



Shropshire Council  
Legal and Democratic Services  
Shirehall  
Abbey Foregate  
Shrewsbury  
SY2 6ND

Date: Tuesday, 6 September 2016

**Committee:  
Cabinet**

**Date: Wednesday, 14 September 2016**

**Time: 12.30 pm**

**Venue: Ludlow Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND**

You are requested to attend the above meeting.  
The Agenda is attached

Claire Porter  
Head of Legal and Democratic Services (Monitoring Officer)

**Members of Cabinet**

Malcolm Pate (Leader)  
Steve Charmley (Deputy Leader)  
Karen Calder  
Lee Chapman  
Simon Jones  
David Minnery  
Cecilia Motley  
Malcolm Price  
Stuart West  
Michael Wood

**Deputy Members of Cabinet**

Peter Adams  
Nicholas Bardsley  
Gwilym Butler  
Dean Carroll  
Nic Laurens  
Robert Macey  
Robert Tindall

Your Committee Officer is:

**Jane Palmer** Senior Democratic Services Officer

Tel: 01743 257712

Email: [jane.palmer@shropshire.gov.uk](mailto:jane.palmer@shropshire.gov.uk)

## **NOTICE RE VIDEO RECORDING OF CABINET MEETINGS**

### **& REQUIREMENTS OF DATA PROTECTION ACT 1998**

Cabinet meetings are video recorded by Shropshire Council and these recordings will be made available to the public via the Shropshire Council Newsroom.

Images of individuals may be potentially classed as 'personal information' and subject to the requirements of the Data Protection Act 1998.

Members of the public making a recording of the meeting are advised to seek advice on their obligations to ensure any processing of personal information complies with the Data Protection Act.

Meetings video recorded by Shropshire Council may be made available to the public via the Shropshire Newsroom, or generally on the internet or other media channels.

The Council will take the following steps to ensure its compliance with data protection requirements:

- Appropriate notices will be included on the agenda for each meeting;
- Appropriate signage will be displayed at each meeting;
- At the beginning of each meeting the Chair will formally announce that the meeting is being recorded;
- The camera will not record or show images of those in the public gallery; and
- Members of the public called to speak may opt to do so from a position where they are not visually identified on camera

Members of the public positioned in an area being recorded will be deemed to have given their consent (by implication) to any images etc. of themselves being used for broadcast and any other appropriate purposes consistent with the notices.

May 2015

# AGENDA

## 1 Apologies for Absence

## 2 Disclosable Pecuniary Interests

Members are reminded that they must not participate in the discussion or voting on any matter in which they have a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

## 3 Minutes (Pages 1 - 16)

To approve as a correct record and sign the Minutes of the Cabinet meetings held on 13 and 27 July 2016 respectively.

Contact: Jane Palmer Tel: 01743 257712

## 4 Public Questions

To receive any public questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 5.00pm on Friday 2 September 2016.

## 5 Scrutiny Items

To consider any scrutiny issues referred from Council/Scrutiny Committees.

## 6 Council Tax, Business Rates and Housing Benefit Overpayment Debt Collection Policy (Pages 17 - 56)

Lead Member – Councillor Malcolm Pate – Leader and Portfolio Holder for Strategy, Financial Strategy, Budget and Business Plan.

Report of the Head of Finance, Governance and Assurance.

Contact: James Walton Tel: 01743 255001

## 7 Quarter 1 Performance Report 2016/17 (Pages 57 - 64)

Lead Member – Councillor Malcolm Pate – Leader and Portfolio Holder for Strategy, Financial Strategy, Budget and Business Plan.

Report of the Commissioning Support Manager.

Contact: Tom Dodds Tel: 01743 258518

**8 Proposal to consult on the amalgamation of Hope CE Primary School, Worthen CE Primary School and St Marys CE Primary School, Westbury (Pages 65 - 74)**

Lead Member – Councillor David Minnery – Portfolio Holder for Young People

Report of the Director of Children’s Services.

Contact: Karen Bradshaw Tel: 01743 254201

**9 Exclusion of Press and Public**

To resolve that in accordance with the provisions of Schedule 12A of the Local Government Act 1972 and Paragraph 10.2 of the Council’s Access to Information Rules, the public and press be excluded during consideration of the remaining items.

**10 Shropshire Council Smallholding Estate (Pages 75 - 90)**

Lead Members – Councillor Michael Wood – Portfolio Holder for Corporate Support and Councillor Robert Tindall – Deputy Portfolio Holder for Estates and Built Assets.

Report of the Director of Place and Enterprise.

Contact: George Candler Tel: 01743 255003

**11 Exempt Minutes (Pages 91 - 92)**

To approve as a correct record and sign the exempt Minutes of the Cabinet meeting held on 13 July 2016.

Contact: Jane Palmer Tel: 01743 257712



## Committee and Date

Cabinet

14 September 2016

## **CABINET**

**Minutes of the meeting held on 13 July 2016 in the Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND  
12.30 - 2.17 pm**

**Responsible Officer:** Jane Palmer  
Email: jane.palmer@shropshire.gov.uk Tel: 01743 257712

### **Present**

Councillor Malcolm Pate (Leader)  
Councillors Steve Charmley (Deputy Leader), Karen Calder, Lee Chapman,  
David Minnery, Cecilia Motley, Malcolm Price, Stuart West and Michael Wood

### **1 Apologies for Absence**

Apologies were received from Councillor Simon Jones.

### **2 Disclosable Pecuniary Interests**

None were declared.

### **3 Minutes**

#### **RESOLVED:**

That the Minutes of the Cabinet meeting held on 8 June 2016 be approved as a correct record and signed by the Leader.

### **4 Public Questions**

Mr D Tomlinson had submitted a question relating to the timing of the publication of the report on Swimming Facilities and asking whether it should go back to the Scrutiny Committee in light to revisions to it. Mr Stephen Gillian asked a follow up question on his behalf regarding the depth requirements of the scuba diving and canoe clubs which he understood would not be met if the pool was located at Sundorne. The Portfolio Holder for Leisure and Culture undertook to provide a response after the meeting.

Mr R Green had submitted a question asking whether any discussions had taken place with regard to any potential sale of the Quarry Pool Site.

Mr D Butler had submitted a question relating to the impact on club activities of any reduction of three pools to two, particularly clubs involving canoeing and sub-aqua.

In asking a follow up question he referred to the detailed pool programme at appendix 2 of the report which made no reference to a canoe club or canoe programme. The Director of Commissioning said that in moving forward, discussions would be held with existing users to ensure that all needs were accommodated.

Mr S Gillian had submitted a question asking when the Economic Impact Tool model be made available to those who were preparing alternative Business Case proposals for a community managed town centre based pool facility. He asked a supplementary question about appendix 1 and appendix 3 of the report which he said appeared to be superficial and biased. In responding, the Director of Commissioning reported that Strategic Leisure had been commissioned by Shropshire Council to carry out this work. He explained that they were Leisure Specialists, used by Sport England and the Amateur Swimming Association and their role had been to look into feasibility but not to make recommendations. Sport England, the Amateur Swimming Association and the County Sport Partnership, Energize had all been involved in auditing the process.

Mr D Eagle had submitted a question asking about assumptions made in the report around journeys made to the Quarry Pool.

Mr B Wills had submitted a question asking: how Shropshire Council was promoting swimming participation by recommending a smaller swimming facility out of town; about satisfying future demand as well as the current demand for clubs, diving boards and flumes; and about demand from sixth form and university students, disability groups, the young and older people.

Written responses were tabled at the meeting to all of the above questions and a copy of the full questions and responses are attached to the formal record of the meeting.

It was agreed that the Improved Swimming Facilities for Shrewsbury report be taken as the next agenda item.

## **5 Improved Swimming Facilities for Shrewsbury**

The Portfolio Holder for Leisure and Culture presented a report by the Director of Commissioning – copy attached to the signed minutes – setting out proposals for improved swimming facilities for Shrewsbury. Amendments were proposed to the recommendations by the Cabinet Member for Adults which he hoped would provide reassurance to any parties who wished to work up an alternative proposal to retain the Quarry Swimming Pool. The amendments were to recommendation A, to include after the words in principle : ‘that in the absence of alternative proposals developed to retain swimming provision on the existing site in recommendation (ii)’ and to recommendation B so that it started with ‘That Cabinet would welcome all parties who wish to do so’. The Leader endorsed these amendments and added an amendment that Recommendation A start ‘That Cabinet is minded to’

A number of Members addressed the Cabinet in support of the retention of the location of the Quarry Swimming Pool or a deferral of the decision until case for the

Quarry Pool was properly proven. Assurances were requested that officers would fully co-operate with the group trying to find a solution.

The Portfolio Holder Leisure and Culture said Cabinet understood the need to allow time for other options to be developed and supported the amendments to the recommendations. Nothing would proceed until 12 months had expired and all data would be provided to all parties.

**RESOLVED:**

- i) That Cabinet is minded to confirm and approve in principle that in the absence of alternative proposals developed to retain swimming provision on the existing site in recommendation (ii), that the preferred location for the replacement of existing swimming provision (with new swimming provision) is the Shrewsbury Sports Village based upon the options appraisal evidenced within this report.
- ii) That Cabinet would welcome all parties who wish to do so, including the Shrewsbury BID, Quarry Swimming and Fitness Forum and Shrewsbury Town Council are to be given an opportunity for up to 12 months to develop alternative proposals to retain swimming provision on the existing site. Any alternatives will need to meet the Council's key objectives referenced within the evaluation criteria described within this report, including for the pool to be affordable and to support participation in the future.
- iii) That a further report is brought back to Cabinet on the proposed next steps and the detail including the timetable, process and terms of reference in relation to recommendation (ii).

**6 Matters referred from Scrutiny/Council**

There were no matters referred from Scrutiny or Council.

**7 Draft Shropshire Council Corporate Plan 2016/17 to 2018/19**

The Leader presented the Corporate Plan 2016 – 2017 and congratulated officers on the work involved in developing it. He confirmed that it would be presented to Full Council for approval.

**RESOLVED:**

- i) *That the draft Corporate Plan 2016/17 to 2018/19 be reviewed and agreed;*
- ii) That the medium term outcomes and objectives in the Corporate Plan be reviewed in October 2016 and then reviewed each year as part of the Council's Corporate Planning Cycle alongside the refresh of the Financial Strategy; and

- iii) That the Strategic Action Plans, which are in formulation, be available in October 2016.

## 8 Scrutiny Reports - Financial Strategy Task and Finish Group - Interim Report

The Chair of the Performance Management Scrutiny Committee presented the Interim Report of the Financial Strategy Task and Finish Group on behalf of the Group. A copy is attached to the signed minutes.

### **RESOLVED:**

That the emerging findings from the work of the Financial Strategy Task and Finish Group be taken into account in preparation for the further report of the Performance Management Scrutiny Committee.

## 9 Financial Strategy 2017/18 and 2019/20

The Leader presented the report of the Head of Finance, Governance and Assurance and provided an update on the Council's proposals to manage its financial position for 2017/18 and beyond. He reported that there was still considerable uncertainty in Local Government Finance but the Chief Executive and the Head of Finance, Governance and Assurance now sat on a Government Panel regarding the funding of elderly care. It was hoped that the work of the Panel would result in a fairer funding formula but in the meantime there were severe financial problems to address and work was underway to try to bridge the gap and avoid making red savings.

In responding to questions and comments about services being transferred to Parish and Town Councils, the Leader said that the Council had listened and understood that September 2016 would be too soon for submission of final proposals. Some funds had now been identified to provide an extra 12 months to help Parish and Town Councils to meet the challenge, and outline ideas only were now required by September 2016. Shropshire Council would help as much as it could with the development of proposals.

### **RESOLVED:**

- i) That further ongoing savings of £9.263m, deliverable by 2017/18 and £9.985m (a further £0.722m) deliverable by 2018/19, as set out in Table 5 and described in Appendix 2, be agreed and recommended to Council.
- ii) That the revision of the Council's Growth Model and the allocation of ongoing savings and efficiencies that has resulted in a core funding gap in 2017/18 and 2018/19 of £13.690m and £20.211m respectively, be noted.
- iii) That it be noted that further work is being progressed to deliver a Sustainable Business Model for the Council to close the Core Funding Gap and deliver a financially self-sufficient Council in the medium to long term.

- iv) That the work being undertaken to attempt to reduce or close the reported Core Funding Gap in the short term in 2017/18 and 2018/19 by the use of one-off initiatives (to replace delivery of some Red RAG Rated savings as reported to Cabinet on 27 January 2016) be noted. Cabinet note that to achieve a balanced budget without further Red Savings proposals being implemented would require the identification of almost £34m of one-off proposals over these two financial years which will not reduce the size of the core funding gap in future years (still requiring £28.7m of base budget savings by 2019/20).
- v) That the Efficiency Plan be approved and recommended to Council as described in Section 9 and detailed in Appendix 5 including the proposals around the use of the new flexibilities on the use of Capital Receipts.
- vi) That the latest Adults Growth projections be considered as set out in Section 5 and the creation of a £2.5m contingency Budget for 2016/17 only, be approved as identified in section 4.3.
- vii) That the initial projections produced to identify the Core Funding Gap in 2019/20, as set out in Table 5, be noted.

## 10 Shropshire Council Equality Objectives Action Plan 2016-2020

The Portfolio Holder for Rural Services and Communities presented a report of the Director of Commissioning – copy attached to the signed minutes – outlining The Equality Objectives Action Plan 2016/2020. This was a timely review of the Council's duties and she reported that she had asked Councillor Gwylim Butler to take on the role of Equality Champion for the Council.

### **RESOLVED:**

- i) That the publication of Shropshire Council's Equality Objectives Action Plan for 2016 to 2020, in line with the Public Sector Equality Duty, be agreed.
- ii) That the progress made in this policy arena be noted and the necessary and optimum linkages to be made between this document, the Corporate Plan 2016 to 2017, and associated corporate and partnership documentation, as part of good practice approaches towards meeting the needs of the diverse communities served by the Council and partners.
- iii) That a progress report on equality developments at local, regional and national level be received at a timely future date, at which point further recommendations may be tabled.

## 11 Opening Hours Across Customer Service Points

The Portfolio Holder for Corporate Support presented a report of the Head of Human Resources and Development. He explained that the changes would match business hours to a new level of demand for face to face transactions.

**RESOLVED:**

- i) That approval be granted for a review of both the opening times and staffed hours input to larger Customer Service Points on a site by site basis with appropriate public and stakeholder consultation. The outcomes of consultation to be brought back to Cabinet for further consideration.
- ii) That delegated authority be granted to the Director of Public Health, in consultation with the Portfolio Holder for Corporate Support, with input from the Director of Commissioning to make any further decisions on service delivery.

**12 Proposed New Highway Safety Inspection Manual for Shropshire 2016-2020**

Councillor Peter Adams, Deputy Portfolio Holder for Highways, presented a report of the Director of Commissioning – a copy is attached to the signed minutes – outlining the new Highway Inspection Manual for Shropshire.

**RESOLVED:**

- i) That the content of the report and the Highway Safety Inspection Manual be approved for adoption.
- ii) That the ongoing transition of Highways to an asset management approach, in line with the Department for Transport guidance be noted.
- iii) That it be noted that Shropshire Highways was assessed as a Level 2 Highways Authority by the Department for Transport, and aspects of its assessment were nationally recognised at a national seminar on highways improvements.
- iv) That Highways intent to become a Level 3 Highways Authority by 2018 be noted.

**13 Proposed Kinnerley Conservation Area Designation**

The Portfolio Holder for Planning, Housing, Regulatory Services and Environment, presented a report of the Director of Commissioning – copy attached to the signed minutes – seeking approval to designate Kinnerley Conservation Area. He confirmed that the Local Member was in agreement with the proposal.

**RESOLVED:**

- v) That the proposed Kinnerley Conservation Area be approved in accordance with the area boundary identified in appendix 1 to the report.

#### 14 **Connecting Shropshire - Broadband Strategy**

The Portfolio Holder for Business and Economy presented a report of the Director of Commissioning – copy attached to the signed minutes – setting out the Council's updated strategy for broadband and the approach for improving broadband speeds across the Shropshire Council area to 2020.

##### **RESOLVED:**

- i) That the revised Local Broadband Plan Shropshire for 2016-2020 be adopted.
- ii) That the Local Broadband Plan be hosted on the Connecting Shropshire website as a public document at the earliest opportunity.

#### 15 **Day Services for Adults with Learning Disabilities - Award of Contract for Innage Lane, Oak Farm and The Meres including Ellesmere Library and Customer Services Re provision**

The Portfolio Holder for Adults presented a report on behalf of the Head of Social Care, Efficiency and Improvement – copy attached to the signed minutes. He commended the proposals for the contract award. Proposals for the Meres Day Centre would help ensure the continuity of the valued neighbourhood support to both the day service and the Library.

##### **RESOLVED:**

- i) That the award of the management of services be approved at Innage Lane and Oak Farm contract from the beginning of October 2016, or such other date as may be required to conclude all contractual issues, for an initial period of up to 7 years to the Preferred Bidder.
- ii) That the award of the management of services be approved at the Meres in Ellesmere to include the library and Customer Services contract from the beginning of October 2016, or such other date as may be required to conclude all contractual issues, for an initial period of up to 5 years to the Preferred Bidder.
- iii) That the Head of Social Care: Improvement and Efficiency be delegated authority in consultation with the Local Commissioning Manager, to conclude final contractual negotiations with the Preferred Bidder and if these negotiations achieve an acceptable final position to award the two contracts and complete all necessary formalities following consultation with the Portfolio Holder for Adults, the Portfolio Holder for Leisure and Culture and the Portfolio Holder for Corporate Support.

#### 16 **Transfer of Emstrey Crematorium Contract**

The Portfolio Holder for Health and Wellbeing outlined a report of the Director of Place and Enterprise – copy attached to the signed minutes – asking Cabinet to agree to the Novation of the Contract to Dignity Funerals No. 3 Limited to reflect various transfers as set out in the report. The Director of Place and Enterprise explained that there had been some changes since the report was published. Cabinet needed to be advised of these and as this information was exempt, it was necessary to exclude the press and public whilst it was considered.

**RESOLVED:**

That in accordance with the provisions of Schedule 12A of the Local Government Act 1972 and Paragraph 10.2 of the Council’s Access to Information Rules, the public and press be excluded during consideration of the remaining items.

Cabinet noted the exempt information presented by the Director of Place and Enterprise as detailed in the confidential minutes.

**RESOLVED:**

- i) That the Novation of the Contract be approved from Co-op Funeralcare to Dignity Funerals No. 3 Limited (a subsidiary of Dignity Plc), via Newco (Crematoria) 2 Limited as described above, with an indemnity from the parent company, Dignity Funeral Limited.
- ii) That delegated authority be granted to the Director of Place and Enterprise in consultation with the Portfolio Holder for Health & Wellbeing, to complete all the necessary paperwork to complete the transfer.

**17 Confidential Minutes**

**RESOLVED:**

That the exempt Minutes of the Cabinet meeting held on 8 June 2016 be approved as a correct record and signed by the Leader.

Signed ..... (Leader)

Date: .....



## Committee and Date

Cabinet

14 September 2016

## **CABINET**

**Minutes of the meeting held on 27 July 2016 in the Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND  
12.30 - 1.15 pm**

**Responsible Officer:** Jane Palmer  
Email: jane.palmer@shropshire.gov.uk Tel: 01743 257712

### **Present**

Councillor Malcolm Pate (Leader)  
Councillors Steve Charmley (Deputy Leader), Lee Chapman, Simon Jones, David Minnery, Cecilia Motley, Malcolm Price, Stuart West and Michael Wood

### **19 Apologies for Absence**

Apologies for absence were received from the Leader of the Liberal Democrat Group, Councillor Roger Evans.

### **20 Disclosable Pecuniary Interests**

None were declared.

### **21 Public Questions**

Mrs J Cullen had submitted a question relating to the proposed cuts to the Ludlow library opening hours and urged Cabinet to reconsider. The Portfolio Holder for Leisure and Culture stated that a response to the question would be provided during consideration of the report on the 'Review of Shropshire Library Opening Hours' to be considered later in the meeting.

### **22 Scrutiny Items - Financial Strategy Task and Finish Group - Final report**

The Chair of the Performance Management Scrutiny Committee presented the report detailing the findings of the Financial Strategy Task and Finish Group. She applauded the work undertaken by the members of the Task and Finish Group. She drew particular attention to the findings to date that recognised the challenging position of the Council and specifically identified the largest budget pressure created by Adult Social Care. The Task and Finish Group had identified economic development as the growth area for the future.

In answer to a Member's query whether the Meole Brace golf course was amongst the assets to be sold off, the Leader stated that there were no plans to do so. The

Chief Executive added that the land in question was amenity land within the Council's planning framework.

The Leader thanked the Task and Finish Group for its endeavours and Cabinet noted that the Group planned to continue its work in the Autumn 2016 when further opportunities would arise to make proactive and constructive challenge.

**RESOLVED:**

That the recommendations from the Financial Strategy Task and Finish Group be supported, namely:

- i) That capital receipts are used to cover redundancy costs to free-up the redundancy reserve, and other ear-marked reserves are reviewed to identify available money of more than £2million, to provide one-off funds to help fill gaps in the budget for 2017/18, but that in doing so plans are in place to replenish them for subsequent years.
- ii) That conversations should be held with Public Sector partners with a view to establishing a co-ordinated prevention programme for vulnerable people, and help manage demand to services and enable independence.
- iii) That Preventative Services and Housing Support Services are funded to continue in 2017/18, possibly using funding from reserves, whilst work take place with public sector partners, including researching what other Councils are developing for the future.
- iv) That infrastructure projects that will benefit the economy are a component part of the work to develop the Economic Strategy.
- v) That the Passenger Transport budget is reviewed to identify the point at which commercial bus services would be affected by reduced budgets, and the gap between the remaining budget and this tipping point closed using reserves.
- vi) That the requirements of businesses from target sectors set out in the Economic Strategy to be retained and attracted to Shropshire are researched and implemented.
- vii) That those services areas whose responsiveness is critical to achieving the proposed savings are reviewed to ensure that there are sufficient resources, and to establish where external expertise could add value and pace.

### 23 Revenue Monitor 2016/17 Quarter 1

The Leader presented the report setting out the revenue forecast for 2016/17 as at Quarter 1 and also identified the current projections on the delivery of savings included within the forecast.

#### **RESOLVED:**

- i) That it be noted that at the end of Quarter 1 [1 July 2016], the full year forecast is a potential overspend of £1.362m;
- ii) That the impact of this on the Council's General Fund Balance be considered.

### 24 Capital Monitor 2016/17 Quarter 1

The Leader presented the report that detailed the current position for the Council's 2016/17 to 2019/20 capital programme taking into account the latest monitoring information on the progress of schemes and any necessary budget changes and re-profiling of budgets between 2016/17 and future years.

#### **RESOLVED:**

- i) That net budget variations of £4.4m to the 2016/17 capital programme, detailed in Appendix 1/Table 1 and the re-profiled 2015/16 capital budget of £66m be approved. Including new allocations of capital receipt funding as follows:
  - £0.036m for works to a shop unit at Shoplatch.
- ii) That the re-profiled capital budgets of £43.1m for 2017/18 and £18.8m for 2018/19 and £1.8m for 2019/20 as detailed in Appendix 1/Table 4 be approved.
- iii) That the expenditure to date of £5.7m, representing 9% of the revised capital budget for 2016/17, with 25% of the year having elapsed, be accepted.

### 25 Treasury Management Update Quarter 4 2015/16

The Leader presented the report outlining the treasury management activities of the Council in the last quarter and congratulated the staff working in this area as they had successfully beaten their own benchmarks.

#### **RESOLVED:**

That the position detailed within the report be accepted.

## 26 Annual Treasury Report 2015/16

The Leader presented the report informing Members of the Council's treasury management activities for 2015/16 including the investment performance of the internal treasury team to 31 March 2016.

### **RESOLVED:**

That the position as detailed in the report be noted.

## 27 Treasury Management Update Quarter 1 2016/17

The Leader presented the report that outlined the treasury management activities of the Council in the last quarter and highlighted the economic environment in which the treasury management decisions had been made.

### **RESOLVED:**

That the position as detailed in the report, be accepted.

## 28 Review of Shropshire Library Opening Hours

The Portfolio Holder for Leisure and Culture presented the report that set out the progress made in the Council's redesign of its library services and the future approach to supporting the provision of modern and sustainable library services. He stressed that the future approach comprised mild savings that resulted in libraries remaining open. Drawing attention to the analysis of usage and trends for each library, he commented on the individual scheme of opening hours for each library that represented a total of 57 hours' closure across 11 libraries.

### **RESOLVED:**

- i) That the recommendations be confirmed as set out within section 7.0 of this report to reduce library opening hours for Ludlow, Market Drayton, Oswestry, Shrewsbury, Whitchurch, Bayston Hill, Gobowen, Much Wenlock, the Lantern and Wem and delegates to the Director of Place and Enterprise in consultation with the Portfolio Holder for Culture and Leisure Services all aspects of the detailed implementation of the proposals.
- ii) That the final recommendation to review library opening hours at Bridgnorth be delegated to the Director of Place and Enterprise in consultation with the Portfolio Holder for Leisure and Culture following consideration of the outcomes of the public consultation on Customer Service provision.

**29 Proposals for the closure of Shawbury Library and for alternative library service provision**

The Portfolio Holder for Leisure and Culture presented the report seeking approval for the closure of Shawbury library in the Autumn 2016. He stressed that the Council had taken into account the low level usage of this facility and the relatively high transactional costs. Cabinet noted that a new weekly mobile service would be provided in future.

The Portfolio Holder for Highways and Transportation, the local Member, confirmed that a petition of over 1200 signatures and ongoing discussions over a 12-month period had not put a halt to the steady decline in user numbers. He commented that the majority of the local population comprised Forces personnel and families and they had a library on the camp. In answer to a Member's query, he advised that, because of security issues, the library on the camp could not be made available to the local population. He concluded that he was grateful that a mobile library was to be introduced.

**RESOLVED:**

- i) That Shawbury Library is closed as soon as practical and that a new weekly mobile library service is introduced.
- ii) That discussions are undertaken with the Shawbury Village Hall Committee with respect to the future use of the existing library space and that in principle financial support is provided for potential investment in the reconfiguration of the existing space on an "invest to save basis", should agreement be reached that the current lease arrangement can be terminated.
- iii) That delegated authority be granted to the Director of Place and Enterprise in consultation with the Portfolio Holder for Leisure and Culture to take any further consequential decisions relating to the closure of the library.

**30 West Midlands Rail and Department for Transport Collaboration Agreement**

The Portfolio Holder for Highways and Transportation drew attention to the clause that would allow the Council to step back and resign from the Board if it did not agree with the way forward. He drew attention to the benefits of having a seat at the table that would allow the authority to have an input in future developments.

In answer to a Member's query on current fare structures, the Portfolio Holder stated that an Officer Group was currently working on the issue of fare rationalisation and that the Council had influence to discuss local issues regarding potential tenderers for the benefit of Shropshire.

**RESOLVED:**

- i) That the progress being made by WMR Ltd towards meeting the objectives of the company be noted;
- ii) That approval be given to Shropshire Council casting its vote, (through its nominated Director representative), in favour of the special resolution that is necessary under Article 8.3 of West Midlands Rail Limited (WMR Ltd) Articles of Association to authorise the signing of the Collaboration Agreement (included with this report as appendix A), whether that resolution is passed in writing or at a General Meeting of the Company.

**31 Shropshire Council Bus Strategy 2016-2021**

The Portfolio Holder for Highways and Transportation presented the report that provided an update on the proposed Bus Strategy and service prioritisation process 2016 to 2021 and the proposal to undertake full public and stakeholder consultation prior to its adoption.

During the ensuing discussion the following points were made:

- The Strategy was to be welcomed and it was anticipated that the current provision would be improved
- Transport links with other forms of transport e.g. rail should be prioritised
- The need to mitigate problems that occur because of cross border service providers
- Need to recognise the importance of post 16 transport between Ludlow and Kidderminster
- Community transport schemes – need to give consideration to the procedures and the merits of simplifying the process for voluntary groups. Any assistance to such schemes to be welcomed. Contracts preferable to Service Level Agreements.
- Recognition of the lifeline provided by community transport schemes

In acknowledging the comments made, the Portfolio Holder for Highways and Transportation agreed that cross border subsidised routes were problematic and this resulted from the specific authorities having different procedures and rules. Referring to community transport he commented that by moving to a fixed term contract a guaranteed income stream would be secured. He commented that the Council paid a base grant to community transport schemes and a figure for each passenger.

**RESOLVED:**

That the proposal to undertake full stakeholder and public consultation of the draft Bus Strategy and service prioritisation process be approved.

**32 Connecting Shropshire Phase 2b Procurement Strategy**

The Leader presented the report setting out the recommended procurement approach for Phase 2b of the Connecting Shropshire Programme in line with the recent Broadband Strategy approved by Cabinet at its meeting on 13 July 2016. He commented on the difficulties within the county and made reference to the 'hard to do' places that needed to be picked up as part of the procurement process. The Portfolio Holder for Business and Economy agreed the importance of Broadband and recognised the 'not spots' and slow speed areas within the county. He assured Members that these issues would be addressed and those who had been shouting loudly about the poor provision had been heard loud and clear.

**RESOLVED:**

- i) That Connecting Shropshire commences a formal OJEU 'open procurement' process defined as Phase 2b, as soon as practically possible, using the funding (£11.7m) and defined preferences (<15Mbps) as laid out in its recently adopted Broadband Strategy.
- ii) That the Director for Place and Enterprise, in consultation with the Deputy Leader and Portfolio Holder for Business and Economy be granted authority to agree the OJEU tender specification and evaluation criteria that will meet with the broadband strategic objectives as defined in the Local Broadband Plan Shropshire for 2016-2020 approved by Cabinet on 13 July 2016.
- iii) That a report on the outcome of the procurement process is prepared and presented back to Cabinet to seek a decision on a contract award.

**33 Community Asset Transfer - Bog Visitor Centre, Stiperstones**

The Deputy Portfolio Holder for Estates and Built Assets presented the report that summarised the assessment of the application made by the Bog Visitor Centre, Stiperstones CC in respect of the Bog Visitor Centre to progress to transfer by way of a 25-year lease. He stated that the rent would be below the market value but the new lessee would undertake necessary repairs. He added that the organisation would re-invest any surplus into the building and the services provided.

**RESOLVED:**

That Cabinet agrees in principle that the Organisation be granted a 25-year lease of the Asset and delegated authority be granted to the Head of Commercial Services to agree final terms of the lease and to complete the transaction.

Signed ..... (Leader)

Date: .....



Committee and Date

Cabinet

14 September

## **COUNCIL TAX, BUSINESS RATES AND HOUSING BENEFIT OVERPAYMENT DEBT COLLECTION POLICY**

**Responsible Officer** James Walton  
e-mail: James.walton@shropshire.gov.uk Tel: 01743 255011

### **1. Summary**

The authority has responsibility for the collection and administration of Council Tax, Business Rates and Housing Benefit Overpayments. There is complex legislation detailing how the amounts due from Business Rates and Council Tax are calculated and collected. There is also complex legislation detailing how Housing Benefit Overpayments are calculated, what is deemed recoverable, and the options available to recover the debt.

It is therefore good practise for Shropshire Council to detail its approach to collection of this debt. This will ensure clarity to taxpayers, businesses, members, other residents and advice agencies about the Council's approach to debt collection. It will also ensure a fair and consistent view is taken to debt enforcement, and that the Council is committed to identifying and assisting more vulnerable groups in society to manage their payments.

The attached Debt Collection Policy details the approach that will be taken by the Council in respect of collection of Council Tax, Business Rates and Housing Benefit Overpayments.

This Debt Collection Policy does not reflect the policy in relation to the general collection of other Sundry Debts of the Council (e.g. Service User contributions to their Social Care costs or premises hire) which are reported and approved via alternative processes.

## 2. Recommendations

It is recommended that

- i) Members are asked to approve the Council policy for Debt Collection of Council Tax, Business Rates and Housing Benefit Overpayment set out in Appendix A
- ii) The Council policy for Debt Collection of Council Tax, Business Rates and Housing Benefit Overpayment should be reviewed every three years

## REPORT

### 3. Risk Assessment and Opportunities Appraisal

The Authority has a statutory duty to bill and collect Council Tax, Business Rates and Housing Benefit Overpayments. By 2020-21 Council Tax and Business Rates will be the main sources of Revenues for the authority. It is important that the Council has a transparent and detailed policy that outlines the approach it will take to collection and enforcement, where outstanding debts remain are unpaid.

### 4. Financial Implications

Failure to have a clearly outlined, transparent and fair approach to debt collection can lead to uncertainty and challenge which can have a detrimental effect on collection rates.

### 5. Background

Prior to the creation of the Unitary Authority in 2009 Council Tax, Business Rates and Housing Benefit were administered by the former district Councils. Each district Council had individual policies in relation to debt collection. From 2009 best practise has been shared to develop a fair and consistent approach to debt collection for Shropshire Council as a Unitary Authority. Since 2009, however, the approach taken by the Council has not been formalised into a single consistent policy document for approval by Council.

It is good practise for Shropshire Council to detail its approach to collection of debt. Producing a Council Tax, Business Rate and Housing Benefit Overpayment Debt Collection Policy will help to ensure clarity to taxpayers, businesses, members, other residents and advice agencies about the Council's approach to debt collection. It will also ensure a fair and consistent view is taken to debt enforcement,

and that the Council is committed to identifying and assisting more vulnerable groups in society to manage their payments.

This Policy will remain in place from the date approved by Council, but will be reviewed at least annually by officers and any material changes will be reported to Council for approval.

**List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)**

**Cabinet Member (Portfolio Holder)**

**Malcolm Pate**

**Local Member**

**Appendices**

Appendix A – Council Tax, Business Rates and Housing Benefit Overpayment Debt Collection Policy

**This page is intentionally left blank**



# Council Tax, Business Rates and Housing Benefit Overpayment Debt Collection Policy

PHIL WEIR – REVENUES AND BENEFITS SERVICE MANAGER

## Table of Contents

<b>1.0 Introduction</b> .....	<b>4</b>
1.1 Scope of the Policy .....	4
1.2 Intention of the Debt Collection Policy .....	4
1.3 Promoting Good Practice .....	4
1.4 Debt Monitoring .....	5
<b>2.0 Who Pays What</b> .....	<b>6</b>
2.1 Council Tax .....	6
2.2 Business Rates .....	6
2.3 Housing Benefit Overpayment .....	6
<b>3.0 Our commitment to you</b> .....	<b>7</b>
3.1 What we expect from you .....	7
<b>4.0 Council Tax Recovery</b> .....	<b>8</b>
4.1 Council Tax Bills .....	8
4.2 Council Tax - Making Arrangements .....	8
4.3 Council Tax Reminders and Final Notices .....	8
4.4 Summons and Magistrates Court .....	9
4.5 Council Tax Enforcement .....	9
4.6 Request for Information .....	9
4.7 Recovery Workflow .....	10
4.8 Attachment of Earnings/Benefit .....	10
4.9 Enforcement Agents – The use of enforcement agents for Council Tax .....	11
4.10 Charging Orders .....	12
4.11 Bankruptcy .....	12
4.12 Committal to Prison .....	13
<b>5.0 Business Rates Recovery</b> .....	<b>14</b>
5.1 Business Rates Bills .....	14
5.2 Business Rates - Making Arrangements .....	14
5.3 Business Rates - Reminders and Final Notices .....	14
5.4 Summons and Magistrates Court .....	14
5.5 Business Rates Enforcement .....	15
5.6 Enforcement Agents – The use of enforcement agents for Business Rates .....	15
5.7 Bankruptcy and Insolvency .....	16
5.8 Committal to Prison (if sole trader) .....	16

<b>6.1 Housing Benefit Overpayment</b> .....	<b>18</b>
6.1 What causes Housing Benefit Overpayments?.....	18
6.2 Which Overpayments are recoverable? .....	18
6.3 How we decide if we should recover the Overpayment.....	18
6.4 Notification of Overpayments.....	19
6.5 Who should we recover from? .....	19
6.6 Methods of Recovery .....	19
6.7 Deduction from ongoing benefit.....	20
6.8 Raising a Sundry Debt for claimants no longer in receipt of Housing Benefit .....	20
6.9 Deduction from other DWP Benefit.....	21
6.10 Direct Earnings Attachment .....	22
6.11 Blameless Tenant Recovery .....	22
6.12 Recovery Through the County Court .....	22
<b>7.0 Key Message – Get in touch</b> .....	<b>24</b>
<b>8.0 Debt Reduction and Income Maximisation/Expenditure Review/Debt Prioritisation</b> .....	<b>25</b>
8.1 Debt Reduction and Income Maximisation.....	25
8.2 Interpreting Debtors Expenditure.....	25
8.3 Debt Prioritisation.....	25
8.4 Vulnerable People.....	26
<b>Appendices</b> .....	<b>27</b>
Appendix A – Attachment of Earnings Order Deductions.....	27
Appendix B – Enforcement agent fees schedule .....	28
Appendix C – Maximum Rates from Deductions from ongoing benefit 2016-17 .....	29
Appendix D – Useful telephone numbers .....	30
Appendix E – Free, independent and impartial money advice .....	31
Appendix F – Glossary of terms .....	32
Appendix G – Council Tax recovery flow chart .....	33
Appendix H – Business Rates recovery flow chart .....	34
Appendix I – Housing Benefit Overpayment recovery flow chart.....	35

## **1.0 Introduction**

- Shropshire Council has a legal duty to all residents, businesses and other organisations to ensure the prompt and effective billing and collection of all sums due to the Council. Delays in collection and non-payment of debt lead to less overall income, higher administrative costs, and reduced resources available for the provision of essential services.

## **1.1 Scope of the Policy**

- The Revenues and Benefits Service is responsible for the assessment and collection of Council Tax and Business Rates, and for the collection of overpaid Housing Benefit.
- This policy relates specifically to the collection of the revenues detailed below.
  - Council Tax
  - Business Rates
  - Housing Benefit Overpayment
- The policy will be reviewed every three years to ensure it remains relevant, valid and in line with good practise.

## **1.2 Intention of the Debt Collection Policy**

- The policy details the principles to be applied by the Council when undertaking the collection and enforcement of money from both residents and businesses.
- It explains how we will attempt to maximise debt recovery while treating people fairly and with respect
- It details the processes to be followed when making decisions about debt recovery that can have a wide reaching effect on the Council's customers
- It recognises the value of early and quality assured, free, independent and impartial money advice and the importance that debt reduction and income maximisation can have on the Council's customers who have fallen into debt. It draws on links with our partners, stakeholders and other outside organisations to ensure the approach is widely understood.

## **1.3 Promoting Good Practise**

- When developing this policy the Council has taken into account national best practise guides including
- **DCLG** – Council Tax, Guidance to local councils on good practise in the collection of Council Tax arrears. Available at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/210478/Guidance\\_on\\_enforcement\\_of\\_CT\\_arrears.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/210478/Guidance_on_enforcement_of_CT_arrears.pdf)
- **Ministry of Justice** – Taking Control of Goods: National Standards. Available at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/353396/taking-control-of-goods-national-standards.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/353396/taking-control-of-goods-national-standards.pdf)
- **DWP** – Pursuing Housing Benefit overpayment recovery effectively. Available at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/404182/housing-benefit-overpayment-recovery-good-practice-guide.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/404182/housing-benefit-overpayment-recovery-good-practice-guide.pdf)
- **CAB** – Collection of Council Tax arrears good practise protocol. Available at [https://www.citizensadvice.org.uk/global/migrated\\_documents/corporate/pdf-ct-protocol2013.pdf](https://www.citizensadvice.org.uk/global/migrated_documents/corporate/pdf-ct-protocol2013.pdf)

#### 1.4 Debt Monitoring

- The Revenues and Benefits Service monitor the level of outstanding debt monthly in respect of Council Tax, Business Rates and Housing Benefit Overpayment
- The Revenues and Benefit Service Manager provides update reports to Audit Committee at least once a year to provide information on collection of debt, outstanding arrears, trends and any issues relating to the Revenues and Benefits Service ability to collect outstanding debt.

## 2.0 Who pays what?

### 2.1 Council Tax

- The Council has a statutory duty to bill and collect Council Tax to over 135,000 households in Shropshire. Council Tax is collected in respect of precepts levied by Shropshire Council, West Mercia Police and Crime Commissioner, Shropshire and Wrekin Fire and Rescue Authority, and local Town and Parish Councils. The level of Council Tax is set each year by full resolution of Shropshire Council. The Revenues Teams assess who is liable for Council Tax and award any discounts and exemptions that may apply. The Benefits Teams assess applications for Council Tax Support. Council Tax bills are issued detailing what is due to be paid and when.

### 2.2 Business Rates

- The Council has a statutory duty to bill and collect Business Rates from over 11,500 businesses in Shropshire. The Business Rates Team assesses who should pay the rate and awards any reliefs or exemptions that are applicable. Each year the Government set a multiplier, which is multiplied by the rateable value of each business to set the annual rate. Business Rates bills are issued detailing what is due to be paid and when.
- Prior to 2013 Business Rates were collected locally but pooled nationally and redistributed to Local Authorities based on population. Since 2013 the Rates retention scheme has meant that the Government only retain 50% of the rates collected, the other 50% is retained locally. (In Shropshire, Shropshire Council retain 49% and the Fire Authority 1%).
- The Government has recently announced its intention that 100% of Business Rates should be retained locally by the end of the current parliamentary term. It is currently anticipated that Local Business Rate Retention will be in place by April 2019.

### 2.3 Housing Benefit Overpayment

- Housing Benefit Overpayments occur when people have a change in their circumstances (such as an increase in their income) which results in a claimant being paid more Housing Benefit than they are entitled to.

### 3.0 Our commitment to you

- At Shropshire Council we are committed to helping you manage your debts. We fully appreciate that Council Tax can be a high proportion of household income, Business Rates can be a large expense for a businesses and Housing Benefit Overpayments can amount to large sums of money. We promise that if you contact us about your arrears we will do the following:-
  - The Council will deal with you sensitively, professionally and courteously regardless of your age, disability, gender reassignment, marriage and civil partnership arrangement, pregnancy, race, religion or belief, sex, or sexual orientation.
  - The Council will take steps to ensure that we have made the appropriate checks to ensure inappropriate enforcement action is not taken against potentially vulnerable individuals. This includes but is not limited to restricted access to internal Council records such as social services systems
  - The Council will listen to what you have to say and offer advice concerning any entitlement that you may have to any welfare benefit or Council Tax discount and exemption to the best of our ability
  - The Council will take into account your personal and financial circumstances and in doing so may suggest alternative general spending arrangements that may better enable you to pay your debt
- The Council will ensure that all documentation issued is clear and concise, and that at each stage information is provided about what the bill payer can do to avoid the situation progressing, where the bill payer can get independent help and advice, what costs, if any, may be incurred, and what the next stage will be. A list of advertised advice agencies is at appendix D.

### 3.1 What we expect from you

- In response, our staff expect to be treated with courtesy and respect. Our staff and other customers should not be expected to deal with violent, rude or disruptive customers.
- Where staff are met by violent, rude or aggressive behaviour they will ask the customer to refrain from further behaviour of that type. If behaviour continues then the interaction may be terminated.

## 4.0 Council Tax Recovery

### 4.1 Council Tax Bills

- The Council has to follow regulations in the collection of Council Tax. The regulations are the Council Tax (Administration and Enforcement) Regulations 1992.
- The Council follows the statutory instalment scheme for collection of Council Tax which requires payments in ten monthly instalments. (with effect from 1 April 2013 Council Tax payers can request payment by twelve monthly instalments)
- The council offers twelve monthly instalments and four payment dates to taxpayers who agree to set up a direct debit as it is the cheapest and safest method of payment.
- The Council aims to assess all passported claims for Council Tax Support prior to either sending a Council Tax bill, or, taking any enforcement action against the claimant.
- A flow chart detailing the Council Tax recovery process is at appendix E.

### 4.2 Making Arrangements

- The Council may ask a taxpayer who contacts the Council to complete an Income and Expenditure form at any stage to allow us to fully understand your circumstances and enter into an appropriate payment arrangement. The Council are unlikely to enter into a payment arrangement with a taxpayer unless a fully completed income and expenditure form is returned to the Council.
- The Council may on occasion ask for clarification of certain items on the income and expenditure form and may ask the taxpayer to evidence certain details supplied by the taxpayer.

### 4.3 Council Tax Reminders and Final Notices

- If an instalment is not paid then the council must issue a reminder notice to the taxpayer.
- If the taxpayer fails to pay the amount detailed on the reminder notice a (discretionary) final notice is issued to advise that the full amount for the year has become due and payable
- If the taxpayer pays the balance on the reminder notice but fails to pay a future instalment on time a second reminder notice is issued
- If the taxpayer pays the balance on the second reminder notices but fails to pay a future instalment on time then the balance for the year becomes due and a final notice is issued
- The revenues staff have discretion to withdraw a final notice if the taxpayer brings the account up to date and agrees to pay the remaining instalments by direct debit

#### 4.4 Summons and Magistrates Court

- If the taxpayer fails to pay the full balance as detailed in the final notice a summons to magistrates court is issued incurring £35.00 court costs (sum correct as at 1 April 2016).
- The revenues staff will seek to enter into arrangements at this stage but the council will still proceed to court for a Liability Order
- At the court hearing the Council will ask the Magistrates to award a Liability Order and a further £35.00 costs (sum correct as at 1 April 2016).
- Making an application for benefit is not a valid defence against the issue of a Liability Order.
- The court costs charged are reviewed every year to confirm that they are reasonable and only charged in accordance with regulations.

#### 4.5 Council Tax Enforcement

- A Liability Order gives the Council certain powers that it can use to secure the debt. There are detailed rules that govern how the Council uses these powers. In the main these powers are:
  - Request for Information
  - Attachment of earnings
  - Attachment of benefit
  - Pass to enforcement agent for collection
  - Charging Order
  - Bankruptcy or winding up procedure
  - Committal to Prison
- The Council will normally prioritise an attachment of earnings or attachment of benefit order over other enforcement options if the information is available to do so. There may be circumstances, however, when other options will be considered. The Council will not consider charging orders and bankruptcy for enforcement unless attachment orders and enforcement agent action have been considered.

#### 4.6 Request for Information

- The Council has to decide the most appropriate method of enforcement to use in each case. ***We will always send out a request for information form asking for details of a person's earnings and benefits entitlement, as well as a means enquiry form prior to taking any other form of enforcement action.*** If this form is completed by the debtor and returned to the Council we will have a better understanding of the debtor's circumstances and hopefully be able to either apply

for an attachment of earnings or benefit, or make an appropriate payment arrangement.

- The Council will only take into account relevant expenditure or outgoings when assessing a taxpayer's ability to pay. More information on how we assess this is included below.

#### 4.7 Recovery workflow

- If the Income and Expenditure form is not returned then the Recovery Team will pass the cases through a recovery workflow system. This is an automated way to utilise information currently stored in our revenues and benefits system. The following information is provided if available.
  - If we hold earned income details on the benefits records, or if we have applied for an attachment of earnings order in respect of a previous Liability Order the system will propose attachment of earnings as a possible enforcement route
  - If we hold details on the benefits system that the debtor is in receipt of an attachable benefit, or if we have applied for an attachment of benefits order in respect of a previous Liability Order the system will propose attachment of benefits as a possible enforcement route
  - If the debtor has already had a previous Liability Order passed to the enforcement agent then the system will highlight these cases. The recovery officer will look at these cases and decide whether to continue with enforcement agent action in respect of the new debt. The recovery officer will take into account whether the enforcement agent was able to collect the previous debt or not, the number of failed payment arrangement arrangements the debtor has made with the Council, previous payment history, whether we hold other contact details (e.g. phone/e-mail) to enable an extra warning contact to be made with the debtor
  - If the system is unable to identify any of the above scenarios then the debt will be passed to the Council's enforcement agent for collection.

#### 4.8 Attachment of Earnings/Benefit

- Once a Liability Order is awarded the Council's preferred method of enforcement is by Attachment of Earnings.
- If the debtor is on a low income and is in receipt of an attachable benefit then the Council will apply for an attachment of earnings. The Council can apply for two attachment of earnings orders at any one time but there are strict rules surrounding how different attachment of earnings orders are applied by employees and there are circumstances when an employer may not be able to action an attachment of earnings.
- The rates of deduction from either earnings or benefit are set regulations and the rates are detailed at appendix A.

#### 4.9 Enforcement agents – The use of enforcement agents for Council Tax

- The Council uses a company of certified enforcement agents for enforcement of unpaid Council Tax and Business Rates
- The Council has a service level agreement with the enforcement agent and a strict code of practise that it expects the enforcement agent to adhere to.
- The Council undertake regular monitoring of cases that have been passed to its enforcement agent to ensure enforcement agent activity is within the code of practise and enforcement agent fees have been applied correctly to taxpayer's accounts. Enforcement agent fees in relation to Council Tax enforcement are set out in Council Tax regulations. The level of enforcement agent fees that may be charged are set out in appendix B.
- The Council has regular quarterly meeting with its enforcement agent to discuss progress of accounts collection, any issues outstanding, any complaints received and action taken.
- The enforcement agent is required to send a copy of any complaint received and a copy of their response to the Revenues and Benefits Service Manager.
- The Council will pass a case to the enforcement agent in the following circumstances
  - No contact has been received from the taxpayer
  - The taxpayer has consistently failed to adhere to payment arrangements that have been made
  - The taxpayer is not willing to enter into meaningful discussion about their income and expenditure and enter into an appropriate payment arrangement
  - The Council has been unable to secure an attachment of earnings or attachment of benefit order
  - The taxpayer has ignored the latest communication sent by the Council in relation to the debt
- The Council will always issue a warning letter to the taxpayer prior to passing their case to the enforcement agent with an accompanying income and expenditure form to enable the taxpayer to enter into meaningful communication with the Council and avoid enforcement agents being utilised.
- Anyone who appears to the Council to be a vulnerable person will not have their Council Tax Liability Order passed to the enforcement agent for collection. Our guidelines for who we would consider to be a vulnerable person are set out in Section 8.4 below.
- The Council generally do not recall a case once it has been sent to the enforcement agents, but may review this in the following circumstances
  - The debtor subsequently appears to be a vulnerable person
  - The Council becomes aware of the debtor's employment status and believes that an attachment of earnings would be a more suitable collection method. (The Council will include enforcement agent fees that have been incurred in the attachment of earnings order).
  - The Council becomes aware that the debtor is in receipt of Income Support

- Where a Council Tax payer has sought debt advice and is committed to repaying their Council Tax arrears the Council will take this into account and may instruct the enforcement agent to accept a reduced offer of payment. Before making this decision the Council will also take into account any additional information that is made available from the enforcement agent.

#### **4.10 Charging Orders**

- If the total debt outstanding is in excess of £1,000.00 the Council may apply to the County Court for a Charging Order imposing on any interest held beneficially by the debtor in the relevant designated dwelling, a charge for securing the due amount. The due amount will be the aggregate of the amount outstanding under the Liability Order plus a sum equal to the reasonably incurred costs.
- The Council will consider applying for a charging order in the following circumstances:
  - The Council has been unable to secure an attachment of earnings or attachment of benefit order
  - The Council's enforcement agent has been unable to secure payment of the outstanding debt
  - The taxpayer is not willing to enter into meaningful discussion about their income and expenditure and enter into an appropriate payment arrangement
  - The taxpayer has consistently failed to adhere to payment arrangements that have been made
  - The Council is satisfied that no other person would be likely to be unduly prejudiced by the making of the order
  - The Council has made reasonable efforts to contact the debtor in person to discuss the outstanding debt including a visit to the debtors property
  - A Revenues Team Leader has reviewed the case to consider whether a charging order is a fair and proportionate action
  - The Council has undertaken internal checks with its social care teams to ensure that the debtor is not a known vulnerable person
  - The debtor has had written warning of the consequences of a charging order and that the council is considering this as a means of enforcement, including signposting the debtor to a relevant advice agency

#### **4.11 Bankruptcy**

- The Council may consider initiating bankruptcy proceedings in order to collect Council Tax arrears
- The Council will consider bankruptcy as a means of enforcement in the following circumstances:
  - The Council has been unable to secure an attachment of earnings or attachment of benefit order

- The Council's enforcement agent has been unable to secure payment of the outstanding debt
- The taxpayer is not willing to enter into meaningful discussion about their income and expenditure and enter into an appropriate payment arrangement
- The taxpayer has consistently failed to adhere to payment arrangements that have been made
- The Council is satisfied that no other person would be likely to be unduly prejudiced by the making of the order
- The Council has made reasonable efforts to contact the debtor in person to discuss the outstanding debt including a visit to the debtors property
- A Revenues Team Leader has reviewed the case to consider whether bankruptcy is a fair and proportionate action
- The Council has undertaken internal checks with its social services teams to ensure that the debtor is not a known vulnerable person
- The debtor has had written warning of the consequences of a bankruptcy and that the council is considering this as a means of enforcement, including signposting the debtor to a relevant advice agency

#### **4.12 Committal to Prison**

- The Council may consider committal as a means of enforcement in the following circumstances:
  - The Council is satisfied that no other person would be likely to be unduly prejudiced by seeking a warrant of commitment
  - The Council has been unable to secure an attachment of earnings or attachment of benefit order
  - The Council's enforcement agent has been unable to secure payment of the outstanding debt
  - The taxpayer is not willing to enter into meaningful discussion about their income and expenditure and enter into an appropriate payment arrangement
  - The taxpayer has consistently failed to adhere to payment arrangements that have been made
  - The Council has made reasonable efforts to contact the debtor in person to discuss the outstanding debt including a visit to the debtors property
  - The Council has undertaken internal checks on its social services system to ensure that the debtor is not a known vulnerable person
  - A Revenues Team Leader has reviewed the case to consider whether committal is a fair and proportionate action
  - The debtor has had written warning of the consequences of committal and that the council is considering this as a means of enforcement, including signposting the debtor to a relevant advice agency

## **5.0 Business Rates Recovery**

### **5.1 Business Rates Bills**

- The Council has to follow regulations in the collection of Non Domestic Rates (Business Rates). The regulations are the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989.
- The Council follows the statutory instalment scheme for collection of Business Rates which requires payments in ten/twelve monthly instalments.
- The Council offers twelve monthly instalments and four payment dates to ratepayers who agree to set up a direct debit as it is the cheapest and safest method of payment.
- A flow chart detailing the Business Rates recovery process is at appendix F.

### **5.2 Business Rates - Making Arrangements**

- The Council may ask a ratepayer who contacts the Council to complete an Income and Expenditure form at any stage to allow us to fully understand your circumstances and enter into an appropriate payment arrangement. The Council are unlikely to enter into a payment arrangement with a taxpayer unless a fully completed income and expenditure form is returned to the Council.
- The Council may on occasion ask for clarification of certain items on the income and expenditure form and may ask the taxpayer to evidence certain details supplied by the taxpayer. Please see section on Interpreting Debtors Expenditure for further details.

### **5.3 Business Rates Reminders and Final Notices**

- If an instalment is not paid then the Council must issue a reminder notice to the ratepayer.
- If after receiving a reminder the ratepayer brings their instalments up to date but subsequently falls behind again the Council will issue a final notice and the ratepayer will lose the right to pay by monthly instalments and the whole amount for the year will become due.
- The revenues staff has discretion to withdraw a final notice if the ratepayer brings the account up to date and agrees to pay the remaining instalments by direct debit.

### **5.4 Summons and Magistrates Court**

- If the ratepayer fails to pay the full balance as detailed in the final notice a summons to magistrates court is issued incurring £35.00 court costs (sum correct as at 1 April 2016).

- The revenues staff will seek to enter into arrangements at this stage but the Council will still proceed to court for a Liability Order.
- At the court hearing the Council will ask the Magistrates to award a Liability Order and a further £35.00 costs (sum correct as at 1 April 2016).
- Making an appeal against a rating assessment to the Valuation Office is not a valid defence against the issue of a Liability Order.

### **5.5 Business Rates Enforcement**

- A Liability Order gives the Council certain powers that it can use to secure the debt. There are detailed rules that govern how the Council uses these powers. In the main these powers are:-
  - Pass to enforcement agent for collection
  - Bankruptcy or winding up procedure
  - Charging Orders
  - Committal to Prison

### **5.6 Enforcement agents – The Use of enforcement agents for Business Rates**

- The Council uses a company of certified enforcement agents for enforcement of unpaid Council Tax and Business Rates.
- The Council has a service level agreement with the enforcement agent and a strict code of practise that it expects the enforcement agent to adhere to.
- The Council undertake regular monitoring of cases that have been passed to its enforcement agent to ensure enforcement agent activity is within the code of practise and enforcement agent fees have been applied correctly to taxpayer's accounts. Enforcement agent fees in relation to Business Rates enforcement are set out in Business Rate regulations. The level of enforcement agent fees that may be charged are set out in Appendix B.
- The Council has regular quarterly meeting with its enforcement agent to discuss progress of accounts collection, any issues outstanding, any complaints received and action taken.
- The Council will pass a case to the enforcement agent in the following circumstances:-
  - No contact has been received from the ratepayer.
  - The ratepayer has consistently failed to adhere to payment arrangements that have been made.
  - The ratepayer is not willing to enter into meaningful discussion about their income and expenditure and enter into an appropriate payment arrangement.
  - The taxpayer has ignored the latest communication sent by the Council in relation to the debt.

- The Council will always issue a warning letter to the ratepayer prior to passing their case to the enforcement agent.
- Anyone who appears to the Council to be a vulnerable person will not have their Business Rates Liability Order passed to the enforcement agent for collection. Our guidelines for who we would consider to be a vulnerable person are set out in Section 8.4 below.
- The Council generally do not recall a case once it has been sent to the enforcement agents, but may review this in the following circumstances:
  - The debtor subsequently appears to be a vulnerable person.

### **5.7 Bankruptcy and Insolvency**

- The Authority will consider bankruptcy proceedings in order to collect Business Rates arrears.
- The Council will consider bankruptcy as a means of enforcement in the following circumstances:-
  - The Council's enforcement agent has been unable to secure payment of the outstanding debt.
  - The ratepayer is not willing to enter into meaningful discussion about their income and expenditure and enter into an appropriate payment arrangement (if sole trader).
  - The ratepayer has consistently failed to adhere to payment arrangements that have been made.
  - The Council is satisfied that no other person would be likely to be unduly prejudiced by the making of the order.
  - The Council has made reasonable efforts to contact the ratepayer in person to discuss the outstanding debt including a visit to the debtors property (if applicable e.g. sole trader).
  - A Revenues Team Leader has reviewed the case to consider whether bankruptcy is a fair and proportionate action.
  - The Council has undertaken internal checks with its social services teams to ensure that the debtor is not a known vulnerable person (if sole trader).
  - The debtor has had written warning of the consequences of a bankruptcy or insolvency and that the council is considering this as a means of enforcement, including signposting the debtor to a relevant advise agency (if sole trader).
  - The Council has taken full consideration on the effects on the local community in relation to the business no longer trading.

### **5.8 Committal to Prison (if sole trader)**

- The Council will consider committal as a means of enforcement in the following circumstances:-
  - The Council is satisfied that no other person would be likely to be unduly prejudiced by seeking a warrant of commitment.
  - The Council's enforcement agent has been unable to secure payment of the outstanding debt.
  - The ratepayer is not willing to enter into meaningful discussion about their income and expenditure and enter into an appropriate payment arrangement.
  - The ratepayer has consistently failed to adhere to payment arrangements that have been made.
  - The Council has made reasonable efforts to contact the debtor in person to discuss the outstanding debt including a visit to the debtor's property.
  - A Revenues Team Leader has reviewed the case to consider whether bankruptcy is a fair and proportionate action.
  - The Council has undertaken internal checks with its social services teams to ensure that the debtor is not a known vulnerable person.
  - The debtor has had written warning of the consequences of a bankruptcy and that the council is considering this as a means of enforcement, including signposting the debtor to a relevant advice agency.

## 6.0 Housing Benefit Overpayment

- Housing Benefit overpayments are recovered in accordance with Regulations 99-107 of the Housing Benefit (General) Regulations 2006 (as amended) and with Regulations 80-88 of the Housing Benefit (State Pension Credit) Regulations 2006.
- This policy provides an overview of how Housing Benefit Overpayment may occur and recognises that there is detailed legislation and case law concerning administration of the Benefits System.
- This Policy is designed to provide guidance about how the Authority will recover an overpayment and does not cover wider administration of Housing Benefit.

## 6.1 What causes Housing Benefit Overpayments

- Benefit overpayments can occur for a number of reasons including
  - Local Authority Error
  - DWP Error
  - Claimant Error
  - Third Party Error
  - It is no one's fault
  - Other

## 6.2 Which Overpayments are Recoverable?

- An overpayment is recoverable if
  - It arose because of 'official error' and the claimant or someone acting on their behalf could reasonably have been expected to realise it was an overpayment
  - It is due to an error (or fraud) of the claimant or third party
  - It is no one's fault

## 6.3 How we decide if we should recover the Overpayment

- The Council has a degree of discretion whether to recover an overpayment. Personal circumstances are always taken into account before deciding to recover any outstanding amounts

- The Council may decide not to recover an overpayment where the claimant circumstances are exceptional, or where the Council considers the claimant to be a vulnerable person. (See Section 8.4 below)
- Current subsidy arrangements penalise the Council financially if we decide not to recover the majority of overpayments. Consequently, the Council must carefully consider any decision to attempt to recover an overpayment (or not), bearing in mind the wider and potentially significant financial implications for the Council.

#### **6.4 Notification of Overpayments**

- Any claimant asked to repay an overpayment must receive notification. This notification must confirm:
  - That an overpayment has occurred and whether it is recoverable
  - The reason for the overpayment
  - The amount of the overpayment
  - How the overpayment was calculated
  - The dates the overpayment covers
  - The amount of the deduction from ongoing benefit (if appropriate)
  - The right of appeal

#### **6.5 Who we should recover from?**

- Overpayments can be recovered from the claimant, the person acting on the claimant's behalf and/or from the person to whom it was paid. We are also able to recover from landlords when they have received the money directly.

#### **6.6 Methods of Recovery**

- There are several methods of recovery for overpaid Housing Benefit.
  - From arrears of Housing Benefit that become payable while there is an outstanding overpayment
  - By deduction from ongoing Housing Benefit
  - By deduction from the partner's ongoing Housing Benefit, as long as the claimant and partner were a couple at both the time of the overpayment and when deductions are being made
  - By deduction from certain DWP benefits
  - By applying to another Local Authority to ask them to deduct the overpayment from the claimant's ongoing Housing Benefit entitlement in their area

- By recovering from Housing Benefit paid to a landlord/agent for another tenant. i.e. when the landlord has been classed as responsible for the overpayment
- By invoicing the affected person for the amount outstanding
- By Direct Earnings Attachment
- By civil proceedings
- From the estate of a deceased person who has an overpayment
- By asking an enforcement agent to collect the debt on behalf of the Council

### **6.7 Deductions from Ongoing Benefit**

- We will usually deduct a recoverable overpayment of Housing Benefit from ongoing Housing Benefit which could be paid to the claimant, landlord, appointee or agent. The maximum rates of recovery are set out by the Government each year. The rates for 2016-17 are set out at Appendix C.
- In order to recover from ongoing Housing Benefit entitlement the claimant must have a minimum entitlement to Housing Benefit of £1.00 and be left with a minimum of 50p per week.
- Where a claimant contacts the Council and states that the level of recovery is causing financial hardship they will be asked to complete an income and expenditure form. The Council will then make a decision based on this information whether to arrange for a lower amount to be recovered.
- Should a claimant wish to repay an overpayment at a higher rate, we can accept this as long as it does not exceed the customer's ability to make the payments.
- In order to maximise recovery, the Council periodically runs a report to identify all claims where we could potentially be recovering an overpayment at a higher weekly account. Any identified claims are reviewed to decide whether it is appropriate to do so.

### **6.8 Raising a Sundry Debt for claimants no longer in receipt of Housing Benefit**

- Where the claimant is no longer in receipt of Housing Benefit an invoice will be raised and sent for the full balance outstanding.
- If the Invoice remains unpaid or the claimant has failed to make contact and agree a payment arrangement a reminder notice will be issued within 21 days

- If the Invoice remains unpaid or the claimant has failed to make contact and agree a payment arrangement a final notice will be issued within a further 21 days
- The Council will seek to agree an appropriate payment plan to clear the debt
- If the Invoice remains unpaid or the claimant has failed to make contact and agree a payment arrangement the debt may be passed to the Councils Enforcement Agent to make contact with the debtor and agree a repayment plan

### **6.9 Deduction from other DWP Benefit**

- A recoverable overpayment of Housing Benefit may be deducted from the claimant's or partner's DWP benefits, but only if the overpayment was due to misrepresentation of, or failure to disclose, a material fact, and only if the authority is unable to recover overpaid Housing Benefit from future awards of Housing Benefit.
- The authority can recover from the following DWP benefits (list correct as at 1 April 2016).
  - Income Support (IS)
  - Attendance Allowance (AA)
  - Jobseeker's Allowance (income based) (JSA(IB))
  - Jobseeker's Allowance (contribution based) (JSA (C))
  - Disability Living Allowance (DLA)
  - Personal Independence Payments (PIP)
  - Employment Support Allowance (income-related) (ESA(IR))
  - Employment Support Allowance (contributory) (ESA(C))
  - Incapacity Benefit (IB)
  - Industrial Death Benefit (IDB)
  - Industrial Injuries Disablement Benefit (IIDB)
  - Carer's Allowance (CA)
  - Maternity Allowance (MA)
  - State Pension (SP)/Retirement Pension (RP)
  - State Pension Credit (SPC)
  - Severe Disablement Allowance (SDA)
  - Widowed Parents Allowance (WPA)
  - War Pension (WP)
  - War Disablement Pension (WDP)
  - Bereavement Allowance (BA)
- The maximum rates of deduction from IS/JSA (IB)/PC/ESA (IR) are as set out in Appendix C. For other DWP prescribed benefits the rate of deduction can be up to one third of the debtor's personal entitlement (these rates are updated annually). The debtor can contact DWP Debt Management to request a reduction in the rate of recovery if it is causing hardship.

### 6.10 Direct Earnings Attachment

- The Welfare Reform Act 2012 supported by the Social Security (Overpayments and Recovery) Regulations 2013 introduced Direct Earnings Attachments (DEA) from April 2013.
- A DEA allows for recovery of overpaid benefit directly from a debtor's earnings without having to apply via the court system. The regulations also allow Local Authorities to recover overpayments of Housing Benefit using a DEA.
- Where the Council becomes aware of a debtors employment the Council will consider a DEA as a means to recover the outstanding money.
- In order to make the debtor aware that a DEA is being considered the Council will always issue a *Letter Before Action* to the debtor. The purpose of the *Letter Before Action* is to prompt the debtor to contact the Council in an attempt to seek a voluntary repayment from them without the need for a DEA. If there is no contact from the debtor the DEA is implemented after 21 days.

### 6.11 Blameless Tenant Recovery

- If a recoverable overpayment of Housing Benefit was paid to a landlord/agent, the overpayment can be deducted from future payments to landlords/agents in respect of another 'blameless' tenants Housing Benefit
- If the Council decides to utilise this method, we will notify the landlord/agent which tenant's Housing Benefit was overpaid and who is the blameless tenant. The blameless tenant will not be notified.

### 6.12 Recovery Through the County Court

- The Council may commence proceedings against the debtor in the County Court and obtain a County Court judgement.
- If the Council obtains a County Court judgement significant costs may be incurred payable by the debtor.
- A County Court Judgement will usually be entered on the register of County Court Judgements. Most entries stay on the register for six years. Organisations such as banks, building societies and credit agencies use information on the register when

someone applies for credit such as a loan or overdraft and use this information to help them decide whether or not that person would be able to pay off the credit.

- The Council will send due notification to the debtor if is considering proceedings against the debtor in the County Court.

## 7.0 KEY MESSAGE - Please get in contact

- The key message for customers in arrears/debt with their Council Tax, Business Rates or Housing Benefit Overpayment has to be that they need to get in contact with the Recovery Team as soon as possible in order to:
  - i) Make us aware of their situation
  - ii) Enable us to evaluate their situation by completing an income and expenditure form
  - iii) Make any recommendations of any other discounts or exemptions that they may be entitled to
  - iv) Explore whether they may be entitled to Council Tax Support
  - v) Explore whether they may be entitled to any other welfare benefit
  - vi) Refer to an appropriate advice agency for any third party assistance.
  - vii) Decide on the most appropriate course of action to take. This may result in making an appropriate payment arrangement or in applying for an attachment of benefit or attachment of earnings order.
- ***The most important thing is that the debtor must show willing to work with the revenues and benefits team to take responsibility and improve their situation.***
- They may be in arrears due to different circumstances such as
  - i) Poor money management
  - ii) Inappropriate expenditure on non-priority items
  - iii) Reduced earnings requiring an evaluation of lifestyle
  - iv) Unaware of entitlement to benefits or discount
  - v) Illness/disability
  - vi) Low wage
  - vii) Irregular income
  - viii) Relationship break up
  - ix) Any combination of the above
- We are aware that people fall into arrears for a number of different reasons. We are conscious that some people fall regularly into arrears, and other people are in arrears for the first time due to losing employment for example. We are committed that everyone will be treated sensitively, fairly, and realistically. We would stress that this is a two way process and that taxpayers need to be confident enough to approach us and are willing to take steps to sort out their problems themselves, if we are going to have any chance of helping them.
- If people fail to contact the Recovery Team to make us aware of their situation the likelihood is that enforcement action will continue which may involve the use of the Council's enforcement agent to enforce the debt.

## **8.0 Debt Reduction/Income Maximisation/Expenditure Review**

### **8.1 Debt reduction and income maximisation**

- Reducing any debt outstanding and ensuring that the debtor is maximising their income should form a major part of any debt collection strategy. Revenues and Benefits Officers are trained to have an understanding of wider welfare benefits in order to be able to signpost debtors to ensure they are claiming their maximum entitlement.
- A document providing welfare benefit advice called 'A Helping Hand' is available for all officers to access. This provides an outline of all the major welfare benefits and lists relevant contact agencies and has internet links for further information.

### **8.2 Interpreting Debtors Expenditure**

- The Council has to be satisfied that all debtors are taking responsibility for their own affairs. We are conscious that many people fall into debt problems due to an inability to properly manage their financial affairs. This can be due to excessive expenditure on non-priority items such as pay TV, mobile phones, cigarettes, alcohol and other non-necessity luxury items. It may be due to taking on an unaffordable rental liability, or no longer being able to afford mortgage payments. The Council has to make a reasonable assessment whether the taxpayer has fallen into arrears because of poor financial management. The Council will work to ensure that the debtor is able to afford a re payment arrangement by taking all relevant factors into account.
- Where the debtor has entered into a contract for repayment such as pay TV or Hire Purchase items the Council may ask for confirmation of when the contract ends or payments cease in order to re adjust the payment arrangement at that time, if appropriate, to increase payments to reflect the income increase.

### **8.3 Debt Prioritisation**

- The Council is aware that people may have a number of different debts owed to either other Council departments or to other bodies. The Council will work and communicate with different bodies where relevant to ensure that any arrangements entered into with the debtor take into account their wider circumstances.

## 8.4 Vulnerable People

- The Council will ensure that it does not take inappropriate enforcement action in respect of vulnerable persons. Debtors who may be considered vulnerable may include persons
  - With medical conditions such as mental ill health, terminal illnesses
  - With a learning disability
  - With a physical disability or who may be housebound
  - Who are illiterate or unable to speak English
  - With an alcohol/drugs or gambling addiction
  - Fleeing domestic violence or other violence and have the support of either the police, or a statutory or voluntary agency
  - Who are prison leavers being supported by an appropriate organisation or agency
  - Who have a temporary change in their life such as a relationship breakdown or bereavement which may mean they need support on a short-term basis
  - Who have severe debt problems
  - That are subject to mortgage possession proceedings
  - Suffering any form of harassment
- This list is not exhaustive but may act as a guide.
- Where it appears to the Council that a debtor may fall into one of the above categories the following action may be taken
  - Other potential Council debt collection services will be notified to check the debtor on their records
  - All enforcement action will be suspended
  - A check will be made on the Social Services system to see if the individual is listed on their records
  - Information may be sought from third party support organisations for further information

**Appendix A – Attachment of Earnings Order Deductions**

<b>DEDUCTIONS FROM WEEKLY EARNINGS</b>	
<b>Net Earnings</b>	<b>Deduction Rate %</b>
Not Exceeding £55	0
Exceeding £55 but not exceeding £100	3
Exceeding £100 but not exceeding £135	5
Exceeding £135 but not exceeding £165	7
Exceeding £165 but not exceeding £260	12
Exceeding £260 but not exceeding £370	17
Exceeding £370	17 in respect of the first £370 and 50 in respect of the remainder

<b>DEDUCTIONS FROM MONTHLY EARNINGS</b>	
<b>Net Earnings</b>	<b>Deduction Rate %</b>
Not Exceeding £220	0
Exceeding £220 but not exceeding £400	3
Exceeding £400 but not exceeding £540	5
Exceeding £540 but not exceeding £660	7
Exceeding £660 but not exceeding £1040	12
Exceeding £1040 but not exceeding £1480	17
Exceeding £1480	17 in respect of the first £1480 and 50 in respect of the remainder

<b>DEDUCTIONS FROM DAILY EARNINGS</b>	
<b>Net Earnings</b>	<b>Deduction Rate %</b>
Not Exceeding £8	0
Exceeding £8 but not exceeding £15	3
Exceeding £15 but not exceeding £20	5
Exceeding £20 but not exceeding £24	7
Exceeding £24 but not exceeding £38	12
Exceeding £38 but not exceeding £53	17
Exceeding £53	17 in respect of the first £53 and 50 in respect of the remainder

**Appendix B – Enforcement agent fees schedule**

<b>Enforcement Agent Fees</b>	
<b>Stage</b>	<b>Fee</b>
<b>Compliance</b>	£75.00
<b>Enforcement</b>	£235.00 plus 7.5% of the debt amount that exceeds £1500.00
<b>Sale</b>	£110.00 and 7.5% of the debt amount exceeding £1500.00

**Appendix C – Maximum Rates for Deductions from Ongoing Benefit 2016-17**

<b>Maximum Rates for Deductions from Ongoing Benefit 2016-17</b>	
Standard Rate	£11.10
If the claimant has been found guilty of fraud, or admitted fraud after caution	£18.50
Plus 50% of any earned income disregards	
Plus any disregard of regular charitable or voluntary payments	
£10 disregard of war disablement or bereavement pension	

## Appendix D – Useful telephone numbers

Council Tax	0345 678 9002
Recovery Team	01743 256130
Benefits	0345 678 9001
Payment Line	0345 678 9009
Business Rates	0345 678 9003

[Council.tax@shropshire.gov.uk](mailto:Council.tax@shropshire.gov.uk)

[Business.rates@shropshire.gov.uk](mailto:Business.rates@shropshire.gov.uk)

[benefits@shropshire.gov.uk](mailto:benefits@shropshire.gov.uk)

Revenues and Benefits

Shropshire Council

PO Box 4749

Shrewsbury

SY1 9GH

[www.shropshire.gov.uk](http://www.shropshire.gov.uk)

**Appendix E - Free, independent and impartial money advice**

If you have run into financial difficulties, or are worried about debt and paying your bills, or just need some advice and support there are a number of organisations who offer free help and impartial advice. All of the services below are free, confidential and hold a standard accredited by the Money Advice Service [www.moneyadviceservice.org.uk](http://www.moneyadviceservice.org.uk)

<p><b>CITIZENS ADVICE BUREAU</b> Citizens Advice offers free, independent, confidential and impartial debt advice through their webchat service <a href="http://www.citizensadvice.org.uk">www.citizensadvice.org.uk</a></p>
<p><b>STEP CHANGE DEBT CHARITY</b> Step change helps change the lives of thousands of people every week. Their expert advice is impartial and personalised to each individual situation. <a href="http://www.stepchange.org">www.stepchange.org</a> 0800 138 1111</p>
<p><b>DEBT COUNSELLORS CHARITABLE TRUST</b> A telephone based specialist advice service for anyone living in England and Wales <a href="http://www.debtc.org">www.debtc.org</a> 0300 456 2726</p>
<p><b>NATIONAL DEBTLINE</b> National Debtline has helped millions of people with their debts. They'll talk you through options and give clear advice on how to take back control <a href="http://www.nationaldebtline.org">www.nationaldebtline.org</a> 0808 808 4000</p>
<p><b>DEBT ADVICE FOUNDATION</b> National Debtline has helped millions of people with their debts. They'll talk you through options and give clear advice on how to take back control <a href="http://www.nationaldebtline.org">www.nationaldebtline.org</a> 0808 808 4000</p>
<p><b>PAYPLAN</b> Payplan provides the debt advice and support to enable you to take charge of your finances and focus on living again <a href="http://www.payplan.com">www.payplan.com</a> 0800 280 2816</p>
<p><b>BUSINESS DEBTLINE</b> <a href="http://www.businessdebtline.org">www.businessdebtline.org</a> 08001976026</p>

## Appendix F – Glossary of Terms

**Debtor** – Person who owes money to someone else.

**Creditor** – Person who is owed money by a debtor.

**Recovery** - The process a creditor follows to ensure that their debtor pays them their money.

**Council Tax** – Local Authority property tax.

**Business Rates** – Rates payable by businesses in respect of business premises.

**Arrangement** - An agreement between a creditor and debtor for regular monthly payments to be made to pay a debt.

**Reminder Notice** – A legal notice issued by the Council where a Council Tax or Business Rates instalment has not been paid and needs to be paid.

**Final Notice** – A legal notice issued by the Council where the full amount of Council Tax or Business Rates has not been paid and needs to be paid.

**Summons** – A Legal Notice advising the Council Tax payer or business ratepayer that the Magistrates Court are advising them to attend a court hearing because the outstanding amount has not been paid to the Council.

**Court Costs** – The Costs incurred by the debtor and payable to the Council because the Council has had to take the matter to Magistrates Court.

**Liability Order** – An order made by the Magistrates Court at the Court Hearing that gives the Council certain powers to enforce collection of the outstanding debt.

**Request for Information** – A legal Notice issued by the Council asking for information about the debtor's employment or benefits.

**Income and Expenditure Form** – A form that the debtor should complete to provide the Council with information about their earnings and benefits, and their outgoings, to assist the Council in making a decision about a realistic payment arrangement.

**Attachment of Earnings** – Where the Council can order the debtors employer to deduct money directly from the debtors salary to pay to the Council towards the outstanding debt.

**Attachment of Benefits** - Where the Council can order the DWP to deduct money directly from the debtor's benefits to pay to the Council towards the outstanding debt.

**Charging Orders** – An order whereby the outstanding debt must be repaid out of the proceeds of the sale of your property.

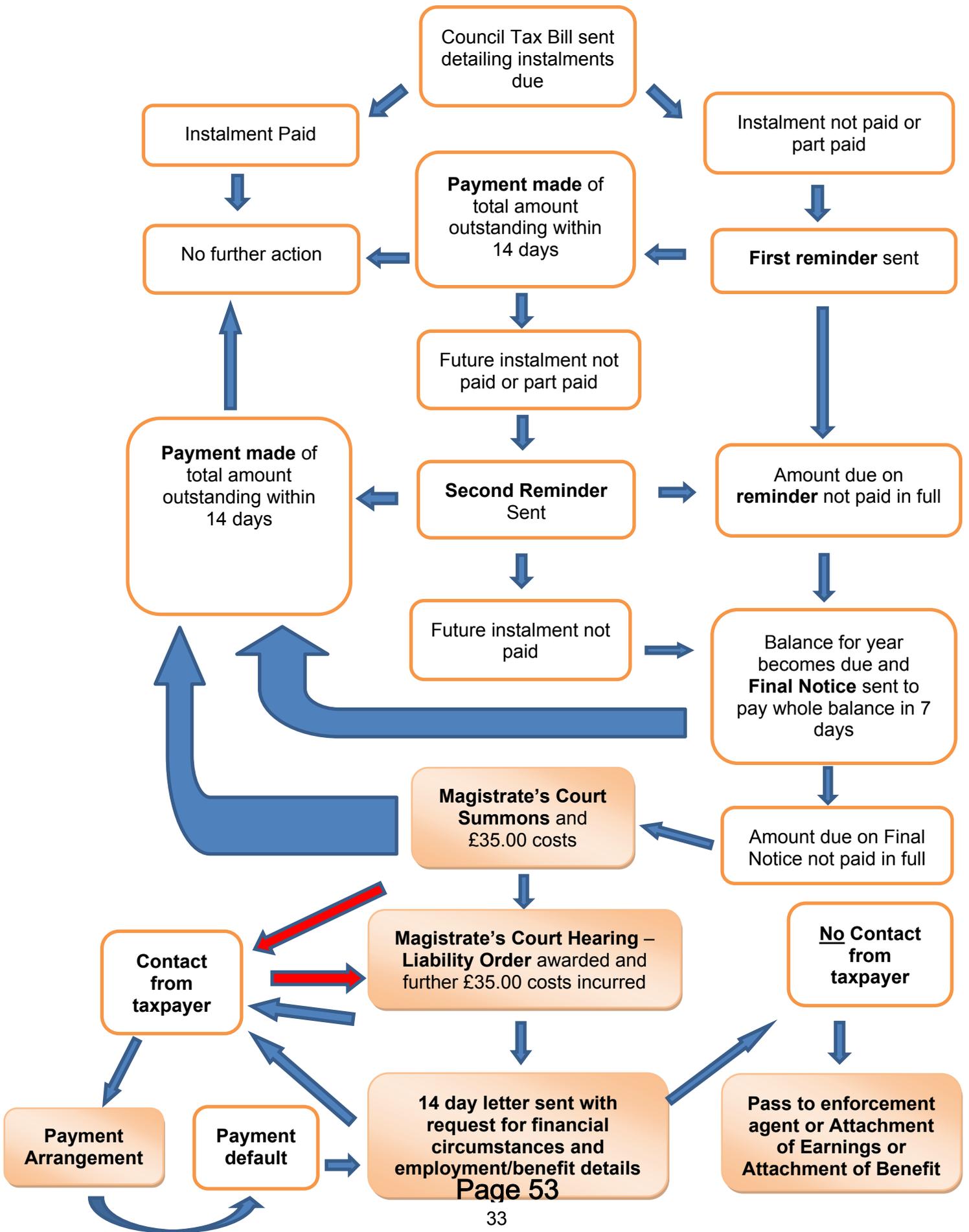
**Bankruptcy** – a legal status of a person who cannot repay their debts where there are certain legal restrictions.

**Direct Earnings Attachment** – A Direct Earnings Attachment allows for recovery of overpaid Housing Benefit directly from a debtor's earnings without having to apply via court.

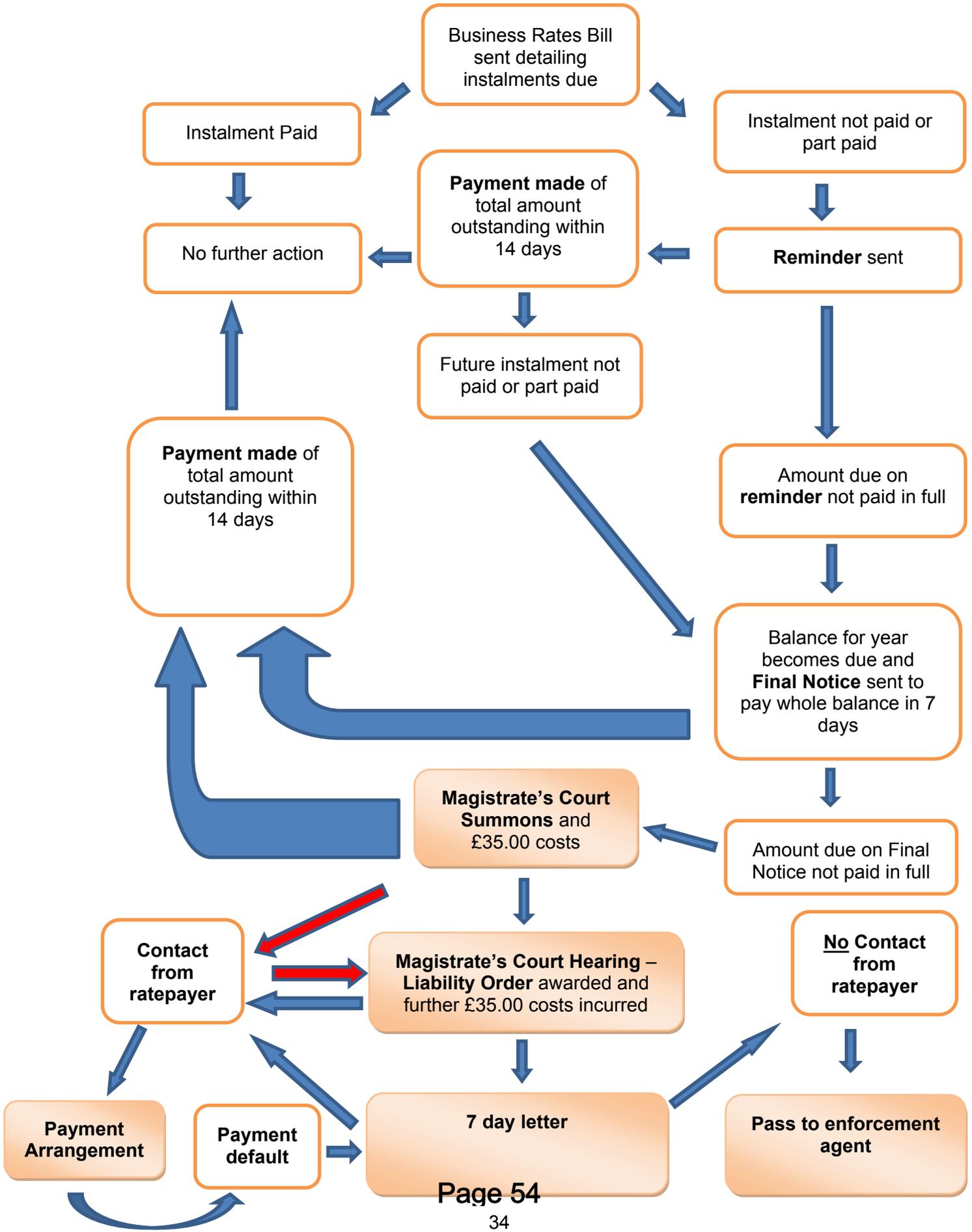
**Department of Work and Pensions** – Government department responsible for Housing Benefit regulations and administrative guidance

**Enforcement Agent** – formally known as bailiffs. Can visit your home if you don't pay your debts. May take some of your belongings to sell. Additional fees will be incurred.

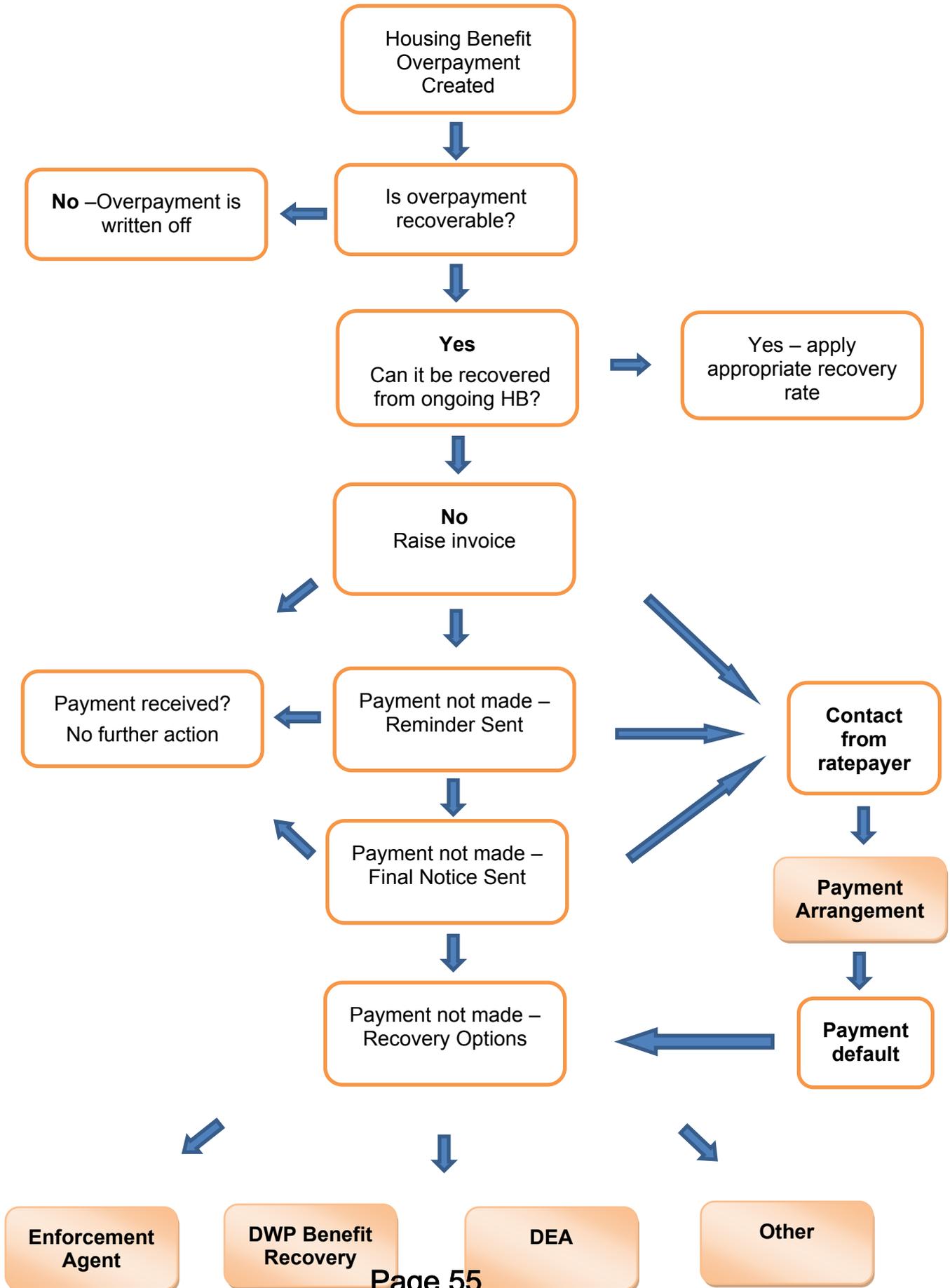
Appendix G – Council Tax Recovery flow chart



Appendix H – Business Rates Recovery flow chart



Appendix I – Housing Benefit Overpayment Recovery flow chart



**This page is intentionally left blank**



## Committee and Date

Cabinet

7<sup>th</sup> September 2016

## **Quarter 1 Performance Report 2016/17**

**Responsible:** Tom Dodds, Performance Manager

e-mail: [tom.dodds@shropshire.gov.uk](mailto:tom.dodds@shropshire.gov.uk)

01743 253068

### **1. Summary**

- 1.1 This report presents Cabinet with the Council's Performance against its key Outcomes for Quarter 1 2016/17.
- 1.2 The new Corporate Plan and the High Level Outcomes provide the shape and focus of the updated Performance Management Framework. The measures in the framework will be refined as the strategic action plans for the coming 12 to 18 months set out how the outcomes will be delivered.

The new framework will include project milestones from the strategic action plans to help demonstrate the change being delivered.

- 1.3 The new framework is presented with four key outcome areas: Healthy People, Prosperous Economy, Resilient Communities and Your Council. The range of performance measures covers a broader range of service areas than previously reported.
- 1.4 As part of developing the new Performance Management Framework and reporting of additional measures, a different way of presenting performance information is required. An online performance portal is currently being developed, from existing systems, to help improve public access to performance data. It is planned to introduce the new way of reporting at the cabinet meeting scheduled for 30<sup>th</sup> November 2016. This will be the first stage of improving access to performance information and that of data transparency. The expectation is that user feedback will help to inform the way that performance information and open data sources will be shared when the new IT system is developed.

### **2. Recommendations**

Members are asked to:

- A. Consider the key underlying and emerging issues in the reports and appendices.
- B. Identify any performance areas that they would like to consider in greater detail or refer to the appropriate Scrutiny Committee.

- C. Review the Performance Portal with the performance team prior to the new ways of reporting from quarter 2

## **REPORT**

### **3. Risk Assessment and Opportunities Appraisal**

- 3.1 Poor performance could have implications for vulnerable people (including children) who are supported by Council services and the economic growth in Shropshire. In turn, there may be significant financial, legal and reputational risk to the Council, Schools (and Academies), and partners from across the public and voluntary and independent care sectors.
- 3.2 Effective monitoring and follow-up against key measures of success provides the opportunity to manage risks and ensure that Children and Young People and vulnerable adults in Shropshire remain safe and achieve the desired outcomes. Increasingly, performance reporting will reflect the impact of commissioning decisions by the Council, linking directly with the management of contracts and building on the current approach of looking at how effective the Council is at delivering its outcomes.

### **4. Financial Implications**

- 4.1 This report does not have any direct financial implications, but presents service and financial information to support decision making. Accountable officers and senior managers may use the information to inform actions or interventions for improving service performance and the prioritisation and use of resources.
- 4.2 Full financial details are presented as part of the Financial Reports.

### **5. Introduction**

Each of the four outcome areas contains a number of sub-outcomes with a range of associated performance measures. The frequency of reporting these measures will vary from monthly to annual updates. All measures, regardless of frequency will be available on the forthcoming performance portal to improve accessibility to information.

Quarterly cabinet reports will be used to highlight performance exceptions and changes to measures reported annually.

### **6. Healthy People**

The current sub outcomes for Healthy People are; Improving Public Health, Keeping People Safe, Participation in Positive Activities for Health and Well-being.

6.1 The number of people Killed or Seriously Injured (KSI) on the roads in Shropshire is calculated by using a rolling 3-year average. At the end of 2008 there was an annual average of 162 people killed or seriously injured on the roads of Shropshire. Since 2012 the annual average over three years has stabilised around 125. As at the end of June 2016 the rolling three year average has increased from 125 in September 2015 to 137.

- It should be noted that this data reflects KSI casualties, not KSI accidents. The number of casualties can be influenced by the number of vehicle occupants which is unrelated to the highway network.
- There is likely to be a proportionally higher number of KSIs in Shropshire as a result of its road network. The current trend is that more KSI casualties are occurring on rural 60mph and national speed limit roads, of which there are many in Shropshire.
- Previous data suggests that particular spikes do occur on the network and are random in nature. West Mercia Police do not consider this increase to be specifically related to anything that is within the Highway Authority's control.
- During 2016, the Transport and Highways team has refined its accident review process to look at accident cluster sites. This will enable Shropshire Council to prioritise its accident data led interventions annually.
- Shropshire Council regularly liaise with both the Safer Roads Partnership in Warwickshire and West Mercia, and West Mercia Police where local information is shared and acted upon where appropriate.

6.2 Participation in positive activities is beneficial for both physical and mental well-being. The number of visitors to libraries has seen a slight increase during quarter 1 of the year. This follows a long term decrease which mirrored that of national trends. The number of attendees at the Theatre Severn has seen a continued increase since Dec 2013. Annual attendance at this time was 131,961 which has now increased to 171,133 as at June 2016.

6.3 Measures for Improving Public Health are mainly updated annually and will be reported as and when new data becomes available.

## **7. Prosperous Economy**

The sub outcomes for Prosperous Economy are; Physical and Digital Infrastructure, Employment and Income, Educational Achievement.

7.1 Being young and unemployed can lead to increase in the risk of poverty, deskilling and social exclusion as well as cause loss of motivation and mental health problems. Current rate of claimants in Shropshire is below the regional and national averages. The claimant count for young people has continued to reduce from the peak in Feb 2013 when there were 1370 claimants. This has reduced to 395 in June 2016.

7.2 Educational achievement results are reported annually.

- 7.3 Additional performance measures for this outcome are being developed and will be reported through the performance portal from quarter 2.

## **8. Resilient Communities**

The sub outcomes for Resilient Communities are; Support for Families and Keeping Children Safe, Volunteering, Keeping Communities Clean, People are Supported to Stay in their Local Communities, Adults Entering Paid for Care and Adult Social Care - User Feedback.

- 8.1 The number of children looked after by the authority has decreased throughout the previous year – at the end of June 2016 there were 280 looked after children, compared to 308 at the end of June 2015. This represents a decrease of 9%.

The reduction in the number of Looked After children (LAC) is a positive direction of travel. However, it is important to reaffirm that our LAC strategy is not about reducing the number of children in care, but is about ensuring the right children are in care, at the right time and for the right duration. As evidenced by our reducing section 20 (legal status for children entering care) by providing care and support packages to keep children safely in the family home.

- 8.2 The % of older people (65+) who were still at home 91 days after discharge from hospital into re-ablement services has steadily improved during the past 2 years.

There is strong evidence that reablement services lead to improved outcomes and value for money across the health and social care sectors. Reablement seeks to support people and maximise their level of independence, in order to minimise their need for ongoing support and dependence on public services.

Proactive work in Shropshire has seen an increase in Admission Avoidance Assessments which helps to tailor care packages or additional care on top of an existing care package to help people to stay at home and avoid repeat admissions to hospital. This measure is now monitored throughout the year as part of the Better Care Fund programme. Performance for the year ending March 2016 is 84.6% which is an improvement from 80.3% in the previous year.

- 8.3 The number of people entering residential care during quarter 1 is higher than the expected profile. The rate of Permanent admissions of older people (aged 65 and over) to residential and nursing care homes, per 100,000 population during Quarter 1 was 178.9 (133 people) against a profile of 156. The service reaffirms that is carefully monitoring to ensure that the most appropriate care and support is sought for individuals.

## **9. Your Council**

- 9.1 The projected revenue forecast spend for the year, at Quarter 1, shows a potential overspend of £1,362,492 against the end of year net budget of £204,527,120. Full details of the revenue budget are reported to cabinet in the revenue monitoring report.

- 9.2 In Q1 2016/17, the Council spent 55.52% of its original gross revenue budget with external organisations (therefore excluding staffing costs, transfer payments and recharges). This is better than the profiled budget of 48.93%.

9.3 The number of non-school FTE employees has continued to reduce. From June 2015 to June 2016 there has been a reduction from 2799 to 2542, a reduction of 9.2%.

## 10. Conclusion

10.1 This performance report provides an update on the results achieved and the impact on delivering the outcomes for Shropshire.

10.2 Performance in the first quarter of 2016/17 has shown a number of improvements or stabilisation of performance.

- The number of looked after children by the authority has continued to decrease.
- The percentage of people who are not readmitted to hospital within 91 days of discharge into reablement services has improved.
- Attendance at Theatre Severn continues to improve

In addition to these improvements there are confirmed challenges to be faced, and results show that they are being managed by the relevant service areas.

- The number of people entering residential care is more than profiled and may affect budget profiles.
- The number of people killed or seriously injured on roads in Shropshire has seen an increase.

<b>List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)</b>
Business Plan and Financial Strategy 2014 – 2017
Corporate Plan 2016 - 2017
<b>Cabinet Member (Portfolio Holder)</b>
Cllr Michael Wood - Portfolio Holder for Corporate Support
<b>Local Member</b>
All
<b>Appendices – Appendix 1 – Quarter 1 performance infographic for the Shropshire outcomes.</b>

**This page is intentionally left blank**

# Shropshire Outcomes

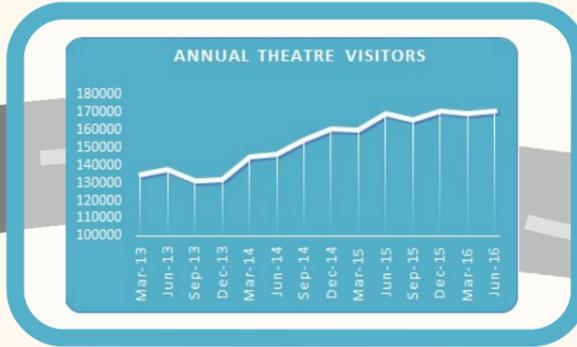
The number of people Killed or Seriously Injured on Shropshire highways has increased

Annual Average over 3 years

June 2013	130
June 2014	127
June 2015	125
June 2016	137



The number of people visiting Theatre Severn is increasing



**Healthy People** SC1

The number of claimants amongst young people in Shropshire has decreased



Feb 2013	1370
June 2013	1155
June 2014	775
June 2015	425
June 2016	395

**Prosperous Economy** SC2

The number of looked after children has decreased

June 2015 308



June 2016 280

**Resilient Communities** SC3

The % of older people benefitting from Reablement services has increased

The number of people aged 65+ entering residential care is more than profiled

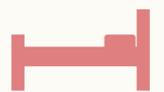
Per 100,000 population

Profile 156  
Actual 178.9



Prevention of re-admission to hospital within 91 days

Mar 2015 80.3%  
Mar 2016 84.6%



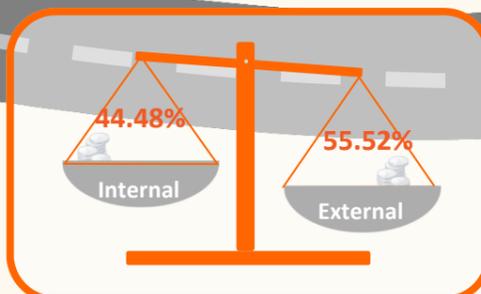
Number of Full Time equivalent staff is decreasing

Non School Staff

June 2014	3357
June 2015	2799
June 2016	2542



External Spend is better than Profiled



**Your Council** SC4



Revenue forecast of an overspend of £1,362,492

**This page is intentionally left blank**



<u>Committee and Date</u>	<u>Item</u>
Cabinet	
14 September 2016	
	<u>Public</u>

## **Proposal to Consult on the Amalgamation of Hope CE Primary School, Worthen CE Primary School and St Mary's CE Primary School Westbury**

**Responsible Officer** Karen Bradshaw  
e-mail: karen.bradshaw@shropshire.gov.uk Tel: 01743 252407

### **1. Summary**

Hope CE Primary School, Worthen CE Primary School and St Mary's CE Primary School federated in May 2016, forming the Hope Worthen Westbury Trinity – A Federation of CE Primary Schools, under the leadership of a single governing body and, at the time, an acting headteacher. In July 2016 the federation made a permanent headteacher appointment.

The governing body of the federation, at a meeting on 6 July 2016, formally agreed to consult on the closure of Hope CE Primary School and St Mary's CE Primary School Westbury in September 2017, consolidating education provision on the current site of the Worthen CE Primary School.

Cabinet approval is, however, a necessary requirement for taking forward any proposal for the amalgamation of two or more maintained schools which results in the closure of one school (or more) and the enlargement of an existing school to accommodate the displaced pupils. This report therefore provides the background to the decision of the governing body and, in line with the recommendation of the governors, seeks Cabinet agreement to commence a statutory consultation process.

### **2. Recommendations**

That Cabinet agree to formally consult on the proposal to amalgamate Hope CE Primary School, Worthen CE Primary School and St Mary's CE Primary School Westbury in the academic year 2017/18, which will require the closure of the sites at Hope and Westbury and the enlargement of the current site at Worthen to accommodate the displaced pupils.

## REPORT

### 3. Risk Assessment and Opportunities Appraisal

There are sufficient school places in the three schools that form the Hope Worthen Westbury Trinity federation to accommodate the pupils affected by the closure of the Hope and Westbury sites with some expansion of the Worthen site. The revised transport arrangements for these pupils may lead to an increase in traffic and carbon emissions in the area.

The communities of Hope, Worthen and Westbury – together with interested parties in neighbouring communities - will be given the opportunity to comment on the formal proposal to close the Hope and Westbury sites and enlarge provision on the Worthen site, as part of the statutory consultation process if approved by Cabinet. This statutory consultation has to include consideration of risk management, human rights, equalities, community and environmental consequences.

### 4. Financial Implications

Continuing to run schools that, in both Ofsted and local authority assessment terms, are failing to provide a good standard of education for their pupils does not provide value for money. The majority of school revenue funding is pupil-led which means that the funding for the pupils resulting from the closure of the Hope and Westbury sites will be retained by the remaining school at Worthen or follow any pupils transferring to other Shropshire schools. The consolidation of provision at Worthen will make the single school more financially viable and sustainable than the three separate schools.

In the statutory guidance for opening and closing maintained schools, the proposal is an amalgamation, comprising of the closure of one school (or more) and the enlargement of an existing school to accommodate displaced pupils.

The redistribution of income, which will largely be retained within the remaining school in Worthen, means that there is no direct saving to the local authority or to the overall Shropshire schools' budget.

It is anticipated that the cost of transport will increase. The federation is currently funding the transport costs for the interim arrangements they have implemented for the financial year 2016-17 (see section 7). These are estimated, in a full year, to be £30,000. These costs will have to be met by the Council from the academic year 2017-18 onwards in the event that the amalgamation is approved.

The school buildings are owned by the Diocese of Hereford, while the school land at Hope is owned by Shropshire Council and at Westbury is leased from the Westbury Playing Fields Trustees. Capital works will be required on the Worthen site. Local authority officers will be undertaking a feasibility study on any potential expansion works on the Worthen site in the event that the closures go ahead.

The funding of any potential capital works would have to be determined and confirmed prior to the Cabinet meeting in November and the publication of the notice for closure proposals (see timetable in section 10). The disposal of school land and buildings and the use of any resultant capital receipts are subject to statutory guidelines, in particular through Section 77 of the Schools Standards and Framework Act 1998 and Schedule 1 to the Academies Act.

Diocesan officers have been actively involved and supportive in the collaborative working with the governing body. Their continued involvement, particularly in respect of identifying and securing funding for any capital works will be an essential and key requirement.

## 5. Background

The Hope Worthen Westbury Trinity - A Federation of CE Primary Schools was established in May 2016. The names and categories of schools in the federation are:

Name	Category
Hope Church of England Primary School	Voluntary Controlled (Diocese of Hereford)
Worthen Church of England Primary School	Voluntary Controlled (Diocese of Hereford)
St Mary's Church of England Primary School Westbury	Voluntary Aided (Diocese of Hereford)

The rationale for federation included a number of perceived benefits:

- the recruitment and retention of a headteacher - this is an issue for the vast majority of small rural schools as teaching headship is a particularly challenging role
- other leadership and professional development benefits for teachers
- the sharing of expertise and mentoring benefits for other staff
- collaborative working for staff
- managing the impact of falling numbers of pupils in each school
- improving educational and social opportunities for pupils
- greater ability to meet the challenge of maintaining educational standards
- securing the long term sustainability of education
- the similar backgrounds of all three schools, including religious ethos

- sharing teaching and learning resources.

The governing body secured the leadership of the federation through the permanent appointment of a headteacher in July 2016.

The governors have committed to a vision for the longer term future of education within their communities:

*'We will actively explore the benefits of bringing the children together on one site. As pupil numbers are predicted to remain low at all three schools well into the future and therefore funding for our schools continues to be greatly reduced, we will investigate whether the children will receive a higher quality of education, care and social interaction in one school.'*

The governors have recognised that their vision cannot be achieved with the current organisational structures and so are prepared to consider an alternative arrangement, based on consolidating provision onto a single site. Their expressed priority is to secure good or better education, focussing on delivering the best educational outcomes for the pupils while not being constrained by maintaining provision in specific locations.

Responses from the pupils, parents, staff and the wider community to the federation of the schools and the consolidation of provision onto a single site have been largely positive. Some parents have expressed common concerns and raised questions regarding transport, uniforms, parking and wrap-around care. The local authority has engaged with the community and supported the governing body is addressing these concerns.

Some support staff have raised concerns about the future of their jobs. These issues will be covered in more detail in the proposal document that will be made available to all stakeholders at the commencement of the consultation process.

## **6. Performance**

St. Mary's CE Primary School Westbury received a 'Requires Improvement' judgement from Ofsted in February 2014. The school is due for re-inspection in the near future and in the judgement of the headteacher and the local authority this assessment is likely to remain the same.

Worthen CE Primary School received a 'Requires Improvement' judgement from Ofsted in November 2015. The school is due for re-inspection before the end of April 2017. Although standards have improved, there have been many staffing changes and fluctuations in pupil numbers which mean outcomes for pupils are volatile. The headteacher and local authority currently judge overall standards as still requiring improvement.

Hope CE Primary School was last inspected by Ofsted in October 2013 and received a 'Good' judgement. The school is due for re-inspection in October 2016 and although its overall effectiveness is currently judged as 'Good' by the school itself, the local authority is more cautious and the school is vulnerable to an unfavourable Ofsted outcome, given the rapidly declining pupil numbers, the impact on their budget and the difficulty in maintaining the current staffing levels.

All of the schools are currently receiving a medium level of challenge and support from the local authority via the school performance monitoring arrangements for maintained schools. The rationalisation of provision on to a single site will increase the capacity of senior leaders - especially the executive headteacher – to secure improvement. The move to a single site will also result in greater flexibility of deployment of staff to secure good and better outcomes for pupils.

The table below summarises the key data related to the current capacities of the schools, number on roll (NOR) as at January 2016 school census, the numbers on roll reported by the headteacher as at the end of the summer term and the percentage surplus places based on these latest numbers.

	<b>Capacity</b>	<b>Numbers on Roll (Jan. 16)</b>	<b>Numbers on Roll (Jul. 16)</b>	<b>Surplus Places (Jul. 16)</b>
Hope Church of England Primary School	56	35	17	69.6%
St Mary's Church of England Primary School Westbury	84	33	32	61.9%
Worthen Church of England Primary School	77	46	38	50.6%

The three schools have collectively lost significant pupils, going back as far as September 2015. Pupil numbers are anticipated to continue to fall, as cohort sizes are so small and parents cite this as their main reason for removing children. With pupil numbers being the key basis on which schools receive their annual funding, this means that revenue is falling and budgets are, and will become increasingly more difficult to balance.

## **7. Interim Operational Changes**

In exploring the benefits of their vision, the governing body is implementing operational changes from September 2016, following consultation with parents. This is in direct response to the need to address the current uncertainty and rapidly declining pupil numbers, requiring direct and positive action by the governing body to secure ongoing education provision. Children from Reception to Year 6 will

therefore be taught on the Worthen site for the academic year 2016-17. The local authority and Diocese have fully backed these positive interim measures, providing the necessary support and advice to the governors and headteacher.

The Worthen site was chosen by the governing body because it can accommodate the current pupils with no immediate building work and means the shortest journey times for pupils from Westbury and Hope. However, this can only be a temporary arrangement – a more permanent and sustainable arrangement will require expansion of the Worthen site and capital investment in the event that amalgamation is approved.

The local authority, through the Passenger Transport Commissioning Group, has liaised with the federation to arrange transport from September 2016 for the pupils who live in the Hope and Westbury catchments and who currently attend those schools. In the academic year 2016-17 the federation will meet the additional costs of transporting pupils to Worthen. This is estimated to cost in the region of £30,000.

The local authority is also arranging the transport of pupils who live in Powys and currently attend Hope CE Primary School. This is paid for by Powys County Council and they have confirmed that this arrangement will continue.

## **8. Governing Body Decision**

At a meeting of the federation governing body on 6 July 2016, a formal decision was taken to consult on the closure of Hope CE Primary School and St Mary's CE Primary School Westbury in September 2017, consolidating education provision on the current site of Worthen CE Primary School. As indicated above the closure of two sites and enlargement onto a single site is an amalgamation.

In coming to their decision the governing body had received and analysed information provided by the local authority for each of the individual sites in terms of ownership, capacity, site provision and potential for expansion.

It is, however, Shropshire Council that has to formally agree to undertake the statutory consultation on the closure and enlargement of maintained schools, hence the reason for this paper coming to Cabinet.

The Department for Education statutory guidance states that there is no prescribed timescale for implementation following any final decision by Cabinet to close a maintained school. While the target date is September 2017, there will need to be further discussions with the key stakeholders to confirm the actual date for implementation, with account taken of any requirements relating to, for example, the statutory consultation and determination of admissions arrangements, dissolution

of the current federation and any other necessary permissions. The recommendation in the report is that implementation takes place in the academic year 2017/18, at the earliest possible date.

Hope CE Primary School and St Mary's Church of England Primary School Westbury are designated by the Department for Education as rural schools and therefore any case for closure has to be strong and a proposal clearly in the best interests of education in the area. As required, the full consultation proposal will give detailed consideration to:

- the likely effect of the discontinuance of the schools on the local community
- the availability, and the likely cost to the local authority, of transport to other schools
- any increase in the use of motor vehicles which is likely to result from the discontinuance of the schools
- the likely effects of any such increase and any alternatives to the discontinuance of the schools.

If the decision is taken to close the schools at Hope and Westbury, the Council would work with the staff, governing body and trades unions to secure the ongoing employment of the current workforce, which for the majority will be at Worthen. Staff will have their own meeting during the consultation period at which they will be provided with additional information and will have the opportunity to ask further questions. Staff will be provided with personal support in the event that a decision is taken to close the schools.

## **9. The Three Schools Sites**

**Hope** is a voluntary controlled Church of England school. The school buildings are owned by the Diocese of Hereford, whilst the playing fields are owned by Shropshire Council. It has capacity for a maximum of 56 pupils. The site is the smallest of the three at 0.49 hectares and could provide a 3 class primary school. The school has good quality early years provision as part of the school, operating from classroom provision within the main school building.

**Westbury** is a voluntary aided Church of England school. The buildings are owned by the Diocese of Hereford, whilst the playing fields are leased to Shropshire Council by Westbury Playing Fields Trustees. It has capacity for a maximum of 84 pupils. The site is 0.71 hectares and could provide a 6 class primary school. The school has good quality early years provision as part of the school, operating from classroom provision within the main school building.

**Worthen** is a voluntary controlled Church of England School. The school buildings are owned by the Diocese of Hereford, whilst the playing fields are owned by Shropshire Council. It has capacity for a maximum of 77 pupils. The site is the largest of the three at 1.02 hectares and could provide a 9 class primary school. Pre-school

provision at Worthen is currently a registered charity, managed by a committee. It operates from the village hall and is a ‘pack away’ setting. The provision is good and well attended. Governors and pre-school leaders have been working together to take responsibility for the pre-school, as at Hope and Westbury.

It is proposed that the pre-school provision will be consolidated on the Worthen site from September 2017. The consultation document will detail the proposed arrangements for this provision and the wider impacts, including transport.

Basic valuations for the Hope and Westbury sites have been determined, however more detailed research would be required to come to an accurate valuation before any decisions are taken over the future use of the sites.

As indicated earlier in the report capital works will be required on the Worthen site in the event that a decision is taken to amalgamate the schools. Local authority officers will be undertaking a feasibility study on the required expansion of the site and the estimated cost. The funding of any required works will need to be determined and confirmed and will form part of the Cabinet decision on 9 November 2016 to publish closure proposals – see timetable below. Engagement with officers from the Diocese of Hereford will be essential and potentially critical in identifying and securing capital resources.

## 10. Timetable

If the proposed closures continue through the various stages the timetable to a final decision would be as follows:

Wednesday 14 September 2016	Cabinet decision to consult on closures
Thursday 22 September – Wednesday 2 November 2016	6 week statutory consultation
Wednesday 21 December 2017	Cabinet decision to publish closure proposals
Thursday 12 January 2017	Publication of notice of closure proposals
Thursday 12 January 2017 – Wednesday 8 February 2017	4 week statutory representation period
Wednesday 1 March 2017	Cabinet decision on proposals to close schools

## 11. Conclusions

The governing body of Hope Worthen Westbury Trinity federation, with support from local authority and Diocesan officers, have concluded that the securing of good and better education for the children in the communities of Hope, Worthen and Westbury into the future will be achieved by consolidating education provision onto one of the federation's three sites. They have determined that this should be Worthen, which will result in the potential closure of the current Hope and Westbury sites.

Cabinet are asked to support the governors by approving the commencement of a statutory school closure process for the maintained schools at Hope and Westbury and the consolidation of education provision on the enlarged Worthen site.

<b>List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)</b>
---

<b>Cabinet Member (Portfolio Holder)</b>
--

David Minnery
---------------

<b>Local Members</b>
----------------------

Heather Kidd – Chirbury & Worthen
-----------------------------------

David Roberts - Loton
-----------------------

<b>Appendices</b>
-------------------

**This page is intentionally left blank**

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

Document is Restricted

**This page is intentionally left blank**

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

Document is Restricted

**This page is intentionally left blank**

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

Document is Restricted

**This page is intentionally left blank**

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

Document is Restricted

**This page is intentionally left blank**