

# EXECUTIVE BOARD MEMBER DECISIONS MEETING FOR RESOURCES

FRIDAY, 8 SEPTEMBER 2017

**PRESENT: Councillor:** D.M. Jenkins (Executive Board Member).

**Present as Observers:-**

Ms R. Lumley-Gower, Housing Officer.

**The following officers were in attendance:**

J. Gravelle, Revenue Services Manager;

J. Jones, Property and Major Projects Manager;

S.M. Lewis, Team Leader, Housing Enforcement and Solutions;

H.M. Newman, Asset Management Support Officer;

J. Owen, Democratic Services Officer.

Democratic Services Committee Room, County Hall, Carmarthen – 2.00pm - 3.20pm

## 1. DECLARATIONS OF PERSONAL INTEREST

There were no declarations of personal interest.

## 2. TO SIGN AS A CORRECT RECORD THE DECISION RECORD OF THE MEETING HELD ON THE 13TH JULY, 2017

**RESOLVED** that the decision record of the meeting held on the 13<sup>th</sup> July, 2017 be signed as a correct record.

## 3. FORMER THEATRE ELLI, STATION ROAD, LLANELLI

The Executive Board Member considered a report in relation to the former Theatre Elli, Station Road, Llanelli. The report provided information on the property's disposal in November, 2014 which included an overage clause within the sale agreement. The clause enabled the Authority to a clawback of 50% of any grant monies secured for external works to the building up to a limit of £150,000.

The report highlighted that the new building owner (Calon Llanelli) was seeking grant funding from Cadw and Heritage Lottery Fund in order to undertake heritage works which would improve the appearance of the building. Specific works proposed were outlined in the reports appended document.

The Executive Board Member noted from the report that the building owner had queried whether the overage clause should apply to these grants as the works were not specific to the tile façade and roof upon which the overage provision was originally intended to apply.

The Property and Major Projects Manager stated that it would not be in the spirit of the overage agreement for the Authority to seek clawback for these specific works and would encourage that the improvement works to be undertaken to a prominent

building in Llanelli town centre.

It was therefore proposed, that consent be given for the specific heritage works identified in the appended document and that the overage provision would not apply on this occasion.

It was also noted that should further grant applications be made in the future, these and the implications of the clawback arrangement would be considered at that point in time.

**UNANIMOUSLY RESOLVED that consent to be granted for the proposed heritage works and that the overage provisions of the sale agreement would not apply to the specific works as outlined in the reports appended document.**

#### **4. PROPOSED DISPOSAL OF LAND AT SPRING GARDENS**

The Executive Board Member considered a report in relation to the proposed disposal of land at Spring Gardens, Carmarthen and provided information in relation to an objection that had been received.

The Asset Management Support Officer stated that as part of the capital receipt programme, land at Spring Gardens, Carmarthen had been identified as potentially surplus and was being considered for disposal in order to reduce the council's liability and maintenance costs and to generate capital receipts. Therefore, in accordance with the Local Government Act 1972 Section 123(2a), the Council had published a Public Open Space Notice in the Carmarthen Journal and the Llanelli Star for two consecutive weeks, 24th May 2017 and 31st May 2017 inviting representations by the 28th June 2017.

The Executive Board Member noted that whilst recognising that the disposal of the land would reduce the Council's liability and maintenance costs and generate a capital receipt, an objection to the notice in relation to the land at Spring Gardens had been received and in accordance with the Local Government Act had to be considered.

Following the consideration of the objections received from the Public Open Space Notices published in accordance with the Local Government Act 1972 Section 123(2a) it was,

**RESOLVED that the County Council continue with the disposal of the land at Spring Gardens, Carmarthen.**

#### **5. REPORTS NOT FOR PUBLICATION**

**RESOLVED pursuant to the Local Government Act 1972, as amended by the Local Government (Access to Information)(Variation)(Wales) Order 2007 that the following items were not for publication as the reports contained exempt information as defined in Paragraphs 14 and 17 of Part 4 of Schedule 12A to the Act.**

#### **6. FORMER TENANT DEBT WRITE OFF**

Following the application of the public interest test it was **RESOLVED**

pursuant to the Act referred to in minute no. 5 above not to publicise the content of the report as it contained exempt information relating to the financial or business affairs of any particular person (including the Authority holding that information) (Paragraph 14 of Part 4 of Schedule 12A to the Act).

The public interest test in this matter related to the fact that the report included personal data relating to former council tenants, including details of their rent arrears. The publication of individual debts was unwarranted and would prejudice the rights and freedoms of the relevant data subjects. Accordingly, the public interest in disclosure was outweighed by the public interest in maintaining confidentiality.

The Executive Board Member considered a report prepared in accordance with the Council's Procedure Rules, seeking the write-off of former tenant debts in excess of £1,500. It was noted that the Former Tenant Arrears Policy clearly detailed the criteria which needed to be met when determining whether it was uneconomical to pursue a former tenant debt any further.

It was brought to the attention of the Executive Board Member some typographical errors which were contained within the report provided. In light of the errors the Executive Board Member noted the revised total debt.

**RESOLVED** that the former tenant debt arrears detailed within the report be written-off as irrecoverable.

## **7. IRRECOVERABLE ACCOUNTS**

Following the application of the public interest test it was **RESOLVED** pursuant to the Act referred to in minute no. 5 above not to publicise the content of the report as it contained exempt information relating to the financial or business affairs of any particular person (including the Authority holding that information) (Paragraph 14 of Part 4 of Schedule 12A to the Act).

The public interest test in this matter related to the fact that the report contained information about individuals' indebtedness and/or personal information. Although public disclosure of the report would promote accountability for public finances, it would release confidential financial information. On balance, therefore, the public interest in disclosure at this time was outweighed by the public interest in maintaining confidentiality.

The Executive Board Member considered a report detailing three benefit overpayment accounts which had been identified as being irrecoverable. Recovery procedures, where appropriate, had been exhausted and there was no likelihood of payment being secured. It was therefore considered appropriate to write-off those accounts.

**RESOLVED** that the accounts detailed within the report be written-off as irrecoverable.

## **8. NON-DOMESTIC RATES - HARDSHIP RELIEF**

Following the application of the public interest test it was **RESOLVED** pursuant to the Act referred to in minute no. 5 above not to publicise the

**content of the report as it contained exempt information relating to the financial or business affairs of any particular person (including the Authority holding that information) (Paragraph 14 of Part 4 of Schedule 12A to the Act).**

**The public interest test in this matter related to the fact that the report contained information regarding the individual ratepayers' recent financial history and/or personal information. Although public disclosure of the report would promote accountability for public finances, it would release confidential financial information. On balance, therefore, the public interest in disclosure at this time was outweighed by the public interest in maintaining confidentiality.**

The Executive Board member considered an application for hardship Relief under the provisions of Section 49 of the Local Government Finance Act 1988 as amended.

**RESOLVED that:**

- **application reference number 80013741 be waived 50% of the increase for 2017/18;**
- **application reference number 80014557 be waived 20% of the current year's charge;**
- **application reference 80022589 to receive a 50% reduction on all charges prior to 2017/18;**
- **application reference 30033902 be waived 50% of the increase for 2017/18;**
- **application reference 80021787 be waived 50% of the current year's net liability;**
- **application reference 80018585 and 80013791 be refused.**

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**EXECUTIVE BOARD MEMBER**

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**DATE**