



## Public Document Pack

# Uttlesford District Council

Chief Executive: Dawn French

## Council

### To reconvene the meeting adjourned on 25 February 2020

To all Members of Uttlesford District Council, you are hereby summoned to attend the meeting of the District Council to be held as shown below to deal with the business set out in the agenda.

**Date:** Tuesday, 10th March, 2020 (adjourned at 11.00pm on 25 February)

**Time:** Held on the rise of the extraordinary meeting at 6.00pm

**Venue:** Council Chamber - Council Offices, London Road, Saffron Walden, CB11 4ER

Kind regards

Dawn French  
Chief Executive

**Chair:** Councillor R Freeman

**Members:** Councillors A Armstrong, H Asker, G Bagnall, S Barker, M Caton, A Coote, C Criscione, C Day, A Dean, G Driscoll, D Eke, J Evans, P Fairhurst, M Foley (Vice-Chair), A Gerard, N Gregory, N Hargreaves, V Isham, R Jones, A Khan, P Lavelle, G LeCount, P Lees, M Lemon, B Light, J Lodge, J Loughlin, S Luck, S Merifield, E Oliver, R Pavitt, L Pepper, N Reeve, G Sell, A Storah, M Sutton, M Tayler and J De Vries

## AGENDA PART 1

### Open to Public and Press

- 1 Apologies for Absence and Declarations of Interest - considered on 25/02/20

To receive any apologies and declarations of interest.

**2 Minutes of the previous meeting - considered on 25/02/20**

To receive the minutes of the previous meeting.

**3 Chair's Announcements - considered on 25/02/20**

To receive any announcements from the Chair.

**4 Reports from the Leader and Members of the Executive - considered on 25/02/20**

To receive matters of report from the Leader and members of the Executive.

**5 Questions to the Leader, Members of the Executive and Committee Chairmen (up to 15 minutes) - considered on 25/02/20**

To receive questions from members for the Executive and committee chairmen.

**6 Matters referred from the Executive and the Council's committees - considered on 25/02/20**

To consider any reports referred from the Executive and the Council's committees and receive questions and answers on any of those reports.

**7 Matters received about joint arrangements and external organisations - considered on 25/02/20**

To consider matters concerning joint arrangements and external organisations.

**8 Proposals for Members' Scheme of Allowances 2020/21 - considered on 25/02/20**

To consider the proposals for Members' Scheme of Allowances 2020/21.

**9 Draft Corporate Plan 2020 - 2024 - considered on 25/02/20**

To consider the draft Corporate Plan 2020-24.

**10 Medium Term Financial Strategy and Budget Proposals 2020/21 - considered on 25/02/20**

To consider the Medium Term Financial Strategy and Budget Proposals 2020/21.

<b>11</b>	<b>Pay Policy Statement</b>	5 - 20
	To consider the Pay Policy Statement.	
<b>12</b>	<b>Felsted Neighbourhood Plan - considered on 25/02/20</b>	
	To consider the report on the Felsted Neighbourhood Plan.	
<b>13</b>	<b>Public Participation at Planning Committee Meetings</b>	21 - 29
	To consider the report on Public Party Participation at Planning Committee Meetings.	
<b>14</b>	<b>Committee Timetable 2020-21</b>	30
	To receive the committee timetable 2020-21.	
<b>15</b>	<b>Business Rates Relief Policy - considered on 25/02/20</b>	31 - 65
	To consider the Business Rates Relief Policy.	
<b>16</b>	<b>International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism</b>	66 - 71
	To consider the adoption of the IHRA working definition of Antisemitism.	
<b>17</b>	<b>Notice of Motion received: North Essex Economic Strategy (NEES)</b>	72 - 73
	To consider the motion regarding the North Essex Economic Strategy (as attached).	
	A briefing paper on the subject of NEES is to follow.	
<b>18</b>	<b>Notice of Motion received: Fireworks</b>	74
	To consider the motion relating to Fireworks (attached).	

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The agenda is split into two parts. Most of the business is dealt with in Part I which is open to the public. Part II includes items which may be discussed in the absence of the press or public, as they deal with information which is personal or sensitive for some other reason. You will be asked to leave the meeting before Part II items are discussed.

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### **General Enquiries**

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# Agenda Item 11

**Committee:** Council

**Date:**

**Title:** Pay Policy Statement

25 February 2020

**Report Author** Richard Auty, Assistant Director – Corporate Services

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## Summary

1. There is a requirement under the Localism Act 2011 for councils to publish an annual Pay Policy Statement which sets out the pay and remuneration of its employees for the forthcoming year.
2. The policy also includes data on the gender pay gap. Publication of this data is required by the Equalities Act 2010 (Specific Duties and Authorities).

## Recommendations

3. Council is recommended to:

Approve the Pay Policy Statement

Give delegated authority to the Assistant Director – Corporate Services to update the Pay Policy Statement and associated documents with pay multiple figures as at 31 March 2020 and with revised salary information once the 2020/21 national pay award is agreed.

## Financial Implications

4. There are no implications for the Council's budget beyond those approved as part of the 2020/21 budget setting process

## Background Papers

5. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

None

## Impact

- 6.

Communication/Consultation	None
Community Safety	None
Equalities	None

Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	The policy sets out the council's remuneration scheme for staff

## **Situation**

7. The Localism Act 2011 put in place a requirement for Councils to approve a Pay Policy Statement before the start of each financial year. The Pay Policy Statement will be used for the forthcoming year to determine recruitment, retention and reward for existing and new staff.
8. All relevant legislation, government directives and guidance notes have been used to compile this Pay Policy Statement.
9. In accordance with the Council's wish to demonstrate transparency, and to comply with the requirements of the Localism Act, the Pay Policy Statement and associated documents will be published on the Council's website.
10. Delegated authority is sought to update figures in two sections of the Pay Policy Statement during the 2020/21 year without the need to bring the policy back to Full Council for further approval:

## **Pay Multiple**

11. Under the Localism Act the Council is required to publish pay multiple data. This is the ratio between the highest paid taxable earnings and the median earnings figure of the Council's workforce and is in section 6 of the Pay Policy Statement. The Act specifies the Pay Multiple should be calculated using figures as at 31 March. Given the need to approve the Pay Policy Statement before 1 April and the logic in presenting the Pay Policy Statement alongside the budget for the forthcoming year at the February Full Council meeting, it is not possible to include the data.
12. The Pay Policy Statement attached to this report instead contains the pay multiple based on figures as at 31 December 2019. If Full Council grants the request to delegate responsibility to update this figure, the Pay Policy Statement will be republished in early April 2020 with the calculation as at 31 March 2020.

## **Salary Information**

13. At the time of publishing the Pay Policy Statement, there has been no agreement regarding the 2020/2021 annual cost of living increase, which is negotiated on behalf of councils between the Local Government Association and Trade Unions. If Full Council grants the request to delegate responsibility to update these figures, the Pay Policy Statement and associated documents will be republished when agreement is reached.

## **Risk Analysis**

14.

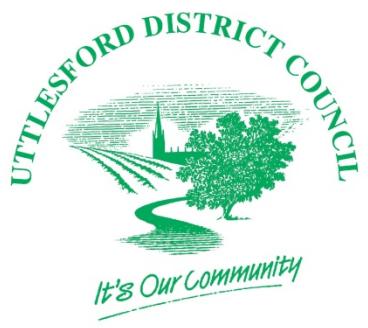
Risk	Likelihood	Impact	Mitigating actions
Council does not approve the Pay Policy by 31 March deadline	1 – the Pay Policy Statement is presented in advance of the deadline. It summarises established schemes and practices and contains data that is mandated by Government	3 – the council would be in breach of the Localism Act and Equalities Act	The Pay Policy Statement is presented well ahead of the deadline for publication

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.



# Pay Policy Statement 2020/21

DRAFT

Published

April 2020

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## **1. Background**

### **Localism Act 2011 – Openness and accountability in local pay**

- 1.1. Section 38(1) of the Localism Act requires local authorities to produce an annual pay policy statement.
- 1.2. The provisions in the Act do not seek to change the right of each local authority to have autonomy on pay decisions, however, it emphasises the need to deliver value for money for local taxpayers.
- 1.3. This statement has been approved by Full Council on 25 February 2020 and any changes during the year will be brought back to Full Council for the adoption at the earliest opportunity.
- 1.4. This statement applies to all Council employees (except Apprenticeships and other national trainee schemes which are subject to the relevant national pay schemes).

### **Local Government Transparency Code 2015**

- 1.5. The Council follows the transparency requirements on remuneration as set out in the Local Government Transparency Code 2015 (“the Code”), published by the Department for Communities and Local Government in February 2015, and the Local Transparency Guidance issued on 30 November 2015 by the Local Government Association.
- 1.6. Part of the Code includes publishing information relating to senior salaries within a local authority. A full list of all posts that are paid £50,000 or more per year that fall within the scope of the Accounts and Audit Regulations 2015 is published on the Council’s website [here](#).

## **2. Introduction**

- 2.1. The Council recognises that to attract, retain and motivate quality employees, fair and equitable pay and reward processes need to be adopted and managed. These processes should be based on the current and future requirements of the organisation. They should also recognise that changes in both employee expectations and motivational needs, along with influential external factors such as labour market conditions, need to be continually considered and managed through these policies.

- 2.2. Robust pay and reward processes provide clarification and understanding of what contributions and responsibilities are required of employees at all levels and how their input is recognised and rewarded. It also supports the identification of the required values, behaviours and performance levels of the organisation in order for it to meet its key corporate and operational goals.
- 2.3. All of the policies referred to in this document have been formulated in accordance with local and national pay and reward standards and guidance.
- 2.4. Employees will only be paid in accordance with the conditions outlined in this document.

### **3. Terms and Conditions of Employment**

- 3.1. For all roles, the terms and conditions of employment are in accordance with the following collective agreements / policies:
  - the National Joint Council for Local Government Services, set out in the Scheme of Conditions of Service (commonly known as the Green Book), as adopted by or on behalf of the Council
  - the East of England Regional Council for Local Government Employees Regional Agreements, as adopted by or on behalf of the Council
  - local collective agreements reached with trade unions recognised by the Council and
  - the policies of the Council.

In addition, the Council may from time to time adopt procedures which affects the terms and conditions of service. Local Agreements or those adopted by the Council will prevail over those agreed nationally or regionally.

### **4. Remuneration arrangements of Chief Officers**

- 4.1. For the purpose of this policy only, the term 'Chief Officer' is defined as:
  - Any member of the Corporate Management Team (CMT)
  - Any senior role on the pay grades 12 to 15
- 4.2. Roles that are evaluated on Grades 12 to 15 have an independent salary grade scheme applied to them which are determined locally.

- 4.3. The salary grades for Chief Officers from April 2020 are outlined in the table below:

Role	Grade	Minimum Annual Salary	Maximum Annual Salary
Chief Executive	15	£113,487	£118,741
Directors	14	£90,369	£93,522
Assistant Directors	13	£69,353	£72,506
Senior Managers	12	£52,540	£55,692

*NOTE: At the time of publishing this statement the NJC annual cost of living increase for 2020/21 had not yet been agreed.*

- 4.4. Appointments of the Chief Executive and the Statutory Officers are approved by Full Council.

## 5. Remuneration arrangements of employees who are not Chief Officers

- 5.1. The Council adopts the recognised National Joint Council (NJC) salary grades (grades 3 to 11) for all other employees as detailed in the 'Green Book' ([see here](#)). These are developed through negotiations with Local Government employers and trade unions and are updated and applied in line with national circumstances. Each salary grade has incremental rises called Spinal Column Points (SCP).

## 6. Pay Multiple

- 6.1. The 'pay multiple' is the ratio between the highest paid taxable earnings and the median earnings figure of the whole of the Council's workforce. The Council's highest paid employee is the Chief Executive and the current pay multiple is shown in the table below.
- 6.2. Earnings for the purpose of calculating the 'pay multiple' are defined covering all elements of remuneration that can be valued (e.g. all taxable earnings for 2019-19 including base salary, variable pay, bonuses, allowances and the cash value of any benefits in kind). The calculation of earnings excludes the cash value of pension provision.
- 6.3. The Council defines it's 'lowest paid employees as those staff members whose role is evaluated at Grade 3 on the NJC salary grades. The reason for this definition is that this is the lowest grade in the Council. This excludes trainees and apprentices. The authority offers opportunities for apprenticeships and other national schemes such as school work experience placements. Apprenticeships have their own national pay scheme and are therefore outside of this policy.

Description	2019/2020 (FTE)
Highest Paid	£126,206
Median	£26,841.35
Lowest	£19,382.82
Highest to median ratio	4.7:1
Highest to lowest ratio	6.5:1

\*the salary for the highest paid employee (Chief Executive) includes an allowance paid for Returning Officer duties as outlined in paragraph 14

\*the figures on the table above are based on payments made from 01/01/2019 to 31/12/2019. These will be updated with payments for the period 01/04/2019 to 31/03/2020

## 7. Increments in Pay

- 7.1. For all roles, increments in pay normally occur on an annual basis, subject to satisfactory performance demonstrated through the council's UPerform appraisal scheme. The increment reflects a move to the next level SCP within a grade. Once a role has reached the highest SCP within a grade there will be no further incremental pay awards.
- 7.2. It is expected that new recruits will commence their employment on the minimum point of the grade, except in exceptional circumstances.

## 8. Annual cost of living award

- 8.1. For all roles, an annual 'cost of living' salary increase is applied in accordance with the National Joint Council (NJC).

## 9. Living Wage

- 9.1. The Living Wage is an hourly rate set independently, updated annually and is calculated according to the basic cost of living using the "Minimum Income Standard" for the UK.
- 9.2. In January 2015, The Living Wage Foundation accredited the Council as a Living Wage Employer.
- 9.3. The Living Wage commitment will see that everyone working at the Council, regardless of whether they are permanent employees or third-party contractors and suppliers; receive a minimum hourly wage of at least the Living Wage. The minimum hourly rate that we pay our employees is £10.13 which is significantly higher than the Living Wage of £9.30 per hour and the National Minimum Wage of £8.31 (at the time of publishing this statement).

## **10. Average Salaries**

- 10.1. Based on staffing levels at the time of issuing this policy, from 2020/21 the approximate mean average salary for non-Chief Officer employees is £28,077 and the median salary is £26,317.
- 10.2. The minimum salary of our employees in 2020/21 is £19,554 FTE, Grade 3.
- 10.3. Based on staffing levels at the time of issuing this policy, in 2020/21 the mean average salary for Chief Officers is £69,291 and the median is £70,403.
- 10.4. At the time of publishing this statement the NJC annual cost of living increase for 2020/21 had not yet been agreed.

## **11. Salary Ranges**

- 11.1. It is the council's policy that the salary range for the role of Chief Executive will normally be no greater than seven times the average salary of a Grade 3 'Green Book' employee.
- 11.2. It is the council's policy that the salary range for the role of Director will normally be no greater than five times the average salary of a Grade 3 'Green Book' employee.
- 11.3. It is the council's policy that the salary range for the role of Assistant Director will normally be no greater than four times the average salary of a Grade 3 'Green Book' employee.
- 11.4. All annual salaries are paid pro rata to part time working officers based on the number of hours they are contracted to work.

## **12. Pay Protection**

- 12.1. The Council operates a pay protection policy which provides a mechanism to assist employees to adjust to a reduction in pay arising from organisational change, job evaluation or redeployment. Pay protection will apply to permanent employees from the effective date of the change of grade for a period of two years as follows:
  - Where the alternative suitable employment within the Council is at a lower grade, pay protection will be up to a maximum of one grade only

from the highest SCP of that lower graded post regardless of the employee's grade in their previous role for the first year following redeployment

- Pay protection for the second year will reduce to 50% of the amount paid in the first year.

### **13. Job Evaluation**

- 13.1. The salary grades and therefore the remuneration levels of employees are determined by the use of a job evaluation scheme. Job evaluation is a systematic process used to determine the relative worth of jobs within the organisation. It creates a rank order from the smallest to the largest job and ensures that consistent decisions in grades and rates of pay are made.
- 13.2. A job will be evaluated when a new role is created or a current post has significantly changed.
- 13.3. The Council uses two job evaluation schemes dependent on the expected outcome of the role being evaluated as follows:

Expected Grade outcome	Job Evaluation Scheme
Grade 3 to Grade 11	The Council's agreed Scheme
Grade 12 and above	The Hay Scheme

### **14. Additional Payments**

#### **14.1. Fees for Election Duties**

- 14.1.1. The Council has a duty to appoint a Returning Officer for all elections that it runs. For District and Parish elections, the Returning Officer fee is met by the District Council. This fee, and the fees of all other people employed by the Returning Officer, is paid in accordance with the Council's agreed scale of fees and expenses for elections. For national elections/referendums the fees are paid in accordance with the appropriate Statutory Fees and Charges order.

#### **14.2. Acting-up Payments**

- 14.2.1. Acting up payments are awarded where employees temporarily undertake duties at a higher grade. Payment is usually made where an employee is covering over 20% of the duties of the higher-grade post. The amount payable is calculated by assessing the percentage of the higher-level post

covered and the difference between the employee's current salary and the minimum of the grade of the post covered.

#### **14.3. Secondments**

14.3.1. The authority provides the opportunity for employees to undertake roles on a secondment basis. In most cases the secondee will be paid at the same level as their substantive post however, where the secondment post is of a higher pay band than their current role, a higher salary may be applied for the secondment period. This salary will be agreed by all relevant managers and HR representatives.

#### **14.4. Essential User Car Allowance and Mileage Rates**

14.4.1. The authority pays an Essential User Car Allowance to roles that meet the specified criteria. Where officers require the use of a vehicle to complete their day-to-day responsibilities, business mileage can be claimed. Essential user car allowance is only available to those qualifying people on salary grades up to and including Grade 11.

14.4.2. Any such allowances and mileage payments are calculated and applied in accordance with the HM Revenue and Customs rates.

#### **14.5. Excess Travel Allowance**

14.5.1. Additional travelling expenses can be claimed by employees when their work base is changed by circumstances beyond their control or they are transferred to a new work base. The Officer is paid an allowance equal to the difference between the cost of travelling from their home to their new work place and from their home to their original workplace. The allowance is paid for a maximum period of three years from the date of transfer and is agreed within the scope of the 'Green Book' conditions.

#### **14.6. Meeting Allowances**

14.6.1. Officers graded at 'Green Book' Grade 7 to Grade 12 can claim an allowance for attendance at evening and out of hours meetings relating to council business.

#### **14.7. Overtime, Standby and Recall, and Emergency Response Payments**

14.7.1. Officers on SCP 27 and below may be entitled to overtime payments if they work beyond their normal contracted hours and have the agreement of their

line manager. They will be paid at time and a half, Monday to Saturday, and double time on Sundays at their hourly rate of pay, capped at SCP 27. Chief Officers have the discretion to authorise overtime payments above SCP 27 should they consider it appropriate.

- 14.7.2. Standby and Recall to Work payments apply if officers, in respect of their contracted duties, are required to be on a call out rota or list, or respond to calls outside of normal working hours. Eligibility for standby and recall to work payments will be confirmed in the terms and conditions of the officer's contract of employment and details are set out [here](#).
- 14.7.3. Officers who respond to a civil emergency either in the district or through mutual aid arrangements with other local authorities, are eligible for payment in line with the Council's overtime arrangements.

#### **14.8. Market Supplements**

- 14.8.1. The authority does not normally apply market supplement payments to any role. If however, the employment market dictates the need to apply a supplement to a particular role; this will be applied in accordance with a new policy.

#### **14.9. Long Service Awards**

- 14.9.1. The authority acknowledges the importance of employees who are committed to their work and wishes to reward the loyalty of those who have Long Service with the Council. Long Service Awards are given upon the successful completion of 20, 30 and 40 continuous service at the Council or one of its predecessor authorities as follows:

Completed Years' Service	Reward
20	£250 of vouchers
30	£500 of vouchers
40	£750 of vouchers

#### **14.10. Childcare Vouchers**

- 14.11. The Government launched a new scheme designed to assist employees with their childcare costs in 2018. The Council will continue to offer the Childcare Voucher scheme to existing users who entered the scheme on or before 4 October 2018 for as long as there is a demand and taxation advantage to offering it.

## **14.12. Vine Extras**

- 14.13. From April 2016 the authority has subscribed to Vine Extras. This is a reward gateway to a large number of retailers where employees can make savings on purchases. The cost to the authority is £4 per employee. By November 2019 there were 203 registered users who had placed 1944 orders with a total value of £169,490.

## **15. Career Progression Schemes**

- 15.1. In some areas of the authority officers are offered progression in their roles through a career progression scheme. Within such schemes, progression is usually awarded after successful completion of particular qualifications or work experience. Details of the scheme and how it will be applied to an individual will be documented in their contract of employment.

## **16. Pension**

- 16.1. The Local Government Pension Scheme (LGPS) is open to all new and existing employees of the authority. This is a qualifying pension scheme, which means it meets or exceeds the government's standards. Details of the scheme can be found [here](#).
- 16.2. Details of the Council's policy and decisions in respect of discretionary elements of the Scheme are published on the council's website [here](#).

## **17. Severance Payments**

- 17.1. On cessation of employment from the authority, officers including Chief Officers will only receive compensation:
- (a) in circumstances that are relevant e.g. redundancy
  - (b) in the application of any employer discretions provided by the LGPS and/or
  - (c) that complies with the specific term(s) of a Settlement Agreement.
- 17.2. The authority adopts an early retirement policy (see [here](#)).
- 17.3. In exceptional circumstances to avoid or settle a claim or potential dispute, the authority may agree payment of a settlement sum through the issue of a Settlement Agreement. All cases will be overseen by the Legal Department in conjunction with the relevant line manager to ensure all legal, financial and contractual responsibilities have been met and all settlement agreements

must be signed off by a Director or the Chief Executive. If a settlement sum is in excess of £100,000, and/or paid to the Chief Executive, it must be agreed by Full Council.

## 18. Gender Pay Gap

- 18.1. The Equalities Act 2010 (Specific Duties and Public Authorities) Regulations 2017 came into force on 31 March 2017. The Regulations require employers to report on the gender pay gap within their organisation.
- 18.2. The gender pay gap is a measurement of the difference between men and women's average salaries. It is not about men and women being paid differently for the same job, which has been prohibited by equal pay legislation since 1975.
- 18.3. The UK's gender pay gap has fallen over time. In 2007 it was 25%, while the Office for National Statistics (ONS) published in October 2019 put the figure at 17.3%.
- 18.4. The 2017 Regulations apply to defined public sector bodies (including councils) with at least 250 employees and require the publication of the following four measures of information based on a snapshot of pay information taken on 31 March:
  - 18.5. The Council's Gender Pay Gap Information as at 31 March 2019 (snapshot date) is as follows:
  - 18.6. The Council had a total of 364 employees, 165 (45%) were males and 199 (55%) were females.
    1. *The difference between the average (mean and median) hourly rate of pay for male and female employees*
    2. *The difference between the average (mean and median) bonuses paid to male and female employees over the period of 12 months ending with the snapshot date of 31 March*

	Mean Hourly Rate	Median Hourly Rate
Male	£15.19	£12.78
Female	£14.90	£12.98
Difference in hourly rate of pay	1.9%	-1.56%

2. *The difference between the average (mean and median) bonuses paid to male and female employees over the period of 12 months ending with the snapshot date of 31 March*

### **No bonuses were paid**

3. *The proportion of male employees, and of female employees who were paid bonuses during the period of 12 months ending with the snapshot date*

### **No bonuses were paid**

4. *The proportion of male and female employees in each quartile (from highest paid to lowest paid) of the pay distribution (91 employees in each quartile)*

	No. of male employees	No. of female employees	Percentage of male employees	Percentage of female employees
Quartile 1	50	41	55%	45%
Quartile 2	26	65	29%	71%
Quartile 3	37	54	41%	59%
Quartile 4	52	39	57%	43%

### **Commentary**

- 18.7. The figures demonstrate there are no significant gender pay gap issues at Uttlesford District Council. Since last year there has been an increase in the number of women employed in the top two quartiles which demonstrates the council is promoting or recruiting women to higher paid jobs in the authority. Overall there has been a slightly larger increase in the mean hourly rate for men than for women which means men are now paid, on average, 1.9% more than women compared to 2018/19 when women were paid 2.26 per cent more than men. Analysis of the data does not reveal any particular cause, but it will be monitored in the coming year. Because the council has a small workforce, a relatively small number of personnel changes can have a noticeable impact on the figures. The median hourly rate is higher for women than for men.
- 18.8. The council continues to be an equal opportunities employer and offers a range of flexible working options for women and men alike.

### **19. More information and help**

- 19.1. All associated documents listed in this policy are available on the council's website [here](#). If you have any queries about this Statement please email: [humanresources@uttlesford.gov.uk](mailto:humanresources@uttlesford.gov.uk), or call on 01799 510424.

# Agenda Item 13

<b>Committee:</b>	Council	<b>Date:</b>
<b>Title:</b>	Public Participation at Planning Committee Meetings	Tuesday 25 February 2020
<b>Report Author:</b>	Simon Pugh, Assistant Director - Governance and Legal spugh@uttlesford.gov.uk	

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## Summary

1. The Planning Committee set up a working group with a view to identifying improvements. One of the Working Group's first recommendations was a range of steps to enhance public participation. The Planning Committee has been trialling the changes since 21 August 2019. On 16 October it decided it wished to implement the changes on a permanent basis.
2. Public participation rights form part of the Council's Constitution. Changes to the Constitution are reserved for full Council on recommendation of the Governance, Audit and Performance ("GAP") committee.
3. The attached report was considered by the Governance, Audit and Performance Committee on 13 January. The Committee agreed with the Working Group's proposals subject to a minor addition and resolved to recommend that Council implements the changes on a permanent basis.
4. The minor addition mentioned in paragraph 3 above relates to paragraph 8(e) of the attached report with the heading "*Allowing town/parish council representatives to comment on statements made by applicants / agents*". The proposal was:  

*“...for the Planning Committee chair to invite town and parish council representatives to make any factual clarification (not statements) before committee goes into discussion.”*
5. GAP members suggested that the opportunity should be extended to district and county councillors. There was some concern about amending the Working Group's proposals without consultation. However, this report's author has since contacted all Planning Committee members and substitutes inviting them to indicate any concern. No responses have been received.

## Recommendations from the Governance, Audit and Performance Committee

6. That the Council :
  - a. Adopts the changes to Planning Committee procedure identified in paragraph 8 of this report subject to the inclusion of reference to district and county councillors in paragraph 8 (e) of the report.

- b. Authorises the Assistant Director, Governance and Legal to amend the text of the Constitution to reflect the changes agreed.

### **Financial Implications**

- 7. None.

### **Background Papers**

- 8. The report to the Governance, Audit and Performance Committee on 13 January 2020 is annexed to this report. The Council's Constitution is published on its website at <https://www.uttlesford.gov.uk/article/5028/Constitution>. The minutes of a Planning Committee Working Group meeting of 11 July 2019 are annexed to this report.

## **Appendix 1**

<b>Committee:</b>	Governance, Audit and Performance Committee	<b>Date:</b>	
<b>Title:</b>	Public Participation at Planning Committee Meetings		Monday 13 January 2020
<b>Report Author:</b>	Simon Pugh, Assistant Director - Governance and Legal spugh@uttlesford.gov.uk		

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### **Summary**

1. The Planning Committee set up a working group with a view to identifying improvements. One of the Working Group's first recommendations was a range of steps to enhance public participation. The Planning Committee has been trialling the changes since 21 August 2019. On 16 October it decided it wished to implement the changes on a permanent basis.
2. Public participation rights form part of the Council's Constitution. Changes to the Constitution are reserved for full Council on recommendation of this committee.
3. The report asks the Committee to recommend that Council implements the changes on a permanent basis.

### **Recommendations**

4. That the Committee recommends full Council to:
  - a. Adopt the changes to Planning Committee procedure identified in paragraph 8 of this report.
  - b. Authorise the Assistant Director, Governance and Legal to amend the text of the Constitution to reflect the changes agreed.

### **Financial Implications**

5. None.

### **Background Papers**

6. There are no background papers to this report. The Council's Constitution is published on its website at <https://www.uttlesford.gov.uk/article/5028/Constitution>. The minutes of a Planning Committee Working Group meeting of 11 July 2019 are annexed to this report.

### **Impact**

7.

Communication/Consultation	The steps proposed are intended to improve communication with town and parish councils and with members of the public and should have a positive impact on communication and consultation..
Community Safety	There are no direct implications but improved public participation may help to identify issues relating to community safety.
Equalities	As for community safety.
Health and Safety	As for community safety.
Human Rights/Legal Implications	The proposed changes are lawful and may improve the quality of decision-making.
Sustainability	As for community safety.
Ward-specific impacts	As for community safety.
Workforce/Workplace	The extended speaking rights may mean that Planning Committee meetings take longer, with a consequent increase in the time taken in officer and member attendance. .

### **Situation**

8. The Planning Committee is proposing these changes:

**a. *Extension of maximum period of time allowed for town / parish council representatives to speak.***

Currently town/parish council representatives are permitted to speak for up to three minutes. The proposal is to increase this limit to five minutes.

**b. *Extension of maximum period of time allowed for public speakers.***

Currently public speakers are permitted to speak for up to three minutes. The proposal is to increase this to four minutes.

**c. *Removal of limit on number of public speakers***

The current scheme provides for a maximum of ten public speakers divided equally between supporters and objectors. The proposal is to keep the

maximum of ten speakers but not to distinguish between supporters and objectors.

If this is approved, there may be occasions on which the Chair would need to exercise discretion to ensure fairness; e.g. if all ten speaking slots were reserved by supporters or objectors, to the exclusion of others with different views who wished to speak.

**d. Maximum period of time allowed for applicants/ agents/developers to speak**

There is no explicit limit in the current rules but the proposal is to limit the “right of reply” of applicants and their representatives to fifteen minutes.

Again, there may be occasions on which it is appropriate to exercise discretion, particularly for major applications.

**e. Allowing town/parish council representatives to comment on statements made by applicants / agents.**

There is currently no provision for town/parish council representatives to comment on statements of fact made by applicants and their representatives. The proposal is for the Planning Committee chair to invite town and parish council representatives to make any factual clarification (not statements) before committee goes into discussion.

Some care needs to be taken when there is a dispute over material statements of fact. It may be necessary to obtain officer clarification or to initiate further investigation in some cases.

**f. Allowing a limited number of town / parish council representatives to attend, and participate in site visits.**

Currently one town or parish council representative may attend site visits. The proposal is to increase the number of representatives to two and to permit them to participate in the same way as Planning Committee members. The Council’s procedure for site visits states that:

*“The purpose of the site visit is to acquaint members with the site, not to hold a debate or take a decision, other than at the Committee meeting.”*

The procedure makes it clear that site visits are not an occasion for making representations regarding planning applications.

9. The Working Group considered other options for the conduct of Planning Committee meetings but decided not to take them forward, at least for the present. The Working Group suggested that the Planning Committee could meet in Great Dunmow to consider major applications in the Dunmow area. Presumably this would be a consideration in respect of major applications affecting other parts of the district; e.g. the Stansted area. This would not

require any changes to the Council's rules, although there may be practical issues, such as the availability of a suitable venue.

## Risk Analysis

10.

Risk	Likelihood	Impact	Mitigating actions
That the duration of meetings is extended unduly, leading to late sittings or the need for additional meetings. Unduly long meetings might put at risk the quality of decisions and additional meetings would have resource implications and be an additional commitment for members and officers.	3	2	Keep the operation of the proposed changes under review and make adjustments if there are significant problems.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

## **APPENDIX 2**

### **Planning Committee Working Group: 11<sup>th</sup> July 2019**

#### **Working to make the Planning Committee operation more user friendly**

##### **Meeting 1 notes & decisions**

**Present: Cllr Merifield; Cllr Storah; Cllr Lemon; Cllr Pavitt; Cllr Loughlin; Nigel Brown; Gordon Glenday**

**Apologies: Cllr Gerard**

- 1. Extension of maximum period of time allowed for town / parish council representatives.**

It was felt that it was important that Town and Parish Councillors were given the same length of time to speak as District Councillors are.

Therefore, from the **August** Planning Committee Meeting they will be allotted **five minutes** to make their comments / representations

See **Action 2** below re timing mechanism

- 2. Extension of maximum period of time allowed for public speakers.**

The discussion centred round giving public speakers some more time to make their representations. It was felt that there must still be a little leeway 10 -15 secs to finish their sentence. However, it was decided that either or both the timer to be on show or sound or light indicators to let speakers know they were close to end of their allotted time.

Therefore, from the **August** Planning Committee Meeting public speakers will be allotted **four minutes** to make comments / representations

**Action:** Nigel Brown / Gordon Glenday /Cllr Merifield – to explore and bring the most efficient and user friendly timing mechanism for **all speakers**

- 3. Removal of limit on number of public speakers**

At present there is a cap of 10 speakers, 5 for and 5 against generally I believe, plus of course developer/agent/applicant. Those wanting to make representation at present must contact democratic services stating whether they are for or against. Therefore from perhaps return to when there was no maximum number, there was concern that there could be too many and committee times could be extended beyond practicable times. There was also a discussion about the accumulative time given to applicant/agent/developer to speak.

Therefore, from the **August** Planning Committee meeting there will be 10 speakers but Democratic Services will not have to allot to for and against.

Also the **maximum** time for applicants/ agents/developers will be **fifteen minutes**. (suggest this may be less if number of speakers e.g. 3 public speakers)

N.B. Major applications or controversial ones will be considered on an individual basis

**Please Note** in relation to **discussion point 6** it was felt that **written representations should be included for those who cannot be present.**

**Action: Nigel Brown; Gordon Glenday; Democratic Services; Cllr Merifield**

**4. Allowing town/parish council representatives to comment on statements made by applicants / agents.**

Therefore, from this **August's** Planning Committee the chair will invite any factual clarification (not statements) before committee goes into discussion.

**5. Allowing limited number of town / parish council representatives to attend, and participate in site visits.**

It was felt by those present after a discussion of possibilities and possible problems that it would be appropriate for two representatives of either a town or parish council to be informed of, invited to attend and participate in site visits.

Therefore, for the **visits** for the **August Planning Committee** the relevant town or parish council will be informed that they can have two representatives, should they wish to attend and participate in the site visit. Initially the representatives to approach Nigel Brown as it was felt that this would appear more appropriate and could not be misinterpreted. This will be reviewed.

**Action: Nigel Brown; (Democratic Services?); Cllr Merifield**

**6. Changing meetings from afternoons to evenings.**

The idea of this was related to allow more residents/ members of the community that work to attend planning meetings. It was felt that we as a responsible council have a duty of care to the officers and the councillors who could be driving some distances especially in the winter. To be fair to those that work the meeting would have to start at 7pm or more likely 7.30pm therefore a meeting might not finish until 10 – 10.30pm or perhaps even later. This was felt unacceptable for safety and that officers and councillors might not be able to give full and proper attention to applications.

Therefore, at present this suggestion is not going forward to be actioned. However, see **discussion point 3** for the addition of the reading out of submitted written comments.

**7. Introduction of 'area committees' to be held at appropriate venues in the district.**

It was decided to keep the committee in Saffron Walden as it is at present. It was however suggested that major applications in the Dunmow area could be taken to committee in Great Dunmow.

**Action: Nigel Brown; Gordon Glenday; Cllr Merifield** to find the most appropriate venue; **Working Group:** definition of a major application (size)

**8. Restructuring of committee reports to reflect the decision making process.**

The officers have already been thinking that the structure of officers reports needs changed. Cllr Storah explained that he feels the reports e.g. are not balanced and that for ease of reading and understanding the recommendation should come first and then the explanation of how it was reached. It was agreed that this is an ongoing piece of work to be brought back to the next working group for an update.

**Action: Cllr Storah** to give exemplar reports of the type he suggests so that N Brown and G Glenday can work on a template format. (ongoing)

This is a very positive start to this process, the above decisions or actions will be monitored and reviewed to see how they are working or progressing.

Thank you all for being so positive and contributing to improving the experience of and functioning of the Planning Committee.

The next working group date will be confirmed.

Cllr Sandi Merifield

Chair of Planning Committee

## COMMITTEE TIMETABLE 2020/21

Committee	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
Council	19		21			8		8		23		13	18
Cabinet	27		7		1	14	24		6	9	9		
Scrutiny (for call in)		11	22		16	29		9	21	24	24		
Scrutiny	21	25			24		5			2	4		
Governance, Audit & Performance		2	30		10		10			4	16		
Planning	13	17*	8	5	2 30	28	25	16	20	17	17	14	12
Licensing & Environmental Health			14				19				2		
Standards		15					2				8		

**Please note the following:**

- 1) All meetings are normally held at the Council Offices in Saffron Walden.
- 2) Scrutiny (for call-in) refers to Scrutiny Committee meetings which might happen, depending on whether the Committee decides to examine a decision made by Cabinet.
- 3) The Planning Committee on 17 June labelled with \* is a 2pm start. All other Planning Committee meetings to start at 10am.
- 4) With the exception of the Planning Committee, all other Council, Cabinet and Committee meetings to normally start at 7pm.

# Agenda Item 15

<b>Committee:</b>	Council	<b>Date:</b>	Tuesday,
<b>Title:</b>	Business Rates Reliefs and Discounts 2020/21		25 February 2020
<b>Portfolio Holder:</b>	Councillor Neil Hargreaves Portfolio Holder for Budget and Finance		
<b>Report Author:</b>	Angela Knight, Assistant Director - Resources aknight@uttlesford.gov.uk	<b>Key decision:</b>	N

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## Summary

1. On 27 January 2020, the Financial Secretary to the Treasury made a Written Ministerial Statement announcing additional business rates measures that will apply from 1 April 2020.
2. The business rates retail discount scheme for occupied retail properties with a rateable value of less than £51,000 will increase from 33% to 50%.
3. A discount of £1,000 will be available to eligible pubs with a rateable value of less than £100,000 in 2020/21.
4. The extension of the £1,500 business rates discount for office space occupied by local newspapers will apply for an additional 5 years, 1 April 2020 to 31 March 2025.
5. Guidance has been provided by the Ministry for Housing, Communities and Local Government regarding the operation and delivery of the reliefs and discounts, this has been attached as Appendix B. The relief must be awarded in accordance with discretionary relief powers contained within the Local Finance Act 1988 (as amended).
6. The retail relief will be awarded automatically to eligible businesses by the Council and this is fully reimbursed via the Section 31 grant.
7. Discretion can be exercised under Section 47 of the Local Government Finance Act 1988 (as amended) (hereinafter “LGFA”) in order to operate the above scheme.

## Recommendations

8. It is recommended that the Council:
  - Adopts the Business Rates Discretionary Rate Relief/Discount Policy as set out in Appendix A

## **Financial Implications**

9. The Council receives full reimbursement for all reliefs and discounts via a Section 31 grant subject to awards complying with the criteria.

New Burdens Grant will be made available for both software and additional administration costs. We have not yet been advised of the value of any grant to be paid.

## **Background Papers**

10. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

Local Government Finance Act 1988 Section 47

Local Government Act 2003 Section 31

MHCLG – Business Rates Retail Discount Guidance

State Aid in accordance with the De Minimis Regulations (1407/2013);  
(Subject to potential changes following EU Exit).

## **Impact**

Communication/Consultation	Billing authority will be expected to have clear arrangements for communicating and awarding the reliefs and discounts.
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	Administered in accordance with discretionary relief powers contained within the Local Finance Act 1988 (as amended)  State Aid – It's important that any qualifying ratepayer is checked to ensure no other state aid is being received by the recipient
Sustainability	N/A
Ward-specific impacts	N/A
Workforce/Workplace	N/A

## **Situation**

11. Full details of all business rates reliefs and discounts can be found in the Business Rates Reliefs and Discounts Policy attached as Appendix A. This includes the new and extended reliefs.
12. The Retail Relief was introduced to support Town Centre high streets as they evolve during a period where customer shopping habits have shifted to online purchases. This was introduced as a two year scheme in 2019/20 and applies to retail businesses with a rateable value of less than £51,000. For 2020/21 the relief has been increased from 33% to 50%.
13. Pub discount of £1,000 has been reintroduced for 2020/21 and is available to pubs with a rateable value of less than £100,000.
14. The Local Newspaper relief of £1,500 was due to end on 31 March 2020 and has now been extended until the 31 March 2025. This relief is only awarded for newspapers occupying office space.
15. The three new reliefs/discounts are to provide additional support to local businesses and will be awarded after taking account of all other mandatory and discretionary reliefs available, for example Small Business Rates Relief and Supporting Small Business Rates Reliefs.
16. All of the discretionary reliefs/discounts are fully reimbursed via the Section 31 grant.
17. Guidance has been provided by the Ministry of Housing, Communities and Local Government regarding the operation and delivery of the reliefs and discounts, these have been attached as Appendix B and C. The relief must be awarded in accordance with discretionary relief powers contained within the Local Finance Act 1988 (as amended)

## **Risk Analysis**

Risk	Likelihood	Impact	Mitigating actions
Reliefs awarded do not qualify for Section 31 grant	1	3	All reliefs and discounts are assessed and awarded in line with Government Guidance
Resources are not available to implement the scheme	1	2	An operational plan is in place to implement scheme and advise qualifying ratepayers
Software resource is not provided by Councils system provider (Northgate)	2	3	The software providers are currently working on the system requirements

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

UTTLESFORD DISTRICT COUNCIL

BUSINESS RATES - DISCRETIONARY RATE RELIEF/DISCOUNT POLICY

EFFECTIVE 1<sup>st</sup> April 2020

Approved by Council

**Policy objectives**

1. To support the local economy by providing incentives for occupation of empty premises, encourage business start-up and business expansion within Uttlesford.
2. To support rural communities by providing assistance to businesses operating in rural locations.
3. To contribute to maximising the Council's financial position under the business rates retention scheme by encouraging longer term rateable value growth.
4. To support town centre high streets evolve during a period of significant changes in customer behaviour.

**Administration**

- The policy will be administered by the Council's Revenues service, which will determine the relief application process.
- The Revenues service will determine applications for relief, using the criteria set out in this policy. Applications for the Business Development category of relief will be assessed by the Council's Economic Development Officer who will notify the Revenues service of decisions made. The Council will have discretion to backdate awards of relief to the beginning of the current billing period.
7. Eligibility for relief will typically be based upon objective criteria such as the rateable value, location and nature of an organisation's business. A business's profitability will not ordinarily be a relevant factor for determining eligibility. The intention is for a streamlined process that is simple to administer for both applicants and the Council. The Council shall have the right to request any additional information it considers necessary to determine an application.
  8. The over-riding consideration in the determination of any application is that the granting of relief must be judged to be in the wider interests of the Uttlesford community and its council tax payers.
  9. Appeals against unsuccessful applications for relief will be determined by the Section 151 Officer, whose decision shall be final. There is no further right of appeal.
  10. The granting of discretionary relief will typically be on a rolling one-year basis so that the Council has the agility to adjust the policy to reflect changing needs and circumstances.
  11. The policy will be subject to annual review and approval by the Cabinet.

**State Aid Limitations**

12. All granting of discretionary rate relief is subject to limitations under applicable State Aid legislation and associated De Minimis Regulations.
13. The Regulations currently allow a business to receive up to 200,000 Euros of state aid over a rolling three year period.

14. In practice, this means that smaller, independent businesses are more likely to be eligible for a relief/discount and larger, national businesses (e.g. chain stores) less likely.

CATEGORY OF RELIEF	ELIGIBLE ORGANISATIONS	MANDATORY RELIEF	DISCRETIONARY RELIEF
Retail Discount New	For occupied retail Properties with a rateable value of <£51,000	Not applicable	<p>To support Town Centre high streets as they evolve during a period where customer shopping habits have shifted to online purchases.</p> <ul style="list-style-type: none"> <li>• Must be a qualifying occupied retail premises as laid down in the policy but will include shops, restaurants, cafes, drinking establishments, cinemas, and live music venues</li> <li>• Must have a rateable Value of &lt;£51,000</li> <li>• The value of the Discount will be 50% of the bill.</li> <li>• The discount will only be applied after all other mandatory reliefs and other discretionary reliefs funded by Section 31 have been applied</li> <li>• Locally funded reliefs such as hardship relief must be applied after the Retail Discount</li> <li>• State Aid limits will apply</li> </ul> <p>Local Authorities will be fully reimbursed under Section 31 grant 2020/2021 is the second year of a two year scheme</p>
PUB DISCOUNT	For Pubs with a rateable value of < £100,000	Not applicable	<p>In recognition of the important role that pubs play in urban and rural communities.</p> <p>Qualifying criteria for occupied premises only:</p> <ul style="list-style-type: none"> <li>• be open to the general public</li> <li>• allow free entry other than when occasional entertainment is provided</li> <li>• allow drinking without requiring food to be consumed</li> </ul>

CATEGORY OF RELIEF	ELIGIBLE ORGANISATIONS	MANDATORY RELIEF	DISCRETIONARY RELIEF
			<ul style="list-style-type: none"> <li>• Permit drinks to be purchased at a bar</li> <li>• Rateable value of &lt;£100,000</li> </ul> <p>Qualifying premises will receive a £1,000 discount:</p> <ul style="list-style-type: none"> <li>• The discount will only be applied after all other mandatory reliefs and other discretionary reliefs funded by Section 31 have been applied.</li> <li>• Locally funded reliefs such as hardship relief must be applied after the Retail Discount</li> <li>• State Aid limits will apply</li> </ul> <p>Local Authorities will be reimbursed under Section 31 grant  <b>For one year only (2020/2021)</b></p>
P 9 37	Supporting Small Businesses Relief  For small businesses who are losing some or all of their small business or rural rate relief	Not applicable	<p>To support ratepayers by limiting the amount of rates payable in each year to the greater of</p> <ul style="list-style-type: none"> <li>• Cash value of £600 or</li> <li>• The matching cap on increases for small properties in the transitional relief scheme.</li> </ul> <p>The cash minimum increase will stay flat in each year which means that under this scheme by year 5 the eligible ratepayer will not be paying more than £3,000 than they did in 2016/2017.</p> <p>Local Authorities will be fully reimbursed under s31 grant</p> <p><b>Note</b>  <i>Eligibility will not be lost with a change of occupier but will be lost if the property becomes vacant or is occupied by a charity or Community Amateur Sports Club.</i></p>

CATEGORY OF RELIEF	ELIGIBLE ORGANISATIONS	MANDATORY RELIEF	DISCRETIONARY RELIEF
<b>Local Newspaper Relief</b>	Local Newspapers occupying office space	Not applicable	<p>One discount per newspaper title</p> <p>Discount of £1,500 per newspaper title</p> <p>Extended for 5 years, the discount applicable 1 April 2020 to 31 March 2025</p> <p>Local Authorities will be reimbursed under Section 31 grant</p>
<b>Rural Rate Relief</b>	Within a rural settlement with a population below 3,000, a sole general store, post office, food shop, public house or petrol station	<p>Within a rural settlement with a population below 3,000, the following will receive 50% mandatory rate relief:</p> <ul style="list-style-type: none"> <li>• A sole general store, post office or food shop with a RV &lt;£8,500</li> <li>• A sole public house or petrol station with a RV &lt;£12,500</li> </ul>	<p>Must be within a rural settlement with a population below 3,000</p> <ul style="list-style-type: none"> <li>• A sole general store, post office, food shop, public house, petrol station with an RV exceeding the stated thresholds, but with an RV of up to £16,500, may be considered for up to 100% discretionary rate relief</li> <li>• A sole general store, post office, food shop, public house or petrol station with an RV of between £16,501 and £27,500 may be considered for 100% discretionary rate relief up to the value of the £16,500 RV level</li> </ul> <p><i>(For example, a qualifying business with an RV of £18,500 would receive 100% relief up to £16,500 RV and have to pay rates on the remaining £2,000 RV)</i></p> <p>Discretionary local rural rate relief will be applied after any other applicable reliefs have been deducted</p>
<b>Charitable relief</b>	Registered charities  Registered Community Amateur Sports Clubs	Charities and Registered Community Amateur Sports Clubs are entitled to 80% relief where the property is occupied by the Charity or Club and is wholly or mainly used for	Charities and Registered Community Amateur Sports Clubs may be considered for up to 20% discretionary rate relief.

CATEGORY OF RELIEF	ELIGIBLE ORGANISATIONS	MANDATORY RELIEF	DISCRETIONARY RELIEF
	Community Interest Companies	charitable purposes or as a Registered Community Amateur Sports Club.	Community Interest Companies that have charitable aims (and use profits for charitable purposes) may be considered for up to 100% discretionary rate relief.
<b>Business Development relief</b>	<p>New non-retail SME businesses starting up, operating from new premises or premises that have been unoccupied for 12 months*</p> <p>Expanding non-retail SME businesses who enlarge their existing premises, or occupy an additional premises that is new or has been unoccupied for 12 months*</p> <p>*including the conversion of former agricultural buildings</p>	<p>Not applicable</p>	<p>Qualifying businesses can be considered for discretionary rate relief of 50% for the first year and 25% for the second year. In the case of enlarged premises, the relief would be on the difference between the rates payable on the original premises and the rates payable on the extended premises.</p> <p>This is subject to demonstrating that:</p> <ul style="list-style-type: none"> <li>• A minimum three year lease / occupancy commitment exists*</li> <li>• The business will endeavour to ensure that at least 50% of the business's employees are Uttlesford residents</li> <li>• The business will endeavour to ensure that at least 25% of the business's supplies and services expenditure is with Uttlesford businesses.</li> </ul> <p><i>*In the event of the business vacating the premises within the first three years, the Council reserves the right to clawback the rate relief granted.</i></p>
<b>Small Business Rate Relief</b>	<p>Businesses with a rateable value of up to £14,999 will receive 100% small business rate relief</p> <p>For properties from £15,000 – £50,999 will have their business</p>	<p>From 1 April 2017 Businesses with an Rateable Value up to £12,000 will receive 100% relief.</p> <p>RV £12,000 to £14,999 – 100% relief decreases on a sliding scale by 1% for every £30 of RV between £12,000 and £14,999.</p>	None

CATEGORY OF RELIEF	ELIGIBLE ORGANISATIONS	MANDATORY RELIEF	DISCRETIONARY RELIEF
	rates calculated with the small business rate multiplier	RV £15,000 to £51,999 – no relief is allowed but the bill is calculated using the small business multiplier	
<b>Flooding Rate Relief</b>	Businesses whose premises are flooded due to bad weather	Not applicable	100% rate relief for three months from the date of the first flooding. (approved by Full Council 27 February 2014)
<b>Unoccupied property rating</b>	Any business	<p>Business rates are not payable in the first three months that a property is empty. This is extended to six months in the case of certain industrial properties.</p> <p>Certain definitions and exemptions apply – please see the website.</p>	None
<b>Hardship Relief</b>	Businesses who are suffering financial hardship because of a one-off event demonstrably beyond their control.	Not applicable	Discretionary rate relief of up to 100% for a limited period depending on circumstances. Consideration would also be given to deferring payment due dates.



Ministry of Housing,  
Communities &  
Local Government

## Business Rates

Retail Discount 2020/21 – Local Authority Guidance



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January 2020

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# About this guidance

This guidance is intended to support local authorities in administering the business rates Retail Discount announced in a Written Ministerial Statement on 27 January 2020. This guidance applies to England only.

1. This guidance sets out the criteria which central government considers for this purpose to be retail and eligible for this discount. The guidance does not replace existing legislation.
2. Enquiries on this measure should be addressed to:  
[ndr@communities.gov.uk](mailto:ndr@communities.gov.uk)

## Introduction

3. The Government recognises that changing consumer behaviour presents a significant challenge for retailers in our town centres and is taking action to help the high street evolve.
4. The Government announced in the Budget on 29 October 2018 that it would provide a Business Rates Retail Discount, to apply in the years 2019/20 and 2020/21. In a Written Ministerial Statement on 27 January 2020 the Government announced that it would extend the value of the Retail Discount from one third of the bill to 50% in 2020/21. This relief will apply to occupied retail properties with a rateable value of less than £51,000 in the year 2020/21. Where an authority applies a locally funded relief under section 47 this is must be applied after the Retail Discount and, where appropriate, the 2020/21 pubs discount.
5. This document provides guidance to authorities about the operation and delivery of the policy. The Government expects that local authorities will include details of the relief to be provided to eligible ratepayers for 2020/21 in their bills for the beginning of that year.

## Retail Discount

### How will the relief be provided?

6. As this is a measure for 2020/21 only, the Government is not changing the legislation around the reliefs available to properties. Instead the Government will, in line with the eligibility criteria set out in this guidance, reimburse local authorities that use their discretionary relief powers, under section 47 of the Local Government Finance Act 1988 (as amended), to grant relief. It will be for individual local billing authorities to adopt a local scheme and determine in each individual case when, having regard to this guidance, to grant relief under section 47. Central government will fully reimburse local authorities for the local share of the discretionary relief (using a grant under section 31 of the Local Government Act 2003). The

Government expects local government to apply and grant relief to qualifying ratepayers from the start of the 2020/21 billing cycle.

7. Central government will reimburse billing authorities and those major precepting authorities for the actual cost to them under the rates retention scheme of the relief that falls within the definitions in this guidance. However, authorities should continue to complete their NNDR1 for 2020/21 based on the previous one third discount scheme - local authorities will then be asked to provide a further and separate estimate of their likely total cost for providing the 50% relief in 2020/21.<sup>1</sup> Central government will provide payments to authorities to cover the local share, as per the usual process.
8. Local authorities will also be asked to provide outturn data on the actual total cost for providing the relief, as per the usual process, via the National Non-Domestic Rate 3 (NNDR3) forms for 2020/21. Any required reconciliations will then be conducted at these points.<sup>2</sup>

### **Which properties will benefit from relief?**

9. Properties that will benefit from the relief will be occupied hereditaments with a rateable value of less than £51,000, that are wholly or mainly being used as shops, restaurants, cafes, drinking establishments, cinemas and live music venues.
10. We consider shops, restaurants, cafes, drinking establishments, cinemas and live music venues to mean:
  - i. **Hereditaments that are being used for the sale of goods to visiting members of the public:**
    - Shops (such as: florists, bakers, butchers, grocers, greengrocers, jewellers, stationers, off licences, chemists, newsagents, hardware stores, supermarkets, etc)
    - Charity shops
    - Opticians
    - Post offices
    - Furnishing shops/ display rooms (such as: carpet shops, double glazing, garage doors)
    - Car/caravan show rooms
    - Second hand car lots
    - Markets
    - Petrol stations
    - Garden centres
    - Art galleries (where art is for sale/hire)

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<sup>1</sup> Should authorities have calculated the value of retail discount on a 50% basis, they do not need to recalculate this. However they must ensure that the department is notified that the figures have been calculated on that basis when submitting their NNDR1 form.

<sup>2</sup> As required in the NNDR3 guidance notes, the former categories of discretionary relief prior to the Localism Act (i.e. charitable/CASC/rural etc. top up and not for profit) should be applied first in the sequence of discretionary reliefs and, therefore, before the retail discount.

**ii. Hereditaments that are being used for the provision of the following services to visiting members of the public:**

- Hair and beauty services (such as: hair dressers, nail bars, beauty salons, tanning shops, etc)
- Shoe repairs/key cutting
- Travel agents
- Ticket offices e.g. for theatre
- Dry cleaners
- Launderettes
- PC/TV/domestic appliance repair
- Funeral directors
- Photo processing
- Tool hire
- Car hire

**iii. Hereditaments that are being used for the sale of food and/or drink to visiting members of the public:**

- Restaurants
- Takeaways
- Sandwich shops
- Coffee shops
- Pubs
- Bars

**iv. Hereditaments which are being used as cinemas**

**v. Hereditaments that are being used as live music venues:**

- live music venues are hereditaments wholly or mainly used for the performance of live music for the purpose of entertaining an audience. Hereditaments cannot be considered a live music venue for the purpose of business rates relief where a venue is wholly or mainly used as a nightclub or a theatre, for the purposes of the Town and Country Planning (Use Classes) Order 1987 (as amended).
- Hereditaments can be a live music venue even if used for other activities, but only if those other activities (i) are merely ancillary or incidental to the performance of live music (e.g. the sale/supply of alcohol to audience members) or (ii) do not affect the fact that the primary activity for the premises is the performance of live music (e.g. because those other activities are insufficiently regular or frequent, such as a polling station or a fortnightly community event).
- There may be circumstances in which it is difficult to tell whether an activity is a performance of live music or, instead, the playing of recorded music.

Although we would expect this would be clear in most circumstances, guidance on this may be found in Chapter 16 of the statutory guidance issued in April 2018 under section 182 of the Licensing Act 2003.<sup>3</sup>

11. To qualify for the relief the hereditament should be wholly or mainly being used as shops, restaurants, cafes, drinking establishments, cinemas and live music venues. In a similar way to other reliefs (such as charity relief), this is a test on use rather than occupation. Therefore, hereditaments which are occupied but not wholly or mainly used for the qualifying purpose will not qualify for the relief.
12. The list set out above is not intended to be exhaustive as it would be impossible to list the many and varied retail uses that exist. There will also be mixed uses. However, it is intended to be a guide for authorities as to the types of uses that the Government considers for this purpose to be retail. Authorities should determine for themselves whether particular properties not listed are broadly similar in nature to those above and, if so, to consider them eligible for the relief. Conversely, properties that are not broadly similar in nature to those listed above should not be eligible for the relief.
13. The list below sets out the types of uses that the Government does not consider to be retail use for the purpose of this relief. Again, it is for local authorities to determine for themselves whether particular properties are broadly similar in nature to those below and, if so, to consider them not eligible for the relief under their local scheme.
  - i. **Hereditaments that are being used for the provision of the following services to visiting members of the public:**
    - Financial services (e.g. banks, building societies, cash points, bureaux de change, payday lenders, betting shops, pawn brokers)
    - Other services (e.g. estate agents, letting agents, employment agencies)
    - Medical services (e.g. vets, dentists, doctors, osteopaths, chiropractors)
    - Professional services (e.g. solicitors, accountants, insurance agents/ financial advisers, tutors)
    - Post office sorting offices
  - ii. **Hereditaments that are not reasonably accessible to visiting members of the public**
14. Generally speaking, the government also does not consider other assembly or leisure uses beyond those listed at paragraph 11 to be retail uses for the purpose of the discount. For example, theatres and museums are outside the scope of the scheme, as are nightclubs. Hereditaments used for sport or physical recreation (e.g. gyms) are also outside the scope of the discount. Where there is doubt, the local

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<sup>3</sup> The statutory guidance can be accessed here: <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

authority should exercise their discretion with reference to the above and knowledge of their local tax base.

### **How much relief will be available?**

15. The total amount of government-funded relief available for each property for 2020/21 under this scheme is 50% of the bill, after mandatory reliefs and, with the exception of the 2020/21 pubs discount, other discretionary reliefs funded by section 31 grants have been applied, excluding those where local authorities have used their discretionary relief powers introduced by the Localism Act which are not funded by section 31 grants.<sup>4</sup> The 2020/21 pubs discount should be applied after the retail discount. There is no relief available under this scheme for properties with a rateable value of £51,000 or more. Of course, councils may use their discretionary powers to offer further discounts outside this scheme. However, where an authority applies a locally funded relief under section 47 this is must also be applied after the Retail Discount.
16. The eligibility for the relief and the relief itself will be assessed and calculated on a daily basis. The following formula should be used to determine the amount of relief to be granted for a chargeable day for particular hereditament in the financial year 2020/21:

Amount of relief to be granted =

$$\frac{V}{2} \text{ where}$$

V is the daily charge for the hereditament for the chargeable day after the application of any mandatory relief and any other discretionary reliefs, excluding the pubs discount and those where local authorities have used their discretionary relief powers introduced by the Localism Act which are not funded by section 31 grants.<sup>5</sup>

17. This should be calculated ignoring any prior year adjustments in liabilities which fall to be liable on the day.
18. Ratepayers that occupy more than one property will be entitled to relief for each of their eligible properties, subject to State Aid De Minimis limits.

### **State Aid**

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<sup>4</sup> As required in the NNDR3 guidance notes, the former categories of discretionary relief prior to the localism act (i.e. charitable/CASC/rural etc. top up and not for profit) should be applied first in the sequence of discretionary reliefs and, therefore, before the retail discount.

<sup>5</sup> As required in the NNDR3 guidance notes, the former categories of discretionary relief prior to the localism act (i.e. charitable/CASC/rural etc. top up and not for profit) should be applied first in the sequence of discretionary reliefs and, therefore, before the retail discount.

19. State Aid law is the means by which the European Union regulates state funded support to businesses. Providing discretionary relief to ratepayers is likely to amount to State aid. However, Retail Relief will be State aid compliant where it is provided in accordance with the De Minimis Regulations (1407/2013)<sup>6</sup>.
20. The De Minimis Regulations allow an undertaking to receive up to €200,000 of De Minimis aid in a three-year period (consisting of the current financial year and the two previous financial years). Local authorities should familiarise themselves with the terms of this State aid exemption, in particular the types of undertaking that are excluded from receiving De Minimis aid (Article 1), the relevant definition of undertaking (Article 2(2))<sup>7</sup> and the requirement to convert the aid into Euros.<sup>8</sup>
21. To administer De Minimis it is necessary for the local authority to establish that the award of aid will not result in the undertaking having received more than €200,000 of De Minimis aid. Note that the threshold only relates to aid provided under the De Minimis Regulations (aid under other exemptions or outside the scope of State aid is not relevant to the De Minimis calculation). Annex B of this guidance contains a sample De Minimis declaration which local authorities may wish to use, to discharge this responsibility. Where local authorities have further questions about De Minimis or other aspects of State Aid law, they should seek advice from their legal department in the first instance.<sup>9</sup>
22. Whilst the UK is scheduled to leave the EU on 31 January 2020, the Withdrawal Agreement negotiated by the Government and the EU provides that during an implementation period State aid rules will continue to apply as now and will be subject to control by the EU Commission as at present. Local authorities should therefore continue to apply State aid rules, including De Minimis, to the relief for during the implementation period.

## Splits, mergers, and changes to existing hereditaments

23. The relief should be applied on a day to day basis using the formula set out above. A new hereditament created as a result of a split or merger during the financial year, or where there is a change of use, should be considered afresh for the relief on that day.

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<sup>6</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:352:0001:0008:EN:PDF>

<sup>7</sup> The ‘New SME Definition user guide and model declaration’ provides further guidance:  
[http://ec.europa.eu/enterprise/policies/sme/files/sme\\_definition/sme\\_user\\_guide\\_en.pdf](http://ec.europa.eu/enterprise/policies/sme/files/sme_definition/sme_user_guide_en.pdf)

<sup>8</sup> [http://ec.europa.eu/budget/contracts\\_grants/info\\_contracts/inforeuro/inforeuro\\_en.cfm](http://ec.europa.eu/budget/contracts_grants/info_contracts/inforeuro/inforeuro_en.cfm)

<sup>9</sup> Detailed State Aid guidance can also be found at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/15277/National\\_State\\_Aid\\_Law\\_Requirements.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/15277/National_State_Aid_Law_Requirements.pdf)

## Annex A: Calculation examples for 2020/21

The retail discount (one third) is always calculated after mandatory relief and other discretionary reliefs funded by section 31 grant. The multiplier used here is provisional.

### Example 1: An occupied shop with a rateable value of £40,000

Gross rates (before any reliefs) = £40,000 x 0.499	= £19,960
Retail discount (50%):	= £9,980
Rates due (after retail discount):	= £9,980

### Example 2: An occupied charity shop with a rateable value of £40,000

Gross rates (before any reliefs) = £40,000 x 0.512	= £20,480
Net rates after charity relief:	= £4,096
Retail discount (50%):	= -£2,048
Rates due (after charity relief and retail discount):	= £2,048

### Example 3: An occupied shop with a rateable value of £13,500 eligible for Small Business Rate Relief (SBRR)

Gross rates (before any reliefs) = £13,500 x 0.490	= £6,737
Net rates after SBRR (50%):	= £3,368
Retail discount (50%):	= -£1,684
Rates due (after SBRR and retail discount):	= £1,684

### Example 4: An occupied shop with a rateable value of £10,000 eligible for Small Business Rate Relief (SBRR)

Gross rates (before any reliefs) = £10,000 x 0.499	= £4,990
Net rates after SBRR (100%):	= £nil
Rates bill is nil and, therefore, no retail discount applies	

### Example 5: An occupied shop with a rateable value of £40,000 eligible for Transitional Relief (TR) and receiving Revaluation Discretionary Relief

Gross rates (before any reliefs) = £40,000 x 0.499	= £19,960
Transitional Relief (say):	= £1,500
Net rates after Transitional Relief:	= £18,460
Net rates after Revaluation Discretionary Relief (say):	= £15,460
Retail discount (50%):	= -£7,730
Rates due (after TR, revaluation relief and retail discount):	= £7,730

### Example 6: An occupied shop with a rateable value of £18,000 previously paying nothing prior to revaluation 2017 and eligible for Supporting Small Businesses Relief (SSB)

Gross rates (before any reliefs) = £18,000 x 0.499	= £8,982
Supporting Small Businesses Relief (say):	= £6,582

<b>Net rates after SSB:</b>	<b>= £2,400</b>
<b>Retail discount (50%):</b>	<b>= -£1200</b>
<b>Rates due (after SSB and retail discount):</b>	<b>= £1200</b>

**Example 7: A shop with a rateable value of £40,000 (example 1) but only occupied until 30 September 2020**

Gross rates (before any reliefs) = £40,000 x 0.499	= £19,960
Retail discount (50%):	= -£9,980
Rates due p.a. (after retail discount):	= £9,980
Daily charge while occupied (leap year):	= £27.34 per day
Occupied charge 1/4/20 to 30/9/20 (183 days):	= £4,976
Unoccupied property relief (1/10/20 to 1/1/21):	= £nil
Unoccupied property rates (1/1/21 to 31/3/21),	
£40,000 x 0.512 x 91/365	= £5,106
Rates due for the year (after retail relief):	= £10,082

**Example 8: A shop with a rateable value of £40,000 (example 1) with a rateable value increase to £60,000 with effect from 1 October 2020**

Gross rates (before any reliefs) = £40,000 x 0.499	= £19,960
Retail discount (50%):	= -£9,980
Rates due p.a. (after retail discount):	= £9,980
Daily charge while occupied (leap year):	= £27.34 per day
Charge 1/4/20 to 30/9/20 (182 days):	= £4,976
Daily charge on standard multiplier (1/10/20 to 31/3/21):	
(£60,000 x 0.512)/365	= £84.16 per day
Charge 1/10/20 to 31/3/21 (183 days):	= £15,402
Rates due for the year (after retail relief):	= £20,378

## Annex B: Sample paragraphs that could be included in letters to ratepayers about Retail Discount for 2020/21

In a Written Ministerial Statement on 27 January 2020 the Government announced that eligible retailers will receive a 50% discount on their business rates bills for one year from April 2020.

Relief will be provided to eligible occupied retail properties with a rateable value of less than £51,000 in 2020/21. Your current rates bill includes this Retail Discount.

Awards such as Retail Discount are required to comply with the EU law on State Aid.<sup>10</sup> In this case, this involves returning the attached declaration to this authority if you have received any other *de minimis* State Aid, including any other Retail Discount you are being granted for premises other than the one to which this bill and letter relates, and confirming that the award of Retail Discount does not exceed the €200,000 an undertaking<sup>11</sup> can receive under the *de minimis* Regulations EC 1407/2013.

Please complete the declaration and return it to the address above. In terms of declaring previous *de minimis* aid, we are only interested in public support which is *de minimis* aid (State Aid received under other exemptions or public support which is not State Aid does not need to be declared).

If you have not received any other *de minimis* State Aid, including any other Retail Discount you are being granted for premises other than the one to which this bill and letter relates, you do not need to complete or return the declaration.

If you wish to refuse to receive the Retail Discount granted in relation to the premises to which this bill and letter relates, please complete the attached form and return it to the address above. You do not need to complete the declaration. This may be particularly relevant to those premises that are part of a large retail chain, where the cumulative total of Retail Discount received could exceed €200,000.

Under the European Commission rules, you must retain this letter for three years from the date on this letter and produce it on any request by the UK public authorities or the European Commission. (You may need to keep this letter longer than three years for other purposes). Furthermore, information on this aid must be supplied to any other public authority or agency asking for information on '*de minimis*' aid for the next three years.

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<sup>10</sup>.Further information on State Aid law can be found at <https://www.gov.uk/state-aid>

<sup>11</sup> An undertaking is an entity which is engaged in economic activity. This means that it puts goods or services on a given market. The important thing is what the entity does, not its status. Therefore, a charity or not for profit company can be undertakings if they are involved in economic activities. A single undertaking will normally encompass the business group rather than a single company within a group. Article 2.2 of the *de minimis* Regulations (Commission Regulation EC/ 1407/2013) defines the meaning of 'single undertaking'.

## **'*De minimis*' declaration**

Dear [ ]

NON-DOMESTIC RATES ACCOUNT NUMBER: \_\_\_\_\_

The value of the non-domestic rates Retail Discount to be provided to [name of undertaking] by [name of local authority] is £ [ ] (Euros [ ]).

This award shall comply with the EU law on State Aid on the basis that, including this award, [name of undertaking] shall not receive more than €200,000 in total of *De minimis* aid within the current financial year or the previous two financial years). The *de minimis* Regulations 1407/2013 (as published in the Official Journal of the European Union L352 24.12.2013) can be found at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:352:0001:0008:EN:PDF> .

<b>Amount of <i>de minimis</i> aid</b>	<b>Date of aid</b>	<b>Organisation providing aid</b>	<b>Nature of aid</b>

I confirm that:

- 1) I am authorised to sign on behalf of \_\_\_\_\_ [name of undertaking]; and
- 2) \_\_\_\_\_ [name of undertaking] shall not exceed its *De minimis* threshold by accepting this Retail Discount.

SIGNATURE:

NAME:

POSITION:

BUSINESS:

ADDRESS:

DATE:

## **Refusal of Retail Discount form**

<b>Name and address of premises</b>	<b>Non-domestic rates account number</b>	<b>Amount of Retail Discount</b>

I confirm that I wish to refuse Retail Discount in relation to the above premises.

I confirm that I am authorised to sign on behalf of \_\_\_\_\_ [name of undertaking].

SIGNATURE:

NAME:

POSITION:

BUSINESS:

ADDRESS:

DATE:



Ministry of Housing,  
Communities &  
Local Government

## Business Rates

Pubs Discount 2020/21 – Local Authority Guidance



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<http://forms.communities.gov.uk/> or write to us at:

Ministry of Housing, Communities and Local Government  
Fry Building  
2 Marsham Street  
London  
SW1P 4DF  
Telephone: 030 3444 0000

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January 2020

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## About this guidance

1. This guidance is intended to support local authorities in administering the business “Pubs Discount 2020/21” scheme announced in a Written Ministerial Statement on 27 January 2020.
2. The guidance sets out how the scheme should operate and the eligibility criteria that should apply. This Guidance applies to England only.
3. Enquiries on this measure should be addressed to:  
[ndr@communities.gov.uk](mailto:ndr@communities.gov.uk)

## Introduction

4. The Government recognises the important role that pubs play in urban and rural communities across the country. In a Written Ministerial Statement on 27 January 2020, the Financial Secretary to the Treasury announced a £1,000 business rate discount for public houses with a rateable value of less than £100,000 for one year from 1 April 2020.

### How will the relief be provided?

5. As this is a measure for 2020-21 only, the Government is not changing the legislation around the reliefs available to properties. Instead the Government will, in line with the eligibility criteria set out in this guidance, reimburse local authorities that use their discretionary relief powers under section 47 of the Local Government Finance Act 1988 (as amended) to grant relief. It will be for individual local billing authorities to adopt a local scheme and determine in each individual case when, having regard to this guidance, to grant relief under section 47.
6. Central government will fully reimburse local authorities for the local share of the discretionary relief (using a grant under section 31 of the Local Government Act 2003). The Government expects local government to apply and grant relief to qualifying ratepayers from the start of the 2020/21 billing cycle.
7. Local authorities will be asked to provide an estimate of their likely total cost for providing the relief in a supplementary return for 2020/21. Central government will provide payments to authorities to cover the local share, as per the usual process.
8. Local authorities will also be asked to provide outturn data on the actual total cost for providing the relief, as per the usual process, via the National Non-Domestic Rate 3 (NNDR3) forms for 2020-21. Any required reconciliations will then be conducted at these points.<sup>1</sup>

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<sup>1</sup> As required in the NNDR3 guidance notes, the former categories of discretionary relief prior to the Localism Act (i.e. charitable/CASC/rural etc. top up and not for profit) should be applied first in the sequence of discretionary reliefs and before the retail discount. This pub discount should be applied after all other reliefs, including the retail discount, except for locally funded section 47 reliefs.

## **Eligibility criteria - which properties will benefit from relief?**

9. This section describes in principle the Pubs Discount 2020/21 scheme. Local authorities should use this section to determine eligibility for the relief. The scheme will be available to eligible occupied properties with a rateable value of less than £100,000. The majority of pubs are independently owned or managed and will not be part of chains. Where pubs are part of a chain, relief will be available for each eligible property in the chain, subject to meeting State Aid requirements.
10. There is no definitive description of a traditional pub or public house in law which could be readily used by local authorities to determine eligibility. The objective has been to adopt an approach that makes the design and eligibility of the scheme easy to implement by local authorities in a clear and consistent way, is widely accepted by the industry and which is consistent with the Government's policy intention as set out in this section.
11. The Government's policy intention is that eligible pubs should:
  - be open to the general public
  - allow free entry other than when occasional entertainment is provided
  - allow drinking without requiring food to be consumed
  - permit drinks to be purchased at a bar.
12. For these purposes, it should exclude:
  - restaurants
  - cafes
  - nightclubs
  - hotels
  - snack bars
  - guesthouses
  - boarding houses
  - sporting venues
  - music venues
  - festival sites
  - theatres
  - museums
  - exhibition halls
  - cinemas
  - concert halls
  - casinos
13. The proposed exclusions in the list at paragraph 12 is not intended to be exhaustive and it will be for the local authority to determine those cases where eligibility is unclear. We believe that billing authorities will already have a good understanding of the licensed premises in their areas and will be able to readily form a view on eligibility in the majority of cases. We expect local authorities to deliver the scheme using their knowledge of their business rates base and existing collection practices.

14. Where eligibility is unclear authorities should also consider broader factors in their considerations – i.e., in meeting the stated intent of policy that it demonstrates the characteristics that would lead it to be classified as a pub, for example being owned and operated by a brewery. Additionally, local authorities may also wish to consider other methods of classification, such as the planning system and the use classes order to help them decide whether a property is a pub or not. However, permission for a particular use class will not necessarily mean that the property meets the definition of a pub.

## How much relief will be available?

15. The total amount of government-funded relief available in the year 2020/21 under this scheme is £1,000 per eligible property. There is no relief available under this scheme for properties with a rateable value of £100,000 or more. Eligibility for the relief and the relief itself will be assessed and calculated on a daily basis.
16. This relief should be applied to bills after mandatory reliefs and other discretionary reliefs funded by section 31 grants have been applied, including the retail discount, but excluding those where local authorities have used their discretionary relief powers under section 47 which are not funded by section 31 grants.<sup>2</sup> Of course, councils may use their discretionary powers to offer further discounts outside this scheme. However, where an authority applies a locally funded relief under section 47 this is must also be applied after the pubs discount.
17. Ratepayers that occupy more than one property will be entitled to relief for each of their eligible properties, subject to State Aid De Minimis limits.

## State Aid

18. State Aid law is the means by which the European Union regulates state funded support to businesses. Providing discretionary relief to ratepayers is likely to amount to State Aid. However, pubs discount will be State Aid compliant where it is provided in accordance with the De Minimis Regulations (1407/2013).<sup>3</sup>
19. The De Minimis Regulations allow an undertaking to receive up to €200,000 of De Minimis aid in a three-year period (consisting of the current financial year and the two previous financial years). Local authorities should familiarise themselves with the terms of this State Aid exemption, in particular the types of undertaking that are excluded from receiving De Minimis aid (Article 1), the relevant definition of undertaking (Article 2(2))<sup>4</sup> and the requirement to convert the aid into Euros.<sup>5</sup>

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<sup>2</sup> As required in the NNDR3 guidance notes, the former categories of discretionary relief prior to the Localism Act (i.e. charitable/CASC/rural etc. top up and not for profit) should be applied first in the sequence of discretionary reliefs and before the retail discount. This pubs discount should be applied after all other reliefs, including the retail discount, except for locally funded section 47 reliefs.

<sup>3</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:352:0001:0008:EN:PDF>

<sup>4</sup> The ‘New SME Definition user guide and model declaration’ provides further guidance:

[http://ec.europa.eu/enterprise/policies/sme/files/sme\\_definition/sme\\_user\\_guide\\_en.pdf](http://ec.europa.eu/enterprise/policies/sme/files/sme_definition/sme_user_guide_en.pdf)

<sup>5</sup> [http://ec.europa.eu/budget/contracts\\_grants/info\\_contracts/inforeuro/inforeuro\\_en.cfm](http://ec.europa.eu/budget/contracts_grants/info_contracts/inforeuro/inforeuro_en.cfm)

20. To administer De Minimis it is necessary for the local authority to establish that the award of aid will not result in the undertaking having received more than €200,000 of De Minimis aid. Note that the threshold only relates to aid provided under the De Minimis Regulations (aid under other exemptions or outside the scope of State Aid is not relevant to the De Minimis calculation). Annex B of this guidance contains a sample De Minimis declaration which local authorities may wish to use, to discharge this responsibility. Where local authorities have further questions about De Minimis or other aspects of State Aid law, they should seek advice from their legal department in the first instance.<sup>6</sup>
21. Whilst the UK is scheduled to leave the EU on 31 January 2020, the Withdrawal Agreement negotiated by the Government and the EU provides that during an implementation period State aid rules will continue to apply as now and will be subject to control by the EU Commission as at present. Local authorities should therefore continue to apply State aid rules, including De Minimis, to the relief during the implementation period.

### **Splits, mergers, and changes to existing hereditaments**

22. The pubs discount should be applied on a day-to-day basis using the formula set out above. A new hereditament created as a result of a split or merger during the financial year, or where there is a change of use, should be considered afresh for the relief on that day.

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<sup>6</sup> Detailed State Aid guidance can also be found at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/15277/National\\_State\\_Aid\\_Law\\_Requirements.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/15277/National_State_Aid_Law_Requirements.pdf)

## Annex A: Calculation examples for 2020/21

The retail discount (one third) is always calculated after mandatory relief and other discretionary reliefs funded by section 31 grant. The multiplier used here is provisional.

### **Example 1: An occupied pub with a rateable value of £40,000**

Gross rates (before any reliefs) = £40,000 x 0.499 = £19,960  
Retail discount (50%):= -£9,980  
Pubs discount (-£1,000):= -£1,000  
Rates due (after retail discount and pub discount): = £8,980

### **Example 2: An occupied pub with a rateable value of £70,000**

Gross rates (before any reliefs) = £70,000 x 0.512= £35,840  
Pub discount (-£1,000):= -£1,000  
Rates due (after pub discount):= £34,840

## Annex B: Sample paragraphs that could be included in letters to ratepayers about Pubs Discount for 2020/21

In a Written Ministerial Statement on 27 January 2020 the Government announced that eligible pubs will receive a £1,000 discount on their business rates bills for one year from April 2020.

Relief will be provided to eligible occupied pubs with a rateable value of less than £100,000 in 2020/21. Your current rates bill includes this pubs discount.

Awards such as pubs discount are required to comply with the EU law on State Aid.<sup>7</sup> In this case, this involves returning the attached declaration to this authority if you have received any other *de minimis* State Aid, including any other pub relief you are being granted for premises other than the one to which this bill and letter relates, and confirming that the award of pub relief does not exceed the €200,000 an undertaking<sup>8</sup> can receive under the *de minimis* Regulations EC 1407/2013.

Please complete the declaration and return it to the address above. In terms of declaring previous *de minimis* aid, we are only interested in public support which is *de minimis* aid (State Aid received under other exemptions or public support which is not State Aid does not need to be declared).

If you have not received any other *de minimis* State Aid, including any other pubs discount you are being granted for premises other than the one to which this bill and letter relates, you do not need to complete or return the declaration.

If you wish to refuse to receive the pubs discount granted in relation to the premises to which this bill and letter relates, please complete the attached form and return it to the address above. You do not need to complete the declaration. This may be particularly relevant to those premises that are part of a large pub chain, where the cumulative total of pubs discount received could exceed €200,000.

Under the European Commission rules, you must retain this letter for three years from the date on this letter and produce it on any request by the UK public authorities or the European Commission. (You may need to keep this letter longer than three years for other purposes). Furthermore, information on this aid must be supplied to any other public authority or agency asking for information on '*de minimis*' aid for the next three years.

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<sup>7</sup>.Further information on State Aid law can be found at <https://www.gov.uk/state-aid>

<sup>8</sup> An undertaking is an entity which is engaged in economic activity. This means that it puts goods or services on a given market. The important thing is what the entity does, not its status. Therefore, a charity or not for profit company can be undertakings if they are involved in economic activities. A single undertaking will normally encompass the business group rather than a single company within a group. Article 2.2 of the de minimis Regulations (Commission Regulation EC/ 1407/2013) defines the meaning of 'single undertaking'.

## **'*De minimis*' declaration**

Dear [ ]

NON-DOMESTIC RATES ACCOUNT NUMBER: \_\_\_\_\_

The value of the non-domestic rates pubs discount to be provided to [name of undertaking] by [name of local authority] is £ [ ] (Euros [ ]).

This award shall comply with the EU law on State Aid on the basis that, including this award, [name of undertaking] shall not receive more than €200,000 in total of *De minimis* aid within the current financial year or the previous two financial years). The *de minimis* Regulations 1407/2013 (as published in the Official Journal of the European Union L352 24.12.2013) can be found at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:352:0001:0008:EN:PDF> .

<b>Amount of <i>de minimis</i> aid</b>	<b>Date of aid</b>	<b>Organisation providing aid</b>	<b>Nature of aid</b>

I confirm that:

- 1) I am authorised to sign on behalf of \_\_\_\_\_ [name of undertaking]; and
- 2) \_\_\_\_\_ [name of undertaking] shall not exceed its *De minimis* threshold by accepting this pubs discount.

SIGNATURE:

NAME:

POSITION:

BUSINESS:

ADDRESS:

DATE:

## **Refusal of Pubs Discount form**

<b>Name and address of premises</b>	<b>Non-domestic rates account number</b>	<b>Amount of Pubs Discount</b>

I confirm that I wish to refuse pubs discount in relation to the above premises.

I confirm that I am authorised to sign on behalf of \_\_\_\_\_ [name of undertaking].

SIGNATURE:

NAME:

POSITION:

BUSINESS:

ADDRESS:

DATE:

# Agenda Item 16

<b>Committee:</b>	Council	<b>Date:</b>
<b>Title:</b>	International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism	Tuesday, 25 February 2020
<b>Report Author:</b>	Dawn French, Chief Executive dfrench@uttlesford.gov.uk	
	Tel: 01799 510400	

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## Summary

1. The Secretary of State for Housing Communities and Local Government has written to all local authorities encouraging them to adopt the International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism.
2. The definition is not designed to be legally binding but is intended to demonstrate a commitment to engaging with the experiences of Jewish communities.
3. Members are invited to debate the matter and propose to adopt the definition. If members are not minded to adopt the definition, the reasons for not doing so should be clearly set out.

## Recommendations

That the Council adopts the following non-legally binding working definition of antisemitism:

“Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”

## Financial Implications

3. There are no financial implications arising from this report.

## Background Papers

4. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report:

Letter from Secretary of State for Housing Communities and Local Government – 15 October 2019.

## Situation

5. The International Holocaust Remembrance Alliance (IHRA), founded in 1998, is an inter-governmental body that unites governments and experts to

strengthen, advance and promote Holocaust education, research and remembrance and to uphold the commitments to the 2000 Stockholm Declaration. The United Kingdom has been member of the IHRA since it was founded in 1998.

6. In October 2019, the Secretary of State for Housing, Communities and Local Government wrote to local authorities expressing an urgent need to take action which includes adopting the definition. The letter is attached at Enclosure 1. It should be noted that no trace can be found of the letter of 2017 referred to in the 2019 letter.
7. The International Holocaust Remembrance Alliance (IHRA) adopted the following, non-legally binding, working definition of antisemitism:

“Anti-Semitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of anti-Semitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”
8. The IHRA has published examples to guide organisations on the implementation of the definition, these are set out in Enclosure 2 and are considered to be essential supporting elements of the working definition.
9. There is no recent data recording the number of residents identifying as Jewish in Uttlesford but the 2011 Census reported 0.29% of the Uttlesford population was Jewish.
10. The Council’s equality policy seeks to ensure people are treated with dignity and respect and the causes of unfairness are understood and addressed. A hate crime is defined as a crime which is committed against someone due to their race, religion, gender, sexual orientation, age or disability. Tackling hate crime – which includes antisemitism - is important for the Council, not just because of the devastating consequences it can have for victims and their families, but also because it can divide communities.
11. Whilst the IHRA definition of Anti-Semitism is not legally binding its adoption will support the Council’s obligations under the Equality Act 2010, and its responsibilities under the Public Sector Equality Duty, to demonstrate due regard and to:
  - Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - Advance equality of opportunity between people who share a protected characteristic and those who do not.
  - Foster good relations between people who share a protected characteristic and those who do not
12. The IHRA definition serves as a complementary measure that addresses equalities issues though seeking to deepen the understanding of anti-Semitism.

13. Members are advised that despite the request from the Secretary of State not all councils have adopted the IHRA definition, although the actual number is as yet unknown. The Secretary of State is intending to publish lists of adopting and non-adopting Councils. At the end of January 2020, he was quoted as saying:

*"I have been clear that all universities and local councils that have not already done so must adopt the International Holocaust Remembrance Alliance definition of anti-Semitism. It is shocking that some still haven't, demonstrating a serious lack of respect for this issue. I will shortly publish the list of those councils that have told my department that they will adopt the definition and those that have explicitly refused to do so. Organisations like these should not expect to receive public money if they cannot demonstrate that they are fighting antisemitism."*

## Risk Analysis

1.

Risk	Likelihood	Impact	Mitigating actions
There is a risk on the Council's reputation and relationship with the Jewish community if the definition is not adopted	3 – whilst the population of Jews in Uttlesford may not be high, the issue of anti-semitism is of concern to the wider community	3 - whilst the population of Jews in Uttlesford may not be high, the issue of anti-semitism is of concern to the wider community	Adoption of the IHRA definition or a clear explanation of why the Council is not supportive of the definition.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

## **Appendix 1:**

### IHRA working definitions - examples to guide organisations

The IHRA has published examples to guide organisations on the implementation of the definition. The Alliance has pointed to the following examples which may serve as illustrations:

Manifestations might include the targeting of the state of Israel, however, criticism of Israel similar to that levelled against any other country cannot be regarded as antisemitic. Antisemitism frequently charges Jews with conspiring to harm humanity, and it is often used to blame Jews for "why things go wrong." It is expressed in speech, writing, visual forms and action, and employs sinister stereotypes and negative character traits.

The IHRA advises that contemporary examples of antisemitism in public life, the media, schools, the workplace, and in the religious sphere could, taking into account the overall context, include, but are not limited to:

- Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
- Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).
- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavour.
- Applying double standards by requiring of it a behaviour not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for actions of the state of Israel.

**Antisemitic acts are criminal** when they are so defined by law (for example, denial of the Holocaust or distribution of antisemitic materials in some countries).

**Criminal acts are antisemitic** when the targets of attacks, whether they are people or property – such as buildings, schools, places of worship and cemeteries – are selected because they are, or are perceived to be, Jewish or linked to Jews.

**Antisemitic discrimination** is the denial to Jews of opportunities or services available to others and is illegal in many countries.



## Ministry of Housing, Communities & Local Government

Council Leaders in England

Rt Hon Robert Jenrick MP

Secretary of State for Housing, Communities  
and Local Government

**Ministry of Housing, Communities and Local  
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[www.gov.uk/mhclg](http://www.gov.uk/mhclg)

15 October 2019

Dear Local Leaders,

### **Adoption of the International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism**

My predecessor wrote to you in early 2017 following the Government's adoption of the IHRA definition, encouraging you to formally adopt the definition as a clear message that antisemitic behaviour will not be tolerated. I am writing to you on this issue again to impress upon you the need to take urgent action, which is more important now than ever.

The Community Security Trust (CST) is the leading organisation monitoring and supporting victims of antisemitism, and I know many of you will be familiar with their work. Earlier this year, CST released their report on antisemitic incidents in the first six months of 2019. It showed the highest total on record over a six-month period, and an increase of 10% on the same period in 2018, with over 100 incidents per month for the third year running. Similarly, the annual figures for 2018 showed the highest number of antisemitic incidents on record.

This is a very worrying trend. CST's figures reflect the Home Office official statistics from October 2019 which show that 18% of religiously motivated hatred is targeted at Jewish people – up from 12% in 2018 – and that, per capita, Jewish people were most likely to report experiencing hatred.

The recent deplorable attack on a synagogue in Halle, Germany, which took the lives of two innocent people on Yom Kippur, the holiest day in the Jewish calendar, shows that antisemitic hate crime is not a thing of the past. This must give us all serious pause.

It is in this context that I write to you again, to strongly urge you to formally adopt the IHRA definition and use it on all appropriate occasions. The definition is not designed to be legally binding, but it is an invaluable tool for public bodies to understand how antisemitism manifests itself in the 21<sup>st</sup> century. It demonstrates a commitment to engaging with the experiences of Jewish communities and supporting them against the contemporary challenges they face.

I recognise the local authorities who have already adopted the definition and considered its practical application, and I am grateful to you for showing leadership in tackling this challenge.

The IHRA definition is already used in guidance for the Police and Crown Prosecution Service, providing examples of the kinds of behaviours which, depending on the circumstances, could constitute antisemitism. The United Nations Special Rapporteur on Freedom of Religion or Belief also recently released a report which agreed that “the IHRA Working Definition of Antisemitism can offer valuable guidance for identifying antisemitism in its various forms” and encouraged its use in “education, awareness-raising and for monitoring and responding to manifestations of antisemitism”.

For our part, the Government is absolutely committed to combatting antisemitism in all its forms, from wherever it arises. Examples of this include the strong work of the Cross-Government Working Group to Tackle Antisemitism, which builds on our close relationship with Jewish communities. The Government funds projects such as Solutions Not Sides which seeks to challenge stereotypes and foster more nuanced discussion of the Israel-Palestinian conflict, and we have recently announced a further £100,000 in funding to tackle online antisemitism.

I am a strong advocate for clear standards on hate crime and a consistent approach across institutions to strengthen the support we provide to students and communities.

We recognise the incredibly valuable role local authorities have to play in tackling all forms of hate crime, in partnership with local police forces. Your intimate knowledge of local communities and their concerns provides valuable evidence to target responses. Your work to build resilience and integration locally helps to challenge some of the factors that may cause hate crime, preventing prejudice and hatred from taking root.

Eradicating antisemitism is not a task that the Government can achieve on our own. We need local authorities to show leadership, alongside our partners in civil society and community activists. The Government has adopted the IHRA definition of antisemitism, as we recognise this is one of the strongest signals we can give our Jewish communities. It demonstrates that we hear and understand their concerns and are ready and willing to act in response. I would be grateful if you would inform me when you have adopted the definition, or the steps you are taking to adopt it, or otherwise explain your reluctance to do so, so that I can discuss the matter with you directly.

A handwritten signature in black ink that reads "Robert Jenrick." A single horizontal line is drawn underneath the signature.

RT HON ROBERT JENRICK MP

# Agenda Item 17

## **North Essex Economic Strategy Motion for Council: 25 February**

This Council notes the North Essex Economic Strategy (NEES), but requests Cabinet to pause further work on the NEES pending detailed further clarification of;

- a. the economic benefits that the NEES will bring to Uttlesford.
- b. the role of Uttlesford within this strategy given our proximity to Cambridge and the knowledge based economy centred there.
- c. the opportunities for deeper cooperation and coordination with the local authorities, including the Mayoralty, of the Cambridge sub region.

Signatories:

- Cllr Gregory
- Cllr Pavitt
- Cllr Light

<b>Committee:</b>	Council	<b>Date:</b>
<b>Title:</b>	Briefing Note – North Essex Economic Strategy	25 <sup>th</sup> February 2020
<b>Report Author:</b>	Gordon Glenday, Asst Director, Planning gglenday@uttlesford.gov.uk	

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## Summary

1. Context for the North Essex Economic Strategy (NEES) and Local Enterprise Partnership
  - The District was part of both the then Greater Cambridge Greater Peterborough Local Enterprise Partnership (GCGPLEP) and South East Local Enterprise Partnership (SELEP). Central Government has directed that no local authority should be served by more than one Local Enterprise Partnership and from March 31<sup>st</sup> 2021 the district will only form part of the SELEP.
  - This important change places even greater emphasis on Uttlesford developing its relationship with SELEP including via partnerships with other local authorities such as those authorities also involved in the development of the North Essex Economic Strategy. Working in partnership significantly enhances our ability to influence SELEP, promote the opportunities in Uttlesford and attract funding via the SELEP Prosperity Funding provided by Central Government to support the delivery of projects in LEP areas.
2. Context for the North Essex Economic Strategy and Other Partnerships
  - Uttlesford District Council is a member of the London Stansted Cambridge Consortium and of the Consortium's Central Area Alliance (alongside partners in Harlow, Epping Forest, East Herts, Broxbourne, Essex and Hertfordshire) and has a pivotal role facing north, south, east and west. In addition the Council is a member of the Digital Innovation Zone and Cross Border Tourism Partnership which also includes Harlow, Epping Forest, East Herts and Broxbourne councils.
3. North Essex Economic Strategy Action Plan

Work has been ongoing with the other local authority partners in the NEES to bring forward a number of projects to be included within a subsequent action plan which will be developed in the coming weeks. A number of specific projects have been put forward by this council for consideration by the partnership. These include a feasibility study for a new research institute / incubator centre at Chesterford Research Park; grow-on commercial property at CRP and in the Stansted airport location (Northside); rapid transit systems Stansted to Braintree and North Uttlesford and expansion of both the Aerozone and Airport College. The proximity to the Cambridge knowledge based economy will be a key driver in the attraction of a new research institute / incubator centre and grow-on space at Chesterford Research Park.

# Agenda Item 18

## **Fireworks Motion for Council: 25 February**

This Council resolves:

- 1) To encourage all public firework displays within Uttlesford District Council's administrative boundary to be advertised in advance of the event, allowing residents to take precautions for their animals and vulnerable people;
- 2) To actively promote a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people – including the precautions that can be taken to mitigate risks;
- 3) To encourage local suppliers of fireworks to stock and emphasise through marketing quieter fireworks for public and private displays;
- 4) To write to the UK Government urging them to introduce legislation to limit the maximum noise level of fireworks to 90dB for those sold to the public for private displays; and
- 5) To further write to the UK Government urging them to explore fireworks licensing for private and public use.

Signatories:

- Cllr Criscione