), the valuer should assess the unrestricted value by making reasonable assumptions about such matters as alternative uses that might be permitted by the local planning authority and the level of demand. Where the proposed scheme is the most profitable but still produces a negative development value the unrestricted value will be nil and therefore a disposal at nil consideration will not be at an undervalue. But where land with a negative development value has a positive value for some other use the disposal would be at an undervalue.

General Effect Of Grants On Values

24. The valuer should consider whether the value of the site is in any way affected by the prospect of grant and take this into account in the valuation. If the valuation is based on

assumptions that disregard the effect of grant then this should be stated in the valuation report. When assessing a value for a use other than that for which a grant has been approved, the valuer should consider the likelihood of any such use achieving planning consent.

[1](#) For the purposes of the 1972 and 1990 Acts 'open space' is defined in section 336(1) of the latter Act.

[2](#) By section 270, land includes any interest in land, and any easement or right in, to or over land.

[3](#) By sections 123(7) and 127(5), a short tenancy is a tenancy, which is granted for seven years or less, or the assignment of a term, which has not more than seven years to run. Disposals by way of a short tenancy do not need consent, see sections 123(2) and 127(2) of the 1972 Act.

[4](#) RICS Appraisal and Valuation Standards (Fifth Edition), UK Guidance Note 5: 'Local authority disposals at an undervalue' published 1 May 2003

[5](#) [see above]

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Huntingdonshire District Council

DISPOSAL AND ACQUISITION OF LAND & BUILDINGS Policy

Date Approved: 29/11/2017 (updated 27 September 2018) Review Date: November 2019
Version 1.1

Definition

The Council defines the “disposal and acquisition” of land and property as:
“The means by which it can either:

- i. divest and dispose of land and property that it considers are surplus to its service or investments needs or
- ii. invest in land and property that will allow the Council to benefit from service efficiency or investment opportunities.

All sales or acquisitions will be undertaken by the most appropriate commercially advantageous means.

Risk management

All activity relating to land and property will be undertaken within an environment that minimises risk to both services and the capital, or revenue, investment that is made. This includes impacts on reputation. There will be appropriate reporting to ensure that all parties are aware of the risk that is being faced by any disposals or acquisitions.

Value for Money

Value for Money is at the heart of how the Council delivers its services; regardless of whether these are front-line or back-office. In respect of the management of land and property, the Council will develop an Asset Management Plan that will ensure that the Council is only holding to an optimum balance of assets to meet both its service and investment requirements.

Disposals Policy

- Land and property will only be determined as surplus if it no longer meets corporate and/or investment priorities.
- Land and property will only be disposed when it is concluded that no other use can be made of the asset, within statutory provisions. There are two distinct processes relating to:
 - Medium to large areas of land, their disposal is dependent on public benefit and corporate aims and objectives.
 - Small areas of open space, their disposal is dealt with through the “Disposal of small land parcels policy”. This will be for land that is below 0.25 acres (1,011 square meters). This size definition will only be changed in exceptional circumstances and only with the agreement of the Head of Resources.
- Prior to sale, partners of the Council will be contacted to determine if there is an alternative use for the land and property.

- Subject to legislative requirements, the Council will sell any surplus land

and property for the best consideration, where this is not possible or where corporate objectives are not being met, appropriate activity will be undertaken to ensure that the Councils maximises any capital receipts.

- Surplus land will be disposed of as expeditiously as possible and follow appropriate methods of disposal.
- Where land (other than small land parcels) is disposed of within a Parish Council area where there is no likelihood of any consequential development funding (e.g. Community Infrastructure Levy or S.106) returning to the Parish Council following disposal, that the Parish Council receives 10% of any capital receipt received by the Council, subject to agreement by Cabinet.

Public Engagement Considerations

- The Council's communication team will be consulted to ensure that any disposal of land and buildings is undertaken in a proportionate way.
- Consideration will be given to the statutory requirements of the Local Government Act 1972 and the Town and County Planning Act 1990

Performance Management

Capital Receipts targets will be assessed annually and progress will be reported to the Corporate Management Team and Cabinet as part of the routine budget monitoring cycle.

Acquisitions Policy

- All acquisitions of land and property are in respect of freehold, leasehold or licence.
- Land and property will only be acquired where it benefits service delivery and/or maximises investment opportunities and/or future strategic development, subject to meeting strict criteria; such as, need for asset to meet service delivery levels, option appraisal, on-going revenue costs are appropriately budgeted for, tenure is determined and VAT considerations (especially Opt to Tax).

Powers to Acquire Land and Buildings

The acquisition of land and buildings is enshrined within the requirements of the Local Government Act 1972 and to invest within the requirements of the Local Government Act 2003.

Performance Management

There will be ongoing monitoring of acquisitions between the responsible officers

and the parties selling or otherwise concerned with the acquisition. There will be appropriate reporting to Corporate Management Team where performance is in question.

Overarching Policy

All valuations of land will be undertaken by suitably qualified professionals. VAT implications will always be considered.

Resources

The resource implications, including Legal, Finance and Procurement will be considered for every disposal or acquisition of land and buildings and the both members and officers will be required to comply with the pertinent requirements of both the Code of Procurement and the Code of Financial Management. The financial thresholds for both disposals and acquisitions are as follows:

| | |
|------------------------|--|
| £0 - £500,000 | Managing Director (as Head of Paid Service) & Head of Resources (as Section 151 Officer), following consultation with Executive Councillor for Resources |
| £500,000 to £2,000,000 | Treasury and Capital Management Group |
| £2,000,000 + | Cabinet |

The thresholds in respect of the Sale or Transfer of Small Land Parcels are defined within the “Disposal of Small Land Parcels Policy

The financial thresholds to be reviewed in 24 months following approval.

Governance

The Council will have regard to all statutory and local regulations, including reporting to Corporate Management Team and in line with the Constitution, including the Treasury and Capital Management Group.

All disposal and acquisition decisions will be retrospectively reported to the Overview & Scrutiny (Performance and Growth) Panel.

Huntingdonshire District Council

Disposal of Small Land Parcels Policy

Date Approved: 29/11/2017 (updated 27 September 2018) Review Date: November 2019

Version 1.1

Definition

The Councils Disposals and Acquisitions Policy defines the “disposal” of land and property as:

“The means by which it can.... divest and dispose of land and property that it considers are surplus to its service or investments needs.

All sales or acquisitions will be undertaken by the most appropriate commercially advantageous means.”

The Disposal of Small Land Parcels Policy is subsidiary to the Disposals and Acquisitions Policy and defines “small land parcels” as

- “as being less than 0.25 acres (1011 square meters) and not considered suitable for development.”

Property Strategy – Surplus Property

Land and property will only be determined as surplus if it no longer meets corporate and/or investment priorities. Land held as “open space” (or amenity land) is considered as held to support the provision of a Council service.

Risk management

All activity relating to land and property will be undertaken within an environment that minimises risk to both services and the capital, or revenue, investment that has been made. This includes impacts on reputation. There will be appropriate reporting to ensure that parties are aware of the risk that is being faced by any disposal.

Transparency and fairness

This policy provides a framework which is both transparent and consistent and demonstrates fairness in the disposal of property assets.

Value for Money

Value for Money is at the heart of how the Council delivers its services; regardless of whether these are front-line or back-office. In respect of the management of land and property, the Council will ensure that the Council is only holding an optimum balance of assets to meet both its service and investment requirements.

Small Land Sales Policy

- Small Land parcels will be less than 0.25 acres (1,011 square meters) and not considered suitable for development.
- Small Land parcels will only be determined as surplus if the land no longer meets

service, corporate and/or investment priorities.

- Land and property will only be disposed when it is concluded that no other use can be made of the asset, within statutory provisions.
- Prior to sale, partners of the Council may be contacted to determine if there is an alternative use for the land and property.
- The Council will also undertake investigations into the legal, planning, financial and other aspects of the land before selling.
- Subject to legislative requirements, the Council will sell any surplus land and property for the best consideration, where this is not possible or where corporate objectives are not being met, appropriate activity will be undertaken to ensure that the Councils maximises any capital receipts.
- Small Land parcels will be disposed of as expeditiously as possible; this will not be via application but via selected open tender that will be advertised on the Councils website.
- Persons wishing to purchase small land parcels can nominate land they wish to be considered for disposal. Such nominated parcels will be:
 - added to the list of sites for consideration,
 - subject to the processes outlined above,
 - if suitable, will be added to a future open tender exercise.
 - A nomination fee of £500 is required (this does not confirm any rights to purchase and is non-returnable).
- No matter the means of sale, the purchaser of respective small land parcels will meet all legal (and ancillary costs) of the seller. However, other than “sale by auction”, the purchaser will be charged a fixed fee for the administration of the sale, this is noted in **Table 1** below.
- The sale of small land parcels will be excluded from the provisions of 10% transfer of sale proceeds to Town and Parish Councils.

Public Engagement Considerations

- The Council’s communication team will be consulted to ensure that any disposal of land and buildings is undertaken in a proportionate way. For such small land disposals, consultation with partners may not be applicable or appropriate. However, ward members will be consulted prior to disposal.
- Consideration will be given to the statutory requirements of the Local Government Act 1972 and the Town and County Planning Act 1990

Performance Management

Where receipts exceed £10,000, these will be Capital Receipts and will be accounted for as such, including being mapped against capital receipt targets that will be assessed annually and progress will be reported to the Corporate Management Team and Cabinet as part of the routine budget monitoring cycle.

Performance Management

There will be ongoing monitoring of disposals between the responsible officers and the parties selling or otherwise concerned with the disposal. There will be appropriate reporting to Corporate Management Team where performance is in question.

Overarching Policy

All valuations of land will be undertaken by suitably qualified professionals. VAT and other tax implications will always be considered.

Resources

The resource implications, including Legal, Finance and Procurement will be considered for every disposal or acquisition of land and buildings and both members and officers will be required to comply with the pertinent requirements of both the Code of Procurement and the Code of Financial Management. The financial thresholds for the sale of small land parcels are less than those required of the wider disposals and acquisitions because small land sales are “smaller by their nature”. The thresholds are as shown in **Table 1** below:

| Thresholds of the Sale or Transfer of Small Land Parcels | Table 1 |
|--|--|
| All sales and transfers will include the transfer of all associated liabilities. | Minimum Administration Charge (*) |

Transfer of Small Land Parcels to Other Public Bodies

| | | |
|---------------------|--|--------|
| £0 - £10,000 | Head of Resources (as Section 151 Officer), | £500 |
| £10,000 - £50,000 | Managing Director (as Head of Paid Service) & Head of Resources (as Section 151 Officer), | £1,000 |
| £50,000 - £100,000 | Managing Director (as Head of Paid Service) & Head of Resources (as Section 151 Officer), in consultation with the Executive Member for Strategic Resources. | £1,500 |
| £100,000 - £500,000 | Treasury & Capital Management Group. | £2,000 |
| £500,000 + | Cabinet. | £3,000 |

Sale of Small Parcels of Land

| | | |
|--------------|---|--------|
| £0 - £10,000 | Managing Director (as Head of Paid Service) & Head of Resources (as Section 151 Officer). | £1,000 |
|--------------|---|--------|

| | | |
|------------------------|--|--------|
| £10,000 - £100,000 | Managing Director (as Head of Paid Service) & Head of Resources (as Section 151 Officer), in consultation with the Executive Member for Strategic Resources. | £1,500 |
| £100,000 - £500,000 | Treasury & Capital Management Group. | £2,000 |
| £500,000 + | Cabinet. | £3,000 |

* This Administration Charge excludes all legal and other ancillary costs. Further it is the minimum charge that any prospective purchaser will pay. If any sale requires additional officer time beyond what would reasonably be expected, the purchaser will

Be required to meet this higher charge.

The financial thresholds will be reviewed every 2 years.

Governance

The Council will have regard to all statutory and local regulations, including reporting to Corporate Management Team and in line with the Constitution, including the Treasury and Capital Management Group.

All disposal decisions i.e. those to be included in the Small Land Disposal Programme will in reported to the Overview & Scrutiny (Customers and Performance) Panel and Cabinet. However, there will be times where “time will be of the essence” and all such disposals will be reported retrospectively to Panel and Cabinet.

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