

# Public Document Pack

## NORTH LINCOLNSHIRE COUNCIL

<b>GOVERNANCE SCRUTINY PANEL</b>
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### SPECIAL MEETING

**28 September 2022**

**Chairman:** Councillor D Robinson

**Venue:** Room F01e,  
Conference Room,  
Church Square House

**Time:** 3.00 pm

**E-Mail Address:**  
Matthew.nundy@northlincs.gov.uk

### AGENDA

1. Substitutions.
2. Declarations of disclosable pecuniary interests and personal or personal and prejudicial interests and declarations of whipping arrangements (if any).
3. Public speaking requests, if any.
4. Item requested for call-in, in accordance with paragraph 22 of Part D Rule 5 (Overview and Scrutiny Procedure Rules) of the council's constitution. (Pages 1 - 16)

Minute 1 of the Finance, Governance and Veterans Cabinet Member meeting held on 20 September 2022 – National Non-Domestic Rate Discretionary Relief Applications

5. Any other items that the Chairman decides are urgent by reason of special circumstances that must be specified.

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## PART D RULE 5 - OVERVIEW AND SCRUTINY PROCEDURE RULES

Call-in should only be used in exceptional circumstances. These are where members of the appropriate scrutiny panels have evidence which suggest that the cabinet or decision maker did not take the decision in accordance with the principles set out in Article 13 of the Constitution. (Call-in is of a decision made, but not yet implemented).

- (a) When decisions are made by the cabinet, an individual member of the cabinet or a committee of the cabinet, or a key decision is made by an officer under delegated authority (or under joint arrangements), those decisions shall be published, including wherever possible by electronic means, and shall be available at the main offices of the council normally within two working days of being made.
- (b) Chairmen and vice-chairmen of all scrutiny panels will also be sent copies of the records of all such decisions within the same timescale by the person responsible for publishing the decision, i.e. the proper officer of the council or his representative.
- (c) On publication of decisions in accordance with the council's executive arrangements, those decisions which can be subject to call-in as detailed in paragraph D5.22 (a) will come into force and may then be implemented on the expiry of two working days after publication, unless a scrutiny panel objects to a particular decision and calls it in.
- (d) During the period referred to in (c) above, the Director: Governance and Partnerships shall call in a decision for scrutiny by the relevant scrutiny panel if so requested by the chairman or any two members of any scrutiny panel, and shall then notify the decision taker of the calling in of a particular decision. The request shall also give clear reasons why the decision has been called in. (A proforma is available electronically from the Service Manager: Democracy).
- (e) Where a decision has been called in, any action to implement that decision will be suspended until it may be made in accordance with the following provisions of this procedure rule.
- (f) In consultation with the chairman of the relevant scrutiny panel, the Director: Governance and Partnerships shall call a meeting of that panel on such a date and at such time to be determined within five working days of the decision to call-in. The relevant cabinet member (together with the Chief Executive and/or Director(s)) shall be requested to be available to attend the meeting in order to respond to any questions from the panel on or relevant to the decision.
  - An agenda for the meeting to consider the called in decision will be sent to members of the scrutiny panel with a copy of the request for call-in, a copy of the decision and a copy of the report on which the decision was based.

- At the meeting of the panel the chairman or a nominee of the members who have requested the call-in, shall be required to present the reasons why the decision has been called in and initiate any questioning of the relevant cabinet member(s), together with the Chief Executive and/or Director(s), on or relevant to the decision.
  - The chairman shall then invite other members of the panel to ask the relevant cabinet member (together with the Chief Executive and/or Director(s) any further questions on or relevant to the decision.
  - The panel will then consider whether it has sufficient material before it on which to decide the next course of action i.e. to take no further action on the decision, refer it back to the decision maker for reconsideration or (in limited circumstances) to refer it to the council (see paragraphs (g) - (m) below).
  - If the panel decides that it needs further information and/or the attendance of particular persons in order to reach a decision it shall arrange a further meeting to enable the information and/or persons to be available.
  - The decision will remain suspended until the scrutiny process has been completed and one of the outcomes set out in paragraph (g) has been achieved.
- (g) If, having considered the decision, the relevant scrutiny panel is still concerned about it, then it may -
- (i) recommend (with any representations), that the decision be reconsidered by the body or person that made it, or
  - (ii) arrange for the full council to consider the decision and, where necessary, ask the executive or decision maker to reconsider it.
- If the decision is referred back to the decision maker or decision making body, that decision should be reconsidered within a further five working days.
- (h) Where the decision maker or decision making body reconsiders the decision it could -
- (i) confirm the original decision, or
  - (ii) agree to change that decision having considered the representations made by the scrutiny panel.
- (i) If, following an objection to a particular decision, the panel does not meet, or does meet but does not refer the matter back to the decision

making person or body, that decision shall take effect on the date of the scrutiny meeting, or the expiry of that further five working day period referred to in paragraph (f) above, whichever is the earlier.

- (j) The relevant scrutiny panel may exercise its power in section 21(3)(b) of the Local Government Act 2000 to refer a matter to the council only if the panel considers that the decision is contrary to the policy framework or contrary to, or not wholly in accordance with the budget.
- (k) If a matter is referred to the full council in accordance with paragraph (j) above, the Director: Governance and Partnerships in consultation with the Mayor shall call an extraordinary meeting of the council within seven working days.
- (l) If the council does not object to a decision which has been made, then no further action is necessary and the decision will become effective on the date of that council meeting. However, if the council does object it has no power to make decisions in respect of an executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the council will refer any decision to which it objects back to the decision making person or body, together with its views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the cabinet as a whole or a panel of it, a meeting will be convened to reconsider that decision within five working days of the council request. Where the decision was taken by an individual cabinet member, that individual should reconsider the decision within five working days of the council request.
- (m) If the council does not meet, or if it does but does not refer the decision back to the decision making person or body, that decision will become effective on the date of the council meeting or expiry of the period in which the council meeting should have been called, whichever is the earlier.
- (n) The call-in procedure set out above shall not apply where the decision being taken by the Executive is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. In the case of a key decision the provisions of Part D Rule 2.17 must be observed before the decision is taken. Such key decisions taken as a matter of urgency must be reported in accordance with Part D Rule 2.18 (2).
- (o) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to council with proposals for review if necessary.

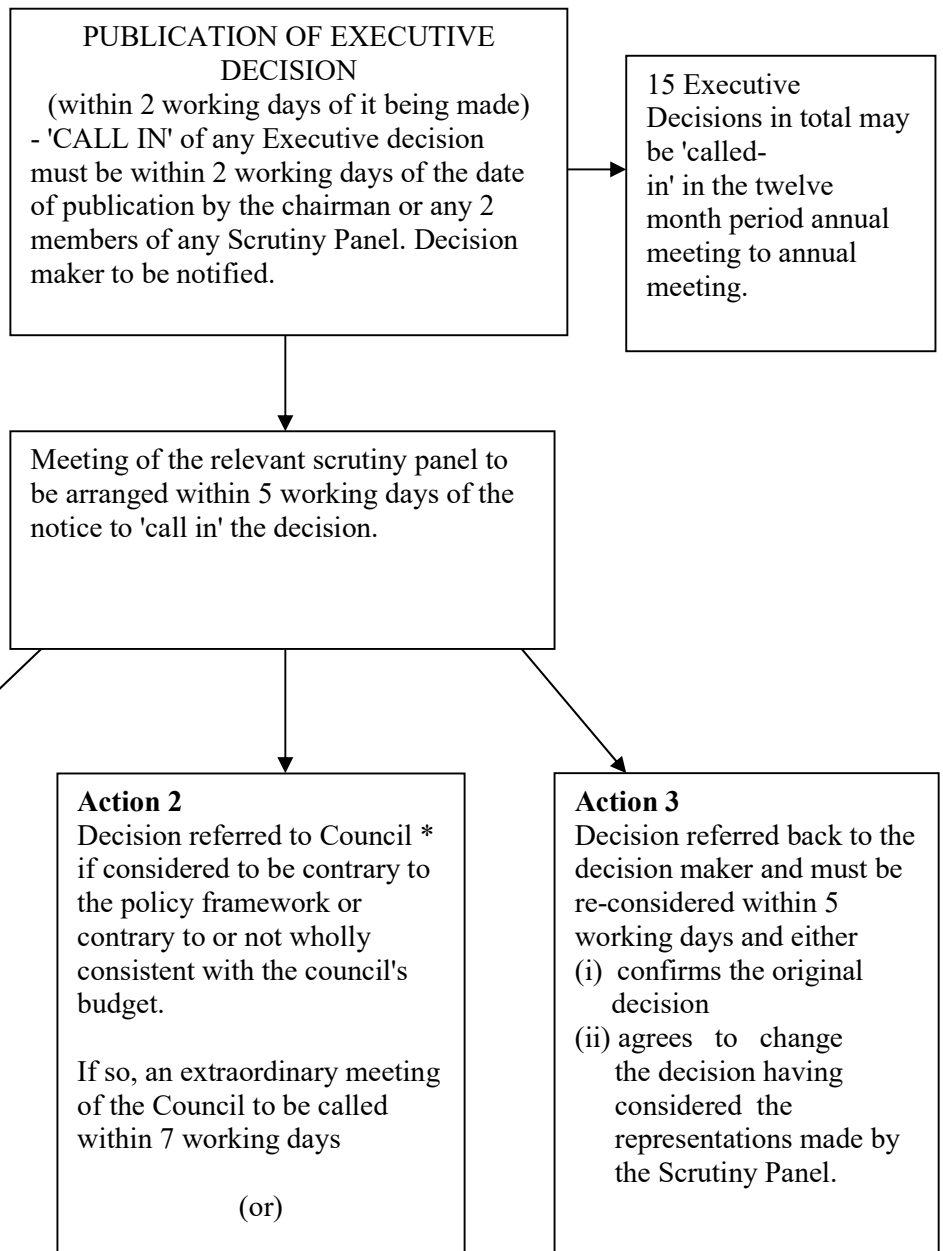
- (p) In order to ensure that call-in is not abused, nor causes unreasonable delay, but at the same time to ensure that there is an appropriate balance between effectively holding the Executive to account, being able to question decisions before they are implemented and allowing effective and efficient decision making by the Executive within the policy framework and budget agreed by the council, the following limitations have been placed on its use -
- (i) Call-in of any Executive decision must be within two working days of the publication of a decision.
  - (ii) The chairman or any two members of any overview and scrutiny panel are needed for a decision to be called in.
  - (iii) Overview and scrutiny panels may call-in fifteen Executive decisions in total in the twelve month period, annual meeting to annual meeting.

(An illustrated version of the 'Call-in' procedure is set out for ease of reference in Table two at the end of these procedure rules).

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**Table Two**

**'CALL IN' OF DECISIONS  
MADE BUT NOT IMPLEMENTED (AND NOT URGENT)**



**Action A**

If the Council does not object to the decision then no further action is necessary and the decision will become effective on the date of the council meeting or if it does not meet on the expiry of the 7<sup>th</sup> day whichever is the earliest

**Action B**

If the Council does object to the decision, (it has no power to make a decision on an executive decision unless it is contrary to the policy framework or not wholly consistent with the budget) - the council will refer it back to the decision maker with its views. A meeting must then be held on the decision within 5 working days and can either choose to amend the decision or not before reaching a final decision and implementing it.



THE DIRECTOR GOVERNANCE AND PARTNERSHIPS IS REQUESTED TO **CALL-IN A**

DECISION OF **Director of Finance, Governance and Veterans Cabinet Member**

TAKEN ON **20<sup>th</sup> September 2022**

TITLE OF REPORT **National Non- Domestic Rate Discretionary Relief Applications**

MINUTE REFERENCE .....1..... REPORT REFERENCE .....1.....

CALL-IN REQUESTED BY *(See Note 1)* **Cllr Lorraine Yeadon**

Chairman or any two Members of any Overview and Scrutiny Panel

Name

Signature

**Cllr Lorraine Yeadon**



**Cllr Steve Swift**



DATE **21<sup>st</sup> September 2022**

Outline reasons for seeking a review of the decision and proposed alternative course of action

**The reasons for calling this in is that the amount awarded to the Workers Educational Association (£215 – 5%) is very small in comparison to other awards (100% for Crowle regeneration project £8692).**

**How is the level of support decided? As the percentage of the total rates bill is not consistent across all applications.**

**Does the framework consider the value to the community and if so, was the fact that Workers Educational Association is an educational establishment fully taken into account?**

Is the decision considered to be contrary to the policy framework or contrary to, or not wholly in accordance with the budget?

**No**

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**NORTH LINCOLNSHIRE COUNCIL**

**FINANCE, GOVERNANCE AND VETERANS  
CABINET MEMBER**

**NATIONAL NON-DOMESTIC RATE DISCRETIONARY RELIEF APPLICATIONS**

**1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 To decide the level of National Non-Domestic Rate (NNDR) discretionary relief to be awarded to eligible ratepayers in North Lincolnshire.
- 1.2 Rate reliefs provided to specific charitable organisations and other not for profit organisations have recently been reviewed and the recommended levels have been revised.
- 1.3 The award and review of business rate reliefs is undertaken in line with national guidance and local criteria which supports the council in the delivery of its priorities.

**2. BACKGROUND INFORMATION**

- 2.1 The arrangements for the collection of National Non-Domestic Rates (NNDR) are set nationally through legislation. The legislation makes provision for local authorities to grant relief to a range of non-domestic properties in a range of defined circumstances. This includes, for example, small business relief, charitable relief and empty property relief. Some relief is mandated and must be granted; other relief is discretionary. The council also has a relief scheme for cases of exceptional hardship.
- 2.2 The application of these provisions for granting NNDR relief help the council to deliver its council plan priorities, specifically Enabling Economic Growth & Renewal and Resilient & Flourishing Communities. An award of discretionary relief is made following an assessment of an organisation's circumstances using defined criteria. Under the current regime of part localisation of NNDR, the council funds a proportion of both the mandatory and discretionary reliefs it gives.
- 2.3 Three new applications for relief have been received and are set out in appendix A.
- 2.4 Periodically the awards are reviewed to consider any changes in circumstances that have occurred since the original assessment and reliefs are adjusted accordingly. This report also considers the findings of a recent review of reliefs provided to two charitable/Not For Profit organisations and recommends revisions as set out in the attached appendix B.

### **3. OPTIONS FOR CONSIDERATION**

3.1 Option 1 – Award the recommended level of relief as set out in the attached appendices.

3.2 Option 2 – Consider a level of relief different to that recommended

### **4. ANALYSIS OF OPTIONS**

4.1 Option 1 is recommended. The use of approved criteria for evaluating applications helps to ensure fairness and provides an evidenced basis for the award of relief to applicants.

### **5. FINANCIAL AND OTHER RESOURCE IMPLICATIONS (e.g. LEGAL, HR, PROPERTY, IT, COMMUNICATIONS etc.)**

5.1 The cost of business rates reliefs is budgeted for as part of the council's collection fund. The budget for 2022/23 was set at £206k. The estimated additional cost of the proposed new relief is containable within the overall collection fund.

### **6. OTHER RELEVANT IMPLICATIONS (e.g., CRIME AND DISORDER, EQUALITIES, COUNCIL PLAN, ENVIRONMENTAL, RISK etc.)**

6.1 There are no relevant implications or risks to declare.

### **7. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)**

7.1 An Integrated Impact Assessment is not required.

### **8. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED**

8.1 No consultation is required.

8.2 There are no conflicts of interests to declare.

### **9. RECOMMENDATIONS**

9.1 To award the revised levels of rate relief to charitable organisations as set out in the attached appendices to this report.

DIRECTOR OF GOVERNANCE AND COMMUNITIES

Church Square House  
SCUNTHORPE  
North Lincolnshire  
DN15 6NL  
Author: R Catlyn/J Whaler  
Date: 30 August 2022

**Background Papers used in the preparation of this report –**  
Local Government Finance Act 1988/ Local Government and Rating Act 1997  
Application Forms/Exempt Application Form

**APPENDIX A - NEW APPLICATIONS : CHARITY/NON PROFIT**

App No.	Ratepayer	Property Address	Mandatory Charity 80%	PRN	Suggested Disc Relief %	Discretionary Relief £
1	Connect Foundation	Workshop – Unit 3 Bedford Park, Banbury Road, Scunthorpe, DN16 1UL	Y	ND440282768	20%	363.59
2	Crowle & Ealand Regeneration Project Ltd	Shop – 52/54 High Street, Crowle, DN17 4LB	N	ND630790493	100%	8692.85
3	Foresight North East Lincolnshire Ltd	Club (Social) – The Elm Pool, 28 Crosby Road, Scunthorpe, DN15 6SF	Y	ND440264119	15%	820.27
					<b><u>Total</u></b>	<b><u>9876.71</u></b>

**APPENDIX B - APPLICATION REVIEW**

App No.	Ratepayer	Property Address	Mandatory Charity 80%	PRN	Suggested Disc Relief %	Previous Disc Relief %	Difference In Relief £
1R	Ashby Decoy Golf Club	Golf Course – Burringham Road Scunthorpe DN17 2AB	Y	ND100109110	20%	0%	4505.60
2R	Workers Educational Association	Adult Education Centre – Wells Street, Scunthorpe DN15 6HL	Y	ND445000234	5%	0%	215.04
<b><u>Total</u></b>							<b><u>4720.64</u></b>

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**1 NATIONAL NON-DOMESTIC RATE DISCRETIONARY RELIEF APPLICATIONS** – The Director: Governance and Communities submitted a report seeking a decision on the level of National Non-Domestic Rate (NNDR) discretionary relief to be awarded to eligible ratepayers in North Lincolnshire.

The arrangements for the collection of National Non-Domestic Rates (NNDR) were set nationally through legislation. The legislation made provision for councils to grant relief to a range of non-domestic properties in a range of defined circumstances. This included, for example, small business relief, charitable relief and empty property relief. Some relief was mandated and must be granted; other relief was discretionary. The council also had a relief scheme for cases of exceptional hardship.

The application of these provisions for granting NNDR relief helped enable the council to deliver its council plan, specifically the priorities of Enabling Economic Growth and Renewal and Resilient and Flourishing Communities.

Under the current regime of part localisation of NNDR, the council funded a proportion of both mandatory and discretionary reliefs it gave.

The report considered three new applications for relief and set out the proposed level based on an evaluation against set criteria.

Periodically the awards were reviewed to consider any changes in circumstances that had occurred since the original assessment and reliefs were adjusted accordingly. The report also considered the findings of a recent review of reliefs provided to two charitable/Not for Profit organisations and recommends revisions, as set out in the Appendix B to the report.

**Resolved** –That the revised levels of rate relief to charitable organisations, as set out in appendices to the report, be approved.

**Publication date:** 20/09/2022

**Date of decision:** 20/09/2022

**Decided at meeting:** 20/09/2022 - Finance, Governance and Veterans Cabinet Member

**Effective from:** 24/09/2022

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