

Public Document Pack

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A meeting of the **Cabinet** will be held in Committee Rooms, East Pallant House on **Tuesday 4 October 2022 at 9.30 am**

MEMBERS: Mrs E Lintill (Chairman), Mrs S Taylor (Vice-Chairman), Mr R Briscoe, Mr A Dignum, Mrs P Plant, Mr A Sutton and Mr P Wilding

AGENDA

- 1 **Chair's Announcements**
The Chair will make any specific announcements for this meeting and advise of any late items which due to special circumstances will be given urgent consideration under Late Items.
- 2 **Approval of Minutes** (Pages 1 - 8)
The Cabinet is requested to approve as a correct record the minutes of its meeting on 6 September 2022.
- 3 **Declarations of Interests**
Members are requested to make any declarations of disclosable pecuniary, personal and/or prejudicial interests they might have in respect of matters on the agenda for this meeting.
- 4 **Public Question Time**
In accordance with Chichester District Council's scheme for public question time the Cabinet will receive any questions which have been submitted by members of the public in writing by noon two working days before the meeting. Each questioner will be given up to three minutes to ask their question. The total time allocated for public question time is 15 minutes subject to the Chair's discretion to extend that period.

RECOMMENDATIONS TO COUNCIL

KEY DECISIONS

- 5 **Council Tax Review of Locally Defined Discounts and Premiums** (Pages 9 - 14)
The Cabinet is requested to consider the report and its appendix and make the following resolution:

That the Council Tax Discounts and Premiums proposed in the Appendix to the agenda report be applied for the 2023-2024 financial year.

- 6 **Determination of the Council Tax Reduction Scheme 2023 – 2024** (Pages 15 - 40)

The Cabinet is requested to consider the report and its appendix and make the following resolutions:

That Cabinet recommend the proposed Council Tax Reduction Scheme for 2023-2024 be approved by full Council.

That Cabinet delegate approval for mid-year changes in the Scheme, where it is deemed appropriate to the Director for Housing & Communities following consultation with the Director of Corporate Services and Cabinet Member for Finance, Corporate Services and Revenues and Benefits.

7 WSCC's Concession Contract for the Provision of Electric Vehicle Charge Points and Related Services (Pages 41 - 56)

The Cabinet is requested to consider the report and its appendix and make the following resolutions:

That Cabinet resolves that the Council joins the West Sussex County Council Concession Contract for the planning, installation, operation and maintenance of an electric vehicle charging network.

That Cabinet resolves that Parking Services retains the remaining £36,700 electric vehicle charging points budget to enable the installation of EVCPs in new locations and/or the expansion of provision in existing locations whether the Council joins the WSCC contract or not and potentially in locations rejected by CK but where the Council wishes to see EVCP provision.

OTHER DECISIONS

8 Late Items

- a) Items added to the agenda papers and made available for public inspection
- b) Items which the Chair has agreed should be taken as matters of urgency by reason of special circumstances to be reported at the meeting

9 Exclusion of the Press and Public

The Cabinet is asked to consider in respect of agenda item 11 and 12 whether the public including the press should be excluded from the meeting on the following ground of exemption in Schedule 12A to the *Local Government Act 1972* namely Paragraph 3 (Information relating to the financial or business affairs of any particular person (including the authority holding that information)) and because, in all the circumstances of the case, the public interest in maintaining the exemption of that information outweighs the public interest in disclosing the information.

[**Note** The report and its appendices within this part of the agenda are attached for members of the Council and relevant only (printed on salmon paper)]

10 Phase 2 of Coastal Partners; Transfer of Staff (Pages 57 - 60)

The Cabinet is requested to consider the exempt report and make the resolution as set out in section 2.1 of the report.

11 Recording Equipment in Committee Rooms (Pages 61 - 63)

The Cabinet is requested to consider the exempt report and make the resolution as set out in section 2.1 of the report.

NOTES

- (1) The press and public may be excluded from the meeting during any item of business wherever it is likely that there would be disclosure of 'exempt information' as defined in section 100A of and Schedule 12A to the Local Government Act 1972.
- (2) The press and public may view the report appendices which are not included with their copy of the agenda on the Council's website at [Chichester District Council - Minutes, agendas and reports](#) unless they contain exempt information.
- (3) Subject to Covid-19 Risk Assessments members of the public are advised of the following;
 - Where public meetings are being held at East Pallant House in order to best manage the space available members of the public are in the first instance asked to listen to the meeting online via the council's committee pages.
 - Where a member of the public has registered a question they will be invited to attend the meeting and will be issued a seat in the public gallery.
 - You are advised not to attend any face to face meeting if you have symptoms of Covid.
- (4) Subject to the provisions allowing the exclusion of the press and public, the photographing, filming or recording of this meeting from the public seating area is permitted. To assist with the management of the meeting, anyone wishing to do this is asked to inform the chairman of the meeting of their intentions before the meeting starts. The use of mobile devices for access to social media is permitted, but these should be switched to silent for the duration of the meeting. Those undertaking such activities must do so discreetly and not disrupt the meeting, for example by oral commentary, excessive noise, distracting movement or flash photography. Filming of children, vulnerable adults or members of the audience who object should be avoided. [Standing Order 11.3 of Chichester District Council's Constitution]
- (5) A key decision means an executive decision which is likely to:
 - result in Chichester District Council (CDC) incurring expenditure which is, or the making of savings which are, significant having regard to the CDC's budget for the service or function to which the decision relates or
 - be significant in terms of its effect on communities living or working in an area comprising one or more wards in the CDC's area or
 - incur expenditure, generate income, or produce savings greater than £100,000

NON-CABINET MEMBER COUNCILLORS SPEAKING AT THE CABINET

Standing Order 22.3 of Chichester District Council's Constitution provides that members of the Council may, with the Chairman's consent, speak at a committee meeting of which they are not a member, or temporarily sit and speak at the committee table on a particular item but shall then return to the public seating area.

The Leader of the Council intends to apply this standing order at Cabinet meetings by requesting that members should *normally* seek the Chairman's consent in writing by email in advance of the meeting. They should do this by noon on the Friday before the Cabinet meeting, outlining the substance of the matter that they wish to raise. The word normally is emphasised because there may be unforeseen circumstances where a member can assist the conduct of business by his or her contribution and where the Chairman would therefore retain their discretion to allow the contribution without the aforesaid notice.

Public Document Pack Agenda Item 2



Minutes of the meeting of the **Cabinet** held in the Committee Rooms, East Pallant House on Tuesday 6 September 2022 at 6.00 pm

Members Present Mrs E Lintill (Chairman), Mrs S Taylor (Vice-Chairman), Mr R Briscoe, Mr A Dignum, Mrs P Plant, Mr A Sutton and Mr P Wilding

Members Absent

In attendance by invitation

Officers Present Mrs L Baines (Democratic Services Manager), Ms P Bushby (Divisional Manager for Communities), Mr M Catlow (Group Accountant (Technical and Exchequer)), Mrs K Dower (Principal Planning Officer (Infrastructure Planning)), Mr A Frost (Director of Planning and Environment), Mr A Forward (ICT Manager), Mr L Foord (Divisional Manager for Communications, Licensing & Events), Mr K Gillett (Valuation and Estates Manager), Mrs J Hotchkiss (Director of Growth and Place), Mrs V McKay (Divisional Manager for Growth), Mr H Monaghan, Mrs S Peyman (Divisional Manager for Culture), Mrs D Shepherd (Chief Executive), Mrs F Stevens (Divisional Manger for Planning) and Mr J Ward (Director of Corporate Services)

1 **Chair's Announcements**

Cllr Lintill welcomed all those present. She drew attention to the later start time of 6pm as the meeting forms part of the evening meeting trial.

There were no apologies for absence or late items.

Cllr Lintill then paid tribute to Kevin Hughes who was a district councillor between May 2019 and April 2021. All those present held a minutes silence in memory of Kevin.

2 **Approval of Minutes**

RESOLVED

That the minutes of the Cabinet meeting held on 5 July 2022 be approved as a correct record.

3 **Declarations of Interests**

Cllr Sutton declared a personal interest in respect of agenda item 7 as the Leader Governor for Sussex Community NHS Trust.

Cllr Dignum declared a personal interest in respect of agenda item 7 as a member of Chichester City Council.

4 **Public Question Time**

There were no public questions.

5 **Section 106 Allocation for development of an Artificial Grass Pitch at Oaklands Park, Chichester**

Cllr Briscoe introduced the item.

Cllr Taylor requested further information on the likelihood of receiving other funding sources. Cllr Briscoe explained that the Club were confident and the Football Premier League had been approachable in relation to their grant funding.

Cllr Plant requested clarification of whether the term artificial grass was accurate. Cllr Briscoe explained that the grass had additional drainage properties and was higher grade than artificial grass used for residential property gardens.

In a vote the following resolutions and recommendation were agreed:

RESOLVED

1. The release of £11,250 of Section 106 Sport and Leisure funding for pre-construction services for Oaklands Park Artificial Grass Pitch (AGP).
2. The appointment of contractor E as set out in appendix one to undertake the pre-construction services and subject to partnership funding being secured, enter into a contract for the delivery of the AGP as the preferred contractor for the Oaklands Park football pitch project.

RECOMMENDED TO COUNCIL

The release of a further £288,750 of section 106 Sport and Leisure funding, towards a total project cost of £1,210,800, as the council's contribution towards the delivery of the Artificial Grass Pitch (AGP) at Oaklands Park, Chichester. This funding being conditional on partnership funding being achieved to cover the full costs of the project.

6 **2021/2022 Treasury Management outturn report**

Cllr Wilding introduced the item.

Cllr Lintill requested further information on the statutory override. Mr Catlow outlined accounting standards and the impact of accounting entries. He clarified that if statutory override became permanent then it will just be an accounting entry and not affect the Council Taxpayer.

In a vote the following resolution was agreed:

RESOLVED

That the Treasury Management outturn report be duly considered.

7 Approval of the draft Infrastructure Business Plan 2023-28 for consultation (with the City, Town and Parish Councils and Key Infrastructure Delivery Commissioners)

Cllr Taylor introduced the item. She added an additional risk. The loss of CIL due to developers implementing schemes with a greater proportion of affordable housing. Cllr Lintill confirmed the Plan had been through the Development Plan and Infrastructure Panel.

Cllr Taylor asked for information on the further delay of IBP 349. Mrs Dower explained that the delay is linked to work on the Local Plan. Discussions are taking place with West Sussex County Council and members will be updated once further information is known.

In a vote the following resolution was agreed:

RESOLVED

That the Cabinet approve the Draft Infrastructure Business Plan 2023-28 (Appendix 1 as amended) for consultation (with the City, Town and Parish Councils, neighbouring local authorities including the South Downs National Park Authority and key infrastructure Delivery Commissioners) for a period of six weeks from 13 September to 25 October 2022.

8 Business Continuity Infrastructure (Duplicate Server Facility)

Cllr Wilding introduced the item.

Cllr Dignum asked whether a real time simulation had taken place. Mr Forward confirmed that a number tests took place over a three to four month period with a final test which severed the IT links to East Pallant House. He confirmed that within six hours all hosted and external solutions had been reconnected.

Cllr Lintill on behalf of the Cabinet congratulated Mr Forward and his team on the project.

In a vote the following resolution was agreed:

RESOLVED

To note the Post Project Evaluation (PPE) for the building and commissioning of an offsite IT disaster recovery solution for the Council.

9 **Development Management Division - Workload and Resources**

Cllr Taylor introduced the item.

In a vote the following resolution was agreed:

RESOLVED

That Cabinet approves the release of £40,000 from reserves to cover the cost of a temporary agency planning manager to address a current staff vacancy.

10 **Future Funding for the Community Warden Service**

Cllr Briscoe introduced the item. Mrs Bushby wished to note feedback that the Community Warden Service is valued.

Cllr Moss had requested to speak and was invited to do so by Cllr Lintill. He gave his support to the service and shared his disappointment that the vacant post would not be recruited to at this time. Mrs Shepherd responded and explained that the resignation of a member of the team had provided opportunity to look at the overall budget of the team and at a time of financial difficulty it had provided an opportunity to make a saving whilst retaining the service as a whole. Mr Ward adding that an update on the council's financial position will be brought before members.

Cllr Oakley had also requested to speak and was invited to do so by Cllr Lintill. He asked members to consider where priorities for funding lie and drew attention to the background work on the review which had not taken account of Tangmere's current population and its demographic spread. Mrs Bushby confirmed that had been rectified and revised information provided. She added that the Senior Warden would provide cover to other Wardens during times of annual leave. The workload of all Wardens will also be kept under review.

Cllr Dignum asked for clarification on the funding of the roles. Mrs Bushby explained that the new funding model provided a more equitable split between all partners. She confirmed that the new model has been shared with partners and there had been little comment to date.

Cllr Dignum asked whether there were areas without Wardens that would benefit. Mrs Bushby explained the highest areas of crime and deprivation were covered.

Cllr Dignum wished to note that he felt it untimely to remove the additional 'floating' Warden role at a time of austerity.

Cllr Taylor noted that often Wardens save money by intervening in incidents before they escalate and require Police intervention.

Cllr Sutton asked members to leave the operational matters to the officers noting that not all areas of the district have a Warden.

Cllr Briscoe wished to note the value he sees in the Warden service but also that he is mindful where it is possible to save money.

Cllr Dignum explained he would vote against reducing the number of Wardens.

Cllr Wilding explained that members would have to make some difficult decisions over the next year and as such he would support the recommendations.

Mr Ward clarified that the proposed pay settlement would likely cost the council £1 million on its staffing bill with inflation adding a further £1 million to be found.

Cllr Dignum requested a vote on each recommendation separately as he could not support them all. Cllr Lintill agreed.

In a vote the following resolutions and recommendations were agreed with Cllr Dignum voting against recommendation 2 and Cllr Taylor abstaining:

RESOLVED

1. That Cabinet approve the new funding model based on the number of community wardens per area.
2. That Cabinet agree the proposal to delete the current vacant community warden post.

RECOMMENDED TO COUNCIL

That funding of 50% of the total cost of the Community Warden Service for 3 years from 1 April 2023 (as set out in para 5.2) be approved, subject to match funding being secured by partners.

11 Moving the website into the Cloud

Cllr Sutton introduced the item.

Cllr Moss had requested to speak and was invited to do so by Cllr Lintill. He gave his support to the project and to seeing more services available online. Mrs Shepherd noted that most of the council's services were now available online.

Cllr Plant asked whether residents would notice a difference. Mr Monaghan explained that there would be less webpage downtime. Mr Foord added that long term there would be opportunity for additional functionality in the Cloud system.

In a vote the following resolutions and recommendations were agreed:

RESOLVED

That Cabinet approves;

1. A four-year contract with Goss Interactive to move the Council's website platform into the Cloud, to improve online services and security.
2. The additional revenue budget of £21,399 to be funded from the general fund reserves for this financial year and for subsequent years to be added to the base budget.
3. The one-off costs of £15,750, for on boarding to be funded from general fund reserves.

12 **Urgent Decision Notice**

Cabinet noted the Urgent Decision Notice relating to Westward House Energy Efficiency and Thermal Comfort project August 2022.

13 **Late Items**

There were no late items.

14 **Exclusion of the Press and Public**

Cllr Lintill proposed and read the part II resolution in relation to agenda items 15 and 16. This was seconded by Cllr Taylor and agreed by the Cabinet with a vote to go into part II.

RESOLVED

That with regard to agenda items 15 and 16 the public excluding the press should be excluded from the meeting on the grounds of exemption in Schedule 12A to the Local Government Act 1972 namely paragraph 3 (information relating to the financial or business affairs of any particular person (including the authority holding that information)) and because in all the circumstances of the case, the public interest in maintaining the exemption of that information outweighs the public interest in disclosing the information.

Members took a short break.

15 **Proposed new lease for Sea Cadets, Chichester**

Cllr Dignum introduced the item.

Cllr Oakley and Cllr Moss had both asked to speak on the item and were invited to do so by Cllr Lintill. Both requested that the item be deferred.

Mr Gillett responded to questions raised by Cllr Oakley.

Mr Bennett was invited to provide legal comment by Cllr Lintill.

Cllr Sutton and Cllr Dignum gave support to a deferral.

Following comments from Cllr Briscoe, Cllr Plant and Cllr Wilding and responses from Mrs Hotchkiss and Mr Gillett Cllr Lintill used her authority to defer the item for further information gathering.

RESOLVED

The Leader deferred the item for further information to be gathered by officers to clarify points raised by members.

16 **St James Rent Subsidy Scheme Review**

Cllr Dignum introduced the item. He asked members to agree the following points, the first two from section 5.2 of the report following the Economic Development Panel's comments:

1. Delete the brackets from section 5.2.
2. Remove the 'if required' from bullet point 1 of section 5.2.
3. To give officers discretion to offer a 25% subsidy in 'year 2' of qualifying leases.

Mrs McKay then responded to a point of clarification required from Cllr Plant.

In a vote the following resolution was agreed:

RESOLVED

That Cabinet approve the recommendation as set out in sections 2.1 and 2.2 of the report as amended.

The meeting ended at 7.55 pm

CHAIRMAN

Date:

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Chichester District Council

CABINET

4 October 2022

Council Tax Review of Locally Defined Discounts and Premiums

1. Contacts

Report Author:

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Cabinet Member:

Peter Wilding, Cabinet Member for Finance, Corporate Services, Revenues and Benefits
 Tel: 01428 707324 E-mail: pwilding@chichester.gov.uk

2. Recommendation

2.1. That the Council Tax Discounts and Premiums proposed in the Appendix to the agenda report be applied for the 2023-2024 financial year.

3. Background

- 3.1. The Local Government Finance Act (LGFA) 1992, as amended by the LGFA 2003 and LGFA 2012, requires the authority to set a taxbase between 1 December 2022 and 31 January 2023. The 2023-2024 tax base report will be prepared for Cabinet’s consideration on 6 December 2022.
- 3.2. The level of locally defined discounts and empty homes premium impacts on the calculation of the taxbase.
- 3.3. The Local Government Finance Act 2003 provided devolved powers for billing authorities to make decisions on the level of council tax discount which can be applied to certain dwellings. These dwellings must be placed in a prescribed class.
- 3.4. The current prescribed classes are shown below

Prescribed class A	Not a main residence, which is furnished, and occupancy is restricted by a planning condition.
Prescribed class B	Not a main residence but remains furnished.
Prescribed class C	Unoccupied and unfurnished. (Vacant)
Prescribed class D	Requires or is undergoing major repair works or is underdoing structural alteration.

3.5. Billing authorities have the power to increase the amount of council tax charged on properties which have been unoccupied and substantially unfurnished for over 2 years. This is known as the ‘empty home premium’.

- 3.6. At the November 2017 budget, the Chancellor announced the Government's intention to legislate to increase the maximum level of empty home premium billing authorities could charge. The Rating (Property in Common Occupation) and Council Tax (Empty Dwelling) Act 2018 brought in this power with effect from the 2019-20 financial year. The maximum charges are set out below:

Maximum level of Premium		Length of time a property must be empty	Effective date Premium can be charged from.
100%		2 - 5 years	1.4.2019
200%		5 - 10 years	1.4.2020
300%		More than 10 years	1.4.2021

- 3.7. At its meeting on 5 October 2021 the Cabinet resolved that for 2022-2023 financial year a 100% premium shall apply for properties that have been unfurnished and unoccupied for more than two years but less than 5 years, a 200% premium shall apply for properties empty for over 5 years, but less than 10 years and a 300% premium shall apply for properties empty for over 10 years.

4. Outcomes to be achieved

- 4.1. The approval of the recommendations in this report will provide certainty in respect of the locally defined discounts and empty homes premium when preparing the council tax base for the 2023-2024 financial year.

5. Proposal

- 5.1. To continue to encourage owners to bring their properties back into use as soon as possible with the empty homes premium for properties that have been empty for between 2 and 5 years be set at 100% for the 2023-2024 financial year.
- 5.2. To continue to encourage owners to bring their properties back into use, the empty homes premium for properties that have been empty for more than 5 years but less than 10 years be set at 200% for the 2023-2024 financial year.
- 5.3. To continue to encourage owners to bring their properties back into use, the empty homes premium for properties that have been empty for more than 10 years be set at 300% for the 2023-2024 financial year.
- 5.4. That the locally defined discounts proposed in appendix 1 be applied for the 2023-2024 financial year. It is proposed to not to change the level of any local discounts.

6. Alternatives that have been considered

- 6.1. To reduce the empty homes premium to 100% for all properties over 2 years. This option would not encourage current owners of properties that have been empty for over 5 years to bring their property back into use. There would also be a cost to this in terms of revenue lost to the Council and the precepting authorities.

- 6.2. Reduce the empty homes premium to between 0% and 99%. This option does not encourage owners to bring their empty homes back into use. There would also be a cost to this in terms of revenue lost to the Council and the precepting authorities.

7. Resource and legal implications

- 7.1. Finance: Maintaining the empty homes premium at current levels will continue to generate additional Council Tax income of £25,000 for Chichester District Council.
- 7.2. Maintaining the current levels of empty homes premium will cause no additional resource or legal implications.

8. Consultation

- 8.1. No specific consultation has been undertaken on the proposals in this report. However, a review of the council tax discounts, and empty homes premium was considered by the Overview and Scrutiny Committee on 18 September 2018.
- 8.2. The Director of Housing and Communities and the Cabinet member for Revenues and Benefits have been consulted on the level of discounts and premium for the 2023-2024 financial year and they are happy with the proposals.

9. Community impact and corporate risks

- 9.1. Since April 2013 there has been a reduction in tax base resulting from implementation of the local council tax reduction scheme. The income generated from locally defined discounts has helped to off-set this loss.

10. Other Implications

	Yes	No
Crime and Disorder		X
Climate Change and Biodiversity		X
Human Rights and Equality Impact		X
Safeguarding and Early Help		X
General Data Protection Regulations (GDPR)		X
Health and Wellbeing		X
Other (please specify)		X

11. Appendices

- 11.1 Summary of locally defined discounts and premium.

12. Background papers

- 12.1. None

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Council Tax Review of Locally Defined Discounts and Premiums

Appendix 1

Locally defined discounts and premiums	2022/2023	Proposal for 2023/2024
Prescribed class A and B second homes to include those with planning restrictions.	Nil discount	Nil discount
Prescribed class C vacant, unoccupied, and substantially unfurnished properties.	Nil discount	Nil discount
Prescribed class D properties in need of or undergoing major repair.	Nil discount	Nil discount
Empty homes premium (properties that have been vacant for more than 2 years but less than 5 years)	100%	100%
Empty homes premium (properties that have been vacant for more than 5 years but less than 10 years)	200%	200%
Empty homes premium (properties that have been vacant for more than 10 years)	300%	300%

Prescribed classes A and B relates to unoccupied, furnished properties, i.e., second homes. At its meeting on the 5 October 2021, Cabinet resolved that for 2022/2023 financial year a zero discount shall apply. It is proposed to continue to set a zero discount for 2023/2024, as the Council does not accept that there is a valid reason for treating second homes more favourably than first homes.

Prescribed class C relates to unfurnished properties. At its meeting on 5 October 2021 Cabinet resolved that for the 2022/2023 financial year a zero discount shall apply for unoccupied and unfurnished properties. It is proposed to continue to set a zero discount for the 2023/24 financial year, as local authority services continue to be provided. This will also encourage owners to keep valuable housing stock in use by bringing them back into full occupancy as swiftly as possible.

Prescribed class D relates to properties in need of or are undergoing major repair works, to render the property habitable, or undergoing structural alterations, or less than six months has elapsed since the completion of such works. On the 5 October 2021, Cabinet resolved that for 2022/2023 financial year a zero discount shall apply. It is proposed to continue to set a zero discount for the 2023/2024 financial year. This will encourage owners, to bring properties back into the available housing stock, as quickly as possible, by refurbishing properties in need of major repair, in a timely manner. In terms of structural alterations, the Council does not accept that those property owners who are making this type of alteration, should be treated more favourably than other property owners in the district.

The Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018 brought in the power for councils to increase the maximum levels of the empty homes' premium.

At its meeting on the 5 October 2021, Cabinet resolved that for 2022/2023 financial year a 100% empty homes premium be charged for properties vacant for between 2 and 5 years. In respect of properties that have been empty for between 5 years and 10 years Cabinet resolved to charge a premium of 200% and for properties empty for

Council Tax Review of Locally Defined Discounts and Premiums

Appendix 1

over 10 years 300%. It is proposed for the financial year 2023/24 to maintain these levels of premium.

Bringing empty properties back into use forms part of the Council's housing strategy and the extra cost of an empty homes' premium may encourage owners of long-term empty properties to bring them back into use.

Chichester District Council

THE CABINET

October 2022

Determination of the Council Tax Reduction Scheme for 2023-2024

1. Contacts

Report Author:

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Cabinet Member:

Cllr Peter Wilding, Cabinet Member for Finance, Corporate Services, Customer Services, Revenues and Benefits

Tel: 01428 642464 E-mail: pwilding@chichester.gov.uk

2. Recommendation

- 2.1. That Cabinet recommend the proposed Council Tax Reduction Scheme for 2023-2024 be approved by full Council.**
- 2.2. That Cabinet delegate approval for mid-year changes in the Scheme, where it is deemed appropriate to the Director for Housing & Communities following consultation with the Director of Corporate Services and Cabinet Member for Finance, Corporate Services and Revenues and Benefits.**

3. Background

- 3.1. The Welfare Reform Act and Local Government Finance Acts of 2012 abolished the national council tax benefit (CTB) scheme and put in place from 1 April 2013 a framework for local authorities to create their own local council tax reduction (CTR) schemes.
- 3.2. The Government has laid down the process by which a local CTR scheme should be put in place and renewed each year. In accordance with that process officers have published a draft scheme. This scheme must be approved by the Council before 11th March 2023 or the previous year's scheme will continue to have effect.
- 3.3. The cost of the scheme is shared between all precepting authorities. This Council's share is approximately 9% of the total scheme cost, with the rest being funded by Sussex Police, West Sussex County Council, and the Parish Councils.
- 3.4. Since the introduction of local schemes, the Council has aimed to support those that are financially vulnerable in its communities by maintaining levels of support to claimants in comparison with the national means tested Council Tax Benefit scheme that it replaced. Across the country different approaches have been adopted, by 2018/19 90% of LA's had made changes to their schemes the majority of these aimed at reducing the level of support.

- 3.5. In 2018/19 a banded scheme for CTR applicants in receipt of Universal Credit (UC) was introduced. The intention was to simplify the administration of CTR for these customers, rather than to reduce the level of support provided. All banded schemes have winners and losers, and any adverse effects of the scheme on these applicants have been mitigated by the availability of a discretionary award. These can be considered in circumstances where the applicant is disadvantaged by the UC banded scheme and they are financially vulnerable. These awards are made on a case-by-case basis and the availability is promoted by the benefits team when dealing with individual cases.

4. Outcomes Achieved

- 4.1. The delivery of a scheme that is cost effective to administer while supporting those in the community that require financial assistance in the form of a reduction in their council tax.
- 4.2. As in previous years the schemes performance will be monitored in year with a view to informing the succeeding year's scheme.

5. Proposal

- 5.1. The proposed CTR scheme for 2023-2024 is unchanged from last year's scheme except for the below. These exceptions are intended to maintain levels of entitlement to recipients of this support across the District.
 - (a) Any changes that occur in the Housing Benefit (HB) scheme will be transferred across to the 2023-2024 scheme, including uprated premiums, living allowances and non-dependant deductions (for non-UC claimant's). These are supplied by the Department for Work and Pensions and are published before the end of the financial year.
 - (b) For the UC banded scheme this also includes any appropriate changes in UC rates, including emergency measures introduced to minimise the impacts of the cost-of-living crisis.
 - (c) To allow for some elements of UC to be disregarded as income, such as limited capability for work and disabled child elements. Previously the software utilised by the Council did not separately identify individual elements of UC income and therefore these claims were supported with discretionary support where necessary. This software functionality will be available from April 2023, therefore the scheme will now include these disregards, this will ease administration for these customers and maximise income for these customers under the UC banded scheme rather than being reliant on discretionary support.

6. Alternatives Considered

Officers have considered whether any changes to the scheme are required from an administrative perspective and consulted the Cabinet Member for Finance, Corporate Services, Customer Services, Revenues and Benefits, the Director of Housing and Communities and the Director of Corporate Services to establish whether any changes were required in terms of support levels, members were advised of this. All parties agreed that no changes to the level of support were

required, and that keeping a stable level of support for those in receiving this reduction was important.

7. Resource and legal implications

- 7.1. The predicted spend on CTR when tax base was set in December 2021 for 2022-2023 was £8,979,581.79. The 2022-23 cost based on expenditure to date is estimated to be £8,098,746.29 (as at the end of August 2022). This compares with £7,930,135.48 actual CTR expenditure for 2021-22, against a tax base estimate of £8,710,932.25. This Council's share of the cost of CTR is 9%, for 2022-23 this is estimated to be £728,887.16.
- 7.2. Future CTR expenditure is difficult to predict, prior to the COVID-19 pandemic CTR caseloads were decreasing, this changed during the pandemic and we experienced an increased demand for CTR. Post pandemic CTR caseloads have started to decline again and are now around pre-pandemic levels, with a current caseload of 6285. However, we are now in a further period of uncertainty with the emerging cost of living crisis. There is a risk that if the economy does not bounce back quickly, and unemployment rises that the cost of the CTR scheme could rise.

8. Consultation

- 8.1. As no changes to the design of the scheme have been made Officers decided in consultation with Directors of Corporate Services and Housing & Communities that formal consultation was not required. This approach is supported by advice issued by Ministry of Housing Communities and Local Government (MHCLG).

9. Community Impact and Corporate Risks

- 9.1. The corporate risk to the authority is setting a CTR scheme which is unaffordable. This risk is reduced by setting a scheme which is broadly in line with the existing one so expenditure can be predicted. Should there be a sustained downturn in the economy there is a risk that the scheme will cost more than estimated.
- 9.2. The community impact is reduced by keeping the calculation of entitlement as close to the previous CTB scheme as possible.

10. Other Implications

	Yes	No
Crime & Disorder		No
Climate Change and Biodiversity		No
Human Rights and Equality Impact	Yes	
Safeguarding and Early Help		No
General Data Protection Regulations (GDPR)		No

11. Appendices

- 11.1 Draft Council Tax Reduction Scheme 2023- 2024

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Local Council Tax Reduction Scheme April 2023 to March 2024

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Introduction

Since April 2013 all Council Tax billing authorities in England are required to have a scheme to help people on low incomes in meeting the cost of their Council Tax. This document describes the Council Tax Reduction (CTR) scheme for Chichester District Council for the period 1st April 2023 to 31st March 2024.

The Government will continue to specify how pensioner claims are to be assessed. Pensioner claims will continue to be calculated in accordance with The Council Tax Reduction Schemes (Prescribed Requirements)(England) Regulations 2012 (as amended), referred to in this scheme as the Prescribed Requirements Regulations.

The CTR scheme will continue to protect claimants in all classes that are in receipt of war widows, war widowers or war disablement pensions. As in previous years these incomes will be disregarded in full when calculating entitlement to a reduction.

It is proposed for the eleventh year the local CTR scheme (2023 - 2024) remains unchanged from the 2022- 2023 scheme in terms of the calculation rules and level of support offered to bill payers. However, some minor changes to the calculation of Universal Credit income have been introduced to ease administration. Any changes to the Housing Benefit Regulations will be reflected in the scheme when available later in the year as well as Universal Income bands set inline with benefit uprating. In year changes in response to national emergency response measures where appropriate will be permitted in consultation and agreement with the Director for Corporate Services and the Cabinet Member for Revenues & Benefits.

This scheme is applicable from the 1st April 2023 to 31st March 2024, although the Council may choose to extend it further.

1.0 Reduction for different classes

1.1 CTR schemes must state the classes of person who are to be entitled to a reduction under the scheme and the reduction to which persons in each class are entitled. Chichester District Council will have six classes of person: three classes for people considered to be of pension age and three classes for those of working age.

1.2 Pensioners

The Prescribed Requirements Regulations define who is considered to be a pensioner and who is not. Claimants considered to be pensioners will fall into one of three pensioner classes as detailed below. The level of CTR to which they will be entitled is then calculated in accordance with the Prescribed Requirements Regulations.

- Class A: Pensioners whose income is less than the applicable amount.
- Class B: Pensioners whose income is greater than the applicable amount.
- Class C: Alternative maximum council tax reduction.

The Prescribed Requirements Regulations will be used to determine both the level of CTR that is awarded and how the CTR is calculated for each of these classes, with the exception of the treatment of war pensioners. The national CTB scheme allowed Councils to take local decisions regarding the extent to which war widows/widowers and war disablement pensions are taken into account when calculating entitlement. The Council will continue to completely disregard these pensions when calculating a claimant's income.

1.3 Working Age

Persons who are resident in Great Britain (or treated as resident), and have not yet reached state pension credit age, fall into one of three working age classes, which are described below. The Prescribed Requirements Regulations determine matters that must be included in CTR schemes for people of working age. However these Regulations do not specify the level of support for this group of people or how CTR awards must be calculated. Entitlement for these classes will be calculated in accordance with these scheme rules. As with pensioner claims the local CTR scheme will continue to fully disregard war widows/widowers and war disablement pensions in the calculation of entitlement to CTR.

1.4 Working Age Class D

The claimant must

- Be a person who has not yet attained the qualifying age for state pension credit.
- Be a person whose partner has not yet attained the qualifying age for state pension credit, except where the claimant is in receipt of income support, income based job seekers allowance or income based employment and support allowance.
- Be liable to pay council tax in respect of a dwelling in which they are resident.
- Is not deemed to be absent from the dwelling (see 3.4).
- Be a person in receipt of income support; income based job seekers allowance; income related employment and support allowance; maximum award of UC or be a person whose income is below their living allowance as calculated in the means test that applies to those in Working Age Class E.
- Not have capital in excess of £16,000.
- Have made an application for CTR and provided the necessary information and evidence to support that application.
- Not be a member of a prescribed group excluded from support, such as a person from abroad.

1.5 Working Age Class E

The Claimant must

- Be a person who has not yet attained the qualifying age for state pension credit
- Be a person whose partner has not yet attained the qualifying age for state pension credit.
- Be liable to pay council tax in respect of a dwelling in which they are resident.
- Is not deemed to be absent from the dwelling.
- Be a person not in Working Age Class D and whose income is more than their applicable amount.
- Not have capital in excess of £16,000.
- Have made an application for CTR and provided the necessary information to support that application.

- Not be a member of a prescribed group exempted from support such as a person from abroad.

1.6 Working Age Class F

The claimant must

- Be a person who has not yet attained the qualifying age for state pension credit.
- Be a person whose partner has not yet attained the qualifying age for state pension credit, except where the claimant is in receipt of UC.
- Be liable to pay council tax in respect of a dwelling in which they are resident for any week where the assessed income and household membership falls within one of the income bands specified by the scheme rules.
- Is not deemed to be absent from the dwelling.
- Not have capital in excess of £16,000.
- Have been assessed by the DWP for UC, or would have been awarded UC other than for any amendments, pre-payments, sanctions or waiting days.

2.0 Excluded Groups

2.1 Persons from abroad

The Prescribed Requirements Regulations define those persons excluded from CTR.

The exceptions to exclusions for persons from abroad will also remain and be prescribed by the Secretary of State. This will allow those who have recognised refugee status, humanitarian protection, discretionary leave or exceptional leave to remain granted outside the immigration rules and who are exempt from the habitual residency test to apply for CTR as long as their status has not been revoked.

2.2 Students

Persons who are full time students will be excluded from entitlement to CTR, except for those entitled to Income Support, UC or Employment and Support Allowance (income related). Part time students and claimants who have a partner who is a student may apply. The Housing Benefit Regulations 2006

Part 7 defines which are excluded and how student income is assessed for those students who are entitled to support.

3.0 Who can claim council tax reduction

- 3.1 CTR may be claimed only where the claimant is resident in and liable to pay council tax for a property. Where there is more than one resident the liable person is the one with the greatest legal interest in the dwelling.
- 3.2 When considering who is liable the Council will have regard to all the residents of a property. The liable person or persons will then be determined using the hierarchy of liability as set out in 3.3 below. Where more than one person is considered to be liable for council tax (other than a couple) CTR will be based on their proportion of the charge as determined by the Council (see figure 1 below).

Figure 1: Calculation of proportion of council tax liability

Claimant A shares a property with a friend. They rent the property from a non-resident private landlord and each pay half the rent.

Claimant A's CTR would be based on 50% of the council tax charge.

3.3 Hierarchy of council tax liability

The person liable to pay the bill is normally the person or persons who reside in the dwelling as their sole or main home and who fits the description nearest the top of the following list:

- Residents who have a freehold interest in the property i.e. owner occupiers
- Residents who have a leasehold interest in the property i.e. leaseholders
- Residents who are statutory or secure tenants i.e. rent payers
- Residents who have a contractual licence to occupy the property i.e. occupants of tied cottages
- Residents with no legal interest in the property

- 3.4 Persons who are temporarily absent from the dwelling may, in some circumstances, continue to be eligible for CTR in accordance with the Prescribed Requirements Regulations.

4.0 How to apply for a council tax reduction

- 4.1 Applications for CTR will be made online, via a form available from the Council's website. Where a claimant is unable to claim online they will be offered support to do so by appointment with an officer from the Council, or in exceptional circumstances asked to make a claim by telephone by appointment.
- 4.2 The Council may decide to accept applications from vulnerable people in an alternative format where the circumstances require it, particularly where a third party is involved such as the Department for Work and Pensions, Social Services or Citizens advice. This will be at the Council's discretion on a case by case basis.

5.0 The calculation of a reduction

- 5.1 CTR for pensioners will be calculated in accordance with the Prescribed Requirements Regulations. CTR for persons who fall into one of the three working age classes will be calculated as described below.

5.2 Working Age Class D

A maximum reduction of 100% of the charge will be awarded for claimants in Working Age Class D. The charge is the annual council tax calculated pro rata where a claimant is not liable for a full financial year (and to exclude any brought forward arrears) minus any other discount which may apply such as single residency discount.

The CTR reduction will be subject to a deduction for any non-dependants in the household. Non-dependants are other adults living with the claimant on a non-commercial basis e.g. adult sons or daughters, relatives or friends.

5.3 Working Age Class E

Claimants in Class E will be means tested for CTR. The amount of reduction will be calculated by comparing the claimant's income to their calculated applicable amount and applying a 20% taper to the income above the applicable amount, referred to as excess income.

The amount of CTR will be subject to non-dependant deductions and dependant on the level of excess income.

5.4 Working Age Class F

The amount of CTR awarded for claimants in Class F will be determined in accordance with the income bands shown below. The level of household income will be determined in accordance with the award of UC and household composition. The amount of UC income will be that as determined by the DWP excluding any amount for housing costs, limited capability for work and disabled child elements.

Reduction	Single Household		Couple Household		1 Child Household		2 or more Children	
	Income Band		Income Band		Income Band		Income Band	
	From	To	From	To	From	To	From	To
100%	£0.00	£105.00	£0.00	£155.00	£0.00	£210.00	£0.00	£270.00
80%	£105.01	£125.00	£155.01	£175.00	£210.01	£230.00	£270.01	£280.00
60%	£125.01	£145.00	£175.01	£195.00	£230.01	£250.00	£280.01	£300.00
40%	£145.01	£165.00	£195.01	£215.00	£250.01	£270.00	£300.01	£320.00
20%	£165.01	£185.00	£215.01	£235.00	£270.01	£290.00	£320.01	£340.00
0%	£185.01	+	£235.01	+	£290.01	+	£340.01	+

The income for the purpose of calculating the income band is derived from the data supplied by the DWP. The calculation of income shall be as follows.

- The net UC earnings of the claimant (and/or partner) as defined by the DWP prior to any earnings allowances, these earnings will be included net of tax, national insurance and pension contribution as assessed by the DWP*.
- Plus the UC award, which means any payment of UC payable, or would have been awarded other than for any deductions, amendments, pre-payments, sanctions or payments to third parties.
- Plus the UC other income, which is any other income defined by the DWP during the UC award.
- Less any child care element included within the UC award.
- Less any disregarded income, such as Personal Independence Payments and Attendance Allowance.
- This equals the total income for the purpose of Class F reduction in this scheme.
- This income will attract a level of discount as detailed above.

*where the earned income includes a positive adjustment i.e. a rebate of tax an adjustment may be made to this figure.

*where the figure provided by the DWP is considered to contain an obvious error the decision maker may revise the figure based on best evidence.

5.5 Weekly eligible council tax

CTR is calculated on a weekly basis therefore eligible council tax is calculated as follows

- Start with the annual council tax due on the home
- If the claimant is entitled to a disability reduction on their council tax bill, use the council tax figure after that reduction has been made
- If the claimant is entitled to a discount, use the council tax figure after that discount has been made
- Apportion the result if the claimant is a joint occupier (see figure 1 above)
- Convert the final figure (net council tax liability) to a weekly amount by dividing by 365 (or 366 in a leap year) and multiplying by 7. For figures which do not relate to a whole year divide by the number of days covered by the charge and multiply by 7.

5.6 The applicant's household (applies to Classes D, E & F)

For CTR consideration needs to be given to the applicants family and household. Different categories of people affect the assessment of CTR in different ways.

The members of the applicant's household include:

- Family members
 - The applicant
 - Their partner(s)
 - Dependent children
 - Non dependants
- Other people in the dwelling may include
 - Boarders and sub tenants
 - Joint occupiers, whether joint owners or joint tenants
 - Certain carers

When determining household composition the Council's decision maker uses the Housing Benefit Regulations 2006. Part 4 of these Regulations define membership of a family.

- 5.7 CTR is reduced for each non-dependant normally living in the claimant's household. non-dependants are other adults living in the claimant's household on a non-commercial basis, typically adult sons, adult daughters, other relatives or friends.

For this scheme a non-dependant is defined using the Housing Benefit Regulations 2006, specifically Regulation 3 Definition of non-dependant. However the terms used within this Regulation are defined elsewhere within

the Housing Benefit Regulations, specifically Regulation 2 Interpretation. These Regulations determine when a non-dependant deduction should be applied and in what situations a deduction is not applied.

For working age Classes D & E the non-dependants income is calculated in accordance with the Prescribed Requirements Regulations, specifically Part 3, Regulation 8, this Regulation also details the level of deduction that applies.

For working age Class F a flat rate non-dependant deduction of £3.90 per week will be made in respect of each non-dependants aged 18 or over normally residing in the claimant's household that are in remunerative work.

5.8 Excess income (applies to Classes D & E)

Excess income is income which exceeds the calculated applicable amount.

If the claimant (and their partner's) income is less than their applicable amount they will be considered to be a person falling into Working Age Class D and therefore entitled to a maximum CTR reduction.

If a claimants income is more than their applicable amount the difference between their income and applicable amount will be referred to as excess income. A taper of 20% will be applied to this excess income. It is deemed that a person can afford to pay 20% of their excess income towards the cost of their council tax; therefore;

If 20% of the excess income figure is more than their eligible weekly council tax they will not be entitled to CTR

If 20% of excess income is less than the eligible council tax (net of any non-dependant deduction) the CTR award will be the eligible council tax minus 20% of excess income

Applicable amount and income are explained in more detail in the following sections of this scheme document. The Regulations and Schedules that apply to Housing Benefit are used to determine an individual's applicable amount and income. Specifically Part 5 applicable amounts and schedule 3 and Part 6 and Schedules 4, 5 and 6). The taper of 20% is the same that was used in the Council Tax Benefit Regulations 2006 that existed before the introduction of Local Schemes in 2013. This has been retained within the scheme for Working Age Classes D & E to give claimants equivalent levels of support that existed prior to the introduction of local schemes.

5.9 **Applicable amount**

The applicable amount is the figure used in calculating CTR to reflect the basic living needs of the claimant and household (excluding non-dependants). This is made up of personal allowances and additional amounts (premiums) for special circumstances, such as disability, if applicable.

For the purpose of CTR the applicable amount for working age Classes D & E is calculated using the same rules that apply for Housing Benefit that is the Housing Benefit Regulations 2006. Specifically Part 5 and Schedule 3 of these Regulations.

5.10 **Income and Capital (applies to Classes D & E)**

All sources of income and capital of the claimant and partner are included in the means test. However some types of income are disregarded wholly or in part.

Examples of the types of income and capital to be **included** are;-

- Earnings, pensions and tax credits
- Other state benefits such as contribution based job seekers allowance, contribution based employment and support allowance and carer's allowance
- Savings and investments including property
- Trust funds and other awards for personal injury

The Council will decide what is treated as income and capital and for what period. These decisions will be made with reference to the Housing Benefit Regulations 2006. Specifically Part 6 and Schedules 4, 5 and 6 of these Regulations.

5.11 **Income (applies to Classes D & E)**

The income of a claimant and partner if applicable shall be calculated on a weekly basis by:

- Calculating the amount which is likely to be the average weekly income
- Adding any weekly tariff income from capital (see below)
- Deducting any allowable child care costs
- Deducting any earned income disregards which may apply

Tariff income is assessed as follows:

- From the total amount of assessed capital deduct £6,000
- Divide the remainder by 250

If the result is not an exact multiple of £1, round the figure up to the next whole £1. This is the claimant's weekly tariff income

5.13 Minimum amount (applies to Classes D & E)

A minimum amount of CTR will be applied for working age claims. The minimum amount applied will be £1.00 per week. For claimants determined to be entitled to CTR of less than £1.00 per week no CTR will be awarded.

6.0 When entitlement begins

- 6.1 As a general rule entitlement to CTR will begin on the Monday following the date the application is made or treated as being made as determined by the Council. The Council may choose to treat a claim as being made earlier where a claimant can demonstrate that they have made enquiries earlier via a third party such as the Department for Work and Pensions. The Prescribed Requirements Regulations (Schedule 8 Part 2) determine certain circumstances where a claim must be treated as made earlier.
- 6.2 The earliest date that entitlement to CTR can begin is 1 month before an application is received (or treated as being made). If a person has delayed making an application and they can demonstrate that they had continuous good cause for doing so, for example serious illness prevented them from making a claim, the Council will decide whether a claim may be backdated. The following rules will apply
- Requests must be made in writing; this may be on the online application form or later via email or in writing.
 - CTR may not be backdated more than one month before the date of the written request.
- 6.3 Where the Council decides to make a retrospective change affecting liability of a property and the claimant is able to demonstrate that they would have been entitled to a reduction had they been made liable and billed earlier, the Council will treat them as making a claim on the date that the liability commenced. Each case will be considered on its own merits.

7.0 Extended Payments

- 7.1 Extended payments of CTR are awarded to assist long term unemployed claimants and their partner when they start work. Extended payments can be awarded for a period of 4 weeks to any claimant who has been out of work for 26 weeks who starts work, with the exception that the work will have a duration of 5 weeks or more.

A claimant is entitled to an extended payment if they satisfy the conditions set out in the Housing Benefit Regulations. Specifically (HB 2(1), 72, 73.

8.0 Notification of decisions

In accordance with the Prescribed Requirements Regulations (Part 3) the claimant will be notified of the award of CTR within 14 days or as soon as possible. This will advise the claimant how much CTR has been awarded as a reduction against their council tax liability. As a minimum the notice will contain the following:

- The amount of CTR that has been awarded
- What the claimant needs to do if they want a further explanation of the decision or they think the decision is wrong
- Details of the requirement to report a change of circumstances

9.0 Payment of council tax reduction

- 9.1 CTR is awarded as a reduction on the claimants council tax account. If there remains a residual liability it is billed as council tax due. If a claimant has made payments of council tax and therefore the award of CTR results in a credit on the account it will be processed as if it were excess council tax paid.

10.0 Changes of circumstance

- 10.1 If at any time between the making of the claim and a decision being made on it, or during an award of CTR, there is a change of circumstances which would affect the calculation the claimant, their partner or representative, has a duty to notify the Council. The Prescribed Requirements Regulations (Schedule 8,

Part 2, Regulation 9) defines a claimant's duty to notify a change in their circumstances. This applies to both working age and pensioner claims.

Claimants must notify any changes in their circumstances which may affect the award of CTR and can notify the Council in advance if details of a future change are known.

The matters to be notified include, but are not limited to:

- Changes in household composition
- Changes in income
- Changes in capital
- Change of address

- 10.2 Notification of a change should where possible be made online. This is the quickest and easiest way to report a change. Where a claimant is unable to access online services alternatives will be accepted, such as in writing (including via email) and over the telephone.
- 10.3 Changes in circumstance which alter the amount of CTR paid shall take effect from the Monday following the date of change, even if it happened in the past. Annual uprating of DWP benefits will be effective from the 1st April in the financial year in which they occur.
- 10.4 The Council will terminate CTR where entitlement ends, the claimant withdraws their claim, or if any of the following circumstances apply
- There are doubts as to whether the conditions of entitlement to CTR are fulfilled and the claimant has failed to provide the relevant information requested by the Council.
 - The Council is considering whether to change the decision and the claimant has failed to provide the relevant information requested by the Council.
 - The Council considers that too much CTR is being paid and the claimant has failed to provide the relevant information requested by the Council.
- 10.6 Generally a claim will end on the date of the change that resulted in the end of entitlement, or the date of withdrawal. Where a doubt arises over entitlement or where further information is requested the date of termination will be determined based on the information received. If no information is received the date of termination will be decided by the Council based on the information that it has available.
- 10.7 For changes that result in an increased amount of CTR awarded, the increased amount will reduce the amount of council tax owed. For changes in circumstance that reduce the amount of CTR awarded, the reduced amount

will increase the amount of council tax that is owed. In both cases a revised bill will be issued detailing the amount of council tax that is due; applicants can request further statements explaining how the change has been calculated. The Council will follow its collection and recovery procedures when collecting any revised amounts due. However consideration may be given to those who are vulnerable and experiencing financial difficulty. Particularly where it has been determined that there is an increase in council tax due.

- 10.8 For pensioner claims the effective date of change will be determined with reference to the Prescribed Requirements Regulations (Part 8).
- 10.9 Where a decision is made in respect of a change in circumstances which results in an increase in the amount of council tax that is due, the Council may in exceptional circumstances decide not to recover it. Such decisions will be made with reference to the Council's Discretionary Council Tax Reduction Policy which can be found in Appendix 3. This policy applies to both working age and pension age claims.

11.0 Evidence & required information

- 11.1 In accordance with the Prescribed Requirements Regulations (Schedule 8, Part 2, Regulation 7) an application for CTR must be supported by such information or evidence as is reasonably required to enable entitlement to be determined. The Council determines the level of evidence required to support a claim or a change of circumstances in accordance with its Risk Based Verification (RBV) Policy (see appendix 4).
- 11.2 This Policy allows the Council to allocate a risk score to a CTR claim or a reported change of circumstance, this risk score then informs the standard of verification that is applied to that claim for the purpose of calculating entitlement.
- 11.3 For all new claims evidence of the claimants (and any partner's) national insurance number and identity must be provided as a minimum.

12.0 Appeals

- 12.1 A claimant may, at any time request the Council to review their entitlement to CTR, or the amount of any reduction to CTR, outside of the provisions for

appeals detailed below. Requests can be submitted by email or in writing. A written explanation will be sent within 14 days or as soon as possible.

- 12.2 In accordance with the Prescribed Requirements Regulations (Schedule 7, Part 2) a claimant, or a person acting on their behalf, who is aggrieved by a decision made under the scheme may formally appeal against it. This appeal must be in writing to the Council and should state the grounds on which the appeal is being made.
- 12.3 The Council will consider the appeal and notify the claimant in writing of the outcome, the reasons for the decision and any steps that have been taken to deal with the grievance. If the appellant remains dissatisfied, or a response has not been given within a period of two months from the date of the written appeal, the claimant may appeal directly to the Valuation Tribunal for England.
- 12.4 Appeals against the decisions made using the Council's Discretionary Reduction Policy will be considered with reference to the Policy, which can be found in Appendix 3 of this document.

13.0 Fraud

- 13.1 When a claimant makes an application for CTR they are required to sign a declaration as part of the application process. This requests a customer to declare that the information given on the form is correct and complete and that they understand that if they knowingly give information that is incorrect or incomplete, that the Council may take action against them. This may include court action.
- 13.2 If a claimant dishonestly makes a false statement or fails to disclose information they are under a legal duty to disclose with intention to make a gain or cause a loss to another, they may be guilty of a criminal offence.
- 13.3 The Council reserves the right to investigate and prosecute potential offences committed by any claimant/recipient of its scheme. It may do so instead of, or as well as, taking any civil action open to it.
- 13.4 The Council has adopted a Risk Based Verification Policy for the purpose of determining entitlement to CTR. This specifically determines the standard of verification required to support an application. Claims that are determined to have a low risk of fraud an error only require a minimum standard of proof, while claims that are high risk will require a greater standard of proof. The adoption of this Policy aims to reduce the level of fraud and error. This is

monitored for the purpose of this Policy and adjustments made where necessary.

14.0 Work incentives

- 14.1 The Council is keen to support people into work, and to continue this support while they are in low paid work, or working variable hours. The introduction of a banded scheme for UC claimants aims to simplify the scheme for working age customers. These customers will remain in a particular band when they have small adjustments to their earnings, meaning that they will be better able to manage their finances and not be subject to a change in Council Tax payable every month (unless the change means that the claimant moves between bands).

15.0 Changes to the scheme

- 15.1 The Local Government Finance Act 2012 stipulates that for each financial year the billing authority must consider whether to revise its scheme or replace it with another scheme. The authority must make any revision to its scheme, or any replacement scheme, no later than the 11th March in the financial year preceding that for which the revision or replacement scheme is to have effect. The Secretary of State may amend this date.

Appendix 1:

The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 (as amended).

http://www.legislation.gov.uk/uksi/2012/2885/pdfs/uksi_20122885_en.pdf

http://www.legislation.gov.uk/uksi/2017/1305/pdfs/uksi_20171305_en.pdf

[The Council Tax \(Demand Notices and Reduction Schemes\) \(England\) \(Amendment\) Regulations 2022 \(legislation.gov.uk\)](#)

[The Council Tax Reduction Schemes \(Prescribed Requirements\) \(England\) \(Amendment\) Regulations 2022 \(legislation.gov.uk\)](#)

Appendix 2:

The Housing Benefit Regulations 2006 (as amended)

<http://www.legislation.gov.uk/uksi/2006/213/contents>

Appendix 3 Council Tax Reduction Discretionary Awards Policy

1. Background

The Local Government Finance Act 2012 gave Local Authority's the freedom to develop their own Council Tax Reduction Schemes for people of working age giving due consideration to the needs of their residents. These Schemes sit under Section 13A (1) (a) of this Act. There are certain circumstances where the Council may apply discretion to ensure that the needs of residents are met. This Policy outlines who can apply for a Discretionary award and the decision making process that Officers of the Authority will follow when considering these decisions.

2. Individuals who may be awarded a Discretionary Council Tax Reduction

There are three situations where additional CTR will be considered by the Authority, these are described below.

- Where there has been a change of entitlement that has resulted in the determination that an increased amount of Council Tax is due. Particularly in cases where there has been an error on behalf of the Authority.
- Where a household is disadvantaged by being assessed under Class F of the Scheme (banded scheme for Universal Credit).
- Where an individual is a Care Leaver in receipt of a reduction but require additional support to assist them in transitioning to unsupported living.

Changes in the amount of CTR awarded

In certain limited circumstances the Council may decide not to recover an increase in council tax resulting from a change in CTR.

An amount of increased council tax can be considered for write off if the Council uses its discretion and decides not to recover it. The Council may use its discretion from the outset when the increased amount of council tax is decided, based on information that it has, or may use its discretion later at the request of the claimant or the claimant's representative. These types of write offs are called discretionary CTR write offs.

If increased liability arose as a consequence of an official error by the Council consideration will be given to whether the amount should be recovered from the person to whom it was paid. This may be the only factor considered or it may be combined with other relevant factors such as financial hardship or health.

In identifying the cause of an adjustment to a person's council tax liability the appropriate consideration is "what is the substantial cause of the increased charge viewed in a common sense way?" The claimant or a third party can only cause' an adjustment if they intentionally or unintentionally misrepresent, or fail to disclose a material fact.

If there is more than one cause of an adjustment, these must be separated out. In such cases the two (or more causes), periods and amounts must be separately identified, and separate decisions made about whether the amount will be recovered.

An official error is a mistake, whether in the form of an act or omission, made by the Council, or someone acting on their behalf (such as a contractor or housing association that verifies claims on the Council's behalf).

4.2 Financial vulnerability as a result of the banded UC scheme (Class F)

Where a claimant can demonstrate that the effect of the banded scheme for UC claims (Class F in the scheme) has caused financial hardship, they may apply for a Discretionary Award of CTR.

An award may also be made under this provision to assist a customer with the transition to UC. For some customers adjusting to this new income can be challenging therefore if appropriate a short term award of additional CTR may be made aimed at alleviating hardship as a result of this transition.

The circumstances in which this type of award would be made are limited to those claimants in receipt of UC who are suffering financial hardship and/or disadvantaged by the UC banded scheme in comparison to the traditional means test or legacy benefits.

The customer will need detail how they feel that they have been financially disadvantaged and provide evidence of financial hardship to demonstrate this if appropriate.

4.3 Care Leavers

A care leaver is defined as a person that has previously been looked after by a Local Authority under the Children Act 2000. A discretionary award may be paid in addition to CTR awarded under this scheme where a customer is in financial hardship and they require support in the transition to adulthood.

3. Applications

Applications should be made in writing by letter or email, the request should detail the grounds on which the application is made and the applicant should provide documentary evidence to support their case where necessary. A new application will need to be made for each financial year, however generally awards are intended to be made on a short term basis only.

4. Decision making

A Senior Benefits Officer (the decision maker) will determine the facts of the case, considering the CTR award as the first step and establishing whether any other discount or exemption may be applicable in the circumstances. The decision maker will take account of a variety of factors including, but not restricted to:

- Financial hardship
- Terminal illness
- Senility or learning disabilities
- Severe medical conditions, including mental illness
- Health & welfare

- Cause of an award adjustment

5. Start date of a reduction

The decision maker will decide the period that it is appropriate to make a decision. Generally this will be for a past period where an award adjustment has been created in the past or an ongoing award made from the date of application or change in circumstances aimed at transitioning a claimant into UC or from leaving care.

6. Charges that will not be considered to attract a Discretionary Reduction

The following will not be considered for a Discretionary Reduction.

- Increased Council Tax as a consequence of Fraud
- Penalty charges applied to an account as a consequence of Fraud
- Court costs
- Recovery costs e.g. the cost of the issue of a summons or costs incurred by an enforcement agent

7. Notification of decision

The applicant and/or their representative will be informed of the decision in writing, issued either by email or letter. This letter will advise them of the outcome of their application and where a refusal is made detail the reasoning behind the decision not to make an award. The applicant will also be advised what they need to do next if they disagree with the decision that has been made.

Where an application for discretion is made for circumstances that fall out of those detailed in Paragraph 2 of this Policy these applications will be dealt with under The Council's Discretionary Council Tax Reduction Policy under 13A(1)(C) of the Local Government Finance Act 2012. This Policy has been included as Appendix to this document. This Policy allows for discretion to be applied to any bill payer of the District, not just those in receipt of CTR.

8. Reconsiderations and Appeals

Reconsiderations against CTR discretionary decisions will be considered by another Senior Benefits Officer of the Authority using the same decision making and notification principles described above.

If the applicant disagrees with the outcome of the reconsideration they may appeal directly to the Valuation Tribunal for England. This is an independent body which adjudicates on disputes between Council Tax payers and the billing Authority (the Council). Appeals must be made direct to the Valuation Tribunal within two months of the notification of decision.

Chichester District Council

CABINET

4 October 2022

WSSC's Concession Contract for the Provision of Electric Vehicle Charge Points and Related Services

1. Contacts

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2. Executive Summary

WSSC has entered into a concession contract with Connected Kerb for the planning, installation, operation and management of electric vehicle charge points (EVCPs). The contract is for 15 years plus an optional further five years but with a zero-cost landlord's break clause in the lease agreements at ten years. All other West Sussex Councils have joined the contract and the emphasis is on the provision of EVCPs for households without access to off-street parking. The Council can join the contract at zero-cost subject to committing land assets on which Connected Kerb will consider installing EVCPs subject to a lease, although the Council retains the right to decide whether proposed installations can proceed. The Council would continue to take revenue from parking tariffs and some monies from EVCP revenues. WSSC has committed almost all its highway land to the contract and will install EVCPs on highway land in Chichester District whether the Council joins the contract or not. The Council's land assets which it is proposed to commit to the contract is at Appendix 1, 2 & 3.

3. Recommendation

- 3.1. That Cabinet resolves that the Council joins the West Sussex County Council Concession Contract for the planning, installation, operation and maintenance of an electric vehicle charging network.**
- 3.2. That Cabinet resolves that Parking Services retains the remaining £36,700 electric vehicle charging points budget to enable the installation of EVCPs in new locations and/or the expansion of provision in existing locations whether the Council joins the WSSC contract or not and potentially in locations rejected by CK but where the Council wishes to see EVCP provision.**

4. Background

- 4.1. In early 2022 WSCC and all other West Sussex district and borough councils (DnBs) signed a contract with Connected Kerb (CK) as their supplier for the planning, installing, operation and maintenance of electric vehicle charge points (EVCP). There is no statutory obligation on the District Council to install EVCPs but electric vehicles (EVs) are likely to be the dominant powertrain for cars and vans and the Council has land (predominantly car-parks) on which it can foster and encourage EV ownership and use in the district.
- 4.2. An earlier (now aborted) WSCC contract was considered by Cabinet at its meetings on 3 November and 8 December 2020. Cabinet resolved that the Council should not join the concession contract and:

‘That the Cabinet gives delegated authority to the Director for Planning and the Environment in collaboration with the Cabinet Member for Environment and Chichester Contract Services to consider the content of the West Sussex County Council Electrical Vehicle Charging Infrastructure contract once it has been received and to decide whether it would be appropriate at that stage to bring a further report back to Cabinet’.

- 4.3. The contract is a concession contract with a related lease period of 15 years, an option to extend for a further five years and a zero-cost landlord’s break clause in the lease at ten years. Other than the surrender of land assets to the provider, the contract is zero-cost to participating authorities and other eligible organisations. The land subject to the lease is only for the footprint of the EV charge point. This enables Local Authorities to continue to take car-parking revenue in full where EVCP’s are located in Council car parks¹. The contract’s focus is the provision of 7 – 22kW EVCP’s for residential properties that do not have the benefit of off-street parking. The contract also seeks to provide approximately 5% - 10% of the total provision as ‘rapid’ (50kW+) EVCPs and ‘destination’ (7kW) charging.
- 4.4. The contract has a portfolio approach to profit share. For every kWh sold on the network £0.01 will be put into a central fund. The fund will be distributed to all participating parties in ratio to the number of EVCPs that they each host. WSCC will top-slice the fund for the cost of an officer who manages and administers the contract before the remaining monies are shared. CK pay for all of the electricity consumed under the contract (electricity will be at zero-cost to participating organisations) and all electricity will be from 100% renewable sources.
- 4.5. The other DnBs have predominantly offered their car parks, Council housing stock and associated land holdings. The District Council previously installed 18 EVCPs in eight car parks using Office for Zero Emission Vehicles’ Grant support (see Appendix 1). The Council currently fully owns its EVCP provision, sets its own tariffs, receives the full income

¹ And maintain control over parking tariff setting.

generated by the provision and the parking income for EVCP spaces. It is proposed that the Council commits car parks and land assets as indicated in Appendix 2 and 3.

- 4.6. The contract is run by two management boards (broadly 'operational' and 'strategic'). The boards are populated by officers from the Key Delivery Authorities (KDAs) and CK. The KDAs are WSCC and all other West Sussex district and borough local authorities. All subsequent signatories to the contract, including the Council, will be Collaborating Organisations (CO's). CO's will have the same contract terms as KDAs but will not be able to sit on the management boards. Other organisations such as not-for-profit organisations, community groups and facilities can also join the WSCC contract at any time as COs.
- 4.7. Under the contract, EVCPs will be installed on WSCC's highways land within Chichester District, whether the Council joins the contract or not. WSCC asked residents and relevant organisations to indicate where they would like to see EVCPs installed and the Council promoted the WSCC eform link via social media, to all community asset register listed persons, via residents' associations and Registered Social Landlords. The Council has also provided WSCC with data on extant planning permissions, private-hire vehicle data and taxi rank locations.
- 4.8. Officers from Environmental Protection, Parking Services and Estates have identified a schedule of land assets and car parks that it may be appropriate to offer to the contract in the event that the Council resolves to join. The suggested assets are indicated at Appendices 1 - 3. Assets committed to the contract will be considered by CK who will then either propose install locations on those assets or not. The Council can negotiate and/or refuse CK's proposals. Entering the contract does not guarantee CK will install on any asset or adopt any existing EVCP but gives CK the first right of refusal to install on all committed assets or to adopt any existing EVCP. If CK refuse a location then the Council would be free to appoint a different supplier to install EVCPs there. There are financial penalties for organisations that sign-up to the contract if they subsequently wish to have EVCPs removed and/or relocated (capped at £35K for fast EVCPs and £50K for rapid EVCPs tapered over the contract period, plus £5K cable re-routeing (see Appendix 5)). CK has installed fast chargers thus far in banks of six such that the penalty for removing/relocating a number of EVCPs could be significant.
- 4.9. In the event that the council decides not to join the contract it could determine its own strategy and bid for two existing Government grant pots to install EVCPs. There is no guarantee of success in applying for grants (though the Council has successfully accessed the On Street Residential Chargepoint Scheme (ORCS) grant previously) and the work would require additional staff resource (see 8.2). The two grant pots are offered by the Office for Zero-Emission Vehicles (OZEV). Both grants enable EVCP provision in locations where properties do not have the benefit of off-street parking:

- ORCS: This is the grant that the Council accessed previously. It requires a 25% funding match for the Council to access it.
 - Local Electric Vehicle Infrastructure (LEVI) Fund: This grant was available as a pilot earlier in the year and will be open for bids later in the year. Authorities can apply individually or in partnership with a private sector partner. The grant is intended to encourage large-scale, ambitious and commercially sustainable projects that lever considerable private sector investment and minimise the spend from the public purse. OZEV are particularly interested in new business models where local authorities work together. The Council has limited assets with which it can make a transformative change for properties across the district without access to off-street parking and in any case this is WSCC's intention using their highway land through the contract.
- 4.10. WSCC recently produced a Members' Briefing note which the Council circulated by email to all members. This reports positively on CK's progress in developing a West Sussex EVCP network that in car parks 60 EVCPs are publicly available with a further 90 EVCPs planned at 15 sites where construction will commence from September 2022. For on-street provision phase-1 roll-out aims to deliver 400 EVCPs subject to resident engagement and the Traffic Regulation Order process, with Chichester District hosting 15 such sites.
- 4.11. The existing EVCPs assets, with the exception of the EVCP assets at East Pallant House car park, Chichester (two 7kW EVCP's) and Northgate car park, Chichester (two 7kW EVCP's), are proposed to be offered to the contract (see Appendix 1).
- 4.12. Aside from the land indicated in Appendices 1 – 3 that it is proposed is offered into the contract, the Council does have other land holdings where it could in theory install EVCPs. However, these assets have been considered by the Council's Estates team and for various reasons it is not considered appropriate to install in those locations.
- 4.13. Parking Services has a residual budget of £36,700 from the original EV Charge Points budget which was used as a match fund against the Office for Low Emissions Vehicles grant to install the existing 18 public facing EVCPs.
- 4.14. Usage statistics for the existing EVCPs are at Appendix 4.

5. Outcomes to be achieved

- 5.1. To support transformative provision of EVCP's across the District to support the take-up and ownership of EV's especially for households who would otherwise be unable to own an EV due to the lack of off-street parking. This in turn should support the Council's adopted Air Quality Action Plan to improve air quality through encouraging the growth in EV's with zero tail-pipe emissions and further assist in decarbonising transport in line with the Council's Climate Change Action Plan.

- 5.2. Joining the concession contract should enable timely installs of EVCPs in relevant locations on Council land across the district and enable the Council to have more influence in the delivery of the concession contract in the district and West Sussex.
- 5.3. Joining the contract would also fit with the Corporate Plan policy to 'protect our environment as we move towards a low carbon future'.

6. Proposal

- 6.1. The proposal is to join the WSCC concession contract and offer the assets indicated at Appendices 1 – 3 for potential EVCP provision and to maintain ownership and operational control of four EVCPs at the Northgate and East Pallant House car parks, Chichester.
- 6.2. To maintain a Parking Services' EV charging points budget of £36,700. The budget would enable the installation of EVCPs in new, or the expansion of provision in existing locations whether the Council joins the WSCC contract or not and potentially in locations rejected by CK but where the Council wishes to see EVCP provision. The Council would not seek to install EVCP in locations where CK wish to install and the Council agrees.

7. Alternatives considered

- 7.1. To not join the WSCC contract and to continue to develop the Council's own network. This would require determining a Council strategy for the delivery of EVCP's, bidding for one of two government grants and forming a relationship with a provider. This would require additional staffing resource and for which success is uncertain (see 4.9 above).
- 7.2. To consider other delivery models available to the Council and their relative benefits and disbenefits compared to those of joining the contract: For similar reasons to those given in 7.1 above this option is not considered appropriate.
- 7.3. To watch the WSCC concession contract develop further before joining it: WSCC has recently reported positive progress (see 4.10) in the implementation of the contract and so it is not thought that there will be significant knowledge gains through observing progress further. As such it is now considered appropriate to join the contract in order to contribute to it and maximise its possibility of success. As such this option is not thought appropriate.

8. Resource and legal implications

- 8.1. The further work involved to join the contract can be carried out within current resources and Legal Services' audit of the contract (including the lease document) indicates that there are no legal constraints to not join the contract. Should the Council join the contract then an in-house working group would be set up to manage the process whereby the Council would

have EVCP's installed on its land, again this is within the existing resources of Legal Services, Estates, Car Parks and Environmental Protection.

- 8.2. The alternative of further delivery of EVCP's in-house is likely to require additional staff resources, which might amount up to 1 FTE for a minimum of eight months at an approximate cost of up to £50k together with new District Network Operator (DNO) connections which will further add to the cost to the Council (the current EVCP service offering by the Council is, as per a previous Cabinet resolution, designed to be revenue neutral).

9. Consultation

- 9.1. Adoption of the WSCC concession contract was considered by Environment Panel at its meeting on 5 September 2022. The Panel resolved:

That the Environment Panel recommends to Cabinet that the Council joins the West Sussex County Council Concession Contract for the planning, installation, operation and maintenance of an electric vehicle charging network.

That the Environment Panel recommends to Cabinet that Parking Services retains the remaining £36,700 electric vehicle charging points budget to enable the installation of electric vehicle charge points.

- 9.2. No formal consultation has been undertaken by the Council, nevertheless, the WSCC eform link has been promoted to relevant organisations in Chichester District as described in paragraph 4.7 above. This exercise will be repeated to encourage residents and businesses to engage in the process and to suggest locations for EVCP installs. As a form of informal consultation WSCC has leaflet dropped to properties on roads where there is on-street provision proposed. The TRO process, intended to start in September/October 2022, will also be subject to a full public consultation.

10. Community impact and corporate risks

- 10.1. The WSCC contract is not yet proven and there is risk that it may not deliver (see 7.3 above).
- 10.2. Should the Council agree to installations of EVCPs in locations where they subsequently need to be moved or removed then the Council will be exposed to the financial penalty associated with the 'lift and shift' clause of the contract (see 4.8 above and Appendix 5). Relocation and/or relocation compensation is only payable after leases are signed and is tapered across the life of the contract.
- 10.3. As the proposal is to continue to wholly own and host four of the Council's 18 EVCPs (at East Pallant and Northgate carpark) and to offer the balance of existing EVCPs into the contract and to allow installs by CK on Council land then there is a risk that the Council's offer will be confusing to

customers. However, the EVCP market already has many providers and EV drivers are well used to using different forms of payment, apps to access and pay at EVCP's from different providers.

- 10.4. The Council is likely to receive only a small income from the CK EVCPs whereas it receives all of the income from its current EVCPs which is set against the costs of service provision and is designed to be revenue neutral. Nevertheless most of the risks and liabilities, aside from the lift and shift clause, from the provision of EVCPs under the concession contract is borne by CK and the provision will be at zero-direct-cost to the Council.

11. Other Implications

	Yes	No
Crime and Disorder		✓
Biodiversity and Climate Change Mitigation Enabling a greater number of journeys to be made by EVs and the related reduction use of liquid fuelled vehicles both reduce carbon emissions especially where the electricity of from renewable sources.	✓	
Human Rights and Equality Impact The WSCC contract is designed to provide on-street EVCP to support households who do not have access to off-street parking to buy EVs.	✓	
Safeguarding and Early Help		✓
General Data Protection Regulations (GDPR)		✓
Health and Wellbeing		✓

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WSSC's Concession Contract for the Provision of Electric Vehicle Charge Points and Related Services

Appendix 1: Existing EVCP assets¹ indicating which will be offered into the concession contract:

Location:	EVCP Asset (7kW = fast, 22kW = rapid):	Offer into the concession contract (Yes/No):
Bosham - Bosham Lane car park	2 x 7kW	Yes
Chichester - East Pallant car park	2 x 7kW	No
Chichester - Avenue de Chartres car park	2 x 7kW + 2 x 22kW	Yes
Chichester – Northgate car park	2 x 7kW	No
East Wittering - Northern Crescent car park	2 x 7kW	Yes
Midhurst - North Street car park	2 x 22kW	Yes
Petworth - Pound Street car park	2 x 7kW	Yes
Selsey - East Street car park	2 x 7kW	Yes
Land to rear of 22 – 38 Freeland Close, Chichester, PO19 3SA.	2 x 7kW	Yes

Appendix 2: Full list of the Council's car parks indicating which will be offered to the concession contract:

Location/name:	Offer into the concession contract (Yes/No):
Baffins Lane, Chichester	Yes
Little London, Chichester	Yes
Cawley Priory, Chichester	No
East Pallant, Chichester	No
Florence Road, Chichester	Yes

¹ Public facing EVCPs only. The Council also has four EVCPs to charge its parking services' electric cars (Renault Zoes) and staff pool electric cars (MG 5s).

Market Avenue/St John's Street, Chichester	Yes
Market Road, Chichester	Yes
New Park Road, Chichester	No
Orchard Street, Chichester	Yes
South Pallant, Chichester	Yes
St Cyriacs, Chichester	Yes
Avenue De Chartres, Chichester	Yes
Basin Road, Chichester	No
Cattle Market, Chichester	No
Northgate, Chichester	No
Westgate, Chichester	Yes
Bosham Lane, Bosham	Yes
Bracklesham Lane, Brackelsham	Yes
Crossfield, Fernhurst	Yes
Grange Road, Midhurst	Yes
North Street, Midhurst	Yes
Post Office, Midhurst	Yes
Pound Street, Petworth	Yes
Sylvia Beaufoy, Petworth	Yes
East Beach, Selsey	Yes
East Street, Selsey	Yes
Selsey Marine, Selsey	Yes
Marine Drive, West Wittering	Yes
Northern Crescent, East Wittering	Yes

Appendix 3: Other non-car park assets that the Council can commit to the contract:

Property name:
Leatherbottle Lane, Chichester.
Access roadway areas at Little Breach in Little Breach, Chichester.

Appendix 4: The Council's EVCP usage statistics (Year to date Jan – June 30th 2022):

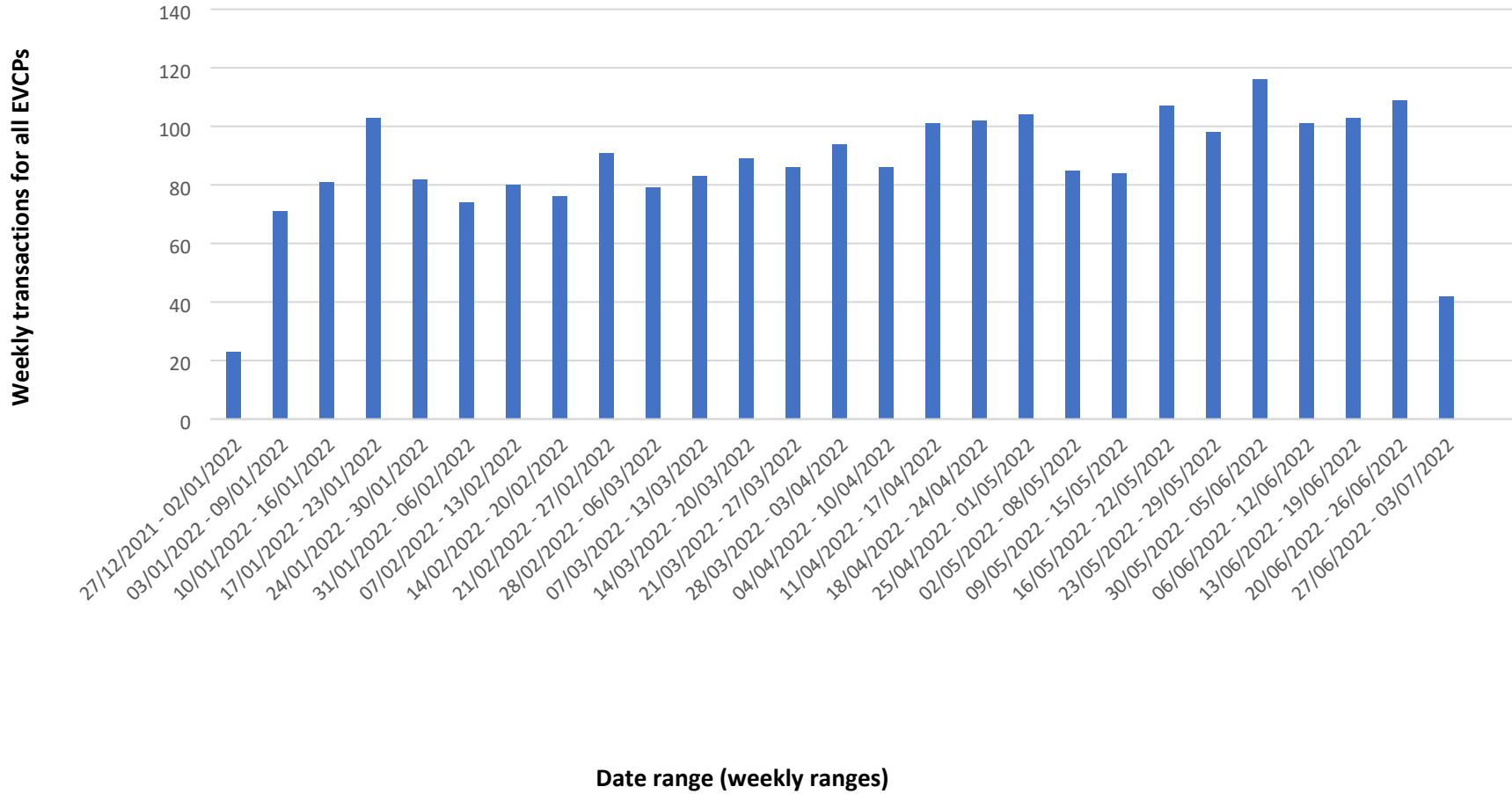
Existing EVCP assets (public facing only) see Appendix 1:

Total availability in the Council's 18 EVCPs (June 2022) = 86.25%

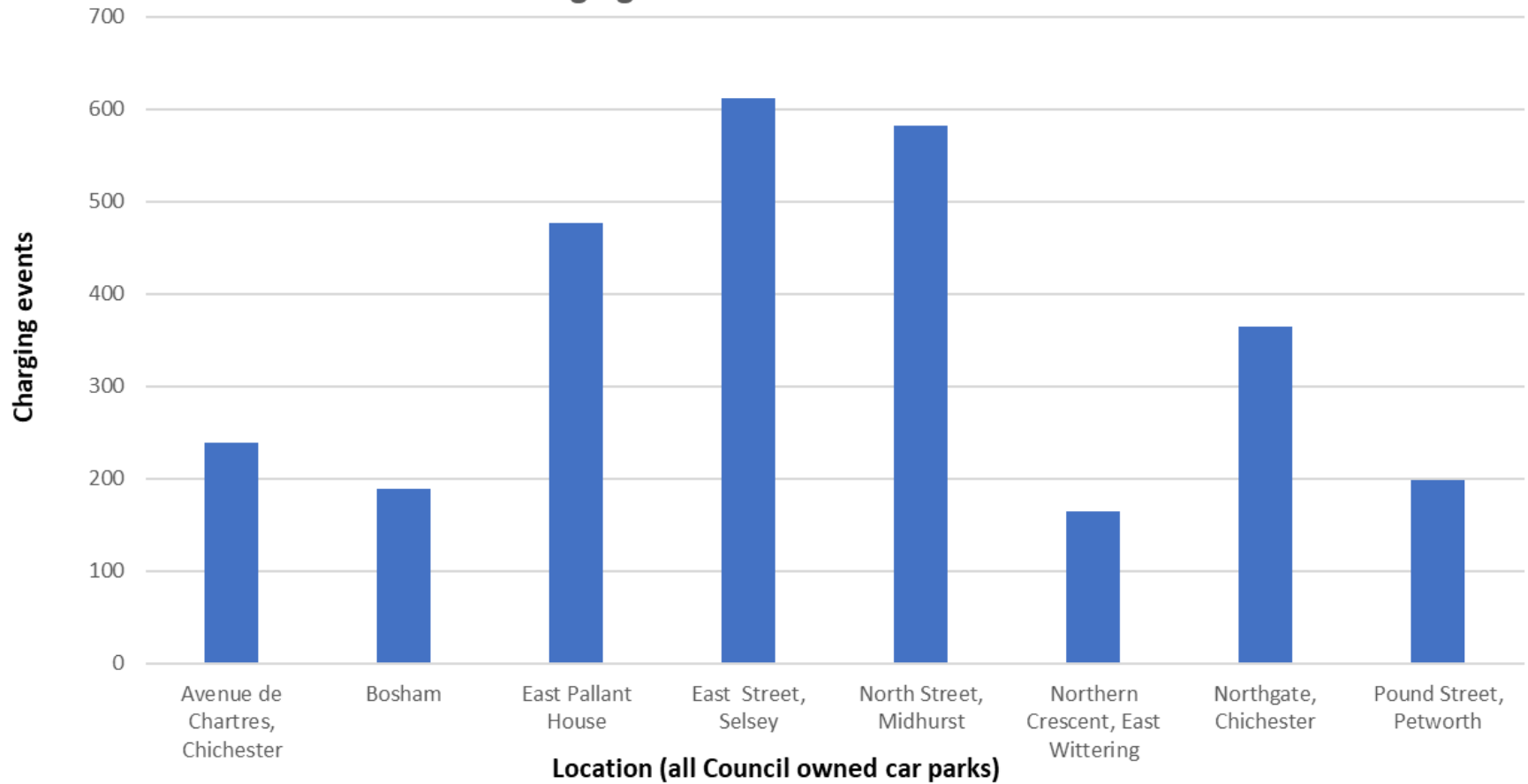
Total valid transactions 01-01-2022 to 30-06-2022 (184 days) = 2,350

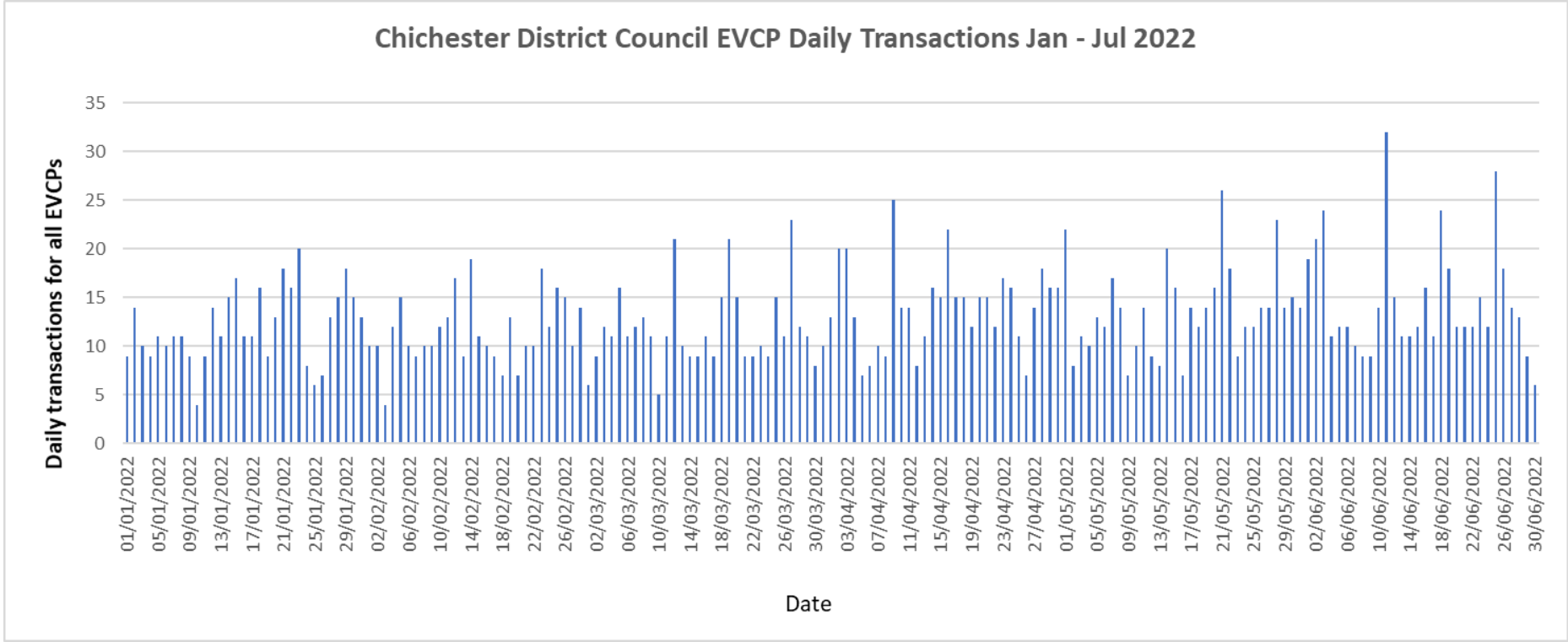
Average transactions/EVCP/day = 0.75

Chichester District Council EVCP Transactions Jan - Jul 2022



**Chichester District Council
EV charging events 01-01-2022 to 30-06-2022**





Appendix 5: Re-compensation costs formula for relocating EVCPs:

Cables Relocation Cost: the reasonable and proper costs to be approved and agreed by the Landlord in advance of payment of the same and up to a maximum of £5,000 (five thousand pounds) including VAT per Cabling Route incurred by the Tenant (i) in (if required by the Landlord) moving the Cables (and associated infrastructure) and making good any damage caused to the Property, the Landlord's Neighbouring Property, any other property and land and/or service media caused by such removal to the reasonable satisfaction of the Landlord acting properly and (ii) in installing the new Cables (including the reasonable and proper cost of the new Cables) and making good any damage caused by such installation to the Property, the Landlord's Neighbouring Property, any other property and land and/or service media to the reasonable satisfaction of the Landlord acting property

Compensation Costs: the costs (or a proportion thereof) incurred by the Tenant in undertaking the works required to install the Apparatus, Charging Station and/or Cables and the cost of the Apparatus, Charging Station and/or Cables which are (i) agreed and approved by the Landlord prior to payment of the same and (ii) calculated in accordance with the Compensation Costs Formula and (iii) up to a maximum of £35,000 (thirty five thousand pounds) including VAT per fast 7KW Charging Station and £50,000 (fifty thousand pounds) including VAT per rapid 50KW Charging Station

Compensation Costs Formula:

$$IC * (1 + ((RPI2 - RPI1) / RPI1)) * AF$$

Where:

IC = the costs incurred by the Tenant in installing the Charging Station which are itemised in the Table and as are agreed between the Landlord and the Tenant acting reasonably and properly. (For the avoidance of doubt, any cost which does not fall within a head of expenditure itemised in the Table will not form part of the costs incurred by the Tenant in installing the Charging Station).

RPI1 = the value of the RPI at the date the Charging Station is commissioned. (Such date being recorded within the Connected Kerb Back Office System).

RPI2 = the value of the RPI at the date the Charging Station is de-commissioned. (Such date being recorded within the Connected Kerb Back Office System).

AF = the Amortisation Factor *as set out* in the table below:

Relocation Formula		Amortisation Factor									
		Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Cost of Installation	plus RPI	99%	99%	95%	92%	88%	83%	78%	72%	66%	59%
Cost of EVCP	plus RPI	99%	99%	95%	92%	88%	83%	78%	72%	66%	59%
Cost of DNO	plus RPI	99%	99%	95%	92%	88%	83%	78%	72%	66%	59%
Cost of TRO	plus RPI	99%	99%	95%	92%	88%	83%	78%	72%	66%	59%
Cost of Section 50 (if applicable)	plus RPI	99%	99%	95%	92%	88%	83%	78%	72%	66%	59%
Cost of Relocation		100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
		Year 11	Year 12	Year 13	Year 14	Year 15	Year 16	Year 17	Year 18	Year 19	Year 20
Cost of Installation	plus RPI	52%	46%	39%	33%	27%	22%	16%	11%	5%	0%
Cost of EVCP	plus RPI	52%	46%	39%	33%	27%	22%	16%	11%	5%	0%
Cost of DNO	plus RPI	52%	46%	39%	33%	27%	22%	16%	11%	5%	0%
Cost of TRO	plus RPI	52%	46%	39%	33%	27%	22%	16%	11%	5%	0%
Cost of Section 50 (if applicable)	plus RPI	52%	46%	39%	33%	27%	22%	16%	11%	5%	0%
Cost of Relocation		100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

Note:

Where a DnB is the landlord then relocation of EVCPs does not have to be on the landlord's land but could be on WSCC's land.

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

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