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NOTIFICATION OF CABINET DECISIONS

CABINET – 16 JANUARY 2013

At the above meeting, the following decisions were taken. A member of an appropriate Overview and Scrutiny Panel who considers that a decision should be reviewed should give notice accordingly to the Monitoring Officer **ON OR BY WEDNESDAY, 23 JANUARY 2013**. Call in provisions do not apply to recommendations to Council (shown in bold italic print), or items which were only for noting.

Agenda Item 4 - Report A – The Allocation of Developer Contributions

APPROPRIATE OVERVIEW AND SCRUTINY PANELS: **PLANNING AND TRANSPORTATION**

DECISION:

- a) That the list of projects at Appendix 1 of Report A to the Cabinet be approved, those projects within Project List A (contained in table (i) of Appendix 1), totalling £670,000, be included in the capital programme for 2013/14, and that expenditure of £10,000 for design and feasibility work relating to Project Lists B and C also be approved;
- b) That where the town or parish council choose to use the District Council's services to implement open space projects the Environmental Design Team's design and implementation fees continue to be chargeable to the agreed contributions;
- c) That the Head of Planning and Transportation, in conjunction with the Planning and Transportation Portfolio Holder, be authorised to make amendments to the allocated amounts within 10% above those currently identified; and
- d) That Planning and Transportation Portfolio Holder be authorised to approve any project within Project List B, as set out in Appendix 1 to Report A to the Cabinet, should the scheme be developed during the course of the year and/or funding become available, provided the cost of the allocations does not exceed that already listed. The Portfolio Holder also authorised to make such amendments as he deems appropriate to the approved project lists and included within the 2013/14 budget. These items to be reported to Cabinet throughout the year via the financial monitoring reports.

REASON(S):

As detailed in the report.

ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED:

As detailed in the report.

CONFLICTS OF INTEREST DECLARED:

None

Agenda Item 5 - Report B – Council Tax Support – Council Tax Reduction Scheme

APPROPRIATE OVERVIEW AND SCRUTINY PANELS: CORPORATE

DECISION:

That, in so far as it is empowered to do so by law, the Cabinet agrees

- (i) That in accordance with the Local Government Finance Act 1992, section 13A(2) the Council now make its council tax reduction scheme to comprise the provisions in the Schedule to the Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012 and any subsequent amendments thereto made by the Secretary of State, subject to the exclusions, modifications and other amendments contained in the Scheme document at Appendix C to this report.”
- (ii) That the Council agree that the amendments set out at paragraph (iii) below be incorporated into its Council Tax Reduction Scheme commencing on a date after 31 March 2014 and that date of commencement shall be determined by a resolution of the Council made not later than 31 January 2014.
- (iii) That the amendments commencing on a date after 31 March 2014 are
 - 1 In calculating a council tax reduction for an applicant living in a dwelling with a council tax band greater than band D, the daily council tax amount shall be calculated using council tax band D,
 - 2 Subject to 1 above the maximum council tax reduction amount shall be 80% of the daily council tax amount,
 - 3 Applicants with capital exceeding £6,000 shall be disentitled to a council tax reduction.

- (iv) That the existing scheme of delegation of powers to the officers be amended by the inclusion of the following:

Source	Power Delegated	Delegation to
Local Government Finance Act 1992, The Council Tax Reductions Schemes (Default Schemes) (England) Regulations 2012 and other relevant legislation, together with any subsequent amendments and re-enactments	To take all decisions and to carry out all functions in relation to the Council Tax Reduction Scheme	Head of Customer and Financial Services, or Tax and Benefits Manager

RECOMMENDED:

That, in so far as it is empowered to do so by law, the Council agrees

- (i) ***That in accordance with the Local Government Finance Act 1992, section 13A(2) the Council now make its council tax reduction scheme to comprise the provisions in the Schedule to the Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012 and any subsequent amendments thereto made by the Secretary of State, subject to the exclusions, modifications and other amendments contained in the Scheme document at Appendix C to this report.”***
- (ii) ***That the Council agree that the amendments set out at paragraph (iii) below be incorporated into its Council Tax Reduction Scheme commencing on a date after 31 March 2014 and that date of commencement shall be determined by a resolution of the Council made not later than 31 January 2014.***
- (iii) ***That the amendments commencing on a date after 31 March 2014 are***
- 1 In calculating a council tax reduction for an applicant living in a dwelling with a council tax band greater than band D, the daily council tax amount shall be calculated using council tax band D,***
 - 2 Subject to 1 above the maximum council tax reduction amount shall be 80% of the daily council tax amount,***
 - 3 Applicants with capital exceeding £6,000 shall be disentitled to a council tax reduction.***

- (iv) ***That the existing scheme of delegation of powers to the officers be amended by the inclusion of the following:***

<i>Source</i>	<i>Power Delegated</i>	<i>Delegation to</i>
<i>Local Government Finance Act 1992, The Council Tax Reductions Schemes (Default Schemes) (England) Regulations 2012 and other relevant legislation, together with any subsequent amendments and re-enactments</i>	<i>To take all decisions and to carry out all functions in relation to the Council Tax Reduction Scheme</i>	<i>Head of Customer and Financial Services, or Tax and Benefits Manager</i>

REASON(S):

As detailed in the report.

ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED:

As detailed in the report.

CONFLICTS OF INTEREST DECLARED:

None

Agenda Item 6 - Report C – Review of Council Tax Discounts

APPROPRIATE OVERVIEW AND SCRUTINY PANELS: CORPORATE

DECISION:

(a) That, in so far as it is empowered to do so by law, the Cabinet agrees

- (i) **DISCOUNT APPLICABLE FOR A FURNISHED/UNOCCUPIED DWELLING**

That a determination be made in accordance with Sections 11 and 11A of the Local Government Finance Act 1992 (as amended) and The Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003 (SI 2003 No. 3011) and The Council Tax (Prescribed Classes of Dwellings) (England) (Amendment) Regulations 2012 (SI 2012 No. 2964) in relation to chargeable dwellings in the New Forest District Council area to the effect that:-

- (1) From 1 April 2013, in the case of a chargeable dwelling falling within prescribed Class A (a dwelling which is not the sole or main residence of an individual unoccupied, which is furnished and the occupation of which is restricted by a planning condition preventing occupancy for a continuous period of at least 28 days in the relevant year) the discount allowed under section 11(2)(a) shall remain at 30%; and

- (2) From 1 April 2013, in the case of a chargeable dwelling falling within prescribed Class B (a dwelling which is not the sole or main residence of an individual, which is furnished and the occupation of which is not restricted by a planning condition preventing occupancy for a continuous period of at least 28 days in the relevant year) the discount allowed under section 11(2)(a) shall not apply.

(ii) DISCOUNT APPLICABLE FOR AN UNOCCUPIED AND SUBSTANTIALLY UNFURNISHED DWELLING

That a determination be made in accordance with Sections 11, 11A and 11B of the Local Government Finance Act 1992 (as amended) and The Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003 (SI 2003 No. 3011) and The Council Tax (Prescribed Classes of Dwellings) (England) (Amendment) Regulations 2012 (SI 2012 No. 2964) in relation to chargeable dwellings in the New Forest District Council area to the effect that:-

- (1) From 1 April 2013, in the case of a chargeable dwelling falling within prescribed Class C, (a dwelling which is unoccupied and substantially unfurnished) the discount allowed under section 11A(4A) shall be:-
 - (a) 100% for up to one calendar month from the date the dwelling first became unoccupied and substantially unfurnished; and
 - (b) after the end of one calendar month from the date the dwelling first became unoccupied and substantially unfurnished, the discount allowed under section 11(2)(a) shall not apply.

(iii) DISCOUNT APPLICABLE FOR AN UNOCCUPIED AND UNFURNISHED DWELLING WHERE MAJOR REPAIR WORKS OR STRUCTURAL ALTERATIONS ARE REQUIRED, UNDER WAY OR RECENTLY COMPLETED

That a determination be made in accordance with Sections 11 and 11A of the Local Government Finance Act 1992 (as amended) and The Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003 (SI 2003 No. 3011) and The Council Tax (Prescribed Classes of Dwellings) (England) (Amendment) Regulations 2012 (SI 2012 No. 2964) in relation to chargeable dwellings in the New Forest District Council area to the effect that from 1 April 2013, in the case of a chargeable dwelling falling within prescribed Class D:-

- (1) which satisfies the requirement set out in paragraph (2) below unless it has been such a dwelling for a continuous period of twelve months or more ending immediately before the day in question;
- (2) the requirement referred to in paragraph (1) above is that the dwelling is vacant and-
 - (a) requires or is undergoing major repair work to render it habitable, or
 - (b) is undergoing structural alteration; or
 - (c) has undergoing major repair work (which may include structural repair work) to render it habitable, if less than six months have elapsed since the date on which the alteration was substantially completed and the dwelling has continuously remained vacant since that date;the discount allowed under Section 11A(4A) shall be 50%.

- (b) That no premium be imposed on the Council Tax on properties that have been unoccupied and substantially unfurnished for more than 24 months, but that the owners of such properties be contacted to ascertain the reason for the property being unoccupied and the Council work with them to seek to bring the dwelling back into use.

RECOMMENDED:

- (a) *That, in so far as it is empowered to do so by law, the Council agrees*

(i) **DISCOUNT APPLICABLE FOR A FURNISHED/UNOCCUPIED DWELLING**

That a determination be made in accordance with Sections 11 and 11A of the Local Government Finance Act 1992 (as amended) and The Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003 (SI 2003 No. 3011) and The Council Tax (Prescribed Classes of Dwellings) (England) (Amendment) Regulations 2012 (SI 2012 No. 2964) in relation to chargeable dwellings in the New Forest District Council area to the effect that:-

- (1) *From 1 April 2013, in the case of a chargeable dwelling falling within prescribed Class A (a dwelling which is not the sole or main residence of an individual unoccupied, which is furnished and the occupation of which is restricted by a planning condition preventing occupancy for a continuous period of at least 28 days in the relevant year) the discount allowed under section 11(2)(a) shall remain at 30%; and*
- (2) *From 1 April 2013, in the case of a chargeable dwelling falling within prescribed Class B (a dwelling which is not the sole or main residence of an individual, which is furnished and the occupation of which is not restricted by a planning condition preventing occupancy for a continuous period of at least 28 days in the relevant year) the discount allowed under section 11(2)(a) shall not apply.*

(ii) **DISCOUNT APPLICABLE FOR AN UNOCCUPIED AND SUBSTANTIALLY UNFURNISHED DWELLING**

That a determination be made in accordance with Sections 11, 11A and 11B of the Local Government Finance Act 1992 (as amended) and The Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003 (SI 2003 No. 3011) and The Council Tax (Prescribed Classes of Dwellings) (England) (Amendment) Regulations 2012 (SI 2012 No. 2964) in relation to chargeable dwellings in the New Forest District Council area to the effect that:-

- (1) *From 1 April 2013, in the case of a chargeable dwelling falling within prescribed Class C, (a dwelling which is unoccupied and substantially unfurnished) the discount allowed under section 11A(4A) shall be:-*
- (a) *100% for up to one calendar month from the date the dwelling first became unoccupied and substantially unfurnished; and*
- (b) *after the end of one calendar month from the date the dwelling first became unoccupied and substantially unfurnished, the discount allowed under section 11(2)(a) shall not apply.*

(iii) DISCOUNT APPLICABLE FOR AN UNOCCUPIED AND UNFURNISHED DWELLING WHERE MAJOR REPAIR WORKS OR STRUCTURAL ALTERATIONS ARE REQUIRED, UNDER WAY OR RECENTLY COMPLETED

That a determination be made in accordance with Sections 11 and 11A of the Local Government Finance Act 1992 (as amended) and The Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003 (SI 2003 No. 3011) and The Council Tax (Prescribed Classes of Dwellings) (England) (Amendment) Regulations 2012 (SI 2012 No. 2964) in relation to chargeable dwellings in the New Forest District Council area to the effect that from 1 April 2013, in the case of a chargeable dwelling falling within prescribed Class D:-

- (1) which satisfies the requirement set out in paragraph (2) below unless it has been such a dwelling for a continuous period of twelve months or more ending immediately before the day in question;*
- (2) the requirement referred to in paragraph (1) above is that the dwelling is vacant and-*
 - (a) requires or is undergoing major repair work to render it habitable, or*
 - (b) is undergoing structural alteration; or*
 - (c) has undergone major repair work (which may include structural repair work) to render it habitable, if less than six months have elapsed since the date on which the alteration was substantially completed and the dwelling has continuously remained vacant since that date;**the discount allowed under Section 11A(4A) shall be 50%.*

REASON(S):

As detailed in the report

ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED:

As detailed in the report

CONFLICTS OF INTEREST DECLARED:

None

Agenda Item 7 - Report D – The Council Tax 2013/2014: Setting the Tax Base

APPROPRIATE OVERVIEW AND SCRUTINY PANELS: CORPORATE

DECISION:

That, in so far as it is empowered to do so by law, the Cabinet agrees that:

- (i) The calculation of the Council's tax base for the year 2013/14 be approved.
- (ii) Pursuant to this report and in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, the amount calculated by this Council as its council tax base for the year 2013/14 be as follows and as detailed in Appendix 1 to Report D to the Cabinet.

PARISH/TOWN	TAX BASE 13/14
Ashurst & Colbury	897.6
Beaulieu	512.7
Boldre	1025.3
Bramshaw	336.8
Bransgore	1760.6
Breamore	171.6
Brockenhurst	1820.1
Burley	762.8
Copythorne	1185.3
Damerham	223.5
Denny Lodge	144.1
East Boldre	375.0
Ellingham, Harbridge & Ibsley	585.8
Exbury & Lepe	109.2
Fawley	4386.4
Fordingbridge	2165.4
Godshill	219.6
Hale	255.2
Hordle	2324.9
Hyde	510.3
Hythe & Dibden	7143.0
Lymington & Pennington	6718.7
Lyndhurst	1345.1
Marchwood	2034.5
Martin	190.0
Milford on Sea	2714.9
Minstead	357.0
Netley Marsh	793.3
New Milton	10002.4
Ringwood	4927.7
Rockbourne	162.1
Sandleheath	271.9
Sopley	280.9
Sway	1650.1
Totton & Eling	8995.5
Whitsbury	98.0
Woodgreen	245.4
Whole District	67702.7

RECOMMENDED:

That, in so far as it is empowered to do so by law, the Council agrees that:

- (i) **The calculation of the Council's tax base for the year 2013/14 be approved.**

- (ii) Pursuant to this report and in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, the amount calculated by this Council as its council tax base for the year 2013/14 be as follows and as detailed in Appendix 1 to Report D to the Cabinet.

PARISH/TOWN	TAX BASE 13/14
<i>Ashurst & Colbury</i>	897.6
<i>Beaulieu</i>	512.7
<i>Boldre</i>	1025.3
<i>Bramshaw</i>	336.8
<i>Bransgore</i>	1760.6
<i>Breamore</i>	171.6
<i>Brockenhurst</i>	1820.1
<i>Burley</i>	762.8
<i>Copythorne</i>	1185.3
<i>Damerham</i>	223.5
<i>Denny Lodge</i>	144.1
<i>East Boldre</i>	375.0
<i>Ellingham, Harbridge & Ibsley</i>	585.8
<i>Exbury & Lepe</i>	109.2
<i>Fawley</i>	4386.4
<i>Fordingbridge</i>	2165.4
<i>Godshill</i>	219.6
<i>Hale</i>	255.2
<i>Hordle</i>	2324.9
<i>Hyde</i>	510.3
<i>Hythe & Dibden</i>	7143.0
<i>Lymington & Pennington</i>	6718.7
<i>Lyndhurst</i>	1345.1
<i>Marchwood</i>	2034.5
<i>Martin</i>	190.0
<i>Milford on Sea</i>	2714.9
<i>Minstead</i>	357.0
<i>Netley Marsh</i>	793.3
<i>New Milton</i>	10002.4
<i>Ringwood</i>	4927.7
<i>Rockbourne</i>	162.1
<i>Sandleheath</i>	271.9
<i>Sopley</i>	280.9
<i>Sway</i>	1650.1
<i>Totton & Eling</i>	8995.5
<i>Whitsbury</i>	98.0
<i>Woodgreen</i>	245.4
<i>Whole District</i>	67702.7

REASON(S):

As detailed in the report

ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED:

As detailed in the report

CONFLICTS OF INTEREST DECLARED:

None

Agenda Item 8 - Report E – Business Rates – Approval of National Non-Domestic Rates Return NNDR1

APPROPRIATE OVERVIEW AND SCRUTINY PANELS: CORPORATE

DECISION:

That, in so far as it is empowered to do so by law, the Cabinet agrees

- (i) That, subject to recommendation (ii) below, the calculation of the NNDR1 as set out in Appendix 1 of Report E to the Cabinet be approved;
- (ii) That the Executive Director (S151 Officer), in consultation with the Finance and Efficiency Portfolio Holder, revise the calculation of Line 35 (Local Authority's estimate of adjustment due to appeals) of NNDR1 and submit the revised estimate to the Council for approval on 28 January 2013.

RECOMMENDED:

That, in so far as it is empowered to do so by law, the Council agrees

- (i) That, subject to recommendation (ii) below, the calculation of the NNDR1 as set out in Appendix 1 of Report E to the Cabinet be approved;***
- (ii) That the Executive Director (S151 Officer), in consultation with the Finance and Efficiency Portfolio Holder, revise the calculation of Line 35 (Local Authority's estimate of adjustment due to appeals) of NNDR1.***

REASON(S):

As detailed in the report

ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED:

As detailed in the report

CONFLICTS OF INTEREST DECLARED:

None

Agenda Item 9 - Report F – Medium Term Financial Plan – Annual Budget Report 2013/14

APPROPRIATE OVERVIEW AND SCRUTINY PANELS: CORPORATE/ALL

DECISION:

That the approach to the Annual Budget for 2013/14, as set out in Report F to the Cabinet, be supported.

REASON(S):

As detailed in the report

ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED:

As detailed in the report

CONFLICTS OF INTEREST DECLARED:

None

Agenda Item 10 – Delegation of Power to Officers

APPROPRIATE OVERVIEW AND SCRUTINY PANELS: COMMUNITY AND CORPORATE

DECISION:

That the following powers be delegated to the officers shown:

Source Regulation of Investigatory Powers Act 2000 (s. 22)	Power Delegated To authorise an application to obtain communications data	Delegated to Chief Executive, or Head of Public Health and Community Safety
Source Localism Act 2011 Sections 87 – 108 and The Assets of Community Value (England) Regulations 2012	Power Delegated To authorise an Executive Director to make decisions on community nominations of community assets to be included on the List of Assets of Community Value and to determine applications for compensation (and to deal with all consequential administrative matters arising from such decisions).	Delegated to Executive Director
	To authorise the Chief Executive to make decisions in respect of internal reviews following a decision to list a community asset and	Chief Executive

decisions in respect of compensation (and to deal with all consequential administrative matters arising from such decisions)

REASON(S):

As detailed in the report

ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED:

As detailed in the report

CONFLICTS OF INTEREST DECLARED:

None

THIS DECISION LIST HAS BEEN PREPARED BY THE COMMITTEE ADMINISTRATOR AND IS CIRCULATED TO INFORM COUNCILLORS AND OFFICERS IMMEDIATELY OF DECISIONS REACHED AT CABINET MEETINGS. THE WORDING OF RESOLUTIONS IN THE MINUTES OF THE MEETING MIGHT DIFFER FROM THE ABOVE.

(CB160113)