

SOUTH DERBYSHIRE DISTRICT COUNCIL COMMITTEES RESPONSIBILITIES FOR FUNCTIONS

FINANCE & MANAGEMENT COMMITTEE

FM	To determine all matters coming within the purview of any other Committee on the grounds of urgency or expediency in between meetings.
FM01	To oversee the management of the Council's assets.
	The provision, including the power to sell, lease and / or purchase, the management, promotion, publicity and co-ordination of all matters dealing with operation of the Council's land and property holdings except Council owned houses, garages and permanent gypsy sites.
	To manage the Council offices and other corporate assets.
FM02	The oversight of the management of the Council.
FM03	To nominate or appoint Council representatives to outside bodies, receive reports from them, and to approve, or otherwise, the Council's corporate membership of outside organisations.
	To prescribe 'approved duties' for the purpose of Section 173 –176 of the 1972 Act and the Local Authorities (Members' Allowances) Regs. 1995.
	To make proposals for approval or adoption by Full Council of the Council's Constitution and any changes made to it.
	To make proposals for approval or adoption by Full Council of the Members' Code of Conduct and any changes to it.
FM04	To authorise the Chief Executive to prosecute or take any legal proceedings (as defined in this scheme) subject to powers to take legal proceedings or prosecutions delegated elsewhere in this Constitution.
	To reconsider any decision to which the Call-In procedure has been properly invoked, and to determine the validity of any application to Call-In a decision where the Chief Executive's decision is disputed.
	To receive reports on complaints made to the Council and the Local Government Ombudsman, and, where appropriate, to decide whether to reach local settlements or to take any other action following the Ombudsman referral (including obtaining authority to make ex gratia payments).
FM05	The appointment and dismissal of the following Officers – (See Officer Employment Procedure Rules set out in Part 4 of this Constitution):- <ul style="list-style-type: none"> • Deputy Chief Executive • Chief Finance Officer • Director of Community Services • Monitoring Officer
	The oversight and management of all personnel issues including all dealings with recognised Unions, issues relating to pensions and gratuities, the monitoring and review of manpower requirements, including decisions on redundancy and the disciplinary and grievance procedures of the Council.
	To appoint 5 representatives to the Council's Joint Consultative Committee.
FM06	All elections matters including electoral registration, the revision of electoral areas and elections at District, Parish, County, General and European level.
FM07	The oversight and management of the Council's public relations functions.

SOUTH DERBYSHIRE DISTRICT COUNCIL COMMITTEES' RESPONSIBILITIES FOR FUNCTIONS

FINANCE & MANAGEMENT COMMITTEE contd.

FM08	To recommend the general fund revenue estimates, the block capital programme, the calculation of the council tax base and the level of council tax to be set by Full Council from time to time (including the determinations as to discounts or liability in prescribed cases), the Council's overall borrowing limit and any measures needed to keep the Council's spending within its income for the year.
	To be responsible for the organisation, management and the performance of the Council, including in year financial monitoring of all Committees and departments to ensure they remain within budget and act in accordance with financial regulations.
	To approve, monitor and keep under review the Council's Capital Strategy.
	To approve the Statement of Accounts as required by Regulation 10 of the Accounts and Audit Regulations 2003.
	To co-ordinate bids for Single Regeneration Budget funding, and any other funding from an external source.
	To determine which contracts or classes of contracts may be exempted from the application of the Council Procedure Rules (in whole or part) in relation to the supply of goods or services to the DSO's.
	To accept or reject tenders in cases where the lowest tender (or the highest where payment is to be made to the Council) is not recommended for acceptance.
	To write off bad debts, arrears of rent, NNDR, community charges (poll tax), council tax, mortgage repayments, losses of property and obsolescent stores and equipment.
	The determination of applications for grant or contributions from various organisations and individuals not coming within the purview of other Standing Committees or Sub-Committees.
FM09	To consider any report from External Auditors (including the Management Letter) and make any recommendations as may be considered necessary to Full Council.
	To oversee the Council's Internal Audit function.
FM10	To oversee the Council's information and communication technology functions.
FM11	To monitor on a half yearly basis the level of customer complaints.
FM12	The exercise of the Council's powers and duties as Billing Authority including the receipt of the Minutes of the Revenues and Benefits Joint Committee.
	To exercise the powers and duties of the Council in respect of mandatory / discretionary rate relief.
	Subject to Terms of Reference for the Licensing & Appeals Committee, to operate the Housing Benefits, Fraud and Appeals Schemes in respect of rent rebate, rent allowance and council tax benefits.
	To operate the concessionary fares schemes as may from time to time be determined within the transportation policies programme.

SOUTH DERBYSHIRE DISTRICT COUNCIL COMMITTEES RESPONSIBILITIES FOR FUNCTIONS

FINANCE & MANAGEMENT COMMITTEE contd.

FM13	To oversee the best value reviews of the Council's services.
	To make proposals for the approval and adoption of the Best Value Performance Plan.
FM14	To make proposals for approval or adoption by the Council of the Community Strategy and Corporate Plan
	To make proposals for approval or adoption of the Council's Policy Framework and all other plans not otherwise referred to in these Terms of Reference which must be sent to a Minister of the Crown for approval.
	To make concurrent reports to Full Council about any plans and strategies submitted to the Council for approval or adoption, particularly in relation to the strategic management of the Council and particularly the impact on the objectives, priorities and resources of the Council.
	To consider and determine issues about any policy document from other organisations, which affect the District.
	To decide issues in relation to uses for any land as between Committees.
	To acquire (by agreement or compulsory purchase or appropriation) or dispose of any land which has a major or strategic significance in accordance with Council policy.
FM15	The exercise of the Council's functions in respect of Emergency Planning.
FM16	To supervise, monitor and enforce CCT contracts within the Committee's Terms of Reference
	To operate the contractor function, on behalf of the Council, in respect of those services subjected to CCT in accordance with the business plan and agreed contract specifications and budgets.
	To grant or withhold optional extensions under the terms of CCT contracts.

FINANCE & MANAGEMENT COMMITTEE

REVIEW OF AGENDA ITEMS (May 2001 - May 2002)

DATE	OPEN / EXEMPT	SUBJECT
Members' Reports		
19 Jul 01	O O	Southern Derbyshire Health & Social Care Partnership Sheltered Housing - petition
30 Aug 01	O O	Sheltered Housing Proposed airport near Doncaster
11 Oct 01	O	One World charity event
22 Nov 01	O E	Quarry operated by Biffa Waste Shardlow Community Strategy - seminars
18 Apr 02	O	CVS Committee meeting
16 May 02	O	Service And Financial Planning Working Group
General Competence		
Asset Management and Maintenance		
19 Jul 01	E	Asset Management Plan
22 Nov 01	O	Asset Management
18 Apr 02	E	George Holmes Business Centre
Corporate Management		
19 Jul 01	O	The Monitoring Officer
17 Jan 02	O	Annual Audit Letter 2000/01
Democratic Services		
19 Jul 01	O O E E	Urgency Sub Committee Joint Consultative Committee Civic car Urgency Sub Committee
17 Jan 02	O	Quality Town and Parish Council - consultation paper
Legal Services		
Personnel		
19 Jul 01	E E E	Accountancy Section- Staffing issues Disciplinary procedure Staffing structure - Building Control
30 Aug 01	E E E	Staffing - Members Services Section Use of mobile phones - a guide for users Temporary procedures for re-grading applications and for grading new posts
11 Oct 01	O E E	Single Status Job evaluation Grievance Staffing - Members Services Section

22 Nov 01	O E	Single Status Job evaluation Payment of preserved benefits
17 Jan 02	E E	Employee Health and welfare Professional subscriptions
19 Feb 02	E E E	Staffing issues Professional subscriptions Recruitment to Building Control posts
18 Apr 02	E E E E E	Ill health retirement Cash alternative grievances National Pay negotiations Payment of abated rental to former resident warden Staffing issues - Chief Executives Dept
Elections Service		
22 Nov 01	E	Parliamentary Election 2001
Public Relations		
Finance Strategy & Monitoring		
19 Jul 01	O	Capital Strategy
30 Aug 01	O O O E E E	Mortgage interest rate Budget Out turn 2000/01 Treasury Management Report 2000.01 Financial Regulations 18c Write offs Financial Crisis Financial Regulations 18c Write offs
11 Oct 01	O	Derby and Sandiacre Canal Restoration proposal (funding request)
22 Nov 01	O O O O E E	Central Establishment Charges – Report of Scrutiny Committee Review of Capital Programme Budget process 2002/03 Sharpes Resource Centre Financial Regulations 18c Write offs Financial Regulations 18b and c Write offs
17 Jan 02	O O O O E E	General Fund Budgets 2001/02 and 202/03 Capital Programme 2002/03 Revenue Budget 2002/03 Consolidated Capital Programme 2002/03 Service And Financial Planning Working Group Financial Regulations - 18b write offs
19 Feb 02	O O O O O O O E	Review of budget proposals Revenue Budget 2002/03 Capital Programme Financial Regulations and Procedure Rules Treasury Management Strategy Pension Fund : Revaluation Mortgage Interest Rate Financial Regulations 18b and c Write offs
18 Apr 02	O E E	Revision of Treasury Management Policy Statement 2001/02 Traveller Encroachment – Gresley Common (Suppl. Budget) New recreational facilities- Linton (Suppl. Budget)

Audit		
Information Technology		
30 Aug 01	O	IEG at SDDC
18 Apr 02	O	Invest to Save Bid - Revenues & Benefits
Customer Services / Complaints		
22 Nov 01	O	Complaints
Revenue Collection /Benefits		
19 Jul 01	O	Revenue and Benefit issues
	O	Discretionary Housing payments
	E	Discretionary Rate Relief
	E	Reduction or remission of non domestic rate
30 Aug 01	E	Discretionary Rate Relief
	E	Non Domestic Rate Relief - Foot and Mouth
22 Nov 01	E	Discretionary Rate Relief
	E	Non Domestic Rate Relief - Foot and Mouth
17 Jan 02	E	Local Agreement on Assimilation
	E	Rural rate relief
19 Feb 02	E	Housing and Council Tax benefit fraud issues
	E	Reduction of remission of the non domestic rate
18 Apr 02	E	Rural rate relief
	E	Discretionary Rate Relief
	E	Reduction or remission of non domestic rate
Best Value		
19 Jul 01	O	Audit of Best Value Performance Plan
	O	Financial Management Control BVR
	O	Human Resource Management BVR
30 Aug 01	O	Asset Management BVR
	E	Sheltered Housing BVR
	E	Sheltered Housing BVR
22 Nov 01	O	Financial Services BVR
17 Jan 02	O	Human Resource Management BVR
	O	Finance Services BVR
19 Feb 02	O	Proposed changes to Best Value Review programme
	E	Sheltered Housing BVR
Corporate Policy /Performance Management		
30 Aug 01	O	Draft Corporate Plan 2001
22 Nov 01	O	Service Plans
Emergency Planning		
Service Trading Accounts		
19 Jul 01	E	200/01 out turn and profit share - housing DSO

Other		
30 Aug 01	O	Draft pastoral scheme
	O	On Trent initiative
11 Oct 01	O	Rural Transport Partnership
19 Feb 02	O	Draft Pastoral Scheme
	O	Presentation on the Derby & Sandiacre Canal Restoration by the Derby & Sandiacre Canal Trust
16 May 02	E	Footpaths Agency

Duration of Meeting								
Date	Total Number of Agenda items			Special Meeting	Number of Members Present	Time		
	O	X	T			Meeting closed at	Number of minutes	Average time (minutes) / item
19 Jul 01	11	8	19			8.20		
30 Aug 01	8	7	15			7.40		
11 Oct 01	5	5	10			7.35		
22 Nov 01	10	7	17			9.15		
17 Jan 02	8	6	14			8.15		
19 Feb 02	10	7	17			8.15		
18 Apr 02	7	10	17			8.20		
16 May 02	1	1	2	S		4.40		

Observations	
Members Reports - -	

FINANCE & MANAGEMENT COMMITTEE

REVIEW OF AGENDA ITEMS (May 2002 - May 2003)

DATE	OPEN / EXEMPT	SUBJECT
Members' Reports		
13 Jun 02	O O O E	Appointment of the Service & Financial Planning Working Panel Budget review - scoring of service developments Civic service Appointment of a Remuneration Working Panel
25 Jul 02	O O	Disability Grants Credit approval checks
17 Oct 02	O O O	Review of Lottery funding War Memorials in the District Derby & South Derbyshire Partnership against Racial Harassment
16 Jan 03	O	Invitation to join the South Derbyshire Chamber of Commerce Premier Forum
General Competence		
Asset Management and Maintenance		
25 Jul 02	O O	Capital Strategy Asset Management Plan
5 Sep 02	E	Disposal of shop units Swadlincote
17 Oct 02	E	GBLC Swimming pool hall
Corporate Management		
5 Sep 02	O	Constitution - Action Plan
18 Feb 03	E	The unifying of disabled adaptation provision
3 Apr 03	E	Review of structures to deliver strategic housing and improve delivery of housing support services
Democratic Services		
Legal Services		
Personnel		
13 Jun 02	E E	National Pay negotiations Annual Re-grading Applications
25 Jul 02	E E	IT & Customer Services Restructuring proposals Single Status - Job evaluation procedure
5 Sep 02	O E E E E	Footpaths Officer Sheltered Housing Service payment of electricity costs Re-grading application National Pay negotiations Payment of abated rental to former resident warden

17 Oct 02	E	Remuneration of staff in Housing Dept
	E	Technical Services Division Phase2 reorganisation
	E	Recruitment and Retention Panel
28 Nov 02	E	Single Status - Job evaluation moderation and appeals procedure
18 Feb 03	O	Community Safety Officer
	E	Annual Re-grading Applications
	E	Recruitment and Retention in Building Control
	E	Technical Services Division Phase 2 re-organisation
3 Apr 03	E	Ill Health retirement
	E	Interim management arrangements - Community Services Dept
	E	Scheme of leave entitlements
Elections Service		
25 Jul 02	O	Review of polling districts
18 Feb 03	O	Election Timetables in the UK Consultation Document
3 Apr 03	O	Review of designated polling places
Public Relations		
Finance Strategy & Monitoring		
13 Jun 02	E	Financial Regulations D2 write offs
25 Jul 02	O	Budget out turn 2001/02
	O	Charges for Building Regulation enquiries
	E	Financial Regulations D2 write offs
5 Sep 02	O	Treasury Management Report 2001/02
	O	Mortgage Interest Rate
	E	Financial Regulations D2 write offs
	E	Waiver of Purchasing Code of Practice
17 Oct 02	O	Budget process 2003 /04
16 Jan 03	O	Capital Programme 2003/04
	O	Consolidated Capital Programme 2003/04
	O	F & M Budgets 2002/03 and 2003/04
	O	Revenue Budget 2003/04
27 Jan 03	O	Budget proposals
18 Feb 03	O	Review of the Budget proposals – Scrutiny Committee Report
	O	Revenue Budget & Capital Programme 2003/04
	O	Risk management policy statement
	O	Treasury Management Strategy
	E	Financial Regulations D2 write offs
3 Apr 03	O	Mortgage Interest Rate
	O	New play equipment - Church Gresley (Suppl. Budget)
Audit		
18 Feb 03	O	Internal Audit Service Annual Report
Information Technology		
17 Oct 02	O	Implementing Electronic Government Statement 2
	E	Procurement of Financial Management System - update
Customer Services / Complaints		
17 Oct 02	O	Complaints

Revenue Collection /Benefits		
13 Jun 02	E	Rural rate relief
	E	Discretionary Rate Relief
	E	Reduction of remission of the non domestic rate
25 Jul 02	E	Discretionary Rate Relief, Rural Rate Relief & Hardship Relief
	E	Reduction of remission of the non domestic rate
5 Sep 02	O	Derbyshire Revenues and Benefits Consortium
	E	Discretionary Rate Relief
28 Nov 02	E	Benefit Fraud Investigation
16 Jan 03	E	Revenues & Benefits System - proposed contract award update
18 Feb 03	E	Changes to the Benefits Scheme and the introduction of the Benefits Verification Framework
3 Apr 03	O	Anti Fraud And Corruption Strategy
Best Value		
25 Jul 02	O	Financial Services BVR
18 Feb 03	O	Proposed changes to Best Value Review Programme
	O	Asset Management BVR
Corporate Policy /Performance Management		
13 Jun 02	O	Service Plans - monitoring report
5 Sep 02	E	
17 Oct 02	O	Draft Procurement Strategy
28 Nov 02	O	2002 /03 Service Plans monitoring reports
	O	2003 /04 Service Plans
18 Feb 03	O	Service Plan 2002/03 final monitoring report - Personnel
	O	Service Plan 2002/03 final monitoring report - Legal and Democratic services
Emergency Planning		
28 Nov 02	O	Watercourse at Woodland Road Stanton by Newhall
Service Trading Accounts		
13 Jun 02	E	Footpaths Agency
28 Nov 02	E	DSO Trading Account Schedule of Rates
Other		
5 Sep 02	O	Future development of air transport in the UK - consultation exercise
17 Oct 02	O	Proposed changes to controlled air space
28 Nov 02	O	The future development of air transport in the UK - consultation exercise
	O	Southern Derbyshire NHS Local improvement Finance Trust
18 Feb 03	O	National Forest Cycling Strategy
	O	National Cycle Route 63
3 Apr 03	E	Refuse Collection Service Xmas / New Years Day arrangements

Duration of Meeting								
Date	Total Number of Agenda items			Special Meeting	Number of Members Present	Time		
	O	X	T			Meeting closed at	Number of minutes	Average time (minutes) / item
13 Jun 02	4	8	12			7.00	60	
25 Jul 02	8	5	13			7.45	105	
5 Sep 02	6	8	14			7.35	95	
17 Oct 02	7	5	12			8.00	120	
28 Nov 02	6	4	10			7.45	105	
16 Jan 03	5	1	6	S		6.45	45	
27 Jan 03	1		1	s		5.20	20	
18 Feb 03	13	6	19			8.45		
3 Apr 03	4	5	9			7.45		

Observations	
Members Reports - -	

FINANCE & MANAGEMENT COMMITTEE

REVIEW OF AGENDA ITEMS (May 2003 - May 2004)

DATE	OPEN / EXEMPT	SUBJECT
Members' Reports		
24 Jul 03	O	Liquor licensing arrangements
4 Sep 03	O	Burton Hospital Public meeting
	O	CRE Level 1
18 Mar 04	O	Comprehensive Performance Assessment
General Competence		
Asset Management and Maintenance		
24 Jul 03	O	Asset Management Plan
16 Oct 03	O	York consulting report- asset management
	E	Village Halls and community premises
11 Dec 03	E	Bank House- lease arrangements
	E	Land to the side of 19 Walton Close Swadlincote
	E	Land to rear of 4 Monks Close Swadlincote
15 Jan 04	O	Sale of 46/48 Grove Street Swadlincote
18 Mar 04	O	Statement of intent with regard to asbestos within council owned buildings
29 Apr 04	O	Capital Strategy
	E	Expressions of interest received for former sheltered housing units
Corporate Management		
12 Jun 03	O	LSP Draft Constitution
17 Feb 04	O	Diversity and Equalities Champion
	E	Child Protection Policy
18 Mar 04	O	Equality Standard for Local Government
Democratic Services		
24 Jul 03	O	Review of Committee terms of reference
	O	Independent Remuneration Panel
Legal Services		

Personnel		
12 Jun 03	O E E	Community Drugs Officer Accommodation of Council staff and Members Report of the Recruitment and Retention Panel
24 Jul 03	O E	One Stop Disabled Adaptation Service - staff recruitment Annual Re-grading Applications
4 Sep 03	O O O O E E	Revised Employee Code of Conduct Member / employee Protocol Contract for the supply of temporary staff Partnership Community Engagement Officer Posts requiring disclosure - recruitment procedures Application to change working arrangements
11 Dec 03	O E E E E	Anti Social Behaviour Officer Housing Services Staff structure Car User Allowances Agency Workers Re-grading applications 2003/04
17 Feb 04	E E	Funding of Environmental Education Service Re-grading applications 2003/04
29 Apr 04	E E	Refuse Collection & Street Cleaning - Assimilation of staff member to new post of Assistant Foreman Senior management review
Elections Service		
Public Relations		
Finance Strategy & Monitoring		
12 Jun 03	O O O	Service & Financial Planning Working Group s106 Funding Working Group Disbursement of Planning Delivery Grant 2003/04
24 Jul 03	O O O	Accounts and Audit Regulations Risk Management - progress report Budget out turn 2002/03, Financial Strategy and updated financial projections to 2005/06
4 Sep 03	O O E	Mortgage Interest Rate Treasury Management Report Renewal of Insurance Premiums 2003/04
16 Oct 03	O O	New prudential system for capital and housing finance in local govt Review of scoring system – Report of Scrutiny Committee
15 Jan 04	O O O	General Fund Budgets and Capital Programme 2003/04 and 2004/05 Consolidated Revenue Budgets and Capital Programme 2003/04 and 2004/05 Partnership Funding Working Group- Partnership Funding Monies
26 Jan 04	O	Spending Plans 2004/05

17 Feb 04	O	Review of budget proposals - Report of Scrutiny Committee
	O	Consolidated Revenue Budgets and Capital Programme 2003/04 and 2004/05 Final proposals
	O	Repayment of PWLB Debt
	O	Derby and Derbyshire Economic Partnership (Funding request)
	E	Derby and Derbyshire Economic Partnership (Funding request)
	E	Partnership Funding Working Group- Partnership Funding Monies
	E	Financial Regulations D2 write offs
18 Mar 04	O	Financial Regulations D2 Write offs
	E	Financial Regulations D2 write offs
29 Apr 04	O	Treasury Management Strategy 2004/05
	O	Budget proposals – Report of Scrutiny Committee
	E	Day to day gas servicing and maintenance contract 2004-07 – TUPE arrangements
	E	Day to day gas servicing and maintenance contract 2004-07
Audit		
17 Feb 04	O	Annual report of Internal Audit Service 2002/03
29 Apr 04	O	Money laundering
Information Technology		
12 Jun 03	O	Electronic Communications Policy
	E	Implementation of and partnership arrangements for new FMS System
15 Jan 04	O	New Telecomm system
29 Apr 04	O	Allocation of IEG funding and non IEG IT Projects
Customer Services / Complaints		
11Dec 03	O	Customer First Project
Revenue Collection /Benefits		
12 Jun 03	E	Housing and Council Tax Benefit Fraud Issues
	E	Reduction or remission of the non domestic rate
16 Oct 03	E	Reduction or remission of the non domestic rate
	E	Benefit Fraud Investigation
11 Dec 03	O	Housing and Council Tax Benefit
	O	Council tax discounts and exemptions
15 Jan 04	O	Write off of Council Tax and NNDR
17 Feb 04	E	Reduction or remission of the non domestic rate
	E	Rural rate relief
29 Apr 04	O	Council Tax Benefit take up campaign
	E	Benefit Fraud Business Plan 2004/05
	E	Discretionary rate relief
Best Value		
24 Jul 03	E	Financial Services BVR
4 Sep 03	O	Human Resource Management BVR
11 Dec 03	O	BVR older people in the community

Corporate Policy /Performance Management		
12 Jun 03	O	2002/03 Service Plans Final monitoring reports
	O	Corporate Plan 2002/03 Final monitoring report
	O	Monitoring of Council plans and strategies - Report of Scrutiny Committee
16 Oct 03	O	2003/04 Service Plans half year monitoring reports
	O	Draft Equality and Diversity Policy Statement
11 Dec 03	O	Draft service plans 2004/07
29 Apr 04	O	Corporate Plan targets and milestones
Emergency Planning		
17 Feb 04	E	Hatton Flood Alleviation Scheme
29 Apr 04	O	Draft River Trent Fluvial Strategy
Service Trading Accounts		
Other		
16 Oct 03	O	Presentation on the proposed name change of EMA

Duration of Meeting								
Date	Total Number of Agenda items			Special Meeting	Number of Members Present	Time		
	O	X	T			Meeting closed at	Number of minutes	Average time (minutes) / item
12 Jun 03						8.05		
24 Jul 03						7.05		
4 Sep 03						7.20		
16 Oct 03						8.50		
11 Dec 03						8.55		
15 Jan 03						7.15		
26 Jan 03				S		6.55		
17 Feb 03				S		7.50		
18 Mar 03						6.45		
29 Apr 04						8.50		

Observations	
Members Reports - -	

Analysis of Revenue Collection ./ Benefits Committee Reports

	2001/02					2002/03					2003/04							
	Total Nr	Nr.	Accepted	Refused	Nr	Deferred	Total Nr	Nr.	Accepted	Refused	Nr	Deferred	Total Nr	Nr.	Accepted	Refused	Nr	Deferred
Revenues & Benefits Policy/ info/ other	3						6						7					
Discretionary Housing Payments Policy	1						0						0					
Hardship Relief	6		3	1	2		4		3	1	0		3		3	0	0	
Non domestic rate relief	17		11	6	0		3		2	1	0		0		0	0	0	
Rural rate relief	2		1	0	0		1		1	0	0		2		2	0	0	

DELEGATED SCHEME FOR THE GRANTING OF DISCRETIONARY RATE RELIEF DISCRETIONARY RURAL RATE RELIEF HARDSHIP RELIEF

PART ONE

CRITERIA TO BE TAKEN INTO ACCOUNT WHEN CONSIDERING APPLICATIONS FOR DISCRETIONARY RATE RELIEF

1.0 General Position

- 1.1 Relief from non-domestic rates is available to charities and other non-profit making organisations in certain circumstances.
- 1.2 Charities using premises for charitable purposes are entitled to an initial 80% relief from non-domestic rates. In addition the Council may give a further discretionary relief of up to 20%
- 1.3 Relief from non-domestic rates may also be granted to non-profit making organisations with charitable or philanthropic objectives and those involved with education, religion, social welfare, science, literature and the arts. Relief is entirely at the discretion of the Council and can be set at any level up to 100%.

2.0 General Scheme

- 2.1 The Council is required to consider each request for relief individually and should not adopt a policy which allows it to dispose of a case without any consideration of the merits or the individual case.
- 2.2 The range of bodies eligible for discretionary rate relief is wide and not all the suggested criteria will be appropriate in each case. This document contains examples of criteria which might be adopted to assist in deciding whether to grant relief and the level of relief.

3.0 Criteria

3.1 Is membership open to all sections of the community?

There may be legitimate restrictions placed on membership which relate for example to ability in a sport or to the achievement of a standard in the field covered by the organisation. Clubs or organisations which have membership rates set at such a high level so as to exclude the general community or operate an exclusive system whereby membership is determined by the votes of existing members should not normally receive relief.

3.2 Does the organisation actively encourage membership from particular groups in the community, e.g. young people, women, older age groups, persons with disability, ethnic minorities, etc?

An organisation which encouraged such membership might expect more consideration than one which made no effort to attract members from groups which the authority considered to be deserving of support.

3.3 Are the facilities made available to people other than members, e.g. schools, casual public sessions, etc?

The wider use of facilities should be encouraged and rate relief might be one form of recognition that the organisation was promoting its facilities more widely.

3.4 Does the organisation provide training or education for its members? Are there schemes for particular groups to develop their skills, e.g. young people, the disabled, retired people?

An organisation that provides such facilities might deserve more support than one which did not.

3.5 Is the membership drawn from people mainly resident in the charging authority's area?

Where hereditaments are situated close to an authority's boundary, a substantial proportion of the membership may come from another charging authority area. In considering the weight to be given to the proportion of membership from within the authority's area, authorities should not penalise organisations because of their location.

3.6 Have the facilities been provided by self-help?

A club whose members have paid for the provision or improvement of facilities themselves may be deserving of more relief than one whose facilities have been funded by grant aid. Similarly, a club which uses self-help for construction or maintenance might be more deserving of relief.

3.7 Does the organisation run a bar?

The mere existence of a bar should not in itself be a reason for not granting relief. The authority should look at the main purpose of the organisation and balance between whether the main purpose of the organisation is, for example, sporting or social activities.

3.8 Does the organisation provide facilities which indirectly relieve the authority of the need to do so, or enhance those which it does provide?

Authorities should not refuse relief on the grounds that an organisation is in competition with the authority itself, but should look at the broader context of the needs of the community as a whole.

3.9 Is the club affiliated to local or national organisations, e.g. local sports or art councils, national representative bodies and are they actively involved in local or national development of their interests?

Evidence of the impact locally of any national organisation should be considered.

3.10 Authorities may wish to add further criteria which are appropriate to the furthering of their policies and the needs of the community such as development programmes. They should be mindful of the need to encourage new activities in the wide range of organisations for which relief from rates is available.

3.11 WHEN CONSIDERING EACH CASE ON ITS MERITS, THE FINANCIAL POSITION OF EACH ORGANISATION, AS SHOWN IN THE ACCOUNTS FOR THE LAST TWO FINANCIAL YEARS, SHOULD SHOW THAT THERE IS A GENUINE NEED FOR RATE RELIEF.

THE GENERAL MEASURE USED FOR THIS IS THAT THE ACCUMULATED BALANCE SHOULD NOT EXCEED HALF OF THE NORMAL ANNUAL EXPENDITURE OF THE ORGANISATION, UNLESS THE ORGANISATION CAN SHOW A SUBSTANTIAL PART OF THE BALANCE IS RESERVED FOR REPAIRS OR IMPROVEMENTS.

Financial consideration will be of importance and will include:

- (i) accounts for the last financial year together with a statement on the current financial position and any important items likely to affect that position;*
- (ii) the level of subscriptions and the date of the last increase; and*
- (iii) the extent to which the organisation relies on its own fundraising efforts.*

- (iv) *The pricing of the organisation's facilities and services.*
- (v) *The amount of grant and other aid made available to the organisation by the Council or other fundraising bodies.*

3.12 Applications are to be effective from the start of the financial year in which the application is made.

4.0 Delegated Scheme

4.1 The delegation scheme is set out below:

- (a) Any application where a bar is run that is more than supporting the activities of the organisation (i.e. is run as social club) – see paragraph 3.7 above – should be refused.
- (b) Cases that fulfil the criteria in all the paragraphs above, be granted 80% relief.
- (c) Any applications that fulfil the criteria in paragraphs 3.1 to 3.5 and 3.11 above only, be granted 50% relief.
- (d) Discretionary relief in addition to mandatory relief should be granted at 20% for cases the equivalent to b) above and 10% for c) above. Such relief be in respect of the first 12 months following the occupation of the property by the organisation.
- (e) Any case which will have a financial impact to the Council of more than £500 will be submitted to the Finance and Management Committee for consideration.

5.0 General

5.1 In all cases where discretionary relief is granted, with the exception of 4.1 (d) above, the relief be granted for a period of 2 years.

5.2 All decisions will be notified in writing along with reasons for any refusal or restriction in relief granted.

5.3 The mechanics of the procedure are as follows:

- Report of delegated decisions to be submitted to the Finance and Management Committee.
- Appeals to be made within 14 days of the notification of the decision.
- Appeals to be on specific points i.e. those that are outlined in the decision to reject or restrict the award.
- All appeals to be submitted to the Licensing and Appeals Committee.

PART TWO

CRITERIA TO BE TAKEN INTO ACCOUNT WHEN CONSIDERING APPLICATIONS FOR DISCRETIONARY RURAL RATE RELIEF

1.0 General Position

- 1.1 Provisions to introduce Rural Rate Relief were included in schedule 1 to the Local Government and Rating Act, 1997 which made amendments to the Local Government Finance Act, 1988. The scheme has been updated during the subsequent period.
- 1.2 For any business to have the potential to qualify for this relief, it must be situated in a rural settlement. The Rural Settlement List, showing the settlements which appear to have a population of less than 3,000, has already been published.
- 1.3 There are two types of relief – Mandatory and Discretionary – which are only applicable to occupied premises:

Mandatory Relief

If a property falls into one of the following categories, it will receive 50% relief:

- The only general store in an area selling food for human consumption (not confectionery) and general household goods and its rateable value is £6,000 or less
- The only post office in an area and its rateable value is £6,000 or less
- The only public house in an area and its rateable value is £9,000 or less
- The only petrol filling station in an area and its rateable value is £9,000 or less
- A qualifying food store in an area and its rateable value is £6,000 or less (a qualifying food store does not include premises selling food for consumption on those premises or properties selling hot food for take away (i.e. chip shop or a take-away)
- A former agricultural premises in an area now used for other purposes and its rateable value is £6,000 or less (The relief is for the first five years only)

Discretionary Relief

Discretionary relief up to 100% can be granted to any ratepayer where the property is within a rural settlement and has a rateable value of £12,000 or less and

- It is used for purposes which are of benefit to the local community, and

- It is reasonable for the authority to make such a decision having regard to the interests of persons liable to pay the council tax set by it.

It should be noted that the relief is not limited to any particular type of business but should be of benefit to the rural community.

2.0 General Scheme

- 2.1 The Council is required to consider each request for relief individually and should not adopt a policy which allows it to dispose of a case without any consideration of the merits or the individual case.
- 2.2 The range of ratepayers eligible for rural rate relief is wide and not all the suggested criteria will be appropriate in each case. This document contains examples of criteria which might be adopted to assist in deciding whether to grant relief and the level of relief.

3.0 Criteria

- 3.1 The availability of the business to Council Tax payers

Whilst the business does not have to be available to all Council Tax payers in the district, it should be open and available to the majority of those in its immediate location or rural settlement.

- 3.2 Is this the sole provider in the area?

The trader does need to be the sole trader in the location. If suitable alternative services are available elsewhere in the location, then relief should not be granted.

- 3.3 What is the service offered? Is it necessary for the service to be provided in this location? Is there a direct benefit to Council Tax payers from the existence of the business?

Consideration should be given to the service offered. Is it of general use to the Council Tax payer and is it necessary for it to be provided in that location. Are there any advantages to Council Tax payers that the business exists in the area or rural settlement.

- 3.4 Will the business be able to continue if relief is granted?

If, after the granting of the relief, the ratepayer will still not be able to continue operating, then relief should not be granted. The financial circumstances of the ratepayer will need to be provided to enable this decision to be made.

- 3.5 What are the employment issues (i.e. number of employees and their skills)

Consideration should be given to the number of people employed by the ratepayer at the location and the type of skills needed. Small numbers of specialist employees should be viewed along side of a large number of more unskilled employees.

- 3.6 WHEN CONSIDERING EACH CASE ON ITS MERITS, THE FINANCIAL POSITION OF EACH RATEPAYER, AS SHOWN IN THE ACCOUNTS FOR THE LAST TWO FINANCIAL YEARS, SHOULD SHOW THAT THERE IS A GENUINE NEED FOR RATE RELIEF.

THE GENERAL MEASURE USED FOR THIS IS THAT THE ACCUMULATED BALANCE SHOULD NOT EXCEED HALF OF THE NORMAL ANNUAL EXPENDITURE OF THE RATEPAYER, UNLESS THE RATEPAYER CAN SHOW A SUBSTANTIAL PART OF THE BALANCE IS RESERVED FOR REPAIRS OR IMPROVEMENTS.

Financial consideration will be of importance and will include:

- (i) *Accounts for the last financial year together with a statement on the current financial position and any important items likely to affect that position;*
- (ii) *The pricing of the ratepayer's facilities and services.*

- 3.7 Applications are to be effective from the start of the financial year in which the application is made.

4.0 Delegated Scheme

- 4.1 The delegation scheme is set out below:

- a) Any application must, at least, satisfy the following:
 - The business has to be accessible to Council Tax payers,
 - There is a requirement for the business to be located in the area,
 - There is a direct benefit to Council Tax payers in the rural settlement,and
 - The business must be able to continue if relief were granted.
- (b) Cases that fulfil the criteria in all the paragraphs above, be granted 80% relief.
- (c) Cases that fulfil the criteria to a lesser extent, be granted up to 80% relief.
- (d) No relief will be granted in cases where paragraph 3.2 or 3.4 above are not satisfied.
- (e) The financial positional of the ratepayer will be considered.

- (f) Any case which will have a financial impact to the Council of more than £500 will be submitted to the Finance and Management Committee for consideration.

5.0 General

- 5.1 In all cases where discretionary rural relief is granted, the relief be granted for a period of 2 years.
- 5.2 All decisions will be notified in writing along with reasons for any refusal or restriction in relief granted.
- 5.3 The mechanics of the procedure are as follows:
- Report of delegated decisions to be submitted to the Finance and Management Committee.
 - Appeals to be made within 14 days of the notification of the decision.
 - Appeals to be on specific points i.e. those that are outlined in the decision to reject or restrict the award.
 - All appeals to be submitted to the Licensing and Appeals Committee.

PART THREE

CRITERIA TO BE TAKEN INTO ACCOUNT WHEN CONSIDERING APPLICATIONS FOR HARDSHIP RELIEF

1.0 General Position

- 1.1 Section 49 of the Local Government Finance Act, 1988 gives a charging authority discretion to reduce or remit the payment of the National Non-Domestic Rate where an authority is satisfied that the ratepayer would sustain hardship if it did not do so.

2.0 General Scheme

- 2.1 It must be reasonable for this authority to exercise its discretion and reduce or remit the rate having regard to the interests of its Council Tax payers

- 2.2 The legislation required the authority to be satisfied that the ratepayer would sustain hardship if the charge were not reduced or remitted and it is reasonable for the authority to grant such relief having regard to the interests of its Council Tax payers
- 2.3 A decision has to be made as to whether there can be justification in the using Council Tax payer's money to help a business. The amount of relief is considered along with the question of the business being able to continue with the granting of relief. It follows, therefore, that if it is felt that granting relief will not save a business, then "good money should not be thrown after bad".
- 2.4 Consideration should be given to the business and its use by and availability to local Council Tax payers. Are there other similar businesses in the area, or is this the sole provider? Consequently, a general corner shop in an area with a number of similar facilities would not be looked upon as favourably as a sole shop in a rural village. The type of service provided would also be taken into account. Does the service offer a direct facility to the Council Tax payers of the district? Is it important that this facility or service is available in this area? Do the Council Tax payers receive a direct benefit from the existence of the business?
- 2.5 Consideration is also given to the effect on local employment issues. The number of employees and their skills are considered when trying to assess the use of Council Tax payer's money.

3.0 Criteria

3.1 The availability of the business to Council Tax payers

Whilst the business does not have to be available to all Council Tax payers in the district, it should be open and available to the majority of those in its immediate location. The goods/services provided should also be available to the majority of Council Tax payers.

3.2 Is this the sole provider in the area?

The trader does need to be the sole trader in the location. If suitable alternative services are available elsewhere in the location, then relief should not be granted.

3.3 What is the service offered? Is it necessary for the service to be provided in this location? Is there a direct benefit to Council Tax payers from the existence of the business?

Consideration should be given to the service offered. Is it of general use to the Council Tax payer and is it necessary for it to be provided in

that location. Are there any advantages to Council Tax payers that the business exists in the area.

- 3.4 Does the service offer a direct facility to the Council Tax payers of the district?

Again, does the service offer a facility directly to the payers in the district or could they obtain that service from another nearby location.

- 3.5 Will the business be able to continue if relief is granted?

If, after the granting of the relief, the ratepayer will still not be able to continue operating, then relief should not be granted. The financial circumstances of the ratepayer will need to be provided to enable this decision to be made.

- 3.6 What are the employment issues (i.e. number of employees and their skills)

Consideration should be given to the number of people employed by the ratepayer at the location and the type of skills needed. Small numbers of specialist employees should be viewed along side of a large number of more unskilled employees.

- 3.7 WHEN CONSIDERING EACH CASE ON ITS MERITS, THE FINANCIAL POSITION OF EACH RATEPAYER, AS SHOWN IN THE ACCOUNTS FOR THE LAST TWO FINANCIAL YEARS, SHOULD SHOW THAT THERE IS A GENUINE NEED FOR RATE RELIEF.

THE GENERAL MEASURE USED FOR THIS IS THAT THE ACCUMULATED BALANCE SHOULD NOT EXCEED HALF OF THE NORMAL ANNUAL EXPENDITURE OF THE RATEPAYER, UNLESS THE RATEPAYER CAN SHOW A SUBSTANTIAL PART OF THE BALANCE IS RESERVED FOR REPAIRS OR IMPROVEMENTS.

Financial consideration will be of importance and will include:

- (i) Accounts for the last financial year together with a statement on the current financial position and any important items likely to affect that position;*
- (ii) The pricing of the ratepayer's facilities and services.*

- 3.8 Applications are to be effective from the start of the financial year in which the application is made.

4.0 Delegated Scheme

4.1 The delegation scheme is set out below:

- (a) Any application must, at least, satisfy the following:
 - The business has to be accessible to Council Tax payers,
 - There is a requirement for the business to be located in the area,
 - There is a direct benefit to Council Tax payers, and
 - The business must be able to continue if relief were granted.
- (b) In cases that fulfil the criteria in all the paragraphs above, be granted 80% relief.
- (c) Cases that fulfil the criteria to a lesser extent, be granted up to 80% relief.
- (d) No relief will be granted in cases where paragraph 3.2 or 3.5 above are not satisfied
- (e) The financial positional of the ratepayer will be considered.
- (f) Any case which will have a financial impact to the Council of more than £500 will be submitted to the Finance and Management Committee for consideration.

5.0 General

5.1 In all cases where hardship relief is granted, the relief be granted for the period of one financial year only.

5.2 All decisions will be notified in writing along with reasons for any refusal or restriction in relief granted.

5.3 The mechanics of the procedure are as follows:

- Report of delegated decisions to be submitted to the Finance and Management Committee.
- Appeals to be made within 14 days of the notification of the decision.
- Appeals to be on specific points i.e. those that are outlined in the decision to reject or restrict the award.
- All appeals to be submitted to the Licensing and Appeals Committee.

PART FOUR

1.0 Financial Implications

1.1 The funding of such relief is as follows:

	<u>Non-Domestic Rate Pool</u>	<u>General Fund</u>
Mandatory Relief	100%	Nil
Additional Discretionary		
Relief for mandatory cases	25%	75%
Discretionary Relief	75%	25%
Rural Rate Relief (discretionary)	75%	25%
Hardship Relief	75%	25%

Draft Work Programme – Finance & Management Committee 2003/04 example							
Date	Finance Strategy & Monitoring / Asset Mgt	Corporate Policy / Perf Mgt	Personnel	Best Value	Special Projects	IT / Customer Services	Responsive Issues
12 June 03	Disbursement of Planning Delivery Grant 2003/04	Monitoring of Council Plans and Strategies 2002/03 Service Plans- Final monitoring reports 2002/03 Corporate Plan – Final monitoring report	Community Drugs Officer Accommodation- staff & Members Report of the R & R Panel		Establish Service & Financial Planning Working Group Establish section 106 Funding working Group	Electronic Communications Policy	LSP Draft Constitution H & CTB fraud issues NNDR relief
24 July 03	Accounts & Audit Regulations Risk Mgt- Progress report Budget out turn 2002/03 Financial Strategy – financial projections to 2005/06 Asset Mgt Plan		Annual Re-grading applications One Stop Disabled Adaptations Service	Financial Services BVR	Review of Committee terms of reference Independent Remuneration Panel		

Date	Finance Strategy & Monitoring / Asset Mgt	Corporate Policy / Perf Mgt	Personnel	Best Value	Special Projects	IT / Customer Services	Responsive Issues
4 Sept 03	Treasury Management Report Renewal of insurance premiums		Revised Employee Code of Conduct Member / Employee Protocol Contract for the supply of temp staff Partnership Community Engagement Officer Posts requiring disclosure Application to change working arrangements	Human Resources BVR			Mortgage Interest Rate
16 Oct 03	New prudential system for capital and housing finance in local govt Scrutiny report- scoring system Benefit Fraud investigation Asset Mgt consultants report Village Halls & Premises	Service Plans 2003/04 ½ year reports Draft Equality & Diversity Statement					NNDR relief Proposed name change of EMA

Date	Finance Strategy & Monitoring / Asset Mgt	Corporate Policy / Perf Mgt	Personnel	Best Value	Special Projects	IT / Customer Services	Responsive Issues
11 Dec 03	H & C Tax Benefit C Tax discounts & exemptions Lease arrangements Bank House	Draft Service Plans 2004/07	Re-grading applications 2003/04 Agency workers Car user allowances Housing staffing structure ASB Officer	Older People in the Community BVR	Customer First Project		Land sales
15 Jan 04	General Fund Budgets and Capital Programme 2003/04 and 2004/05 Consolidated Revenue Budgets and Capital programme 2003/04 and 2004/05 Sale of Grove Street				Partnership Funding Working Group	New Telecomm System	Write off of C Tax & NNDR

Date	Finance Strategy & Monitoring / Asset Mgt	Corporate Policy / Perf Mgt	Personnel	Best Value	Special Projects	IT / Customer Services	Responsive Issues
26 Jan 04	Spending Plans 2004/05						
17 Feb 04	Consolidated Revenue Budgets and Capital programme 2003/04 and 2004/05 – Final Repayment of PWLB Debt Internal Audit – Annual Report Review of budget proposals –Scrutiny Report	Child Protection Policy	Re-grading applications 2003/04 Funding of Env. Education Service			Partnership Funding Working Group	Diversity & Equalities Champion Financial Write offs Derby & Derbys Economic Partnership – Funding Request NNDR/Rural rate relief Hatton Flood Alleviation Scheme

Date	Finance Strategy & Monitoring / Asset Mgt	Corporate Policy / Perf Mgt	Personnel	Best Value	Special Projects	IT / Customer Services	Responsive Issues
18 March 04		Equality Standard for Local Govt					Statement of intent with regard to asbestos within council owned buildings Financial Write offs
29 April 04	Treasury Management Strategy 2004/05 Budget Proposals – Scrutiny Report Day to Day gas servicing mntce contract 2004/07 Money Laundering CTB take-up campaign Benefit Fraud Business Plan 2004/05 Capital Strategy Expressions of interest – Former sheltered housing units	Corporate Plan targets & milestones	Senior Management Review			Allocation of IEG funding and non IEG Projects	Refuse service – assimilation of staff member Discretionary rate relief Draft River Trent Fluvial strategy

REPORTING THE HOUSING REVENUE ACCOUNT

Why this needs to be considered and approved by the Council's Finance and Management Committee

1. The HRA is a "ring-fenced" account.
2. However, the HRA only forms part of an authority's General Fund under Section 91 of the Local Government Finance Act 1988.
3. Consequently, HRA transactions feed into the Councils consolidated General Fund and are reported as such within the statutory accounts. Any changes in rules affecting the HRA have an impact on the overall General Fund and ultimately the level of Council Tax.
4. In particular, the impact of capital financing charges (the Item 8 debit and credit mechanism) and housing benefit. In addition, variations in staffing and other cost allocations can have an affect.
5. Furthermore, any actual deficit on the HRA needs to be met from the overall General Fund (subject to Government approval).
6. Under terms FM08, the Finance Committee is responsible for the consolidated budgets and accounts of the council, i.e. the General Fund.
7. Notwithstanding the statutory basis, if the HRA were not reported as part of this, then Finance Committee would potentially be making decisions without considering a fundamental piece of the jigsaw.
8. In addition, this statutory basis has been enhanced by the Local Government Act 2003. In particular, Sections 25 to 29 governing financial administration which, for all services, includes:
 - Requirement of Section 151 Officer to comment on budget proposals and robustness of estimates
 - Financial risk analysis
 - Adequacy of reserves
9. These issues need to be considered as part of the Council's budget and council tax setting process reported to the Committee responsible for overall financial matters, i.e. the Council's Finance Committee.
10. In addition, CIPFA's Prudential Code of Practice (that has statutory backing under the 2003 Act) requires that the financial plans of an authority are integrated and brought together to the responsible body (i.e. Finance Committee), including:
 - Integrated capital and revenue budgeting to include all Council services
 - The setting and monitoring of Prudential Indicators for all Services