



**REPORT of
CHIEF EXECUTIVE**

**to
COUNCIL
21 DECEMBER 2017**

RECOMMENDATIONS OF COMMITTEES FOR DECISION BY THE COUNCIL

1. PURPOSE OF THE REPORT

1.1 To present for the decision of the Council the recommendations of the Committees.

2. RECOMMENDATION

That Members consider the recommendations from the following Committees contained in sections 3 and 4 of this report:

Section 3: Planning and Licensing Committee – 16 November 2017

- Taxi and Private Hire Criminal Convictions Policy, Licensing Conditions and Scheme of Delegation (section 3.2)
- Taxi and Private Hire Medical Exemption Policy (section 3.3)
- Brownfield Land Register (section 3.4)
- Code of Good Practice and Guidance on the Conduct of Planning Matters (section 3.5)

Section 4: Finance and Corporate Services Committee – 28 November 2017

- Discretionary Rate Relief Scheme and Approval of Annual Rural Settlement List (section 4.2)
- Local Council Tax Support Scheme 2018/19 (section 4.3)
- Annual Review of Financial Regulations (section 4.4)
- Replacement Commissioning and Procurement Strategy and Contract Procedure Rules (section 4.5)
- Half Yearly Treasury Management Update (section 4.6)
- 2018/19 Budget Proposals (section 4.7)
- Council Tax Base 2018 / 19 (section 4.8)

3. PLANNING AND LICENSING COMMITTEE – 16 NOVEMBER 2017

3.1 Web link to agenda, reports and Minutes for the above meeting

<https://democracy.maldon.gov.uk/ieListDocuments.aspx?CIId=133&MIId=1262&Ver=4>

3.2 MINUTE 590 - TAXI AND PRIVATE HIRE CRIMINAL CONVICTIONS POLICY, LICENSING CONDITIONS AND SCHEME OF DELEGATION

3.2.1 Minute Extract:

The Committee received the report of the Chief Executive, the purpose of which was to consider a draft policy for the taxi and private hire trade in relation to the suitability of new applications and current licence holders with criminal convictions; to make changes to the taxi and private hire licensing conditions and the scheme of delegation to reflect the draft policy and to bring it up to date.

The Chairman advised the Committee that this report had come forward as a result of concerns raised by Councillor B F Acevedo. Members were concerned about the arrangements for dealing with property left in taxis. It was agreed that the Chairman, in consultation with the Licensing Officer and the Senior Solicitor, would discuss this and update the policy to include the appropriate wording. Subject to this, the Committee recommended that the policy be endorsed by Council.

3.2.2 Committee recommendation:

- (i) that the policy for the taxi and private hire trade in relation to the suitability of new applicants and current licence holders with criminal convictions (set out in **APPENDIX 1** to these Minutes) be endorsed;
- (ii) that the licensing conditions and scheme of delegation be updated and changed to reflect the policy.

3.3 MINUTE 591 - TAXI AND PRIVATE HIRE MEDICAL EXEMPTION POLICY

3.3.1 Minute Extract:

The Committee received the report of the Chief Executive, the purpose of which was to consider a policy for the exemption of taxi and private hire drivers from the duties placed upon them by the Equality Act 2010 and to consider an amendment to the taxi and private hire licensing conditions to take account of the new duties placed upon drivers of designated wheelchair accessible vehicles.

3.3.2 Committee recommendation:

- (i) that the policy for the exemption of taxi and private hire drivers from the duties placed upon them by the Equality Act 2010 (**APPENDIX 2** to these Minutes) be endorsed;
- (ii) that the amendments to the taxi and private hire licensing conditions (as set out detailed below) be agreed.

‘The driver shall carry a disabled person’s dog (e.g. guide or hearing dogs) and allow it to remain with that person or, if a driver of a designated wheelchair accessible vehicle, wheelchair passengers at no additional cost, as specified in sections 165 and 168 of the Equality Act 2010, unless exempted by the Council on medical grounds.’

3.4 **MINUTE 594 - BROWNFIELD LAND REGISTER**

3.4.1 Minute Extract:

The Committee received the report of the Chief Executive which provided an update on preparing and publishing a Brownfield Land Register.

The Planning Policy Manager advised Members that Part 1 of the Brownfield Land Register must be published by 31 December 2017.

3.4.2 Committee recommendation:

That the publication of the Brownfield Land Register on the Council’s website be approved.

3.5 **MINUTE 597 - CODE OF GOOD PRACTICE AND GUIDANCE ON THE CONDUCT OF PLANNING MATTERS**

3.5.1 Minute Extract:

The Committee received the report of the Chief Executive which sought endorsement of the Code of Practice and Guidance on the Conduct of Planning Matters (Appendix 1 to the report) for recommendation to the Council for adoption as part of its Constitution in the light of further revision.

The Chairman advised that this report had come back to this Committee as the version taken to Council had been incorrect. This was the correct version.

3.5.2 Committee recommendation:

- (i) that the Code of Practice and Guidance on the Conduct of Planning Matters (attached as **APPENDIX 3** to these Minutes) be endorsed and the Council is recommended to adopt it as an annexe to the Constitution;
- (ii) that the changes to constitutional arrangements as set out below, be agreed.

Procedure Rule 13 – Voting

Add to (1) – If a Member has not been present at the meeting for the whole of the consideration of a planning application or related matter, or has not undergone fundamental induction training once such a programme has been introduced he/she shall not vote on the matter.

Planning and Licensing Committee Scheme of Delegation

To the Chief Executive (Director) –

In consultation with the Chairman of the Committee, to review the accuracy of agreed planning conditions due to the passage of time between the Committee decision and the issue of a decision notice consequent upon the completion of a S106 planning obligation.

Terms of Reference of Area Planning Committees

Delete provision (a) – To consider and report to the Council
Amend existing para. (b)(i)11 by the deletion of “The approval of”

4. FINANCE AND CORPORATE SERVICES COMMITTEE – 28 NOVEMBER 2017

4.1 **Web link to agenda, reports and Minutes for the above meeting**
<https://democracy.maldon.gov.uk/ieListDocuments.aspx?CIId=131&MIId=1242&Ver=4>

4.2 MINUTE 638 - DISCRETIONARY RATE RELIEF SCHEME AND APPROVAL OF ANNUAL RURAL SETTLEMENT LIST

4.2.1 Minute Extract (DRAFT as Minutes have not been finalised):

The Committee considered the report of the Director of Customers and Community seeking Members’ approval of the proposed Discretionary Non Domestic Rates Relief Scheme (attached as Appendix 1 to the report).

It was noted that the Government had announced a package to help businesses affected by significant increases in business rates as a result of the 2017 revaluation and details of these schemes were set out in Appendix 2 to the report. Members were advised that the Council had implemented two of the schemes and developed a policy with other Essex authorities in respect of the third.

4.2.2 Committee recommendation:

That the proposed Discretionary Non Domestic Rate Relief Scheme (attached as **APPENDIX 4** to this report) be approved.

4.3 MINUTE 639 - LOCAL COUNCIL TAX SUPPORT SCHEME 2018 / 19

4.3.1 Minute Extract (DRAFT as Minutes have not been finalised):

The Committee considered the report of the Director of Customers and Community providing an update on the cost and impact of the current 2017 / 18 Local Council Tax Support (LCTS) Scheme for the Maldon District. Members’ approval was also sought for a substantially unchanged cost neutral scheme for 2018 / 19.

It was noted that a recent consultation exercise had been untaken and the key outcomes was set out in the report. The only change recommended to the LCTS Scheme for 2018 / 19 were for a cost of living increase in line with the rates proposed by the Department for Work and Pensions for pensioners.

4.3.2 Committee recommendation:

- (i) that a cost of living increase in line with the Department for Work and Pensions schemes be included in the Local Council Tax Support Scheme (LCTS) for 2018 / 19 for Pensioners only;
- (ii) that any legislative changes being introduced to the Housing Benefit Scheme for 2018 / 19 are mirrored in the Councils LCTS scheme to ensure consistency;
- (iii) that a disregard of low value income changes notified electronically by the Department of Work and Pensions be allowed for;
- (iv) that in all other respects the Local Council Tax Support Scheme and Hardship Scheme remain unchanged, and that this decision has been made following Members' careful reading of, and regard to the Equality Impact Assessment at **APPENDIX 5** to this report.

4.4 MINUTE 640 - ANNUAL REVIEW OF FINANCIAL REGULATIONS

4.4.1 Minute Extract (DRAFT as Minutes have not been finalised):

The Committee considered the report of the Director of Resources seeking approval of revisions to the Financial Regulations as part of the regular annual review.

The changes to Financial Regulations were highlighted within the report and an updated version was attached as Appendix 1. It was noted that there were a number of additional policies and procedures relating to financial processes maintained by the Finance Team. Members were reminded of their request at the last meeting for procured notes for debtors and creditors and these were attached as Appendix 2 and 3 to the report respectively.

In response to a question regarding not extending debts to those who have had previous debt with the Council, the Director of Resources advised that the Council could operate a list if this was the requirement of Members, but was not something currently done.

Councillor A S Fluker proposed that the Council should not extend debts to those persons whom had had previous debts to the Council written off. This proposal was duly seconded and agreed.

4.4.2 Committee recommendation:

That subject to the above amendment, the Financial Regulations attached as **APPENDIX 6** to this report, be approved.

4.5 **MINUTE 642 - REPLACEMENT COMMISSIONING AND PROCUREMENT STRATEGY AND CONTRACT PROCEDURE RULES**

4.5.1 Minute Extract (DRAFT as Minutes have not been finalised):

The Committee considered the report of the Director of Resources seeking Members' approval of the Procurement Strategy (attached at Appendix A to the report) and Contract Procedure Rules (Appendix B) which had been updated and modified.

It was noted that the Commissioning and Procurement Strategy had been re-written to ensure it met the needs of the Authority and the report identified a number of requirements that had to be considered.

4.5.2 Committee recommendation:

That the updated Commissioning and Procurement Strategy (attached as APPENDIX 7 to this report) and Contract Procedure Rules (APPENDIX 8) be agreed

4.6 **MINUTE 645 - HALF YEARLY TREASURY MANAGEMENT UPDATE**

4.6.1 Minute Extract (DRAFT as Minutes have not been finalised):

The Committee received the report of the Director of Resources reporting on the Council's investment activity for the first half of 2017 / 18 in accordance with the Chartered Institute of Public Finance and Accountancy (CIPFA) and Accountancy Treasury Management code and the Council's Treasury Management Policies and Practices (TMPs).

The report detailed the Council's investment activity for both investments and instant access reserve accounts. Security of capital had remained the Council's main investment objective, which had been maintained by following the Council's counterparty policy.

Appendix 1 to the report had been prepared by Arlingclose (who provide treasury management consultancy and advice to the Council) and provided an overview of the external economic environment. The report outlined investment activity for April – September 2017.

The report provided Members with an update on Counterparty risk and projected investment income for the year. It was noted that the Council had complied with its Prudential Indicators for 2017 / 18 and this was detailed in Appendix 2 to the report.

Members were advised of a number of proposed amendments to the Treasury Management Strategy and these were detailed in Appendix 3 to the report. The investment strategy had also been updated to enable the Council's available funds to be invested to make better returns.

In response to a number of questions the Director of Resources provided Members with further information regarding the operational boundary for External debt, commercialisation and flexibility. The Director of Resources explained the reasons

behind this report being brought to this Committee and how it allowed time for any amendments, if required, prior to consideration of the budget for 2018 / 19.

4.6.2 Committee recommendation:

- (i) that the proposed amendment to the Treasury Management Strategy 2017 / 18 relating to Prudential Indicators for an Operational Boundary for External debt and an Authorised limit for External debt, be approved;
- (ii) that the proposed amendments in relation to investment strategy (attached as **APPENDIX 9** to this report) be approved.

4.7 MINUTE 648 - COUNCIL TAX BASE 2018 / 19

4.7.1 Minute Extract (DRAFT as Minutes have not been finalised):

The Committee considered the report of the Director of Resources relating to the Council Tax Base for 2018 / 19. It was noted that the Council had to notify its tax base calculations to Essex County Council, Essex Fire Authority, the Police and Crime Commissioner for Essex and Parish Councils by 31 January 2018.

It was explained that the tax base figure was an integral part of the calculations for setting the level of Council Tax. The detailed calculation of the relevant amounts for 2018 / 19 were shown in Appendix A to the report.

Members were informed that the tax base used for 2017 / 18 was 23,868.7. The proposed new figure represented an increase of 324.5 or 1.36%. This increase related to the number of new houses now on the valuation list.

4.7.2 Committee recommendation:

That in accordance with the Local Authorities (Calculation of Tax Base) Regulations 2012 the amount calculated by the Maldon District Council as its Council Tax Base for the year 2018 / 19 shall be set at 24,193.2.

Enquiries to: Fiona Marshall, Chief Executive, (Tel: 01621 875710).