



# CABINET

9 October 2019

A meeting of the CABINET will be held on Thursday, 17th October, 2019, 6.00 pm  
in Committee Room 1, Marmion House, Lichfield Street, Tamworth, B79 7BZ

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## A G E N D A

### NON CONFIDENTIAL

**1 Apologies for Absence**

**2 Minutes of Previous Meeting (Pages 5 - 10)**

**3 Declarations of Interest**

*To receive any declarations of Members' interests (pecuniary and non-pecuniary) in any matters which are to be considered at this meeting.*

*When Members are declaring a pecuniary or non-pecuniary interest in respect of which they have dispensation, they should specify the nature of such interest. Members should leave the room if they have a pecuniary or non-pecuniary interest in respect of which they do not have a dispensation.*

**4 Question Time:**

To answer questions from members of the public pursuant to Executive Procedure Rule No. 13

**5 Matters Referred to the Cabinet in Accordance with the Overview and Scrutiny Procedure Rules (Pages 11 - 12)**

*(Report of the Chair of Health & Wellbeing Scrutiny Committee)*

**6 Business Rates Pooling 2020/21 (Pages 13 - 18)**

*(Report of the Portfolio Holder for Assets and Finance)*

**7 Exclusion of the Press and Public**

To consider excluding the Press and Public from the meeting by passing the following resolution:-

*“That in accordance with the provisions of the Local Authorities (Executive Arrangements) (Meeting and Access to Information) (England) Regulations 2012, and Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during the consideration of the following business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public”*

At the time this agenda is published no representations have been received that this part of the meeting should be open to the public.

**8 Future High Streets Fund (Pages 19 - 32)**  
*(Report of the Portfolio Holder for Heritage and Growth)*

Yours faithfully



**Chief Executive**

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**Access arrangements**

*If you have any particular access requirements when attending the meeting, please contact Democratic Services on 01827 709267 or e-mail [democratic-services@tamworth.gov.uk](mailto:democratic-services@tamworth.gov.uk). We can then endeavour to ensure that any particular requirements you may have are catered for.*

**Filming of Meetings**

*The public part of this meeting may be filmed and broadcast. Please refer to the Council's Protocol on Filming, Videoing, Photography and Audio Recording at Council meetings which can be found [here](#) for further information.*

*The Protocol requires that no members of the public are to be deliberately filmed. Where possible, an area in the meeting room will be set aside for videoing, this is normally from the front of the public gallery. This aims to allow filming to be carried out whilst minimising the risk of the public being accidentally filmed.*

*If a member of the public is particularly concerned about accidental filming, please consider the location of any cameras when selecting a seat.*

**FAQs**

*For further information about the Council's Committee arrangements please see the FAQ page [here](#)*

To Councillors: D Cook, R Pritchard, J Chesworth, M Cook, S Doyle and J Oates.

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## **MINUTES OF A MEETING OF THE CABINET HELD ON 26th SEPTEMBER 2019**

**PRESENT:** Councillor D Cook (Chair), Councillors R Pritchard (Vice-Chair), J Chesworth, M Cook, S Doyle and J Oates

The following officers were present: Andrew Barratt (Chief Executive), Anica Goodwin (Executive Director Organisation), Rob Barnes (Executive Director Communities), Stefan Garner (Executive Director Finance), Lynne Pugh (Assistant Director Finance), Tracey Pointon (Civic and Elections Officer), Stephanie Ivey (Partnership Vulnerability Officer) and Lorraine Farley (Economic Development and Regeneration Officer)

No apologies were received.

### **8 MINUTES OF PREVIOUS MEETING**

The minutes of the meeting held on 5<sup>th</sup> September 2019 were approved and signed as a correct record.

*(Moved by Councillor R Pritchard and seconded by Councillor M Cook)*

### **9 DECLARATIONS OF INTEREST**

Councillor R Pritchard and Councillor J Oates both declared an interest in agenda item 9.

### **10 QUESTION TIME:**

None

### **11 MATTERS REFERRED TO THE CABINET IN ACCORDANCE WITH THE OVERVIEW AND SCRUTINY PROCEDURE RULES**

The Report of the Chair of Corporate Scrutiny provided Cabinet with the recommendations of the Committee regarding the Interim Update on Member Induction. The report was considered by Cabinet and

**RESOLVED** that Cabinet noted

1 that the recommendations on Member Induction

previously endorsed by Cabinet, had been implemented through the Member Induction Programme, through amendment to the Constitution in respect of the supply of paper to Members, and the creation of the Members Zone;

2 that the ICT support to members was implemented during May 2019 for newly elected members;

that the following be delivered by the Corporate Scrutiny Committee in liaison with Members and Democratic Services:

3 that feedback be sought from Members on the implementation of the Member Induction Programme and the ongoing training programme and the results of this feedback be provided to the Corporate Scrutiny Committee within 6 months;

4 that an update on the level of Member attendance at all training sessions be made available to the Corporate Scrutiny Committee

*(Moved by Councillor J Chesworth and seconded by Councillor R Pritchard)*

## 12 LOCAL COUNCIL TAX REDUCTION SCHEME 2020/21 CONSULTATION

The Portfolio Holder for Assets and Finance informed Cabinet of the need to review the Council's Local Council Tax Reduction Scheme (LCTRS) and explained the proposed features of a new Local Council Tax Reduction Scheme

### **RESOLVED**

Cabinet approved;

The need to review the Council's Local Council Tax Reduction Scheme

Detailed cost forecasting and scheme principles explained in the report were considered and endorsed.

That Corporate Scrutiny Committee are asked to review the proposals and options contained within this report with the aim to finalise a new scheme for Public consultation in 2020

*(Moved by Councillor R Pritchard and seconded by Councillor M Cook)*

## 13 ARTS AND EVENTS ORGANISATIONAL REVIEW (INCLUDING TAMWORTH ASSEMBLY ROOMS AND CONFERENCING FACILITIES)

The Portfolio Holder for Culture and Operational Services requested the release of contingency to fund the new Arts and Events staffing structure.

**RESOLVED** That Cabinet;

Approved the request to release £61,910 from the contingency budget to enable the implementation of the new Arts and Events structure.

*(Moved by Councillor J Chesworth and seconded by Councillor D Cook)*

The Chair passed on thanks to all Staff involved in the Tamworth Assembly Rooms Project.

#### 14 **EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED:** That members of the press and public be now excluded from the meeting during consideration of the following item on the grounds that the business involves the likely disclosure of exempt information as defined in Paragraphs 1 and 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended).

*(Moved by Councillor D Cook and seconded by Councillor R Pritchard)*

#### 15 **GRANT REPORT QUARTER 2 2019-20**

The Report of the Portfolio Holder for Housing Services and Communities for Cabinet to agree the grant applications for the Council's Grants Scheme

**RESOLVED** That

- Cabinet considered the applications and approved officer recommendations for small grants, art grants, sport grants and business grants as listed below, and
- Cabinet delegated authority to the Executive Director of Communities in consultation with the Portfolio Holder for Housing Services and Communities and the Portfolio Holder for Assets and Finance to manage the Festive Grant Applications and agree Festive Grant awards including any variations during the term of the grants

#### ***Applications for Revenue/Running Costs***

No Applications received this quarter

**Applications for Equipment/Projects**

The order of the grants was changed as Councillor Pritchard and Councillor Oates had declared an interest in two grants.

**Heart of Tamworth Community Project** £500

*(Moved by Councillor M Cook and seconded by Councillor J Chesworth)*

**1<sup>st</sup> Glascoate (St George) Scout Group** £300

*(Moved by Councillor R Pritchard and seconded by Councillor S Doyle)*

**Combined Applications: Running Costs/Projects and Equipment**

**Milk Fairies CIC** £500

*(Moved by Councillor D Cook and seconded by Councillor R Pritchard)*

**Art grant applications**

**Tamworth Literary Festival** £500

*(Moved by Councillor D Cook and seconded by Councillor J Chesworth)*

**Sports grant applications****Applications for talented individual**

That one grant for a talented Individual for £300 was made.

*(Moved by Councillor M Cook and seconded by Councillor D Cook)*

**Applications for club**

**Bolehall Swifts** £3000 agreed on condition that the applicant completes the output monitoring.

*(Moved by Councillor D Cook and seconded by Councillor R Pritchard)*

**Applications for coaching**

That one grant for coaching of £147.50 was made.



*(Moved by Councillor M Cook and seconded by Councillor J Chesworth)*

**Tamworth Cycling Club** £950 agreed on condition that grant will be used for costs of First Aid training

*(Moved by Councillor R Pritchard and seconded by Councillor S Doyle)*

## **Business Grants**

**McAusland Music** £1000

*(Moved by Councillor D cook and seconded by Councillor J Chesworth)*

**Puppy Love Dog Grooming** £950

*(Moved by Councillor J Oates and seconded by Councillor R Pritchard)*

**Goldcrest Soft Furnishings** £1500

*(Moved by Councillor D Cook and seconded by Councillor J Chesworth)*

**Sharon Rose Author and Playwright** Members agreed to defer the application as more detailed costings are required

*(Moved by Councillor D Cook and seconded by Councillor M Cook)*

**Showroom Standard Cleaning** £590

*(Moved by Councillor R Pritchard and seconded by Councillor S Doyle)*

**KB Services** £500 – applicant will need to provide insurance documents before grant is endorsed.

*(Moved by Councillor R Pritchard and seconded by Councillor D Cook)*

**Le Secret** £500

*(Moved by Councillor R Pritchard and seconded by Councillor J Chesworth)*

**Renew Chiropractic** Grant to be deferred advice to be

given to applicant on renting a  
business property in Tamworth.

*(Moved by Councillor R Pritchard and seconded by Councillor D Cook)*

***Councillor Pritchard and Councillor Oates left the meeting***

***Tamworth Pickers Volunteer Litter*** £506.50

*(Moved by Councillor M Cook and seconded by Councillor J Chesworth)*

***Tamworth Volunteer Litter Pickers*** £500  
*Committee requested an update report every 2 months*

*(Moved by Councillor D Cook and seconded by Councillor J Chesworth)*

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Leader

17<sup>TH</sup> OCTOBER 2019**REPORT OF THE CHAIR OF HEALTH & WELLBEING SCRUTINY COMMITTEE****MATTERS REFERRED TO CABINET IN ACCORDANCE WITH THE OVERVIEW AND SCRUTINY PROCEDURE RULES****EXEMPT INFORMATION**

None.

**PURPOSE**

To update Cabinet and to make recommendations to it following consideration of matters by the Scrutiny Committees.

**EXECUTIVE SUMMARY**

The following Committees have referred the following matters to Cabinet:

Scrutiny Committee	Title of Matter referred	Date of Scrutiny meeting
Health & Wellbeing Scrutiny Committee	Public Service Register	19 <sup>th</sup> September 2019

The Priority Service Register (PSR) is a free service provided by suppliers and network operators to customers in need.

You can receive the services available if you:

- Are of pensionable age
- Are disabled or chronically sick
- Have a long-term medical condition
- Have a hearing of visual impairment or additional communication needs
- Are in a vulnerable situation

*Vulnerable situations include a wide range of circumstances. Examples include:*

- *People with certain mental health conditions or learning difficulties, which impact on them understanding their bill*
- *People who cannot top up their pre-payment meter due to injury*
- *Temporary circumstances where a person needs extra support for a limited amount of time*

Services offered by signing up to a company's PSR include:

- Advanced notice of planned maintenance or works
- Priority assistance in an emergency

- Password protection
- Nominee Scheme
- Accessible information

At the meeting of the Committee on 19<sup>th</sup> September 2019, the Health & Wellbeing Scrutiny Committee considered the overview of PSR provided and supported the proposed recommendation to be made to Cabinet.

## **RECOMMENDATIONS**

It is recommended that Tamworth Borough Council utilise its social media profiles to encourage those who are eligible, or those who know people who are eligible, to sign up for Public Service Register's across all sectors.

## **REPORT AUTHOR**

Councillor R Ford  
Chair of Health & Wellbeing Scrutiny Committee

## **APPENDICES**

None.

THURSDAY, 17 OCTOBER 2019

**REPORT OF THE PORTFOLIO HOLDER FOR ASSETS AND FINANCE****BUSINESS RATES POOLING 2020/21****PURPOSE**

To consider the options for the operation of a Business Rate pool with other Local Authorities from April 2020, arising from the deferral of the planned reform of the Business Rates Retention scheme.

**RECOMMENDATIONS**

**That Cabinet:**

- a) Approve the principle of the Staffordshire pool remaining in place for 2020/21;**
- b) Delegate approval for the Executive Director Finance (Section 151 Officer), in consultation with the Leader of the Council and the Chief Executive, to agree, in conjunction with the other authorities of the proposed pool, the detail of the 2020/21 application.**

**EXECUTIVE SUMMARY**

The Secretary of State (SOS) for Housing, Communities and Local Government has announced that other than the Devolution Pilots of 2017/18 all other pilots will terminate this year.

The Ministry of Housing, Communities and Local Government (MHCLG), in an email dated 17 September 2019, have announced that the option for the pilot to continue in pools status only, based upon a 50% scheme, will be available.

The existing pool designation, as required to achieve pilot status, will remain in place unless one, or more, of its pool members request the pool to be dissolved. However in accordance with the internal Pooling Agreement the pool would effectively cease since at this moment in time it is not possible to identify if pooling is of benefit, due to its deferral, under the new 75% regime (a condition for its continuation).

The pilot status, in addition to deriving windfall in trialling the 75% scheme, also operates as a 50% pool and avoids a levy on growth being paid to the Government. A levy is only payable for Tariff Authorities but the pilot aggregates in total to be a top up Authority thereby avoiding the levy.

The levy saved for the current year amounts to £8.1 million and would be repaid to Government, rather than be used to support Staffordshire budgets, unless a pool is in place.

In accordance with the "Invitation to Pool 2020-21" from MHCLG the pool can be dissolved; reconfigured; authorities can join other pools or a new pool(s) created.

All of the options are effectively available and since pooling is voluntary, members are free to determine their preferred option. The deadline for receipt of the pooling option of each authority is required by MHCLG by the 25 October 2019. A Memorandum of Understanding, signed by each Section 151 Officer, is required as part of the submission.

In light of the above and the timescale involved the rolling over of the existing pilot is considered to be the most straightforward option. Not only does the pool currently exist, and is not dependent upon the SOS allowing the new pool to be designated; the distribution of the levy saved and governance arrangements can be determined locally rather being subject to negotiations with other pools.

As with the current Pilot arrangement, the methodology for the distribution of the levy saving acknowledges the no loss principle and that the continuation of the pool is dependent upon all members agreement and that the top up authorities (County/ City and Fire) facilitate the levy saving.

## **OPTIONS CONSIDERED**

As outlined within the report.

## **RESOURCE IMPLICATIONS**

In accordance with the "No Detriment" Clause the Council will not only receive the same level of resources as determined by the 50% Business Rates retention Regime (40% of the retained levy) but also additional resources of c.£215k are envisaged for 2020/21 reflecting this Councils share of the previously designated contingency set aside element.

## **LEGAL/RISK IMPLICATIONS BACKGROUND**

The Risk Management Implications of pooling arrangements for the proposed pilot have been referred to throughout the report but can be summarised as follows.

The pooling of Business Rates enables a greater proportion of Business Rates to be retained by Authorities by retaining the growth achieved which otherwise would be paid over to the Government under the levy arrangements.

There are a large number of risks that already exist in relation to Business Rates Retention however the greatest risk is in relation to the level of appeals.

## **BACKGROUND INFORMATION**

The Staffordshire and Stoke on Trent Business Rates (Pilot) Pool was created on the 1 April 2019. The previous two pools - Staffordshire and Stoke on Trent (S&SOT) and Greater Birmingham and Solihull (GBS) - dissolved on that date but could not be formally dissolved until the NNDR claims for 2018/19 had been audited

Details of the 2020/21 Local Government Funding Settlement are still awaited however the announcements following the 2019 Spending Review confirmed the assumption that the current regime will roll forward into 2020/21.

The introduction of 75% Business Rates Retention (and the Fair Funding Review) is to be delayed until 2021/22 and the SOS has announced that all pilots, other than Devolution Pilots, will cease after the 31 March 2020.

Prior to this announcement Stoke- on-Trent City Council had already commenced lobbying to roll over the 2019/20 pilot to 2020/21. A letter to both the Chancellor and SOS (MHCLG) was submitted on behalf all 12 member authorities to extend this pilot by 12 months or to provide some other form of transitional funding pending the introduction of the new funding regime in 2021/22.

MHCLG, in advance of Technical Consultation on the Financial Settlement, issued an “Invitation to Pool 2020-21 “ to both existing pilot/pools and to non pooling authorities.”

In accordance with the 50% Business Rates Retention Scheme existing pooling arrangements will continue from year to year until a designation is revoked. A request to dissolve a pool can be made anytime during the year, but will apply from the following 1<sup>st</sup> April. If a pool is dissolved members will return to their individual tariff; top up and safety net levy payments.

Pool Designations are proposed as part of the Draft Local Government Finance Report (Provisional Settlement). Local authorities can withdraw from a designated pool at any time up to 28 days of the publication of the Draft Settlement. In the event that a pool is designated in the Draft report and an authority withdraws the pool ceases and all authorities revert to individual authorities. Any change to pooling arrangements effectively needs to be made in advance of the provisional settlement

A cut off date of 25 October 2019 has been set for authorities, or pools of authorities to state whether they wanted existing pools to continue; to be revoked or reconfigured; or new pools created. The deadline enables such a pool to be proposed (designated) in the provisional settlement.

At present the pilot will not continue past the 31 March 2020, and a formal decision on whether lobbying for an extension for 2020/21 is unlikely to be known until the Provisional Local Government Settlement towards the end of this year. The pilot therefore is required to make a decision on if it wants to remain as a pool.

In the event that pilot status is not granted and the pool is terminated the area would, on top of losing the £14 million windfall, also lose in the region of £8.1 million as a result of the levy being applied.

Existing Government arrangements require a Tariff Authority, whereby Business Rates is greater than funding requirement, to pay 50% of its growth to the Government (a top up authority is not subject to a Levy).

Each District is currently a Tariff Authority and would be subject to a 50% levy unless in a pooling arrangement. The aggregation of County, City and Fire authorities top up amounts results in no levy being paid since a net top up position exists.

The termination of the pilot (pool) would in the first instance only have a direct impact on District/Borough Councils who have enjoyed pooling status for a number of years with £3.2 million of avoided levy being specifically allocated for 2019 /20. The residual balance has historically been set aside for economic development and to provide a contingency fund and amounted to £4.9 million.

Four potential options exist in terms of the pilot and pooling:

- The pilot is dissolved and no pooling arrangements exist for 2020-21 (loss of £8.1 million);
- The pilot is dissolved and members recreate / re-join former pools (levy saved to be determined);
- The pilot is dissolved and a pool reconfigured with a different membership (levy saved to be determined);
- The existing pilot (pool) rolls forward to 2020/21 with a revised methodology for distribution (£8.1 m retained in Staffordshire).

In submitting the 2019/20 application the option existed for each authority to resort to previous pooling arrangements notably the Staffordshire and Stoke-on-Trent Pool and the Greater Birmingham and Solihull Pool. Both pools however dissolved as a result of the pilot being successful.

The option to reform both pools may exist however there are a number of barriers in relation to recreating the latter pool:

- The GBS pool contained two Worcestershire authorities, part of Worcestershire Area pilot for 2019/20, in addition to Birmingham and Solihull.
- Authorities cannot be members of more than one pool (the GBS pool was however allowed to continue to avoid other members being disadvantaged as part of the Devolution deal for the Combined Authority). Hence it is not clear whether Birmingham as a top up authority would be allowed to form a new pool.
- A rationale for a pool would need to be agreed.
- New Governance arrangements and distribution methodology would need to be agreed.
- The timetable to propose a new pool is likely to be very tight.

At the time of writing the Memorandum of Understanding/ governance arrangements for the 2019/20 pool does not necessarily mean that the existing pool can roll forward.

The continuation is in effect dependent upon whether the actual 75% scheme, now to be introduced in 2021/22, enables a greater share of business rates to be retained in Staffordshire as compared to non-pooling. At the date of writing it was envisaged that this new scheme would be introduced in 2020/21 and details of potential benefits of pooling would be available. Nevertheless members of the pilot would need to request the pool be dissolved.

Due to the uncertainty relating to the medium term benefit of pooling it is recommended that:

- arrangements are put in place to ensure a pool exists for 2020/21.
- If pilot status is extended the current agreement remains in place.
- the existing pool is rolled over to 2020/21 subject to amendment to reflect the 2020/21 pooling position/governance arrangements and a decision made on its future following details of the new scheme being published.



- the 2020/21 pool is treated as a one off and the £4.9 million as identified is treated as a windfall in that year rather than allocated as above.
- in the event that the new regime is not implemented in 2021/22 the pooling arrangements as agreed for 2020/21 remain in place.

The continuation of the pool requires the agreement of all 12 authorities and each authority should benefit from the scheme.

The 'No Detriment' basis of the pilot applies to the proposed distribution method for the levy saving , notably that a member will not be worse off

- by being a Member of the Pool than they would have been if they had not been a Member of the Pool. Each Member will retain the income they would have received if they were not a member of the Pool.
- No Member will be worse off as compared with previous pool arrangements for Staffordshire and Stoke on Trent Business rates Pool (2012) or Greater Birmingham and Solihull Business Rates Pool.

First call on the levy saving will therefore be the 40% retained locally as at present. Thereafter a guaranteed minimum should be provided to all districts and boroughs recognising that the levy saved has been generated by such authorities and that each is an equal partner in the 2020/21 arrangements. It is envisaged that 20% of the levy saving will shared equally amongst the 8 district boroughs.

In relation to guaranteed allocations it is proposed that:

- The OPCC receives £100,000 reflecting the reduced amount of the levy saving as compared to the windfall;
- The Fire Authority receives the same amount as 2019/20 reflecting their contribution to the levy saving as a top up authority;
- The accountable body allocation is reduced to £25,000.

In accordance with the rationale of the pilot to provide additional support for upper tier authorities and their role in facilitating the levy saving as a Top Authority the balance of the levy saved will be split between the County Council and City Council.

The % split is based upon the average of distribution under windfall arrangements; an equal partner basis and the respective top up facilitating role.

The roll forward of the arrangements would re affirm that if the pool terminates after a further year, the amount of existing contingency set a side, both at formation of the pilot and as a result of the 20% set aside of levy saved in 2019/20 would be released to the contributing authority, subject to any safety net requirement arising in 2020/21.

## **REPORT AUTHOR**

If Members would like further information or clarification prior to the meeting please contact Stefan Garner, Executive Director Finance, tel. 709242.

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of the Local Government Act 1972.

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