

AGENDA

CABINET

MONDAY, 4 NOVEMBER 2019

2.00 PM

**COUNCIL CHAMBER, FENLAND HALL,
COUNTY ROAD, MARCH**

Committee Officer: Linda Albon
Tel: 01354 622229
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- 1 To receive apologies for absence
- 2 Previous Minutes (Pages 3 - 6)

To confirm and sign the minutes of 18 September 2019.
- 3 To report additional items for consideration which the Chairman deems urgent by virtue of the special circumstances to be now specified
- 4 To receive members' declaration of any interests under the Local Code of Conduct or any interest under the Code of Conduct on Planning Matters in respect of any item to be discussed at the meeting
- 5 Discretionary Rate Relief Policy (Pages 7 - 22)

For Cabinet to consider the Local Discretionary Business Rate Relief Policy (LDBRR) and, if they agree, to recommend adoption of the Policy to Full Council.
- 6 Play Areas (Pages 23 - 32)

Further to the September 2019 Cabinet discussion regarding Fenland's play areas, this paper details a planned refurbishment programme for FDC's play areas and the

potential FDC capital investment necessary for a 5 year plan.

7 Draft 6 Month Cabinet Forward Plan (Pages 33 - 34)

For information purposes.

8 Items which the Chairman has under item 3 deemed urgent

Friday, 25 October 2019

Members: Councillor C Boden (Chairman), Councillor Mrs J French (Vice-Chairman), Councillor I Benney, Councillor S Clark, Councillor Miss S Hoy, Councillor Mrs D Laws, Councillor P Murphy, Councillor C Seaton, Councillor S Tierney and Councillor S Wallwork

CABINET



**WEDNESDAY, 18 SEPTEMBER 2019 -
2.00 PM**

PRESENT: Councillor C Boden (Chairman), Councillor Mrs J French (Vice-Chairman), Councillor I Benney, Councillor S Clark, Councillor Miss S Hoy, Councillor Mrs D Laws, Councillor P Murphy, Councillor C Seaton, Councillor S Tierney and Councillor S Wallwork

OFFICERS IN ATTENDANCE: Izzi Hurst (Member Services & Governance Officer), Paul Medd (Chief Executive) and Carol Pilson (Corporate Director and Monitoring Officer)

CAB20/19 PREVIOUS MINUTES

The minutes of the meeting of 18 July 2019 were confirmed and signed.

CAB21/19 COMMERCIAL & INVESTMENT STRATEGY.

Cabinet considered the Commercial & Investment Strategy report presented by Councillor Boden.

Councillor Boden explained that further information would be available to members in November 2019. He proposed that an additional meeting of Cabinet be arranged to take place on Monday 4 November 2019 to consider this additional information.

Cabinet discussed and commented on the draft Commercial & Investment Strategy and AGREED to;

- **Authorise CMT to take all required actions to formulate proposals for consideration by Cabinet and Council on 4th November which facilitate the financial and governance arrangements necessary to give effect to the Strategy and the establishment of a Local Authority Trading Company.**

CAB22/19 COUNCIL TAX SUPPORT - 2020/21 SCHEME.

Cabinet considered the Council Tax Support 2020/21 Scheme report presented by Councillor Boden. He drew member's attention to the comments received from the Overview and Scrutiny Panel.

Councillor Seaton asked if it is a statutory requirement that the Council Tax Support Scheme goes out to public consultation. Councillor Boden confirmed that if there are significant amendments to the scheme, it must go out to public consultation and the amendments proposed are deemed significant enough to do this.

Councillor Boden endorsed that officers consider further modelling of the Council Tax Support Scheme as there is little evidence available to show the effects of changing the scheme. He highlighted that neighbouring authorities have varying discount rates of between 8% and 32%.

Cabinet considered the recommendations from the Overview & Scrutiny Panel and AGREED;

- **To the introduction of a fluctuating earnings rule to the treatment of Universal Credit**

with a tolerance level of £15 per week, subject to consultation. The £15 per week tolerance level to be reassessed next year to ensure the anticipated administration gains remain relevant depending on the income level;

- To continue with the current 14% contribution rate for 2020/21;
- To undertake further modelling of the Council Tax Support scheme during 2020 to be considered for implementation in the 2021/22 scheme;
- To go to public consultation on the Council Tax Support 2020/21 Scheme.

CAB23/19 FENLAND LOCAL PLAN ISSUES AND OPTIONS.

Cabinet considered the Fenland Local Plan Issues and Options report presented by Councillor Mrs Laws. She informed members that the recent Town & Parish Conference was a success and had been well-attended.

Cabinet AGREED;

- To approve the issues and options version of the Local Plan for public consultation in October/November 2019;
- To delegate authority to officers to make minor, inconsequential amendments to the document prior to its publication (in order to correct matters of fact, add clarity to the reader or amend the graphic design of the report)

CAB24/19 OPEN SPACES - PLAY AREAS.

Cabinet considered the Open Spaces – Play Areas report presented by Councillor Murphy.

Councillor Tierney said he was pleased to see such a high number of council-owned play equipment available to residents throughout the district. He added that this report does not include play areas that the Council may have helped fund but do not maintain and therefore the number of available play areas is even higher. He concluded that consideration now needs to be given to those parts of the district lacking in play areas.

Councillor Miss Hoy asked for confirmation that the projects would proceed with Wisbech Town Council and Manea Parish Council. Councillor Boden explained that proposals had been submitted by both Wisbech Town Council and Manea Parish Council and the Council are proceeding on this basis.

Councillor Boden proposed that Councillor Murphy and officers give consideration to formulating an appropriate plan for future year's works on existing play areas and equipment. He asked that budgetary requirements are considered as part of this research including the potential use of existing and future Section 106 monies.

Councillor Murphy confirmed that the Council do have a future works programme for existing play equipment with work scheduled for the next 5-10 years. He explained that whilst Section 106 funding can be considered there are alternative funding streams available to the Council too. He agreed to share this information with members at a future meeting of Cabinet.

Councillors Mrs French asked if she could discuss with Councillor Murphy the potential of a new state-of-the-art BMX track in March and the possible funding available for this. Councillor Murphy agreed.

Councillor Miss Hoy asked if information could be provided to members in relation to non-council-owned play equipment across the district as this will give a true reflection of all play areas available in the district although this was not time critical. Councillor Murphy agreed.

Councillor Boden endorsed this suggestion and said that by members having knowledge of non-council-owned play equipment, this will help determine requirements across the district.

Cabinet AGREED;

- To note the report recognising that the Council manages many play areas and maintains them safely;
- To proceed with projects with Wisbech Town Council and Manea Parish Council as part of the ongoing consultations with these two councils;
- To note the equipment FDC maintains and the current lifespan of that equipment as set out at Appendix 1 of the report;
- To give consideration to an appropriate work programme for future year's works to be carried out on existing FDC play areas to be tabled at a future Cabinet meeting.

CAB25/19 COATES CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN.

Cabinet considered the Coates Conservation Area Appraisal and Management Plan presented by Councillor Seaton.

Councillor Seaton highlighted two typographical errors in the report and confirmed that these would be amended prior to the document going out to public consultation.

Councillor Mrs Laws praised the report and added that Whittlesey Town Council had funded this project and are satisfied with the report. She offered thanks to Katie McAndrew (Conservation Officer) for her hard work on this project.

Councillor Boden agreed and offered further thanks to Katie McAndrew.

Cabinet AGREED;

- To approve the Coates Conservation Area Appraisal and Management Plan to go out to public consultation.

CAB26/19 DRAFT 6 MONTH CABINET FORWARD PLAN

Councillor Boden presented the Draft 6 Month Cabinet Forward Plan noting the following additions;


- An additional meeting of Cabinet to be arranged to take place on Monday 4 November 2019. The Agenda for this meeting will include an update on the Commercial & Investment Strategy report.
- Further information in relation to the Council's Future Work Programme for play equipment, to be provided to members at a Cabinet meeting scheduled to take place in November 2019.

2.29 pm

Chairman

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Agenda Item 5

Agenda Item No:	5	
Committee:	CABINET	
Date:	4 NOVEMBER 2019	
Report Title:	LOCAL DISCRETIONARY BUSINESS RATE RELIEF POLICY	

1 Purpose / Summary

- The purpose of this report is to request that Cabinet Members consider the Local Discretionary Business Rate Relief Policy (LDBRR) and if they agree, Cabinet is requested to recommend adoption of the Policy to Full Council. The policy, application guidance and application form are provided within Appendix 1 of the report.

2 Key issues

- One of the Council's key priorities within the adopted Business Plan 2019/20, is the 'Economy' priority, which aims to "Attract new businesses, jobs and opportunities whilst supporting our existing businesses in Fenland".
- Supporting business growth and location into Fenland is recognised as essential to driving economic prosperity, which creates new & exciting opportunities and leads to improvements in the quality of life for our residents and businesses.
- Economic Growth is stimulated by exercising a series of well-coordinated & inter-related actions that create the right environment for business growth and job creation.
- It is proposed that the Council adopts a Local Discretionary Business Rate Relief (LDBRR) policy that recognises the value of inward investment into the District and supports the aspirations of FDC and its partners.
- The policy is aimed at providing business rate discounts for new Inward Investment businesses locating into Fenland who positively contribute to the wellbeing and prosperity of the District and its residents.
- An organisation or other entity taking over a pre-existing business within the geographic billing area of Fenland District Council does not qualify as a new business for the purposes of this scheme.
- This report explains the eligibility criteria and how the application process will operate; it also discusses other considerations such as issues relating to State Aid and the financial implications of implementing the policy.
- If this policy is adopted, Officers will continue to monitor the effectiveness to ensure it meets its intended objectives and delivers the anticipated benefits.

3 Recommendations

- It is requested that Cabinet endorse and recommend that Council adopts the proposed Local Discretionary Business Rate Relief policy, guidance & application form and notes the proposed application and assessment process.

Wards Affected	All
Forward Plan Reference No.(if applicable)	
Portfolio Holder(s)	Cllr Chris Boden – Leader & Finance Portfolio Holder Cllr Ian Benney –Portfolio Holder for Economic Growth
Report Originator	Justin Wingfield – Head of Economic Growth & Assets
Contact Officer(s)	Peter Catchpole - Corporate Director and S151 Officer (Finance) Gary Garford – Corporate Director (Growth & Infrastructure) Justin Wingfield – Head of Economic Growth & Assets
Background Paper(s)	

1. Background/Introduction

- 1.1. One of the Council's key priorities within the adopted Business Plan 2019/20 is the 'Economy' priority, which aims to "*Attract new businesses, jobs and opportunities whilst supporting our existing businesses in Fenland*". Supporting business growth and location into Fenland is recognised as being an essential factor to drive economic prosperity of our District and in turn, that prosperity will improve the quality of life and create new & exciting opportunities for our residents and businesses.
- 1.2. Following a review of the Economic Development service by the Overview & Scrutiny Panel in April 2019, Cabinet chose to adopt a new approach, moving from a more traditional Local Government Economic Development function to a proactive Economic Growth service which aims to capitalise on the renewed focus on the Fens from the Cambridgeshire & Peterborough Combined Authority. This focus is driven by the CPIER and recently adopted Local Industrial Strategy for Cambridgeshire & Peterborough which recognised that the Fens has an extremely important role to play in supporting the growth of Cambridgeshire. The O&S Review led to the Council restructuring and shaping a new Economic Growth service that was able to respond the future demands and the ever-changing economic environment.
- 1.3. In recognising that Economic Growth is not an individual activity, but a series of well-coordinated & inter-related actions that create the right environment for business growth and job creation, it is proposed that the Council adopts a Local Discretionary Business Rate Relief (LDBRR) policy that recognises the value of inward investment into the District and supports the aspirations of FDC and its partners.

2. Proposal

- 2.1. Fenland District Council recognises that it must be able to respond flexibly to the needs of business taxpayers within the District if it wants to support strong and sustainable local communities and attract new businesses to locate in Fenland, bringing with it, new job opportunities for our residents.
- 2.2. This report proposes that FDC should introduce and adopt a new business rate relief policy known as the Local Discretionary Business Rate Relief (LDBRR). Section 47 of the Local Government Finance Act 1988 (as amended by Section 69 of the Localism Act 2011) permits local authorities to determine and reduce the business rates of any local ratepayer provided it is in the interest of the Council tax payer.

- 2.3. LDBRR will provide FDC with the ability to award a business rate relief to businesses in a very specific set of circumstances, which meets with the requirements to ensure such relief is in the interest of the Council tax payer and critically is based on locally determined criteria which support local economic growth objectives. The Local Discretionary Business Rate Relief policy, guidance and application form are included at **Appendix 1**.
- 2.4. The policy is aimed at providing discounts for new Inward Investment businesses locating to Fenland that have a positive benefit on the District and its community. To be eligible, the definition of an 'Inward Investment business' for the purposes of this policy is one that has not been based in or occupied premises within the District and has not been liable to pay NNDR to Fenland District Council in the preceding 5 years.
- 2.5. It is expected that any business applying for LDBRR support will positively contribute to the wellbeing and prosperity of the District and its residents. The benefits to the community must include creating new employment opportunities for residents, particularly where it creates higher skilled/paid job opportunities, provides additional apprenticeship or workforce training opportunities and positively contributes socially and economically to the District.

3. Eligibility Criteria

- 3.1. It is not intended to impose an upper or lower rateable value limit, however any award must comply with State Aid rules and businesses must demonstrate how they meet the following criteria in order to qualify for relief:
- The eligible premises must be newly occupied properties and the application must be submitted within 3 months from the date of occupation;
 - The business must not currently or have previously occupied any other premises within the District within the last 5 years;
 - The business must employ at least 25 Full Time Equivalent persons on a full time, permanent basis and whose job is based in Fenland.
 - 50% of those jobs must either be apprenticeships or have a salary or basic pay which exceeds the average annual salary (gross) for a full time job in the District - £25,812. This value is determined in accordance with the ONS annual survey of hours and earnings. This value will be updated annually in accordance with published data;
 - The business must create or support opportunities for education, offering annual recurring Apprenticeship opportunities or structured 'in work' training pathways;
 - The business should demonstrate how it will generally improve the quality of life for local residents.

4. Proposed LDBRR Application Process

- 4.1. The guidance notes provide a comprehensive overview of how the policy will be implemented. As part of the process the applicant will be required to submit to the Council a fully completed application form together with the following information:
- The last two years audited business accounts;
 - Business Plan with 12 month financial forecast;
 - Purpose and use of the property;
 - Details of the organisation and the services performed;

- Staffing proposals with details of salaries and training arrangements;
 - What steps have been taken to meet or mitigate the Business Rates liability (i.e. any other discounts or reductions awarded);
 - How granting the discount will benefit the district and meets the qualifying criteria contained with the LDBRR Policy & Application Guidance.
- 4.2. Applications will be assessed within 20 working days of receipt by the LDBRR Assessment Panel with reference to the above criteria. The LDBRR Assessment Panel will consist of, as a minimum; representatives from the Council's Finance, Economic Growth & NNDR Teams (ARP). The Corporate Director (Finance) & S151 Officer will be the responsible Officer for determining such awards and approvals will be confirmed in consultation with Leader & Finance Portfolio Holder, together with the Portfolio Holder for Economic Growth.
- 4.3. An LDBRR award will be made for up to 100% relief of the Rates Payable for the application property for a period of up to 2 years. The exact amount of discount and award period is subject to the decision of the LDBRR Assessment Panel.
- 4.4. The Council will notify the applicant of the outcome in writing within 5 working days from the date of the confirmed LDBRR Assessment Panel decision. Where the LDBRR award is unsuccessful or not met in full the Council will explain the reasons why.
- 4.5. LDBRR awards are administered under Section 47 of the Local Government Finance Act 1988 (As amended) and awards are not subject to a statutory appeals process. Appeals will therefore be decided by the Council within 20 working days. Decisions on appeals will be made by the LDBRR Assessment Panel. If the Council decide that the original decision should not be revised, the applicant will receive a full written explanation within 10 working days.

5. State Aid Considerations

- 5.1. The EU State Aid rules generally prohibit government subsidies to businesses. In some cases the provision of discretionary NNDR relief to ratepayers can be deemed to be State Aid. There is a general exception to the State Aid rules where the aid is below a 'de-minimis' level. Regulations currently allow a business to currently receive up to €200,000 of de-minimis aid (€100,000 in the road freight transport sector) in a rolling three year period, of course Officers dependent on the outcome of Brexit, it may be necessary to revisit the provisions concerning State Aid.
- 5.2. The Council will need to ensure compliance with the legal requirements and any permitted exemptions by considering each case based on the applicants individual circumstances. The applicant will be obliged to inform the Council if they are or will be in receipt of other State Aid, in the form of financial subsidies, payments, etc. In the event of the applicant failing to declare the receipt of other forms of State Aid when LDBRR is awarded, the Council will be permitted to recover such sums from the applicant for any LDBRR granted

6. Financial Considerations

- 6.1. It is very difficult to model the potential financial cost of the LDBRR policy on FDC. To a large extent the demand is reliant upon not only how well the scheme is publicised prior to an inward investment business opting to locate to Fenland, but also that the business meets the qualifying criteria.
- 6.2. The incentive provided by the LDBRR discount will lead to many indirect financial benefits, connected with new inward investment businesses moving into the District, the creation of higher skilled jobs which will provide increased spending power for our

residents, investment into training the workforce and potentially additional trade within the existing business supply chain already located in Fenland.

- 6.3. Revenue Implications – The awarding of LDBRR in part or full will have a short term impact on business rates receipts, however in the medium to longer term it is anticipated that the business rates base will grow through the attraction of additional business investment within the district. If the LDBRR policy is not adopted it is possible that a number of potential inward investment businesses may not consider locating into Fenland and as a result, may opt to locate to other areas where similar LDBRR or other attractive financial incentives are offered.
- 6.4. The LDBRR Assessment Panel includes both the Corporate Director (Finance) & S151 Officer and the confirmatory oversight of the Leader & Finance Portfolio Holder, who will be able to monitor the number of applications and uptake. This will enable accurate forecasting and in-year budget amendments to be made to ensure that the policy balances the anticipated benefits of the policy with the Council's own budget management processes.
- 6.5. Capital Implications – There are no capital finance implications as a result of the adoption of the LDBRR policy.

7. Benefits

- 7.1. Adopting this policy will support the Council's Business Plan priority 'Economy' by providing an incentive for new inward investment enquiries to choose Fenland as a location for their business. Inward investment businesses will bring new job opportunities and this policy seeks to offer rate relief to address Fenland-specific issues, such as increasing the basic salary levels, offering recurring training opportunities and higher skilled jobs. In addition, after the initial rate relief period the Council can continue to grow its business rates tax base.
- 7.2. Applicants will be expected to demonstrate how their business creates or supports opportunities for education, including offering annual Apprenticeship opportunities or structured 'in work' training pathways and how their business will benefit local people and generally improve the quality of life for local residents.
- 7.3. Having a pro-inward investment policy enables FDC to tailor its approach and provide package of further tools and incentives to begin to compete with other areas and attract businesses into Fenland. The adoption of the LDBRR will enable Officers to promote a valuable financial incentive to new businesses, alongside other services, such as account managing new enquiries and coordinating meetings with other services, such as Planning, offering and supporting development opportunities on expansion land sites across the District.
- 7.4. If this policy is adopted, Officers will continue to monitor the effectiveness to ensure it meets its intended objectives and delivers the anticipated benefits.

8. Conclusion

- 8.1. The adoption of the LDBRR policy is one part of a much larger set of coordinated actions which aims to drive economic prosperity, job creation and training opportunities. It is purposely targeted at a very specific set of eligibility criteria in order to secure its intended outcomes. It is a tool to further promote the opportunities that Fenland can offer to new businesses and enables the Council to offer a tailored incentive to compete with other areas.

Local Discretionary Business Rate Relief Policy Supporting Inward Investment activity in Fenland

Version 4 – November 2019

Policy Context

Fenland District Council recognises that it must be able to respond flexibly to the needs of business taxpayers within the District if it wants to support strong and sustainable local communities and encourage new businesses to locate in Fenland and create new job opportunities for our residents.

This policy documents Fenland District Council's approach to applications for Local Discretionary Business Rate Relief (LDBRR) from Inward Investment businesses. For the purpose of this Policy an 'Inward Investment business' is a business that in the 5 years prior to its application has not been based in or occupied premises within the District and has not been liable to pay NNDR to Fenland District Council during that time.

An organisation or other entity taking over a pre-existing business within the geographic billing area of Fenland District Council does not qualify as a new business for the purposes of this scheme.

This policy relates only to the geographic billing area of Fenland District Council and represents an independently adopted local discretionary business rate relief policy and does not include any other Government supported discretionary business rate scheme.

Policy Factors

Section 47 of the Local Government Finance Act 1988 (as amended by Section 69 of the Localism Act 2011) permits local authorities to determine and reduce the business rates of any local ratepayer provided it is the interest of the Council Tax payer. This document sets out Fenland District Council's Local Discretionary Business Rate Relief Policy related to inward investment opportunities that have a positive benefit on the District and its community.

Fenland District Council will consider a Section 47 award to applicants who meet the qualifying criteria, as specified in this policy. All applications will be assessed by the Council's LDBRR Assessment Panel and considered against the eligibility criteria and upon their individual merits. The LDBRR is a discretionary relief and Fenland District Council are not obliged to award LDBRR and the applicant is not obliged to receive an LDBRR award.

The features of the Fenland District Council LDBRR scheme are that:

- Any award is discretionary;
- The funding allocation in any financial year is discretionary and applications will be considered in order of receipt;
- The total value of the award will not exceed the annual rates payable of the eligible business;
- Current Stage Aid regulations allow a business to currently receive up to 200,000 Euros of de-minimis aid (100,00 Euros in the road freight transport sector) in a rolling three year period (consisting of the current financial year and two previous financial years);
- The Council may choose to vary the way in which funds are allocated according to needs and available funds;
- An applicant does not have a statutory right to payment and appeals will be considered in accordance with the Application Guidance determined by the LDBRR Assessment Panel.

A LDBRR award of up to 100% of the Rates Payable for the application property will be available to eligible businesses moving into the District for a period of up to 2 years. The exact amount of discount and award period is subject to further assessment and will be determined by the LDBRR panel.

APPENDIX 1

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Benefit to the Community

It is expected that any business applying for LDBRR support will positively contribute to the wellbeing and prosperity of the District and its residents. The benefits to the community must include creating new employment opportunities for residents, particularly where it creates higher skilled/paid job opportunities, provides additional apprenticeship or workforce training opportunities and positively contributes socially and economically to the District.

Data Processing & Retention

Fenland District Council is committed to protecting the privacy of our customers and the security of their personal data. Under the General Data Protection Regulations and Data Protection Act 2018, the lawful basis for the processing of data in these circumstances arises 'Consent', whereby the applicant has given clear consent for Fenland District Council to process their personal data for a specific purpose.

Please read Fenland District Council's [privacy statement](#) and that of Anglia Revenues Partnership [privacy statement](#) to find out more about how we do this.

Further Guidance

The Council has produced a document: 'LDBRR Application Guidance' which explains the information that we require in order to consider an application for Local Discretionary Business Rate Relief.

Local Discretionary Business Rate Relief – Application Guidance Supporting Inward Investment activity in Fenland

Version 4 – November 2019

Introduction

This Application Guidance should be read in conjunction with Fenland District Council's Local Discretionary Business Rate Relief Policy (LDBRR).

Qualifying Criteria

There is no upper or lower rateable value limit, however any award must comply with State Aid rules and businesses must meet the following criteria in order to qualify for relief:

- The eligible premises must be newly occupied properties (application submitted within 3 months of the date of eligible occupation);
- The business must not have currently or have previously occupied any other premises within the District within the last 5 years;
- The business must employ at least 25 FTE persons on a full time, permanent basis and whose job is based in Fenland;
- 25% of those jobs must have a salary or basic pay which exceeds the average annual salary (gross) for a full time job in the District - £25,812 (2018 NOMIS - ONS annual survey of hours and earnings). This value will be updated annually in accordance with published data;
- The business must create or support opportunities for education, offering annual recurring Apprenticeship opportunities or structured 'in work' training pathways;
- The business should demonstrate how it will generally improve the quality of life for local residents

Applying for Local Discretionary Business Rate Relief

In order for an application to be considered the LDBRR application form should be completed in full and submitted to Economic Growth, Fenland District Council marked Private and Confidential. Each application shall include all of the following information, failure to provide such information may result in a delay or the rejection of an application:

1. The last two years audited business accounts;
2. Business Plan with 12 month financial forecast;
3. Purpose and use of the property;
4. Details of the organisation and the services performed;
5. Staffing proposals with details of salaries and training arrangements;
6. What steps have been taken to meet or mitigate the Business Rates liability (i.e. any other discounts or reductions awarded);
7. How granting the discount will benefit the district and meets the qualifying criteria contained with the LDBRR Policy & Application Guidance.

The Council recognises that there will be occasions when an applicant does not satisfy the above criteria. These criteria are not restrictive and nothing in them shall be taken as restricting the Council's ability to depart from its general guidelines as to the granting of relief if it sees fit to do so bearing in mind the facts of each case.

Each application will be considered on its individual merits, taking into consideration the information provided by the applicant. It is therefore important that all sections of the LDBRR application form are completed fully and with as much detail as possible, including details of any business rate relief received or already applying against the same property.

Award Determination

All applications will be assessed by the LDBRR Assessment Panel, which will comprise representatives from the Council's Financial, Economic Growth & NNDR Teams. In deciding whether to make an award of a

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LDBRR the Council will have regard to the applicant's circumstances. In order to do this each applicant may be asked to supply reasonable supporting evidence to substantiate the answers that they give to the questions above. This may include, but is not limited to:

- Growth or downsizing plans;
- Any sources of credit or available finance;
- Any help which is or is likely to be available to the applicant from other sources;
- Any other special circumstance which the Council should be aware.

The Council, through its LDBRR Assessment Panel, will decide how much to award based on all of the applicants' circumstances.

Payment of LDBRR

All awards will be made by crediting the award value to the business rate account to which it applies.

If by crediting the award, the account moves to an overall credit balance, a refund of that balance will be considered in the normal manner.

Notification

The Council will notify the applicant of the outcome in writing within 5 working days from the date of the LDBRR Assessment Panel decision. Where the LDBRR award is unsuccessful or not met in full the Council will explain the reasons why.

The Right to Appeal

LDBRR awards are administered under Section 47 of the Local Government Finance Act 1988 (As amended) and awards are not subject to a statutory appeals process. Appeals will therefore be decided by the Council.

The Council will operate the following policy for dealing with appeals:

- An applicant who disagrees with a decision may appeal the decision (Appeals can only be made once per application).
- Any appeal must be made in writing within one calendar month of the original decision.
- Where possible the Council will resolve the matter and provide reasons of the decision to the applicant either verbally or in writing.

Decisions on appeals will be made by the panel.

If the Council decide that the original decision should not be revised, we will provide full written reasons to the applicant within 14 working days.

State Aid Considerations

European Union State Aid rules generally prohibit government subsidies to businesses, providing discretionary NNDR relief to ratepayers can in some cases be deemed to be State Aid. There is however a general exception to the State Aid rule where the aid is below a 'de-minimis' level. Regulations allow a business to currently receive up to €200,000 of de-minimis aid (€100,000 in the road freight transport sector) in a rolling three year period (consisting of the current financial year and 2 previous financial years).

Fenland District Council will ensure compliance with the legal requirements and any permitted exemptions by considering each case based on the applicants individual circumstances in full consideration of State Aid rules. The applicant has an obligation to inform the Council if they are or will be in receipt of other State Aid. In the event of the applicant failing to declare this when LDBRR is awarded, the Council will recover such sums from the applicant for any LDBRR granted.

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Overpayments

If the Council becomes aware that the information contained in an application for LDBRR discount was incorrect or that relevant information was not declared, either intentionally or otherwise, the Council may seek to recover the value of any award made as a result of that application. The award will be removed from the relevant business rates account and any resulting balance will be subject to the normal methods of collection and recovery applicable to such accounts.

Fraud

The Council is committed to detecting and eliminating fraud in all its forms. Any applicant who tries to fraudulently claim LDBRR discount might have committed an offence under the Fraud Act 2006.

If the Council suspects that fraud may have occurred, the matter will be investigated as appropriate and this could lead to criminal proceedings.

Publicity

The Council will publicise the scheme and provide information to relevant agencies, stakeholders and other Council services. The Council may choose to publicise the successful award of LDBRR, such publication will be in agreement with the successful business.

Monitoring

The Council will monitor LDBRR awards to ensure that this policy has been applied fairly and consistently and that expenditure does not exceed the budget available. This monitoring will be conducted by the Economic Growth team in liaison with Anglia Revenues Partnership.



Local Discretionary Business Rate Relief Application Form

Section A - Business/Organisation and property details

Please complete this section about the property that you want relief for and the organisation that occupies it

NNDR Account reference

Current Rates Payable

Address of Property

Business/Organisation (name or title of organisation applying for relief)

What type of business is run from the premises?

Description of the property e.g. Shop, factory, office, etc.

How is the property used?

How much discount is being requested?

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Contact

Name of contact and daytime telephone number

Address for correspondence if different from property address

Do you own the property? (Please tick)

Yes

No

DRAFT

Section B - Discretionary relief

IMPORTANT

Please complete this section to apply for discretionary relief providing as much detail as possible. Please continue on a separate sheet of paper if necessary. You should refer to the LDBRR Policy and Application Guidance when completing this section.

1. How does your business benefit local people and generally improve the quality of life for local residents?

2. Please explain how your business creates or supports opportunities for education, annual Apprenticeship opportunities or structured 'in work' training pathways? Please provide details.

- 3. How many FTE, permanent staff (Full Time Equivalents – 40 hours per week) does your business employ at the premises for which you are applying for Local Discretionary Business Rate Relief?

- 4. How many of the above FTE are apprenticeships?

- 5. How many of those FTE jobs have a salary or basic pay which exceeds the average annual salary for a job in the District - £25,812 (2018 NOMIS)?

- 6. Are the premises occupied? If not, please provide timescale of when this is will happen.

- 7. Please provide detail of any other rate relief you are receiving or which you have applied for or intend to apply for?

- 8. Please provide details of any of relief, financial support or State Aid that you are receiving or which you have applied for or intend to apply for?

Section C – Privacy Statement**IMPORTANT - Privacy statement (please read)**

Fenland District Council is collecting the information requested in this form, in order to perform this service or function, and if further information is needed in order to do so, you may be contacted using the details provided. Under the General Data Protection Regulations and Data Protection Act 2018, the lawful basis for the processing of data in these circumstances arises from 'Consent', whereby, you, the applicant have given clear consent for Fenland District Council to process their personal data for a specific purpose.

In performing this service, the Council may share your information with other organisations or departments, but only when it is satisfied that it is necessary to perform a public task, or to exercise its statutory duties to do so.

The Council may also share your personal information for the purposes of the prevention, investigation, detection, or prosecution of criminal offences, but will not share your personal information, or use it for any other purpose, unless provided for by law.

More detailed information about the Council's handling of your personal data can be found in our [privacy statement](#).

I have read and understand the Privacy Statement above and I hereby consent to Fenland District Council using and processing my data in accordance with the Privacy Statement for purposes as outlined (please tick box)

Section D - Checklist and documents required

Please provide copies of the following items:

- Copy of your last 2 years audited accounts
- Business Plan with 12 month financial forecast
- Any other information used to support your application

Please return completed form and supporting documents to:

business@fenland.gov.uk

Section E - Declaration

As far as I know and believe, the information I have given is correct.

Name (in capitals)	<input type="text"/>
Position	<input type="text"/>
Telephone number	<input type="text"/>
Email address	<input type="text"/>
Signature	<input type="text"/>
Date	<input type="text"/>

State Aid Declaration
I have read and understand the Application Guidance and I hereby confirm by signing this Application Form that my application complies with the requirements of State Aid. I acknowledge that by signing and submitting this application that if I fail to disclose income in the form of State Aid received by me/my business from other sources, I understand that Fenland District Council will use all necessary powers to recover sums paid as a result of false representation and failure to disclose.

Agenda Item No:	6	
Committee:	Cabinet	
Date:	4 November 2019	
Report Title:	Open Spaces - Play Areas	

Purpose / Summary

Further to the September 2019 Cabinet discussion regarding Fenland's play areas, this paper details a planned refurbishment programme for FDC's play areas and the potential FDC capital investment necessary for a 5 year plan.

Key issues

- The Council recognises the importance of play areas for our local communities, for both health and community cohesion.
- Fenland manages many open spaces throughout the District - around 135 hectares in total. This includes 5 open cemeteries, 42 play areas, 6 skate parks and 20 closed churchyards.
- Play areas receive a weekly safety inspection from a qualified member of the grounds maintenance contractor. Additionally, FDC commissions an annual comprehensive ROSPA (Royal Society for the Prevention of Accidents) inspection of the play areas. As a result of weekly inspections, maintenance is carried out on issues identified.
- Fenland continues to replace individual items of equipment in play areas as and when required from the revenue repair budget.
- A programme of play area improvement and replacement continues. Since 2015, the Council has facilitated a spend of £622,577. In this financial year, this will be further supplemented by spending of circa £350,000 on further improvements. These improvements have been funded mainly by Section 106 funding, as well as leveraging in supplementary third party grants from bodies such as FCC and Amey Cespa Community Fund.
- The approach detailed above has been funding led instead of needs led. This paper details the play areas across Fenland and their current condition. This paper then details which play areas will reach the end of their useful life in the coming five years and the subsequent planned expenditure per site, alongside anticipated FDC capital contributions to the programme if Section 106 funding or other external funding cannot be identified.
- The replacement programme for FDC's play equipment will be costly as equipment comes to the end of its useful life, therefore the Council will seek to use Section 106 contributions to focus on the maintenance and replacement of current equipment rather than seek new initiatives except of course where there is currently no equipment in the area covered by the section 106 monies. This does not prevent Members from making a separate allocation in capital programme for other play related projects.

Recommendations

Cabinet approves the planned approach to capital spending identified in the report and asks that the S151 officer makes appropriate funding available within the Council's capital programme where identified, should additional Section 106 funding or external funding not be available by the time the replacement work is due.

Wards Affected	All Wards
Forward Plan Reference	N/A
Portfolio Holder	Cllr Peter Murphy, Portfolio Holder for Environment
Report Originators	Phil Hughes, Head of Leisure Services phughes@fenland.gov.uk Carol Pilson, Corporate Director cpilson@fenland.gov.uk
Contact Officer	Carol Pilson, Corporate Director cpilson@fenland.gov.uk Phil Hughes, Head of Leisure Services phughes@fenland.gov.uk
Background Papers	Council Motion 23 May 2019; Fenland District Council Play Equipment Cabinet paper July 2019; Fenland District Council play areas Cabinet paper September 2019; Fenland District Council play areas

1 Day to day management of Fenland's Play Areas

- 1.1 The Council manages and maintains many play areas on our open spaces. Further information may be found on the council's website at:
<https://www.fenland.gov.uk/playareas>
- 1.2 Each play area has an average of 5 pieces of equipment available - the Council is looking after hundreds of different pieces of equipment.
- 1.3 A weekly safety inspection is carried out at all play areas and skate parks, with any significant issues attended to promptly.
- 1.4 The Council uses a revenue budget to maintain the play areas safely and replace minor items. In the past 5 years the council has spent £139,037 on play park maintenance from the revenue budget.

2 Improvement or Replacement of Play Areas

- 2.1 Fenland saw a significant programme of key play area replacements take place 10 years ago. Whilst the replacement programme has slowed down since then, significant investment continues, as highlighted by investment over the past 4 years in the following table:

- 2.2 Open Spaces capital spend in the past 4 years:

	2015/16	2016/17	2017/18	2018/19	Total
Wenny Rec', Chatteris		131,072			
Manor Play area, Whittlesey	111,491				
The Avenue, Gaul Rd, March		45,039			
Wisbech Park - Bandstand			62,113		
Benwick Play Park			103,375		
Bath Road Skate Park				75,000	
Jasmin Park, Wisbech				13,607	
Wisbech Park				23,880	
Water Tower Play, Whittlesey				57,000	
Total	£111,491	£176,111	£165,488	£169,487	£622,577

- 2.3 Improvement and replacement works are currently reliant on Section 106 contributions, often supplemented by third party grant applications. In the past Fenland has been successful with attracting matched funding from Amey Cespa Community Fund, WREN (now renamed FCC Communities Foundation) and Clarion Futures.

3 Committed 2019 / 2020 programmed works

- 3.1 In the coming months Fenland will be:

- Replacing play equipment in Wenny Rec, Chatteris £45,000
- Replacing the skate park in West End Park, March £130,000
- Working with Manea Parish to provide a replacement skate park £110,000
- Working with Wisbech Town Council £TBC

4. Current play area conditions survey

4.1 Fenland's play areas have been assessed, with a summary of each facility, approximate installation date and equipment condition detailed in Appendix A.

4.2 Currently the Council does not have a formal equipment register to log equipment and location. As part of our Tree Management Plan work, software should soon be available to log play area equipment, including ancillary equipment such as benches and bins.

4.3 The conditions survey work has informed the following matrix of planned play area replacement works over the coming 5 years.

4.4 Play Areas - planned replacement work

Location	Park name	19/20	20/21	21/22	22/23	23/24	Current Section 106 Funding	FDC Capital funding requirement
Chatteris	Cricketers Way				£40,000			£20,000
Chatteris	Huntingdon Road			£30,000			£5734	£15,000
Chatteris	Larham Way		£30,000					£15,000
Doddington	Beech Avenue		£45,000				£21,235	
Doddington	Beech Avenue					£30,000		£15,000
Manea	Skate Park (Identified by Parish Council)	£110,000					£64,000	Parish Council to meet shortfall
Parson Drove	Parson Drove Play area		£30,000				£48,000	
Whittlesey	Burdett Grove			£45,000				

Location	Park name	19/20	20/21	21/22	22/23	23/24	Current Section 106 Funding	FDC Capital funding requirement
Whittlesey	Snowley Park		£40,000				£92,917	
Wisbech	Conference Way					£35,000	£32,220	£10,000
Wisbech	Jasmine Close				£20,000			£10,000
Wisbech	Wisbech Park		£20,000					£10,000
Total		£110,000	£180,000	£75,000	£60,000	£65,000		
Potential FDC Capital Funding requirement			£25,000	£15,000	£30,000	£25,000		£95,000

4.5 It should be noted that:

- The capital funding requirement is at the minimum level, subject to the Council being successful with third party funding bids. Should some bids fail, then equipment may have to be removed for safety reasons unless, exceptionally, additional financial report is provided.
- Additional S106 contributions may be made over the period of this plan. This additional funding will support the planned play area improvements and may reduce FDC's capital funding requirements accordingly.

Appendix A; Play Area conditions survey

Play Area Conditions Survey; Summary

1. Fenland Council supports 42 play areas and 6 skate parks. Inspection of equipment at every site takes place weekly through the contractor, currently Tivoli, and annually through ROSPA (most recently March 2019).
2. The sites are spread about the district amongst 4 towns (Wisbech and Chatteris have 9 play areas, March 8 and Whittlesey 6) and 8 villages (Coates and Eastrea have 2 areas each, the others one).
3. There are other play areas in the district managed by Clarion, housing developers, Town and Parish Councils and these have not been included.
4. Size of the play areas varies, as does the nature of the equipment, but in total there are 342 pieces of play equipment across the Fenland managed sites. This does not include bins, benches, fences or signage.
5. In general the equipment is in reasonable to good condition. Where items have been vandalised beyond repair or have become structurally unsafe, these have been removed. Where items can be repaired they have been and Tivoli carries equipment which can remedy many eventualities without further intervention.
6. Three areas have been greatly improved in 2019. The Water Tower Park at Whittlesey, the new Skate Park at Bath Road, Wisbech and, shortly, the toddler and junior play area at Wenny Rec, Chatteris as well as the skate park at West End Park in March will be refurbished.
7. The table and comments below list the existing stock, note the approximate installation date(s) and anticipated replacement dates that should be considered as part of the play area future investment programme. Any dates, historic or predicted, are indicative only. Whilst a piece of equipment or the entire stock of a park may be expected to last 15 - 20 or more years, heavy usage, vandalism, extreme weather or misuse will inevitably reduce the lifespan.
8. The Council is also contacting Housing Associations and Town and Parish Councils to ascertain the play equipment they manage and maintain so that we have a complete picture of the play equipment available across the District.

Benwick

- High Street. All equipment is in good condition. New site installed 2018. Replacement 20+ years

Chatteris

- Cricketers Way. Installed circa 2002. Equipment showing signs of deterioration. Fence and multiplay both with decay to timber. Replacement 4 years
- Furrowfields Rec. Equipment is in reasonable condition with some deterioration to surfaces. Installed c 2012. Replacement 6+ years
- Hunters Close. Equipment in reasonable condition although slide has been bent. Installed by developer c 2005. Replacement 10+ years
- Huntingdon Road (Infant and Junior). Surfaces in poor condition. Benches need replacement. Equipment in average condition but dated – possibly pre-2000. Replacement max 2+ years
- Larham Way. Equipment very dated – possibly pre-2000. Below average condition. Replacement 1 year
- St Paul's Drive. Old equipment in rusty and poor condition – installed before 2000. Benches need replacement. Replacement 1 year; suggestion is to remove area completely. Furrowfields Rec is 300m away.
- Wenny Rec. New equipment to be installed Sep/Oct 2019. Replacement 20+ years
- Willey Terrace. Surface deterioration. Equipment old, (installed c 2012) limited but functional. Suggestion is to not replace at end of lifespan as other facilities are more appropriate. 5 years life

Coates

- North Green. Equipment meets current standards. Installed 2014. Replacement 15+ years
- South Green. Limited equipment (installed c 2015) but slide (pre-2000) is in poor condition. Remove imminently and do not replace as a slide is available at North Green. Other equipment replace 10+ years

Doddington

- Beech Avenue. Equipment in reasonable condition (possibly pre-2000) but surfaces have deteriorated. Replacement 5 years. Current equipment is rather dated and would benefit from additional more up to date equipment adding, which could be used to merge the 2 play areas.

Eastrea

- Springfields. All good condition (installed 2014). Replacement 20+ years
- Thornham Way. All in reasonable condition - installed c 2005. Replacement 10+ years. Would benefit from revenue funded painting in 2019/20.

Friday Bridge

- West Drive. Reasonable condition. Installed by developer c 2010. Replacement 10+ years

Manea

- Williams Way. Good condition. Installed c 2012. Replacement 20+ years.
- Skate Park; maintained by Parish Council and requires imminent replacement.

March

- Albert Drive. Installed 2011. All good condition. Replacement 20+ years
- Dagless Way. Installed c 2012. Good condition. Replacement 20+ years
- Gaul Road. Installed c 2012. Equipment in good condition. Some deterioration of surfaces. Replacement 20+ years
- North Drive. Installed c 2014. All in reasonably good condition. Replacement 20+ years
- Robingoodfellows. Installed c 2012. Mixture of new and old equipment. Replacement of new 20+ years. Replacement of old (swing) 1-2 years from revenue budget.
- The Avenue. Installed c 2012. Good condition. Replacement 20+ years
- West End Park. Installed c 2009. Good condition. Replacement 15+ years
- West End Park Outdoor Gym (Parts 1&2). Installed c 2014. Periodic repairs to equipment but generally in good condition with infrequent use. Replacement 10+ years
- Parson Drove. Installed c 2002. Mix of old (c 2002) and new equipment (c 2015). Replacement of old equipment and expansion of current offer imminent. Replace other equipment 15+ years

Parson Drove

- Relatively new equipment. Requires some cleaning and replacement signs. Add in additional more exciting elements in 2020/21. Replacement 10 - 15 years.

Wimblington

- Relatively new, with limited equipment. Replacement 10+ years.

Whittlesey

- Burdett Grove. Installed c 1996. Old equipment requires replacement. Replacement 2021/22.
- Manor Field. Installed c 2015. All in good condition. Replacement 15-20 years
- Pinewood Avenue. Installed c 1996. Old equipment – suggestion to consider termination of area in 2020. Other facilities available locally.
- Snowley Park. Installed c 2002. Old equipment – fence repairs required. Consider replacing and relocate to centre of park area in 2020.
- Station Road. Installed c 2013. All in good condition. Replace in 20 years
- Water Tower Park. Installed 2019. No changes required. Replace in 25 years

Wisbech

- Barton Rd. Installed in different stages. Swings and multi-point swings relatively new (c 2012) and other equipment c 2005. Average to good condition. Replacement 10 years

- Burcroft Rd. Installed new swings and see saw in 2018. Replacement 20 years. Limited equipment in this space. Install additional equipment when funding is available.
- Conference Way. Installed c 2000. All equipment in average condition. Replacement 5 years
- Heron Road. Installed c 2001. Average condition – paintwork needs work in 2019 / 20 from revenue budget along with the replacement of bins and bench. Surfaces showing signs of wear. Minor repairs within 1 year. Replacement 7 years
- Jasmine Close. Installed climbing unit 2018. Swings installed c 2000. Remove swings at end of useful life.
- Malt Drive. Installed c 2001. Equipment is old but in average to good condition. Paint work required in 2019 / 20 from revenue budget. Suggested removal in 5-10 years with other local parks available.
- Westmead Ave. Installed c2003. Average condition. Surface needs attention in 2020. Replacement 5-10 years
- Wisbech Park (Harbour Line). Wooden equipment installed c 2012 in average condition – some pieces already removed. No replacement considered – remove equipment as it deteriorates with facility in the same park available.
- Wisbeck Park. Installed over multi-years. Most recent 2018, oldest c2000. Consequent mix of condition – replacement of toddler equipment 2020 / 2021, junior equipment 15 years.

**DRAFT 6 MONTH CABINET FORWARD PLAN –
Updated 24 October 2019**



(For any queries, please refer to the published forward plan)

CABINET

CABINET DATE	ITEMS	LEAD PORTFOLIO HOLDER
19 Nov 2019	<ol style="list-style-type: none"> 1. Treasury Management Strategy Statement & Annual Investment Strategy Mid-Year Review 2019/20 2. Growing Fenland – Town Reports 3. Growing Fenland – Overarching Strategic Report 4. Cabinet Draft Forward Plan 5. Chatteris Land Agreement – CONFIDENTIAL ITEM 6. 24 High Street, Wisbech – CONFIDENTIAL ITEM 	<p>Cllr Boden</p> <p>Cllr Benney Cllr Benney</p> <p>Cllr Boden Cllr Benney</p> <p>Cllr Seaton</p>
13 Dec 2019	<ol style="list-style-type: none"> 1. Draft Business Plan 2. Draft Budget 2020/21 & Mid Term Financial Strategy 3. Local Council Tax Reduction Scheme Review 2020/21 4. Environment & Waste Statement of Intent 5. March Future High Street Fund Update 6. Commercial & Investment Strategy 7. Street Lighting Motion – update 8. Reallocation of Reserves 9. Cabinet Draft Forward Plan 	<p>Cllr Boden Cllr Boden</p> <p>Cllr Boden</p> <p>Cllr Tierney/ Cllr Murphy</p> <p>Cllr Boden/ Cllr French</p> <p>Cllr Boden Cllr French</p> <p>Cllr Boden Cllr Boden</p>
16 Jan 2020	<ol style="list-style-type: none"> 1. Fees and Charges 2. Cabinet Draft Forward Plan 	<p>Cllr Boden Cllr Boden</p>
20 Feb 2020	<ol style="list-style-type: none"> 1. Business Plan 2. Corporate Budget 2020/21 & Mid Term Financial Strategy 3. Cabinet Draft Forward Plan 	<p>Cllr Boden Cllr Boden</p> <p>Cllr Boden</p>
19 Mar 2020	<ol style="list-style-type: none"> 1. Cabinet Draft Forward Plan 	<p>Cllr Boden</p>

CABINET DATE	ITEMS	LEAD PORTFOLIO HOLDER
23 Apr 2020	1. Cabinet Draft Forward Plan	Cllr Boden