

CABINET

MINUTES OF MEETING Tuesday 1st December 2020

PRESENT: Councillor Brett (Chair); Councillors Daalat Ali, Neil Emmott, Emsley, Blundell, Heakin, Rowbotham and Wardle

OFFICERS: Steve Rumbelow (Chief Executive), Neil Thornton (Director of Resources), Gail Hopper (Director of Children's Services), Julie Murphy (Chief Finance Officer), David Wilcock (Monitoring Officer), Steve Blezard (Director of Operations - Adult Social Care), Mark Robinson (Assistant Director – Economy (Planning and Development), Samantha Smith (Deputy Chief Finance Officer), Rosemary Barker (Head of Workforce & Organisational Development), Fay Davies (Children's Services), Nicola Rogers (Economy Directorate), Carolyn Goddard and Alison James (Resources Directorate)

ALSO IN ATTENDANCE: Councillor Dearnley

65 APOLOGIES

Apologies were received from Councillor Iftikhar Ahmed

66 MINUTES

Resolved

That the minutes of the meeting of the Cabinet held on 27th October 2020 be approved and signed as a correct record.

67 DECLARATIONS OF INTEREST

There were no declarations of interest.

68 URGENT ITEMS OF BUSINESS

The Leader indicated that he had accepted an additional item of business onto the Agenda – Statement of Licensing Policy at Agenda Item 12, as it needed to be considered at Council on 16th December to fulfil statutory requirements.

69 FINANCE UPDATE REPORT PERIOD 6

The Cabinet considered a report of the Chief Finance Officer which informed Members about the on the Council's forecast 2020/21 financial position as at the end of September 2020, and the additional Covid-19 funding received in October.

Alternatives Considered:

Not reporting on financial performance puts at risk the achievement of the Council's Medium Term Financial Plan. Effective budget management is critical to ensuring financial resources are spent in line with the budget and are targeted towards the Council's priorities. Monitoring enables the early identification of variations against the plan and facilitates timely corrective action.

Resolved:

1. That the forecast 2020/21 financial positions for Revenue, Capital, and the Collection Fund as at the end of September 2020, as detailed in section 4 of the report be noted;
2. That the utilisation of the 4th tranche of emergency Covid 19 funding of £6,199k detailed in section 4.1. of the report be approved;
3. That the forecast Health & Social Care Pool Budget position as detailed in section 4.2 of the report be noted;
4. That the Budget Pressure requests for 2021/22 as detailed in section 4.3 of the report be approved;
5. That the forecast unachieved savings target as detailed in section 4.4 of the report be noted;
6. That the net Capital budget changes of £1,066k detailed in section 4.6.1 of the report be noted;
7. That the Capital re-phasing of £5,579k detailed in section 4.6.2. of the report be noted;
8. That the reversal of the £140k reduction in Townships capital budget in 2020/21, and rephasing of that budget into 2021/22, as detailed in section 4.6.3. of the report be approved;
9. That the budget returns of £1,001k detailed in 4.6.4 of the report be noted;
10. That the budget switch as detailed in 4.6.5 of the report be approved;
11. That the mid-year 2020/21 Treasury Management update report contained in section 4.8. of the report be noted.

Reasons for the decision:

Cabinet Members should be kept updated on the financial position of the authority, as effective budget management is critical to ensuring financial resources are spent in line with the budget and are targeted towards the Council's priorities.

The report focuses on the forecast 2020/21 financial position as at the end September 2020.

70 CALCULATION OF 2021-22 TAXBASE

Cabinet considered the report of the Chief Finance Officer which sought support for submission to Council for the statutory Council Tax Base calculation for 2021/22, calculated in accordance with The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012 as part of the 2021/22 Estimates process, for the Local Council Tax Support Scheme to remain unchanged for 2021/22 and to approve the precept payment dates for 2021/22.

Alternatives considered:

No alternative is available, as the Council has a statutory requirement to calculate and approve a Council Tax base each financial year.

Resolved:

1. That Council be informed that Cabinet recommends the following:
 - a) That the Council Tax base expressed as "Band D equivalent properties", be recommended as 54,637 for 2021/22 (55,745 2020/21) as detailed at Appendix 1 of the report be approved;
 - b) That the Local Council Tax Support Scheme for 2021/22 remains unchanged.
 - c) That the proposed precepts payment schedule be as detailed in paragraph 4.2.of the report be approved.

Reasons for the decision:

Rochdale Borough Council, as a Council Tax billing authority, is required each year to make statutory calculations specified in Section 33 of the Local Government Finance Act 1992 (as amended). The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012 require authorities to calculate the Council Tax base (number of taxable properties), expressed as "Band D equivalent properties". Approval of these calculations is required by 31st January in each financial year.

The Local Government Finance Act 1992 prescribes the procedures to be adopted in setting precept payment dates. The Act requires billing authorities to notify precepting authorities of a proposed payments schedule. This notification must be given before 31st December in respect of the following financial year. The final payments schedule is then confirmed by 31st January.

The calculation of the tax base has to be made by 31st January and notified to the major precepting and levying authorities. Under Section 84 of the Local Government Act 2003 the determination can be delegated to a committee or sub-committee in accordance with Section 101 of the Local Government Act 1972. This report recommends that Cabinet considers the report for submission to Council on 16 December 2020.

71 COUNCIL TAX EMPTY PROPERTY CHARGES

The Cabinet considered the report of the Chief Finance Officer that was seeking approval to increase the council tax empty property premium from 200% to 300% with effect from 1st April 2021 for properties that have been empty in excess of 10 years.

In considering the submitted report, Members of Cabinet were informed that the Corporate Overview and Scrutiny Committee on 24th November 2020, had requested that Cabinet give consideration to providing Council Tax exemptions, or some form of relief for domestic accommodations that are attached to commercial premises, such as pubs and shops, which had become empty because they have had to close because of the adverse effects of Covid-19.

Alternatives considered:

The empty property premium could remain at 200%. However, Government has identified that additional measures are needed to continue the improvements already made and have amended the legislation.

Resolved:

1. That Council be informed that Cabinet recommends the following:
 - a) That the proposal to increase the council tax empty property premium from 200% to 300% with effect from 1 April 2021 for properties that have been empty in excess of 10 years be approved;
 - b) That the request of the Corporate Overview and Scrutiny Committee relating to providing Council Tax exemptions, or some form of relief, for domestic accommodations that are attached to commercial premises, such as pubs and shops, which had become empty because they have had to close because of the adverse effects of Covid-19 be approved.

Reasons for the decision:

In April 2013, Government gave local authorities power to determine the level of empty property discounts in dwelling classes B, C and D (Section 12 of the Local Government Finance Act 2012). The power included an option to charge a premium of up to 50% where a property has been empty in excess of two years. The Council decided to introduce a 50% premium with effect from 1 April 2013 and increased this to 100% with effect from 1 April 2019.

From 1 April 2020, Government increased the optional maximum empty property premium charge to 200% for properties that have been empty in excess of 5 years. The Council decided to introduce this 200% premium with effect from 1 April 2020.

From 1 April 2021, Government is increasing the optional maximum empty property premium charge to 300% for properties that have been empty in excess of 10 years.

The Corporate Overview and Scrutiny Committee on 24th November 2020, had requested that Cabinet give consideration to providing Council Tax exemptions, or some form of relief for domestic accommodations that are attached to commercial premises, such as pubs and shops, which had become empty because they have had to close because of the adverse effects of Covid-19.

72 2021/22 SETTING THE BUSINESS RATE BASE

Cabinet considered the report of the Chief Finance Officer which sought consideration for the setting of the Business Rates baseline for 2021/22 in accordance with the Local Government Finance Act 1988 and the Non-Domestic Rating Regulations 2013; and approval of the precept payment dates for 2021/22.

Alternatives considered:

No alternative is available, as the Council has a statutory requirement to estimate and set a Business Rates Baseline each financial year.

Resolved:

1. That Council be recommended to approve:
 - a) the draft Business Rate baseline figure of £63.251m for 2021/22, subject to any changes which may result from:
 - the provisional Local Government Finance Settlement 2021/22;
 - a change to the current pilot scheme for 100% retention of Business Rates;
 - the issue of the Ministry of Housing, Communities & Local Government (MHCLG) guidance on completion of the 2021/22 Business Rates baseline return (NNDR1), due in January 2021.;
 - b) that the Chief Finance Officer, in consultation with the Cabinet Member for Finance, be authorised to conclude and agree the final Business Rates baseline return (NNDR1) due on 31 January 2021, should the final information yet to be received from MHCLG change the baseline figure for 2021/22;
 - c) that the precepts payment schedule detailed in paragraph 4.2 of the report be approved.

Reasons for the decision:

The Non-Domestic Rating (Rates Retention) Regulations 2013 (SI 2013/452) require billing authorities to notify the Secretary of State and their major precepting authority of their calculation of non-domestic rating income for the following financial year and the estimated surplus/deficit on the Collection Fund by 31st January each year.

The figures are produced subject to the MHCLG guidance being published and provided, following which the figure in this report may have to be revisited

73 SPECIAL GUARDIANSHIP

Cabinet considered the report of the Monitoring Officer which advised that he findings of the Social Care and Local Government Ombudsman (SCLGO) reported had been reported to Cabinet earlier this year when he made a finding that a special guardian had suffered injustice as a result of the Council's Special Guardianship Support Policy (the Policy). The SCLGO also recommended, and Cabinet agreed, that the Policy be reviewed and consulted on. That process is now complete and requires an adoption decision from Members.

Alternatives considered:

There are no alternatives recommended.

Resolved:

1. That the Special Guardianship Support Policy be approved and adopted.

Reasons for the decision:

The Council is required to adopt a legally compliant Policy.

74 SAVINGS PROGRAMME 2021/22

Cabinet considered the report of the Chief Finance Officer which provided recommendations regarding Savings Proposals in order to meet the pre Covid-19 budget gap for 2021/22. Following the Local Government Finance Settlement 2021/22, further savings proposals will be brought forward should any be required.

Alternatives considered:

The Council is legally obliged to set a balanced revenue budget. The budget setting process is complex and must be undertaken in a planned way. Whilst budgets are prepared in accordance with the approved guidelines a number of alternative options relating to savings proposals and budget pressures are considered as part of the overall budget setting process.

Consideration has been given to a number of options in putting forward the savings proposals contained in this report and the individual reports outline any alternatives considered. To do nothing was not considered to be an option as the Council is legally required to set a balanced budget.

Cabinet Members could decide not to implement these proposals and provide alternative options to enable a balanced budget to be achieved.

Resolved:

1. That the savings proposals rated as green and amber to address the budget gap be approved for public consultation starting 4th January 2021.
2. That the proposal to earmark £0.5m of one-off funds in contingency, which will be allocated to Adult Care Service in 2021/22 if additional demand pressures materialise be approved.

Reasons for the decision:

Cabinet members are required to recommend a balanced 2021/22 Revenue Budget to Budget Council, and provisional budgets for 2022/23 to 2023/24. The Council is required to set a balanced budget for 2021/22 by 11th March 2021.

75 STATEMENT OF LICENSING POLICY 2021-2026

Cabinet considered the report of the Director of Neighbourhoods which informed Members that the Council has to determine and publish a Statement of Licensing Policy every 5 years in order to meet its statutory obligations. The determination and publishing of such is required to be undertaken by January 2021.

The purpose of the policy statement is to define how the responsibilities under the Licensing Act 2003 are going to be exercised and administered.

To report on the consultation responses received on the Council's draft Statement of Licensing Policy and seek agreement from members on amendments where necessary and to recommend adoption of the policy to full Council.

Alternatives considered:

None; it is a statutory duty for all Councils to determine and publish its statement of Licensing Policy and there is no alternative option to this.

Resolved:

1. That Council be recommended to adopt the amended Statement of Licensing Policy 2021-2026.

Reasons for the decision:

Councils have a statutory duty to prepare and publish a statement of principles that they propose to apply in exercising their functions under the Licensing Act 2003. This is valid for a five year period and therefore the Council is required to review its policy statement every five years to meet its statutory requirements and adopt and publish a statement of Licensing Policy. The existing statement was effective from 31 January 2016.

76 EXCLUSION OF PRESS AND PUBLIC

Resolved:

That the Press and Public be excluded from the meeting during consideration of the following three items of business, in accordance with the provisions of Section 100A (4) of the Local Government Act 1972, as amended.

Reason for the decision:

Should the press and public remain during the debate on the following items, there may be a disclosure of information that is deemed to be exempt under Parts 1 and 4 of Schedule 12A of the Local Government Act 1972

77 SAVINGS PROGRAMME 2021/22 (PART 2)

Cabinet considered the report of the Chief Finance Officer which provided recommendations regarding Savings Proposals in order to meet the pre Covid-19 budget gap for 2021/22. Following the Local Government Finance Settlement 2021/22, further savings proposals will be brought forward should any be required.

Alternatives considered:

The Council is legally obliged to set a balanced revenue budget. The budget setting process is complex and must be undertaken in a planned way. Whilst budgets are prepared in accordance with the approved guidelines a number of alternative options relating to savings proposals and budget pressures are considered as part of the overall budget setting process.

Consideration has been given to a number of options in putting forward the savings proposals contained in this report and the individual reports outline

any alternatives considered. To do nothing was not considered to be an option as the Council is legally required to set a balanced budget.

Cabinet Members could decide not to implement these proposals and provide alternative options to enable a balanced budget to be achieved.

Resolved:

1. That the savings proposals rated as green and amber to address the budget gap be approved for public consultation starting 4th January 2021.
2. That the proposal to earmark £0.5m of one-off funds in contingency, which will be allocated to Adult Care Service in 2021/22 if additional demand pressures materialise be approved.

Reasons for the decision:

Cabinet members are required to recommend a balanced 2021/22 Revenue Budget to Budget Council, and provisional budgets for 2022/23 to 2023/24. The Council is required to set a balanced budget for 2021/22 by 11th March 2021.

78 FINANCIAL ASSESSMENT (DLA) REVIEW

The Board considered the report of the Director of Operations (Adult Social Care) which advised that Service users' in receipt of Adult Care services are financially assessed to determine if they are required to make a contribution towards their care package. The financial assessment for non-residential care takes into account all the service users income (including any benefits) and compares this to a nationally agreed 'minimum income guarantee'. Amounts above the minimum income guarantee will be the contribution / charge the service user will be asked to pay towards their care and support.

The report outlined options for consideration with regard to the potential back dating of charges in line with the Councils Local Charging Policy.

Alternatives considered:

The alternatives were outlined within the submitted report.

Resolved:

1. That Option 3, no backdating of charges be approved.

Reasons for the decision:

The financial impact on service users would be reduced.

79 BULK PRINTING PROCUREMENT

Cabinet considered the report of the Chief Finance Officer which advised that the current bulk print and mail contract for Revenues and Benefits and Payroll Services expires on 31 December 2020 and that a new contract needs to be procured.

Alternatives considered:

The Council could chose to print correspondence in-house, but this would require: additional staffing resource; the purchase and maintenance of bulk print machines; additional software and ICT costs; premises to run such an operation and a contract with a postal delivery company.

Resolved:

1. That approval be given to commence a procurement using a minicompetition against a Government approved framework. In this case a framework from Crown Commercial Services for the bulk print and mail contract for Revenues and Benefits and Payroll Services;
2. That the Director of Resources, in consultation with the Cabinet Member for Finance and Director of STaR Procurement, be authorised to conclude and agree the contract awards, following the completion of the procurement exercise.

Reasons for the Decision:

The current print and mail contract commenced in July 2017 and is due to expire on 30 December 2020. Discussions have taken place with STaR Procurement and they are recommending using a mini-competition against a Crown Commercial Services framework.

These services are required to allow the Council to issue correspondence in relation to Council Tax, Business Rates, Housing Benefits, Local Council Tax Support, Corporate Debt, Adult Care Financial Assessments and Payroll.

80 LITTLEBOROUGH PRIMARY SCHOOL PROJECT

Cabinet considered the report of the Director of Children's Services which advised that the Department for Education (DfE) are looking for "shovel ready" construction projects that can be delivered immediately. To this end the Council have been working closely with the DfE team drawing up options for a Littleborough Primary School re-build project. In the event that the project is funded, the Council needs to make a decision on the Littleborough Children's Centre building which falls within potential new school footprint.

Alternatives considered:

Options for keeping the existing Children's Centre and completely replacing it were described within the report as Option 1 and Option 3.

Resolved:

1. That approval be given to Littleborough Primary School's inclusion in the Department for Education new re-build project if funded;
2. That approval be given for Option 2 detailed in this report, which would see the Littleborough Children's Centre re-provided in what is currently the Primary school infant block;
3. That approval be given for the expenditure on Option 2 of £500,000 to re-provide Children's Centre spaces, parking and outside play areas, and the £3,000 remedial works expected to be needed to make good leisure centre spaces;

4. That approval be given to delegate additional expenditure of no more than £249,000 to the Director of Children's Services on Option 2 on the understanding that a full accounting will be reported through the annual schools capital budget report, in the event that the demolition and rebuilding of the school, and re-provision of the Children's Centre project budget is exceeded as full feasibility on the new school is completed.

Reasons for the decision:

Following a statement on a new school re-building programme from the Prime Minister in June, the Department for Education, DfE have been communicating with the Head Teacher at Littleborough Primary School and Rochdale Council, and conducting a full site survey and feasibility assessment with the potential of the school being included on the list of possible schemes.

The DfE requires that the Littleborough Primary School project is "shovel ready" to be included.

The Littleborough Campus includes the Link4Life Leisure centre, the Littleborough Children's Centre and the Primary school and all these elements are affected by the inclusion of the school on the rebuild list.

81 PROPOSED CHANGES TO EM SERVICES - BOWLEE NURSERY

Cabinet considered the report of the Director of Neighbourhoods which advised that a number of service changes, income opportunities and savings proposals have been identified by Environmental Management and approved for progress by Cabinet on 25th August 2020. As part of the outcome of consultation there is now a proposed amendment to the recommendation relating to Bowlee Nursery.

Alternatives considered:

There were no alternatives put forward within the report.

Resolved:

1. That the recommendations as detailed within the submitted report be approved.

Reasons for the decision:

At Cabinet on 25th August 2020 a report of the Assistant Director for Place outlined proposed changes to Environmental Management service which contained three recommendations relating to savings proposals from within the service.

Following a period of consultation, there is now a proposed amendment to the recommendation relating to Bowlee Nursery.