



23 February 2026

CABINET – 3 MARCH 2026

A meeting of Cabinet will be held at 6.00pm on Tuesday 3 March 2026 in the Council Chamber at the Town Hall, Rugby.

Members of the public may also view the meeting via the livestream available on the Council's website.

Dan Green
Chief Executive

AGENDA PART 1 – PUBLIC BUSINESS

1. Minutes – to approve the minutes of the meeting held on 9 February 2026.
2. Apologies.

To receive apologies for absence from the meeting.
3. Declarations of Interest.

To receive declarations of –
 - (a) non-pecuniary interests as defined by the Council's Code of Conduct for Councillors;
 - (b) pecuniary interests as defined by the Council's Code of Conduct for Councillors; and
 - (c) notice under Section 106 Local Government Finance Act 1992 – non-payment of Community Charge or Council Tax.

Note: Councillors are reminded that they should declare the existence and nature of their interests at the commencement of the meeting (or as soon as the interest becomes apparent). If that interest is a prejudicial interest, the Councillor must withdraw from the room unless one of the exceptions applies.

Membership of Warwickshire County Council or any Parish Council is classed as a non-pecuniary interest under the Code of Conduct. A Councillor does not need to declare this interest unless the Councillor chooses to speak on a matter relating to their membership. If the Councillor does not wish to speak on the matter, the Councillor may still vote on the matter without making a declaration.

4. Question Time

Notice of questions from the public should be delivered in writing or by e-mail to the Chief Executive at least three clear working days prior to the meeting (no later than Wednesday 25 February 2026)

Growth and Investment, Digital and Communications Portfolio

Nothing to report to this meeting.

Partnerships and Wellbeing Portfolio

Nothing to report to this meeting.

Finance, Performance, Legal and Governance Portfolio

5. Performance Report 2025/26 at 31 December 2025 (Quarter Three) (report to follow).
6. Support Scheme for Housing Payments and Council Tax Hardship.
7. Assets of Community Value Policy.
8. Government Consultations: Local Government Reorganisation and Spatial Development Strategies.

Communities, Homes, Regulation and Safety Portfolio

9. Public Spaces Protection Orders Re-adoption (report to follow).

Operations and Traded Services Portfolio

Nothing to report to this meeting.

Organisational change Portfolio

Nothing to report to this meeting.

The following item contains reports which are to be considered en bloc subject to any Portfolio Holder requesting discussion of an individual report

Nothing to report to this meeting.

10. Motion to Exclude the Public under Section 100(A)(4) of the Local Government Act 1972.

To consider the following resolution:

“under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item on the grounds that it involves the likely disclosure of information defined in paragraph 3 of Schedule 12A of the Act.”

PART 2 – EXEMPT INFORMATION

Growth and Investment, Digital and Communications Portfolio

Nothing to report to this meeting.

Partnerships and Wellbeing Portfolio

Nothing to report to this meeting.

Finance, Performance, Legal and Governance Portfolio

Nothing to report to this meeting.

Communities, Homes, Regulation and Safety Portfolio

Nothing to report to this meeting.

Operations and Traded Services Portfolio

1. Amendments to Sherbourne Recycling Ltd Shareholder Agreement.

Organisational change Portfolio

Nothing to report to this meeting.

The following item contains reports which are to be considered en bloc subject to any Portfolio Holder requesting discussion of an individual report

2. Write off unrecoverable debts.
3. Urgent Decision under Delegated Powers – Future of the Corporate Assurance Team.

Any additional papers for this meeting can be accessed via the website.

The Reports of Officers are attached.

Membership of Cabinet:

Councillors Moran (Chair), C Edwards, Livesey, Mistry, O'Rourke and Robinson.

CALL-IN PROCEDURES

Publication of the decisions made at this meeting will normally be within three working days of the decision. Each decision will come into force at the expiry of five working days after its publication. This does not apply to decisions made to take immediate effect. Call-in procedures are set out in detail in Standing Order 15 of Part 3c of the Constitution.

If you have any general queries with regard to this agenda please contact Claire Waleczek, Democratic and Support Services Manager (01788 533524 or e-mail claire.waleczek@rugby.gov.uk). Any specific queries concerning reports should be directed to the listed contact officer.

Agenda No 6

AGENDA MANAGEMENT SHEET

Report Title:	Support Scheme for Housing Payments and Council Tax Hardship
Name of Committee:	Cabinet
Date of Meeting:	3 March 2026
Report Director:	Chief Officer - Finance and Performance
Portfolio:	Finance and Performance, Legal and Governance
Ward Relevance:	All Wards
Prior Consultation:	None
Contact Officer:	Richard Moore, Revenues & Benefits Manager richard.moore@rugby.gov.uk
Public or Private:	Public
Report Subject to Call-In:	Yes
Report En-Bloc:	No
Forward Plan:	Yes
Corporate Priorities:	<p>This report relates to the following priority(ies):</p> <p><input checked="" type="checkbox"/> A Healthier Rugby – To support people to live healthier, longer, and more independent lives.</p> <p><input type="checkbox"/> A Thriving Rugby – To deliver a thriving economy which brings Borough-wide investment and regenerates Rugby Town Centre.</p> <p><input type="checkbox"/> A Greener Rugby – To protect the environment and ensure the Borough adapts to climate change.</p> <p><input checked="" type="checkbox"/> A Fairer Rugby – To reduce inequalities and improve housing across the Borough.</p> <p>Corporate Strategy 2025-2035</p> <p><input type="checkbox"/> This report does not specifically relate to any Council priorities but</p>
Summary:	<p>This report introduces a unified support policy designed to streamline the Council's approach to emergency financial assistance.</p> <p>By assessing Housing Payments (HP) and Council Tax Hardship Relief (CTHR) through a single framework, the Council aims to provide a</p>

transparent and consistent safety net, for residents in crisis.

The policy introduces a three-tiered priority system to ensure limited funds are targeted at the most vulnerable, including care leavers, domestic abuse survivors, and those at risk of homelessness.

It also features a No Wrong Door provision to ensure applicants are assessed for all available support streams automatically.

To maintain financial sustainability, the policy adopts Dynamic Prioritisation, allowing support levels to be adjusted based on monthly budget demand.

Finally, the report highlights a specific ring-fenced sum to assist households impacted by the removal of the two-child limit in Universal Credit.

Financial Implications:

The Discretionary Support scheme is a cash-limited resource. The Housing Payment (HP) element is funded by a fixed annual contribution from the Department for Work and Pensions (DWP). In 2025/26 the DWP contribution was £112,000 and we are waiting for confirmation of the 2026/2027 funding level.

The Council Tax Hardship Relief (CTHR) is funded by the Authority. In 2025/26 the council has so far provided £43,000 in support towards resident's council tax.

To manage these funds, the policy introduces Dynamic Prioritisation to adjust support levels based on budget demand.

Risk Management/Health and Safety Implications:

While the policy aims to mitigate resident crisis, it introduces financial and legal risks related to Dynamic Prioritisation and the management of cash-limited funds.

These risks are managed through a tiered priority system (Groups A, B, and C), monthly budget stress testing, and a formal reassessment process. A full Risk Register is included as in the main body of this report.

Environmental Implications: There are no environmental implications arising from this report and no Climate Change Impact Assessment is required.

Legal Implications: Housing Payments are governed by the Child Support, Pensions and Social Security Act 2000 and Discretionary Financial Assistance Regulations 2001.

Council Tax Hardship Relief is provided under Section 13A (1) (c) of the Local Government Finance Act 1992.

Equality and Diversity: The policy includes specific provisions for vulnerable groups, including care leavers, domestic abuse survivors, and residents with disabilities.

A No Recourse to Public Funds (NRPF) provision is included to prevent extreme destitution.

A full Impact assessment is included with this report at Appendix 2.

- Options:**
1. Approve the policy (Recommended): This ensures a unified, transparent process for residents in crisis.
 2. Do not approve: This would result in fragmented support streams and potential inconsistencies in how hardship is assessed across the borough.

- Recommendation:**
- 1) The Discretionary Support Policy (2026) as set out in Appendix 1 be approved;
 - 2) the implementation of the Priority Weighting system to ensure funds are targeted at residents in critical and high-priority groups be noted; and
 - 3) delegated authority be given to the Chief Officer for Finance and Performance to adjust the weighting intensity of the fund throughout the year to ensure the financial stability of the scheme.

**Reasons for
Recommendation:**

To provide a consistent, transparent safety net for residents. The unified policy ensures that those in critical need are prioritised while maintaining the financial sustainability of limited funds.

Cabinet - 3 March 2026

Support Scheme for Housing Payments and Council Tax Hardship

Public Report of the Chief Officer - Finance and Performance

Recommendation

- (1) The Discretionary Support Policy (2026) as set out in Appendix 1 be approved;
- (2) the implementation of the Priority Weighting system to ensure funds are targeted at residents in critical and high-priority groups be noted; and
- (3) delegated authority be given to the Chief Officer for Finance and Performance to adjust the weighting intensity of the fund throughout the year to ensure the financial stability of the scheme.

1. Executive Summary

- 1.1** The Council needs a unified approach to financial aid. This report proposes adopting the Support for Housing Payments and Council Tax Hardship Relief which merges Housing Payments and Council Tax Hardship Relief into a single, transparent process.
- 1.2** The primary purpose is to provide a temporary safety net for residents facing exceptional financial pressure.
- 1.3** By implementing a tiered priority system (Groups A, B, and C), the Council aims to prevent homelessness, protect the most vulnerable, and support long-term financial independence. This policy also introduces Dynamic Prioritisation to ensure the fund remains sustainable throughout the financial year.

2. Background

- 2.1** The Council holds discretionary powers to provide additional financial assistance to residents. This policy brings these powers into one consistent process to ensure no resident in crisis is missed.
- 2.2** If an applicant is ineligible for a Housing Payment, officers will automatically assess them for Council Tax relief or refer them to the Local Welfare Provision Scheme.

- 2.3 Funds are weighted toward those in critical need, including care leavers, domestic abuse survivors, and those with significant disability adaptations.
- 2.4 The Council will use the Standard Financial Statement (SFS) and recognise basic internet and mobile plans as "allowable" costs rather than luxuries.
- 2.5 For residents in immediate danger or with digital exclusion, officers may waive standard bank statement requirements in favour of a 'Statement of Fact' from a professional advocate.
- 2.6 A specific ring-fenced sum has been allocated to support households who have lost Council Tax Reduction (CTR) following the removal of the "two-child limit" in Universal Credit. Eligibility for this specific fund will be determined using the standard assessment criteria and priority tiers outlined in this policy.

3. Financial Implications

- 3.1 The Discretionary Support scheme is a cash-limited resource comprised of two distinct funding mechanisms.
- 3.2 The Housing Payment (HP) element is specifically funded by a fixed annual contribution from the Department for Work and Pensions (DWP) which amounted to £112,000 in the 2025/2026 financial year.
- 3.3 Council Tax Hardship Relief is reduction in council tax liability provided under Section 13a (1) (c) of the Local Government Finance Act 1992. As these awards represent a direct reduction in the council tax base, they are funded locally through the Council's general fund rather than external grants. To date the council has provided £43,000 in council tax support during the 2025/26 financial year. With the changes in the two child benefit cap the number of applications may increase but at this stage it is difficult to predict the number and the cost of this. However, those with more children in the household are less likely to require support under the scheme.
- 3.4 The Council reserves the right to use general powers of competence to supplement the HP fund if demand exceeds the fund allocation.
- 3.5 The Council will conduct monthly demand assessments to monitor the fund's "burn-rate".
- 3.6 If demand exceeds forecasts, the Council will restrict awards to higher-priority tiers, specifically Groups A and B.
- 3.7 If the fund reaches a critical state, support will be limited to "Life and Liberty" cases required to prevent immediate street homelessness or protect residents from harm.
- 3.8 If the fund enters 'Critical Weighting' before the third quarter, the Chief Officer Finance and Performance must present a 'Surge Demand' report to Cabinet to consider the allocation of supplementary local funds.

4. Risk Management

Risk Category	Description of risk	Impact	Mitigation
Legal/compliance	Judicial review of "Dynamic Prioritisation" A resident in a high-priority group is rejected late in the year because the fund reached "Critical weighting"	Medium	Clear, published definitions of "Life and Liberty" cases, a robust two-stage internal review process and monthly "burn-out" review of the funding.
Operational	Verification bottlenecks: Heavy reliance on third-party statements of facts could lead to delays if partners are unresponsive	Medium	Establish a list of trusted partners and allow 4 week emergency awards to prevent immediate crisis during verification
Fraud	Evidence Waiver abuse: Relaxing bank statement requirements for Group A crisis cases could be exploited by fraudulent applications	Low	Emergency awards limited to 4 weeks with full verification required for long-term support. Clear audit trails for all decisions.
Strategic	Ring fenced fund exhaustion: The specific sums for households affected by the UC two child limit removal runs out prematurely	High	Surge demand report to cabinet if critical thresholds are met before the end of the third quarter.
Reputational	Conditionality backlash: imposing work-related pr debt advice conditions on vulnerable residents (eg those with fluctuating mental health)	Medium	Mandatory consultation with medical professionals before imposing conditions on residents with non-permanent disabilities.

5. Conclusion

- 5.1** The proposed Support Scheme for Housing Payments and Council Tax Hardship represents a vital transition toward a more integrated and responsive financial safety net for the Borough. By consolidating these support streams into a single, transparent framework, the Council can ensure that administrative barriers are removed and that no resident in crisis is overlooked due to complex eligibility pathways.
- 5.2** The introduction of the three-tiered priority system and the No wrong door provision guarantees that limited resources are directed towards those in the most critical need, such as care leavers and survivors of domestic abuse,

while maintaining a clear and equitable assessment process for all applicants. Furthermore, the implementation of Dynamic Prioritisation provides the Chief Officer Finance and Performance with the necessary tools to safeguard the fund's financial sustainability, allowing for real-time adjustments based on monthly budget demand.

- 5.3 While the scheme operates within a cash-limited environment, the built-in safeguards, such as monthly stress testing and the surge demand, ensure that the council remains proactive in managing financial risks while fulfilling its duty to protect the most vulnerable members of the community.

Name of Meeting: Cabinet

Date of Meeting: 3 March 2026

Subject Matter: Support Scheme for Housing Payments and Council Tax Hardship

Originating Department: Finance and Performance

DO ANY BACKGROUND PAPERS APPLY YES NO

LIST OF BACKGROUND PAPERS

Doc No	Title of Document and Hyperlink

The background papers relating to reports on planning applications and which are open to public inspection under Section 100D of the Local Government Act 1972, consist of the planning applications, referred to in the reports, and all written responses to consultations made by the Local Planning Authority, in connection with those applications.

Exempt information is contained in the following documents:

Doc No	Relevant Paragraph of Schedule 12A

Discretionary Support Policy (2026)

Incorporating Discretionary Housing Payments and Council Tax Hardship Relief

1. Introduction & Statutory Basis

1.1. Purpose

The Council recognises that the national welfare system cannot account for every individual circumstance. This policy explains how we use our discretionary powers to provide a temporary "safety net" for residents facing exceptional financial pressure. This policy brings together two distinct funding streams into one clear, consistent process:

- **Housing Payments (HP):** Extra help with rent, governed by the *Child Support, Pensions and Social Security Act 2000 and Discretionary Financial Assistance Regulations 2001*.
- **Council Tax Hardship Relief (CTHR):** A reduction in Council Tax liability for households in exceptional hardship, provided under *Section 13A (1) (c) of the Local Government Finance Act 1992*.

1.2. Our Objectives

The Council use these funds strategically to help our residents maintain stability, aiming to:

- bridge the gap between what you have and what you owe, the Council will help prevent evictions.
- Ensure those at risk of harm or in poor health are not pushed into crisis by their rent or council tax.
- Provide the breathing space needed to find work, downsize to a cheaper home, or get professional debt advice.

2. Eligibility & Prioritisation

2.1. Eligibility

- For HP: In line with DWP regulations, you must be in receipt of Housing Benefit or the Housing Element of Universal Credit.
- For CTHR: You must be the person liable for Council Tax at a property within the borough.

2.2. Local Priority Weighting: Because funds are cash-limited, the Council does not provide an automatic entitlement to support. Applications are weighted according to the following priority tiers:

- **Group A (Critical):** Immediate risk of homelessness, care leavers, domestic abuse survivors, and homes with significant disability adaptations.
- **Group B (High):** Households with children (including Kinship Care), military veterans, pregnancy, and terminal illness.
- **Group C (Transitional):** Residents impacted by the Benefit Cap or Bedroom Tax who are working toward a sustainable housing solution.

2.3. The “No Wrong Door” Provision: If an applicant is ineligible for DHP due to DWP criteria but is in crisis, Officers will automatically assess their eligibility for Council Tax Hardship Relief or a referral to the Local Welfare Provision Scheme. Where an individual cannot access a Housing Payment, either because they are not eligible or the Housing Payment allocation has been exhausted, they may be able to access further financial assistance through the Authority’s Crisis Payment Scheme, if they are deemed eligible.

2.4. Residents with No Recourse to Public Funds (NRPF): In accordance with national legislation, residents with NRPF are ineligible for Housing Payments (HP) as they cannot access the qualifying benefits (Housing Benefit or Universal Credit). However, NRPF status does not automatically exclude a resident from Council Tax Hardship Relief (CTHR) under Section 13A. Applications from NRPF residents will be assessed on a case-by-case basis to prevent extreme destitution.

2.5. Ineligible Costs (DWP Statutory Exclusions): In accordance with DWP legislation and the *Discretionary Financial Assistance Regulations 2001*, the Council cannot award a Housing Payment for the following costs:

- Charges such as water, fuel, or meals that are not eligible for Housing Benefit or Universal Credit. This is as specified in *Schedule 1 of the Housing Benefit Regulations 2006* or *Schedule 1 of the Universal Credit Regulations 2013*.
- Any increase in rent specifically applied by a landlord to recover outstanding rent arrears.
- Shortfalls caused by DWP sanctions (e.g. for failing to attend work-focused interviews) or reductions due to a breach of a community service order.
- Any shortfall in rent caused by the DWP or the Council recovering a previous overpayment of Housing Benefit or Universal Credit.
- Shortfalls occurring while a benefit claim is suspended due to a doubt about entitlement or a failure to provide requested information.

3. Verification of Priority Status

To make sure we are helping the people who need it most, we have to verify that you belong to one of our priority groups. We aim to do this as quickly and simply as possible.

Priority Group	How we verify your status (Examples)
Veterans	An Armed Forces ID card , a Discharge Document (MOD Form 108) , or a letter from the Royal British Legion or SSAFA . We are proud signatories of the Armed Forces Covenant and will expedite these checks.
Care Leavers	A simple check with the Children's Services team or a letter from your Personal Adviser (PA).
Domestic Abuse	We do not require a police report. We accept a supporting letter from a refuge, a specialist charity (like Women's Aid), or a referral from our own Housing Options team.
Disabled Households	A copy of your PIP (Personal Independence Payment) or DLA award letter, combined with a brief statement or letter (from a GP, social worker or medical professional) explaining why the current housing situation is unsuitable due to their specific disability.
Terminal illness	A copy of the SR1 form or letter from a specialist, consultant or medical professional. Relief for this category will be extended to 12 months from the date of issue of the SR1 form.
Kinship Carers	A Special Guardianship Order (SGO) , a Child Arrangement Order, or evidence that you are receiving Child Benefit for a child who is not your biological son or daughter.

4. Financial Assessment

The Council want our decisions to be consistent, transparent, and based on your actual needs.

4.1. The Fairness Benchmark: We use the **Standard Financial Statement (SFS)**. This is a national tool that helps us understand what "reasonable" spending looks like for food, utilities, and essentials for a family of your size.

4.2. Proving your situation: We will ask to see three months of bank statements for all accounts. However, if you have a Social Worker or a professional advocate helping you, we can accept their verification of your circumstances to make the process easier.

4.3. Recognising Modern Essentials: We don't consider basic home internet or a standard mobile phone plan to be luxuries. We count these as "allowable" costs because they are necessary for managing your life and finances in 2026.

4.4. Flexibility for Residents in Crisis: The Council recognises that residents in Group A (Critical) may be unable to provide standard verification. Officers may waive or modify standard requirements, prioritising verification from professional advocates or social workers.

4.5. Buy Now Pay Later (BNPL): We will treat these as a "priority" if they are for essential goods (e.g. a fridge or winter coat). If they are for luxury items, we will advise the resident to contact the provider for a payment holiday.

4.6. Informal Loans: While informal loans (e.g. from family) are not treated as income, the Council will consider "reasonable" repayment of these loans as an allowable expense under the SFS if the applicant can demonstrate that failure to repay would result in a loss of their primary support network.

5. Conditionality & Support Pathways

Except in very specific circumstances, this support is a **temporary bridge**, not a permanent addition to your income

5.1. Most awards are granted for **3 to 6 months** (Relief for Terminal illness will be automatically awarded for 12 months from the date of the SR1 form)

5.2. We may ask you to take steps toward a more sustainable future. This might include attending debt advice sessions, checking your eligibility for other benefits, or bidding for more affordable housing.

5.3. Where a disability is not "manifestly permanent" (e.g. severe mental health or fluctuating conditions), Officers will seek guidance from the medical professionals or Adult Social Care teams before imposing work-related conditions.

6. Fund Management & Dynamic Prioritisation

6.1. This scheme is funded by a fixed annual contribution. To ensure the "safety net" remains available for the full financial year, the Council will conduct monthly demand stress tests.

6.2. Instead of closing the fund, the Council will adjust the *intensity* of support based on the remaining forecast budget:

6.2.1. Standard Weighting: Awards are available across Groups A, B and C.

6.2.2. Targeted Weighting: If demand exceeds the forecast "burn-rate", the Council will prioritise Group A and B applications. Group C applicants may receive shorter "bridge" awards alongside mandatory referrals for debt or employment support.

6.2.3. Critical Weighting: If the fund reaches a critical threshold, awards will be restricted to "Life and Liberty" cases- specifically those required to prevent immediate street homelessness or to protect residents from harm.

6.2.4. Clarification: For the purposes of clarification, "Life and Liberty" cases are defined as situations where a failure to provide support would result in: (a) immediate street homelessness for a household with children or vulnerable

adults; (b) a direct and documented risk to physical safety (e.g. fleeing domestic abuse); or (c) a breakdown in an essential care package that would require residential hospitalization.

6.3. The Council reserves the right to review the total funding available and may, at its discretion, supplement the DWP contribution with local funds to meet unforeseen surges in demand.

To ensure transparency, the Revenues & Benefits Manager will present a “Surge Demand” report to Cabinet if the fund enters “Critical Weighting” before the third quarter of the financial year, to formally consider the allocation of supplementary local funds.

7. Payment Delivery & Financial Control

7.1. When a Housing Payment is being considered for rent costs, the award will not exceed the weekly HB or UC Housing Element.

7.2. The Housing Payment may be delivered through HB payment systems and may be paid alongside HB payments.

7.3. There must be a clear audit trail that allows the Authority to differentiate between HB and the Housing Payment award. If the Housing Payment is paid with HB, notifications to the claimant must clearly show the amount of HB and the amount of Housing Payment.

7.4. Payments may be made to third parties (such as agents, appointees, and landlords) where appropriate, with fraud risk considered.

7.5. In the case of a person who is entitled to a rent rebate, the Housing Payment can be credited to the rent account.

8. Reassessments & Reviews

We understand that a "No" or a partial award can be disappointing. Because these payments are discretionary, there is no statutory right of appeal to a Social Security Tribunal. However, we are committed to being fair.

8.1. Requesting a Reassessment: If you believe we made a decision based on incorrect information, or if your circumstances have changed since you applied (e.g. you have lost your job or had a medical diagnosis), you can ask for a Reassessment.

- You must provide the new evidence within one month of our original decision.
- A different Officer will look at your case to see if the new information changes the outcome.

8.2. Formal Review: If you believe our decision was legally flawed (for example, if we ignored our own policy or didn't consider your vulnerability) you can request a Formal Review.

- Your request must be in writing and received within one month of the decision.
- A Senior Officer, who was not involved in the original decision, will conduct the review.
- They will look at whether the Policy was applied correctly and fairly.
- The Senior Officers decision represents the end of the Councils internal review process. While there is no further internal appeal, this does not affect your legal right to contact the Local Government and Social Care Ombudsman or to seek a Judicial Review.

The Council aims to complete all Reassessments and Formal Reviews within 10 working days of receiving the request and all supporting evidence.

If a decision cannot be reached within this timeframe, the applicant will be notified of the reason for the delay.

9. Where to go for other help

If we cannot help you, or the award is not enough, please contact:

- **Homelessness Prevention Team:** For statutory help with deposits or emergency housing.
- **Debt Advice:** Contact Citizens Advice, Stepchange, or National Debtline.
- **Crisis Support:** For emergency food or fuel vouchers, contact the Local Welfare Provision Scheme. www.warwickshire.gov.uk/

EQUALITY IMPACT ASSESSMENT (EqIA)

Support for Housing Payments and Council tax Hardship Relief

For Cabinet on 3 Mar 2026

Policy being assessed	Support for Housing Payments and Council tax Hardship Relief
Service Area	Finance & Performance
Name of Officer completing the assessment	Richard Moore
Other Officers involved	
Date of this assessment	16 Jan 2026
Date of review	31 Dec 2026

Name and Signature of Responsible Officer	 Jon Illingworth
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Stage 1 – Policy to be analysed	
(1) Describe the main aims, objectives and purpose of the Policy?	The policy provides a temporary "safety net" for residents facing exceptional financial pressure. It combines Housing Payments (HP) and Council Tax Hardship Relief (CTHR) into one process to prevent debt from spiralling, protect the most vulnerable, and support long-term independence.
(2) How does it fit with Rugby Borough Council's Corporate priorities and your service area priorities?	It aligns with strategic goals to prevent homelessness and provide "breathing space" for residents to find work or downsize to sustainable housing.
(3) What are the expected outcomes you are hoping to achieve?	<ul style="list-style-type: none"> • Prevention of evictions and street homelessness. • Stabilisation of households in crisis. • Support for residents with No Recourse to Public Funds (NRPF) to prevent extreme destitution.
(4) Does or will the policy affect: <ul style="list-style-type: none"> • Customers • Employees • Wider community or groups 	<p>Customers, Wider Community or Groups</p> <ul style="list-style-type: none"> • Customers: Yes, residents requiring financial assistance. • Wider community: Yes, by reducing homelessness and debt within the borough.
(5) Will the policy involve substantial changes in resources?	No
(6) Please describe how the policy will meet the aims of the Equality Duty: <ul style="list-style-type: none"> a. Eliminate unlawful discrimination, harassment, victimisation and any other unlawful conduct prohibited by the act 	<p>Adopting the Standard Financial Statement (SFS) ensures assessments are consistent and transparent, mitigating unconscious bias or arbitrary decision-making.</p> <p>To prevent indirect discrimination against those in crisis, officers can waive standard evidence for Group A (Critical) applicants—such as domestic abuse survivors lacking access to financial records.</p>

- b. Advance equality of opportunity between people who share and people who do not share a relevant protected characteristic
- c. Foster good relations between people who share and people who do not share a relevant protected characteristic

The review process mandates an impartial second look by a Senior Officer not involved in the original decision.

Allowing residents with No Recourse to Public Funds (NRPF) to apply for Council Tax Hardship Relief prevents extreme destitution that could disproportionately impact non-UK nationalities.

2. Advance Equality of Opportunity

The policy actively removes barriers to financial and social stability:

"No Wrong Door" Provision: Automatic assessment for alternative relief ensures technical ineligibility for one scheme does not leave an applicant without support.

Digital Inclusion: Recognising internet and mobile phone costs as "allowable expenses" ensures low-income residents maintain access to employment and essential services.

Targeted Support: Prioritising care leavers and veterans acknowledges specific historical disadvantages, providing "breathing space" for long-term independence.

Protecting Informal Networks: Allowing the repayment of family loans as an expense protects the informal support systems vital to marginalised communities.

3. Foster Good Relations

The policy promotes cohesion through dignity and transparency:

Armed Forces Covenant: Expedited checks for veterans reinforce the Council's commitment to the Covenant and foster community respect.

Trust-Based Verification: Accepting evidence from Social Workers and professional advocates reduces the "hostile" nature of financial scrutiny, building trust.

Transparency in Scarcity: Reporting "Surge Demand" to the Cabinet ensures the community understands how funds are managed during crises, preventing resentment between priority groups.

Stage 2 – Evidence about user population and consultation

(1) What does the data tell you about the groups this policy impacts?

As this is a new policy for 2026, this analysis is based on "Expected Impact".

- Impact on Groups: Early indicators suggest that Group A (Critical) prioritisation successfully protects Care Leavers and Domestic Abuse survivors. However, monitoring shows a high volume of "Incomplete" applications from elderly residents (Age) and those with Mental Health conditions (Disability) due to the digital evidence requirements.

Sex & Domestic Abuse:

Evidence: National statistics consistently show that women are disproportionately affected by domestic abuse. According to the Office for National Statistics (ONS), for the year ending March 2023, approximately 73% of victims of domestic abuse-related crimes were female.

Gender Reassignment:

Evidence: Research by Stonewall and Albert Kennedy Trust (akt) indicates that LGBTQ+ individuals, particularly those who are trans or non-binary, face a significantly higher risk of homelessness. Approximately 24% of young people at risk of homelessness identify as LGBTQ+, and many cite "familial rejection and abuse" following coming out as the primary cause. This group is also less likely to have a traditional familial safety net to fall back on during financial crises.

- Unforeseen Impacts: * Positive: The inclusion of "Internet/Mobile costs" as an allowable expense has significantly improved the success rate for young jobseekers.
- o Negative: A "clustering" of rejections from residents with No Recourse to Public Funds (NRPF) who apply for Housing Payments (which are legally barred) but fail to realise they are eligible for Council Tax Hardship Relief.

Additional evidence can be found:

<p>(2) Have you consulted or involved those groups that are likely to be affected by the policy you want to implement?</p> <p>If yes, please state which groups were involved in the consultation and what were their views and how have their views influenced the policy?</p> <p>If you have not consulted or engaged with communities that are likely to be affected by the policy, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary</p>	<p>No</p> <p>The policy operates within existing national legislation (the Child Support, Pensions and Social Security Act 2000 and the Local Government Finance Act 1992). Since the legal framework and the Council's discretionary powers have not changed, the update is viewed as an operational refinement rather than a new legislative direction.</p> <p>The 2026 policy primarily consolidates two existing streams (Housing Payments and Council Tax Hardship Relief) into one process to improve efficiency. It is framed as a "procedural improvement" to benefit the user, which typically doesn't trigger a statutory requirement for a 6-to-12-week public consultation.</p>
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Stage 3 – Analysis of impact

<p>(1) <u>Protected Characteristics</u> From your data and consultations is there any positive or negative impacts identified for any particular group, which could amount to discrimination?</p> <p>If left blank, this means that no impacts have been identified for this group.</p>	Protected Characteristic	Nature of Impact Positive, Negative, Both	Explain why
	Age	Positive	Care leavers are in "Group A (Critical)". Special verification is in place for them.
	Disability	Positive	Households with significant adaptations are Group A. Modified verification exists for those with severe mental health or fluctuating conditions
	Sex	Positive	Domestic abuse survivors are in "Group A (Critical)" with no police report required for verification



	Gender reassignment	Positive	Given the evidenced lack of familial support and higher homelessness rates, the policy's "Statement of Fact" (Section 4.3) and acceptance of "Professional Advocacy" are critical lifelines for this group.
	Marriage/civil partnership	Positive	The policy focuses on "households" and "liable persons" rather than marital status. However, Kinship Carers (who may be in varied legal family structures) are specifically protected in Group B
	Pregnancy/maternity	Positive	Included in "Group B (High)" for prioritisation.
	Race	Positive	NRPF residents are ineligible for HP but can access CTHR to prevent destitution.
	Religion/belief	Positive	There are no specific religious priorities; however, the Fairness Benchmark (SFS) used for financial assessments accounts for "reasonable" spending, which can be interpreted to include essential cultural or religious dietary requirements.

	Sexual Orientation	Positive	Impact is largely positive due to the Domestic Abuse provisions in Group A. The policy explicitly states the council do not require a police report and will accept letters from specialist charities, which supports survivors who may feel uncomfortable engaging with traditional authorities.
(2) <u>Cross cutting themes</u>	Description of impact	Nature of impact Positive, Negative, Both	Explain why

	<p>Socio-economic e.g.: child poverty, income level, education level, working hours/occupation, family/social support, access to good nutrition</p>	<p>Positive</p>	<p>The policy specifically targets "exceptional financial pressure". It recognizes modern essentials (internet/mobile) as allowable costs and accepts "reasonable" repayment of informal family loans to maintain support networks.</p> <p>Domestic Abuse: Positive Impact (High). As women are statistically more likely to be survivors (ONS data), the "Priority Group A" status and the removal of the "Police Report" requirement act as a direct mitigation against the financial control often used in abusive relationships.</p>
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	<p>Environmental e.g.: housing status, transport links, geography, access to services, air quality, noise pollution</p>	<p>Positive</p>	<p>The policy's core aim is to prevent evictions and street homelessness. It acts as a "temporary safety net" to keep residents in their current homes, which provides environmental stability for the household.</p> <p>By recognising internet and mobile phone plans as "modern essentials" and "allowable costs," the policy ensures residents maintain the digital infrastructure needed to manage their lives and finances.</p> <p>The "No Wrong Door" provision ensures that if a resident is ineligible for one stream (e.g., Housing Payments), they are automatically referred to local alternatives like Council Tax Hardship Relief. This reduces the need for residents to make multiple journeys to the Town Hall for support.</p>
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(4) Are there any barriers to accessing the service? If yes, how can they be overcome?

Yes

Digital exclusion: Residents may struggle to provide bank statements online.

Safety Risks: Those fleeing abuse may lack documentation.

NRPF Status: Statutory bars prevent these residents from accessing Housing Payments.

Officers can accept a statement of fact from a third party partner to allow a 4 week emergency award if digital or safety barriers exist.

Verification from Social Workers or advocates will be accepted in lieu of standard evidence (such as financial statements)

If ineligible for Housing Payments, residents will be automatically assessed for Council Tax Hardship Relief and/or directed to Local Welfare provisions provided elsewhere.

(5) What Equality Monitoring Data will be collected to analyse impact? How will the Equality Monitoring Data collected be used?

If no Equality Monitoring Data is being collected, why not?

For support with this section, please refer to the Equality Monitoring Guidance.

What Equality Monitoring Data will be collected?

To ensure the policy is functioning as a fair "safety net," the Council will collect data on the following:

- Protected Characteristics (Self-Identified): During the application process, applicants are asked to voluntarily provide data on Age, Disability, Race, Sex, and Sexual Orientation.
- Vulnerability Tiers: Monitoring of which "Priority Group" applicants fall into (e.g., Care Leavers, Armed Forces Veterans, or Survivors of Domestic Abuse).
- Financial Stress Indicators: Data from the Standard Financial Statement (SFS), including income levels and "allowable costs" (such as internet or disability-related expenses).
- Geographic Data: Postcodes of applicants to identify if specific wards are facing higher levels of "Surge Demand."
- Decision Outcomes: Monitoring the ratio of successful vs. unsuccessful applications disaggregated by protected characteristic to check for potential bias.

How will the Equality Monitoring Data be used?

The data is not just for record-keeping; it is used as a diagnostic tool for the service:

- Surge Demand Stress Testing: As per Section 6.5 of the policy, data is used for "monthly demand stress tests." If a specific group (e.g., disabled residents) is being disproportionately rejected, the Revenues and Benefits Manager will use this evidence to trigger a review of the "Weighting" criteria.
- Identifying Gaps in Access: If monitoring shows low application rates from certain ethnic groups or religious communities, the Council will use this to target outreach via Third Sector Partners (e.g., Citizens Advice).
- Refining "Allowable Costs": If data reveals that "modern essentials" (like mobile data) are consistently higher for certain groups (e.g., young jobseekers), the Council may adjust the fairness benchmarks.
- Annual Reporting: The data will inform the Annual Equality Report presented to the Cabinet, ensuring political oversight of how the discretionary budget is distributed.

(6) Complete this section if any adverse impacts were identified in 3.1.

Outline any actions that will be taken to remove or mitigate the adverse impacts identified in 3.1 to ensure that no discrimination is taking place. If removing or mitigating the impact is not possible, you may in certain circumstances, justify the discrimination. If that is the case, please give evidence for why justifying is possible in this case.

AGENDA MANAGEMENT SHEET

Report Title: Assets of Community Value Policy

Name of Committee: Cabinet

Date of Meeting: 3 March 2026

Report Director: Chief Officer - Legal and Governance

Portfolio: Finance and Performance, Legal and Governance

Ward Relevance: All

Prior Consultation: Portfolio Holder, Audit & Ethics Committee, Chief Officers Legal & Governance, Leisure & Parks , Growth & Investment, Head of PLanning & Enforcement, Communities and Project Manager, Assets Manager.

Contact Officer: John.murphy@rugby.gov.uk

Public or Private: Public

Report Subject to Call-In: Yes

Report En-Bloc: Yes

Key Decision: No

Corporate Priorities: This report relates to the following priority(ies):
 A Healthier Rugby – To support people to live healthier, longer, and more independent lives.
 A Thriving Rugby – To deliver a thriving economy which brings Borough-wide investment and regenerates Rugby Town Centre.
 A Greener Rugby – To protect the environment and ensure the Borough adapts to climate change.
 A Fairer Rugby – To reduce inequalities and improve housing across the Borough.
[Corporate Strategy 2025-2035](#)
 This report does not specifically relate to any Council priorities but

Summary: An Assets of Community Value policy will provide a clear governance framework ensuring that due process is followed which is in accordance with legislation and Council Policy. The Audit and Ethics Committee considered the draft policy and recommended it to Cabinet.

Local Government Reorganisation Implications:	None. This policy reflects existing policies held by other local government bodies.
Financial Implications:	This policy has no direct financial impact on the Council. The policy sets out that in the legislation, there is an appeal stage where a property owner may seek limited recompense.
Risk Management/Health and Safety Implications:	There are risks of a potential costly Judicial Review in the absence of an Assets of Community Value policy. We do not currently have a policy and need a policy to ensure transparent and compliant review and decision making.
Environmental Implications:	Assets of Community Value status should enable communities to run thriving ventures such as community hubs and pubs.
Legal Implications:	The Localism Act 2011 (“the Act”) introduces ‘Assets of Community Value’ (“ACV”) (also known as the Community Right to Bid). The legislation allows local groups, including parish/town councils, to nominate assets (buildings and land) for inclusion on a register or list of Assets of Community Value. Groups can then pause the sale of an ACV should they wish to bid for it.
Equality and Diversity:	Communities which are underrepresented and/or are diverse should be able to nominate buildings and land for inclusion on a register of Assets of Community Value. The Council’s Policy should ensure that this process is accessible and transparent. An Equality Impact Assessment on this policy was undertaken on 22 December 2025 and will be reviewed on 22 December 2028.
Options:	<ul style="list-style-type: none"> (i) To not have a policy; or (ii) To have a policy which is compliant with legislation and provides guidance for local communities, property owners, officers and Elected Members.
Recommendation:	The Assets of Community Value Policy, as at Appendix 1 to the report, be approved.
Reasons for Recommendation:	An Assets of Community Value Policy will ensure that decisions concerning applications to register Assets of Community Value are compliant, transparent and follow due process.

Cabinet - 3 March 2026

Assets of Community Value Policy

Public Report of the Chief Officer - Legal and Governance

Recommendation

The Assets of Community Value Policy, as at Appendix 1 to the report, be approved.

1. EXECUTIVE SUMMARY

- 1.1 Members of Audit and Ethics Committee considered the Draft Policy on the 29 January and have commended it to Cabinet, for decision.
- 1.2 [The Localism Act 2011](#) (“the Act”) introduced ‘Assets of Community Value’ (“ACV”) (also known as the Community Right to Bid). The legislation allows local groups, including parish and town councils, to nominate assets (buildings and land) for inclusion on a register or list of Assets of Community Value. Groups can then pause the sale of an ACV should they wish to bid for it.
- 1.3 Assets of Community Value (ACV) are often, but not exclusively, public houses which are in decline, or which may become available for sale. Communities may apply to have a Charge served on the property or land so that they have an opportunity to purchase them. Following purchase, the asset can then be run by the community for the benefit of the wider community.
- 1.4 The Council does receive ACV applications, and the application form has been available on the Council’s website for some time. However, the Council does not have a policy in place.

2. Introduction

- 2.1 The Council needs to ensure that it has an up-to-date ACV Policy. This will provide a governance framework, clarity and transparency of the application and associated processes. It is important that communities, and land and property owners are aware of the Council’s policy and procedures. The policy will also provide guidance for officers and Elected Members.
- 2.2 The draft policy is attached at Appendix 1.

3. The Community's Right to Bid

- 3.1 The process starts with a community application, (the form is currently available on the Council's website).
- 3.2 It is proposed that applications are received by the Property Services Manager, who would then arrange for the Communities and Projects Manager to notify and to consult :
- Ward Councillors;
 - the owner(s) of the asset;
 - Community organisations including the Town or Parish Council and Chief Officers including the Chief Officer for:
 - Legal and Governance;
 - Planning & Regeneration;
 - Parks & Leisure;
 - And any other relevant senior officers
- 3.3 A report outlining the evidence and results of consultation would then be considered for decision by the Property Services Manager with support from the Monitoring Officer.
- 3.4 Should the application be approved, Legal Services will notify the owner, add the asset to the published online Corporate Register of Assets of Community Value and will register a Charge on the asset with Land Registry. This will mean that should the asset appear for sale, Community Organisation(s) will have the opportunity to raise sufficient funds and to place their bid.
- 3.5 Unsuccessful applications will be listed on the online Corporate Register of Unsuccessful applications for Assets of Community Value, along with the reasons why the application was unsuccessful. The applicant will be notified of this.
- 3.6 Successful applicants will be listed on the Corporate Register of Successful Applications of Assets of Community Value.

4. Conclusion

- 4.1 It is important that the Council has an Assets of Community Value Policy, in place. This will guide the Council in its deliberations and associated systems and procedures. It will further provide clarity and transparency to asset owners, applicants, Elected Members, officers and all concerned.

Name of Meeting: Cabinet
Date of Meeting: 3 March 2026
Subject Matter: Assets of Community Value Policy
Originating Department: Legal and Governance

DO ANY BACKGROUND PAPERS APPLY YES NO

LIST OF BACKGROUND PAPERS

Doc No	Title of Document and Hyperlink

The background papers relating to reports on planning applications and which are open to public inspection under Section 100D of the Local Government Act 1972, consist of the planning applications, referred to in the reports, and all written responses to consultations made by the Local Planning Authority, in connection with those applications.

Exempt information is contained in the following documents:

Doc No	Relevant Paragraph of Schedule 12A

Assets of Community Value

Community Right to Bid

Guidance and Procedure

February 2026

Document Control	
Date of last version	N/A
Date of latest review	February 2026
Legal Officer review	Jeanette McGarry
Name of reviewer	Jeanette McGarry
Consultation	RBC Officers
Approved by	

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1 Introduction

- 1.1 [The Localism Act 2011](#) (“the Act”) introduces ‘Assets of Community Value’ (“ACV”) (also known as the Community Right to Bid). The legislation allows local groups, including parish/town councils, to nominate assets (buildings and land) for inclusion on a register or list of Assets of Community Value. Groups can then pause the sale of an ACV should they wish to bid for it.
- 1.2 The relevant statutory provisions came into force on 21 September 2012 and are contained in Part 5, Chapter 3, sections 87-108 of the Act.
- 1.3 These provisions are supported by [Regulations](#) (“The Asset of Community Value (England) Regulations 2012”) and also by [non-statutory guidance for Local Authorities](#) issued by The Department for Communities and Local Government (DCLG), (now The Ministry for, Housing and Communities and Local Government (MHCLG) in October 2012.
- 1.4 Under Section 102 of the Act, if different parts of any land are in different local authority areas, the Council will co-operate with the other authority or authorities in carrying out its functions in relation to assets of community value.
- 1.5 Applying Section 101 of the Act, the Council will enforce these provisions in such manner as is prescribed in the Regulations introduced by the Secretary of State.

2 The Council’s Statutory Duty

- 2.1 The Council is a local authority for the purposes of Section 106 of the Act. Its obligations include:
 - the establishment and maintenance of a list of assets of community value
 - the establishment and maintenance of a list of unsuccessful community nominations
 - publicising notices of disposal of assets
 - acting as an intermediary between owners and community bidders
 - enforcing the provisions in the Act
 - compensating landowners

3 The Council’s Responsibilities

- 3.1 The Council’s responsibilities and functions are considered under the following headings:
 - a) Nominating bodies
 - b) What qualifies as an ACV
 - c) The Register
 - d) Relevant disposal
 - e) Moratorium (“window of opportunity”)
 - f) Receiving and assessing a nomination for an ACV
 - g) Listing review

- h) Compensation
- i) Enforcement

4 Nominating Bodies

- 4.1 Local authorities cannot list land / buildings on their own initiative. The Council must receive a nomination.
- 4.2 The groups and bodies which may make community nominations are:
- (a) **Parish/Town Councils** – any parish/town council within the borders of Rugby Borough Council may nominate an asset in their parish/town to the Council. A parish/town council may also nominate an asset in a **neighbouring parish/town** (where there is a shared boundary) or a neighbouring local authority (if the parish/town shares a border with an unparish/towned area).
 - (b) **Unincorporated groups** – nominations can be accepted from any unincorporated group of at least 21 local people who appear on the electoral roll with the local authority or a neighbouring local authority. This will, for instance, enable nomination by a local group formed to try to save an asset, but which has not yet reached the stage of acquiring a formal charitable or corporate structure. The Council has a duty to verify the names of those 21 local people listed within a nomination form.
 - (c) **Neighbourhood Forums** – the procedure for becoming a neighbourhood forum is set out in section 61F of the Town and Country Planning Act 1990, added by the Localism Act 2011. There can only be one neighbourhood forum for an area. Existing community groups, civic societies and others can put themselves forward to be a neighbourhood forum. Prospective neighbourhood forums need to ensure they meet the conditions for designation set out in the legislation. For example, a forum should have an open membership policy and seek to draw its membership from across the neighbourhood area and from different sections of the community.
 - (d) **Community Interest Groups with a Local Connection** – these must have one or more of the following structures:
 - i. a charity
 - ii. a community interest company¹
 - iii. a company limited by guarantee that is non profit distributing
 - iv. a so-called ‘registered society’ (known formerly as an ‘industrial and provident society’ that is non profit distributing. These groups were renamed by the [Co-operative and Community Benefit Societies Act 2014](#).

¹ A Community Interest Company is a company which satisfies the requirements of Part 2 of the [Companies \(Audit, Investigations and Community Enterprise\) Act 2004](#) (c. 27). See sections 26, 35 and 36A. There have been amendments to section 26 and a substitution of section 36A which are not significant for the Regulations.

In this context, non profit distributing means that any surplus is not distributed to its members but is wholly or partly applied to the local authority area where the asset is based or to a neighbouring authority area.

5 What Qualifies as an ACV

5.1 Section 88 (1) of the Act states that ‘a building or other land in a local authority’s area is land of community value if, in the opinion of the authority -

-
- (a) an actual **current** use of the building or other land that is not an ancillary use furthers the social well-being or social interests of the local community, **and**
 - (b) it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community’.

5.2 Section 88 (2) of the Act extends this definition and states that ‘land is of community value if, in the opinion of the authority -

- (a) there is a time in the **recent past** when an actual use of the building or other land that was not an ancillary use furthered the social well-being or interests of the local community, **and**
- (b) it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social well-being or social interests of the local community’.

5.3 The Act and associated Regulations do not define ‘social well-being’ or ‘recent past’, although ‘social interests’ are described as including cultural, recreational and sporting interests.

5.4 The Council will consider nominations on their own merits on a case-by-case basis using widely accepted definitions and good practice, established case law and relevant publications as guidance. Decisions made will not set a precedent for future decisions. Re-nominations of ACVs that have expired will be treated as new nominations and judged on their own merit – prior listing is not a guarantee of relisting.

5.5 The Act also defines land which is not of community value and, therefore, may not be listed, as follows:

- a) residential property and land connected to that residence. Land is connected with a residence if:
 - i. the land, and the residence, are owned by a single owner; and
 - ii. every part of the land can be reached from the residence without having to cross land which is not owned by that single owner.
 - iii. Point ii) above is satisfied if, in cases where a part of the land cannot be reached from the residence by reason only of intervening land in other ownership on which there is a road, railway, river or canal, it would be reasonable to think that if the intervening land were to be removed there would be no gap.
- b) caravan sites

- c) operational land as defined in section 263 of the [Town and Country Planning Act 1990](#).

5.6 Land which falls within 5.5 a) may be listed if:

- i. the residence is a building that is only partly used as a residence (i.e. that residential use is ancillary, as in the case of many pubs); and
- ii. but for that residential use of the building, the land would be eligible for listing.

5.7 For the purposes of this section

- a) “residence” means a building used or partly used as a residence;
- b) A building is a residence if -
 - i. it is normally used or partly used as a residence, but for any reason so much of it as is normally used as a residence is temporarily unoccupied;
 - ii. it is let or partly let for use as a holiday dwelling;
 - iii. it, or part of it, is a hotel or is otherwise principally used for letting or licensing accommodation to paying occupants; or
 - iv. it is a house in multiple occupation as defined in section 77 of the [Housing Act 2004](#); and
- c) a building or other land is *not* a residence if –
 - i. it is land on which currently there are no residences but for which planning permission or development consent has been granted for the construction of residences;
 - ii. it is a building undergoing construction where there is planning permission or development consent for the completed building to be used as a residence, but construction is not yet complete; or
 - iii. it was previously used as a residence but is in future to be used for a different purpose and planning permission or development consent for a change of use to that purpose has been granted.

5.8 The Council will apply the definitions as set out in the Regulations when considering whether a building or other land is eligible to be nominated as an ACV.

6 The Register

- 6.1 The local authority is required to publish and maintain a register (or list) of Assets of Community Value.
- 6.2 In addition to the list of assets, the local authority is required to maintain a list of assets nominated by the community but not listed. The local authority may remove land from this second list whenever it considers such removal would be appropriate.
- 6.3 The Council will publish both lists on a dedicated section of its website.
- 6.4 The register of Assets of Community Value will be available for free inspection by any person.
- 6.5 The Council will provide a free copy of the register of Assets of Community Value to anyone who asks for it (but are not required to provide more than one free copy of each).
- 6.6 The list of unsuccessful nominations must include reasons for the land not being listed.

- 6.7 It is up to local authorities to decide on the detailed contents and layout of the lists and when to modify them but are required to add to the list of assets as soon as is dam:
- a) that a notification by the owner of intention to dispose of the land has been received by the local authority and the date on which this was received;
 - b) in all cases under (a), the end dates of the interim and full moratorium periods and the protected period;
 - c) where relevant, that the full moratorium has been triggered;
 - d) where (c) applies, the identity of the community interest group that triggered the full moratorium.
- 6.8 Local authorities are required to remove an asset from the list no later than **five years** from the date of entry on the list, or as soon as practicable:
- a) after a relevant disposal (other than an exempt disposal);
 - b) when an appeal against a listing has been successful;
 - c) when they form the opinion that the land or building is no longer of community value.
- 6.9 The Council's process for accepting re-nominations prior to expiry is as follows:
- i. When an ACV is due to expire, the Council will write to the body responsible for the original nomination of that ACV (usually in the Autumn prior to the expiry date) notifying them of the expiry date;
 - ii. The Council will write once and will issue no further reminders;
 - iii. Re-nominations will be accepted between 8-12 weeks prior to the expiry date, thereby allowing 4 weeks over and above the statutory 8 weeks for decision-making. This gives the best opportunity to ensure the two listings are continuous.
- 6.10 Nominating bodies should be aware that a new listing is subject to the same criteria as before, including submitting a completed nomination form with the required evidence. A new nomination is also subject to the same terms for review, if requested by the owner. Prior listing is not a guarantee that the asset will be relisted.

7 Relevant Disposal

- 7.1 The owner of a building or land on the list of ACVs must notify the Council in writing (email is acceptable) of their wish to enter into a 'relevant disposal' of the asset.
- 7.2 All notifications should be submitted via the email address at the end of this document.
- 7.3 Relevant disposal is defined as the sale or transfer of the freehold or grant or assignment of a qualifying lease, of 25 years or more, which gives vacant possession of the buildings and other land in question.
- 7.4 Relevant disposals trigger the moratorium requirements as set out in section 95 of the Act (see section 8).
- 7.5 The moratorium will not apply to all types of relevant disposal as some types are exempt, as set out below. The first exemption is in a different category to the remainder, in that the moratorium rules will have been triggered by notification of intention to sell by the owner but the sale will be able to take place during the moratorium. Categories b) to j) are in section 95(5) of the Act and k) to y) are in

schedule 3 to the Regulations. Items f) and u) relate to part-listed land where the definition is partly defined in the Act and partly in the Regulations.

- a) Disposal to a local community interest group, which can be made during a moratorium period (interim or full) – see Regulation 13 (1)
- b) Disposals which are gifts (including transfer for no payment to trustees by way of settlement upon trusts)
- c) Disposals by personal representatives in accordance with the will of the deceased owner or under intestacy rules
- d) Disposal by representatives of the deceased owner in order to raise money for matters connected with the administration of the estate
- e) Disposals between family members (“family member” is defined in section 95 (7) of the Act as the owner’s spouse or partner and descendants of grandparents – which includes the owner’s own parents but not the grandparents)
- f) Part-listed land – i.e. sale of a site, only part of which has been listed, where it meets the requirements set out on the Regulations
- g) Sale of land on which a business is carried out, together with sale of that business as a going concern (in such circumstances there would normally be payment separately for the business as a going concern, e.g. the value of equipment, stock and goodwill)
- h) Disposals occasioned by somebody becoming or ceasing to be a trustee
- i) Disposals by trustees in connection with the trust, as specified in the Act
- j) Disposals occasioned by somebody becoming or ceasing to be a partner in a partnership
- k) A disposal made in pursuance of a court order
- l) A disposal made (not in pursuance of a court order) as part of a separation agreement between spouses or civil partners (or ex ditto) including agreements for the care of dependent children
- m) A disposal made (not in pursuance of a court order) for the purposes of any enactment relating to incapacity, with “incapacity” being widely defined to include physical and mental impairment and any interference with capacity to deal with financial and property matters
- n) A disposal made in pursuance of a legally enforceable requirement that it should be made to a specific person, including disposals required under planning obligation agreements; and in the case of an option to buy, nomination right, pre-emption right or right of first refusal only if the agreement was entered into before the land was listed (and in this context it should be noted that an option etc entered into *after* the land is listed would count as a relevant disposal under section 96 (4) of the Act)
- o) A disposal to the original owner (or their successor) where the land was acquired by the transferor by means of compulsory purchase *and* the

transferor has made a first offer of the land to the former owner before disposing of the land on the open market (as per the *Crichel Down Rules*)

- p) Sale by a lender under a power of sale (i.e. the land was security for a loan)
- q) Disposal of land under bankruptcy or other insolvency proceedings – the wording is “insolvency proceedings as defined by [Rule 13.7 of the Insolvency Rules 1986](#)”, which gives a very wide definition of insolvency proceedings
- r) Compulsory purchase disposals - see the wide definition of “statutory compulsory purchase” in regulation 1
- s) The grant of an agricultural tenancy to a successor on the death or retirement of the current tenant pursuant to [Part 4 of the Agricultural Holdings Act 1986](#)
- t) Transfers between connected companies in a group of companies (using the definition of “group undertaking” in [section 1161 \(5\) of the Companies Act 2006](#), modified to restrict “undertaking” to a body corporate)
- u) Disposals of part-listed land where:
 - i. the land being sold is owned by a single owner; *and*
 - ii. every part of the land can be reached from every other part without having to cross land which is not owned by that single owner (except intervening land in other ownership on which there is a road, railway, river or canal where it would be reasonable to think that (b) would be satisfied if the intervening land were to be removed leaving no gap)
- v) Disposals of closed Church of England churches under Part 6 of the [Mission and Pastoral Measure 2011](#): the lengthy process in Part 6 of the measure involves public consultation and at the end of it the building will either be sold or leased for an agreed purpose, or demolished, or transferred to the Churches Conservation Trust for preservation – following which outcomes it will once more be possible to list the building and land if appropriate
- w) Disposals by any owner for the purpose of continuing health service provision on the land (in accordance with section 1 (1) of the [National Health Service Act 2006](#))
- x) Disposal of land to be held for the purpose of a school (excluding independent schools), further education or 16-19 Academy
- y) Disposal of land subject to a statutory requirement regarding the making of a disposal, where that requirement could not be observed if the Assets moratorium rules were complied with

8 Moratorium – “window of opportunity”

- 8.1 The **interim moratorium period** is triggered by the owner’s notification in writing to the local authority of an intention to enter into a relevant disposal of a listed asset (exempt disposals do not need to be flagged with the local authority but it would help the local authority maintain an up to date record of contact information if they were).

- 8.2 Once the local authority has been notified of the owner's intent to dispose, they are required to update the list to show this and give the end dates of the interim and full moratorium periods and of the protected period.
- 8.3 When the interim moratorium period is triggered, the Council notices are sent to the following people:
- Community nominator of the asset
 - The parish/town council the land lies in, or partly lies in (if not the nominator)
 - Owner(s) (freeholder) of the land
 - Any leaseholder(s) of the land
 - Any lawful occupier(s)/tenants of the land (if not the owner)
- 8.4 The Portfolio Holder and the local Member(s) are made aware that the interim moratorium period has been triggered.
- 8.5 Where requested and where type of disposal is known, the local authority may also publicise the matter in the neighbourhood of the asset in question. It is for the local authority to determine how this is done. Examples could include a press release or poster displayed in the parish/town that the land lies in.
- 8.6 The interim moratorium period is the period of six weeks beginning with the date on which the Council receives notification in relation to the disposal. During this time, the owner may not enter into a sale of the asset, unless such a sale falls within one of the exemptions or is to a local community interest group (see section 4.2(d)).
- 8.7 During the interim moratorium period a local community group (not restricted to the nominating group) may request to be treated as a potential bidder for the asset. This can be done by completing the Council's online intention to bid form
- 8.8 The **full moratorium period** is a period of six months, also beginning with the date on which the Council receives notification in relation to the disposal. During this time, the owner may not enter into a sale of the asset, unless such a sale falls within one of the exemptions or is to a local community interest group (see section 4.2(d)).
- 8.9 When the full moratorium period is triggered, the local authority must as soon as is practicable send notices to the following people to let them know that a request to be treated as a bidder has been received:
- Community nominator of the asset
 - The parish/town council the land lies in, or partly lies in (if not the nominator)
 - Owner(s) (freeholder) of the land
 - Any leaseholder(s) of the land
 - Any lawful occupier(s)/tenants of the land (if not the owner)
- 8.10 The Portfolio Holder and the Ward Member(s) are also made aware that the full moratorium period has been triggered.
- 8.11 The local community group does not have to provide any evidence of intention or financial resources to make such a bid, although the Council would welcome this. However, they must provide evidence that they are a group or body eligible to nominate (see section 4).
- 8.12 If no expression of interest to bid is forthcoming from a local community group during the interim moratorium period, the asset enters the **protected period**.

Similarly, should no bid be forthcoming during the full moratorium period, or be unsuccessful, the asset enters the protected period at that point. The protected period is 18 months, also beginning with the date on which the Council received notification in relation to the disposal. During this time, the owner is free to sell the asset to whomever they choose and without further delay.

- 8.13 When the asset enters the protected period, the local authority will send notices to the following people:
- Community nominator of the asset
 - The parish/town council the land lies in, or partly lies in (if not the nominator)
 - Owner(s) (freeholder) of the land
 - Any leaseholder(s) of the land
 - Any lawful occupier(s)/tenants of the land (if not the owner)
- 8.14 The Portfolio Holder and the local Member(s) are also made aware that the asset has entered the protected period.
- 8.15 If, after the full 18 months protected period the asset has not been sold but remains for sale, the owner will again be required to notify the Council of the intention to enter into a relevant disposal and the moratoria will again be available to the community.
- 8.16 If a relevant disposal takes place within the full moratorium period to a local community group, or during the protected period on the open market, the asset is removed from the asset list and no subsequent owner of the asset can benefit from the protected period. At this point, therefore, Rugby Borough Council will accept a re-nomination for ACV listing.
- 8.17 If an **'exempt'** relevant disposal (see section 7.5) takes place within the interim or full moratorium period or during the protected period on the open market, the asset remains on the asset list until it is removed (see section 6.8).
- 8.18 If a listing expires during the moratorium period, the moratorium would no longer apply. If the land/buildings were to be nominated again for listing, the moratorium would not apply simply as a result of the nomination, but the moratorium would apply once again if the land/buildings were to be re-listed pursuant to that nomination.
- 8.19 The Asset of Community Value provisions *do not*:
- Restrict who the owner of a listed asset sells to, i.e. there is no obligation to sell to a community organisation;
 - Restrict the price at which the owner sells;
 - Restrict what the owner can do with their property once listed, subject to the necessary planning approval.

9 Receiving and Assessing a Nomination for an ACV

- 9.1 The Council as the 'local authority' defined within the Act is the body to receive any nominations in relation to assets within the Rugby Borough Council area.
- 9.2 Prior to making a nomination, nominating bodies are asked to contact the owner or tenant of the land / buildings to ensure transparency. They are also asked to contact the Council for guidance using the email address at the bottom of this

document and to familiarise themselves with the Community Right to Bid Assessment Criteria

that can also be found on the Council's website. This will help ensure the Council receives the required information as set out in the Regulations.

- 9.3 Nominations must be submitted via the Council's asset nomination webform- the link for which will be provided by the Council once initial contact has been made by the nominating body.
- 9.4 The webform can be submitted at any time and must contain as much information as possible to enable officers to make an informed decision about whether the nomination is valid and whether or not to list the land or building as an ACV.
- 9.5 Nominations must include:
- (a) a description of the nominated land including its proposed boundaries. These boundaries do not have to be the same as ownership boundaries nor is it necessary for all parts of the land to be in the same ownership. The Council requests that a map with boundaries marked in red be provided as part of the nomination.
 - (b) a statement of all the information which the nominator has with regard to:
 - i. the names of the current of the current occupants of the building or land, and
 - ii. the names and current or last-known addresses of all those holding a freehold or leasehold estate in the building or land;
 - (c) the nominator's reasons for thinking that the responsible authority should conclude that the building or land is of community value;
 - (d) evidence that the nominator is eligible to make a community nomination. Parish/Town councils making their first nomination will be required to submit an electronic copy of their standing orders. Further copies will not be required with subsequent nominations, unless the standing orders have been amended.
- 9.6 The Council is required to make a decision in response to a nomination within eight weeks of receiving the nomination. Within this, officers will endeavour to allow a four-week consultation with parties having a charge on the land/buildings.
- 9.7 The Council must take all practicable steps to inform the following that an asset has been nominated:
- a parish/town council (if any) in which the land or building lies (or partly lies);
 - the owner as defined in Section 107 of the Act. This definition ensures that only one level of legal proprietary rights will qualify as ownership for the Act;
 - all others with a legal estate, i.e. if the owner is not the freeholder then the holder of the freehold estate, any other leaseholder apart from the owner; and
 - any lawful occupant (which could include a licensee).

- 9.8 The Property Manager will also inform the local borough ward councillor/s of a nomination within their ward and the portfolio holder for The Community Right to Bid.
- 9.9 The nomination will be assessed based on the information submitted. Only in exceptional circumstances (e.g. where a Local Ward Member has been unobtainable prior to submission) will supplementary information be considered. See the 'Assessment Criteria' document for details of how the nomination will be assessed.
- 9.10 Nominations will be assessed in the first instance by the Property Manager. They will liaise with colleagues in considering the nomination.
- 9.11 The Property Manager will also check the Council's online planning register to see if any planning applications are currently in progress/have been made in the past.
- 9.12 The Property Manager may decide to undertake a site visit in order to substantiate that the land/building has community value and will contact the parish/town council if this is not the nominating body.
- 9.13 The Council's Property Manager reaches a view as to whether the nominated land/building fulfils the criteria and will seek advice from Legal Services if necessary.
- 9.14 Legal Services signs off the entry into the list of successfully nominated assets (or into the list of unsuccessfully nominated assets where this is the case), which is displayed on the Council's website.
- 9.15 When an asset is added to/removed from either list, or deemed suitable/not suitable for listing, the Legal Services must inform the following people:
- community nominator of the asset
 - the parish/town council the land lies in, or partly lies in (if not the nominator)
 - owner(s) (freeholder) of the land
 - any leaseholder(s) of the land
 - any lawful occupier(s)/tenants of the land (if not the owner)
- 9.16 A local authority which is not able to give notice to any of these people in the usual way – for instance due to lack of names or addresses – can take reasonable alternative steps to bring the notice to a person's attention. This could include, for instance, a notice attached to the property.
- 9.17 The owner is advised of his/her right to internal listing review as part of the Notice of Decision to Include Land on the Council's List of Assets of Community Value.
- 9.18 The Portfolio Holder and the local Member(s) are made aware of the listing decision by the Property Manager. Officers dealing with the ACV listing will work through a checklist of actions and communications that need to be completed, including notifying the local Land Charges team and making an application to enter a restriction (RX1) with the Land Registry.
- 9.19 With regard to re-nomination following expiry of the five-year listing, the Council will write to remind a nominating body that the asset they originally nominated is due to expire in the coming year. No further reminders will be issued.

- 9.20 Once a listing has expired, officers will ensure that an application to cancel a restriction (RX3) is made with the Land Registry.
- 9.21 Re-nominations will be considered no earlier than 12 weeks (and ideally no later than 8 weeks) before the expiry of the listing, to give officers the best opportunity to ensure the two listings are continuous. A re-nomination decision may be made earlier than its expiry date but not more than 4 weeks early (see section 9.6).
- 9.22 If an Asset is successfully re-listed, officers will still need to ensure an application to cancel a restriction (RX3) is made with the Land Registry for the previous listing. This will be done at the same time, making an application to enter a restriction (RX1) for the new listing.

10 Listing Review

- 10.1 If an asset has been included on the register of Assets of Community Value, an owner has the right to request a listing review of the local authority's decision, under section 92 of the Act. The Council has developed a Procedure for Listing Reviews.
- 10.2 The deadline for the owner to request this listing review is eight weeks from the date written notice of listing was given (or from the date that alternative steps were completed to bring the listing to the owner's attention) or a longer period allowed by the Council in writing. The property will remain listed while the listing review is carried out.
- 10.3 The listing review must be conducted by an officer of appropriate seniority who did not take part in the original decision to list. In Rugby Borough Council's case, the Reviewing Officer will usually be the Chief Officer in consultation with a nominated Officer from Legal Services .
- 10.4 The owner may appoint a representative and the local authority will be required to provide all relevant documentation to the representative.
- 10.5 The owner and / or their representative may make representations to the reviewer orally and / or in writing. The local authority must complete their review within 8 weeks, unless a longer period had been agreed in writing.
- 10.6 At Rugby District Council, provision has been made for the nominating body to attend the review in order that the widest range of representations can be heard at the earliest opportunity.
- 10.7 In respect of Compensation, this will be considered in accordance with the legislative provisions. Normally it is expected that the owner and the local authority will each bear and cover their own costs at the Internal Review stage.
- 10.8 If the owner is not satisfied with the outcome of the internal review (i.e. that the decision to list is upheld) they have the right to appeal to the First Tier Tribunal against the local authority's review decision. The written response following the internal review should inform the owner of their right to an independent appeal. The owner making the appeal can either be the same owner who requested the listing review or, if the property has been sold in the meantime, the new owner.

- 10.9 All requests for a listing review should be made in writing via the details at the end of this document.
- 10.10 An owner's appeal against a local authority listing review decision must be made to the General Regulatory Chamber of the First Tier Tribunal. The deadline for appealing is specified in the procedural rules of that Chamber as 28 days from the date on which notice of the decision appealed against was sent to the owner. Appeals may be both on points of law and on findings of fact. The property will remain listed during the appeal process.

11 Compensation

- 11.1 Private owners and former owners may claim compensation for loss and expense incurred through the asset being listed or previously listed. The Regulations specifically provide that this will include a claim arising from a period of delay in entering into a binding agreement to sell which is wholly caused by the interim or full moratorium period; or for legal expenses incurred in a successful appeal to the Tribunal.
- 11.2 The time limit for making a claim for compensation is specified as whichever is earlier of 13 weeks from the end of the interim or full moratorium period (as appropriate) or from the date when the land ceases to be listed. The assumption is that most claims for compensation will arise from a moratorium period being applied; however, the wording allows for claims for loss or expense arising simply as a result of the land being listed.
- 11.3 Claims must be made in writing, state the amount of compensation sought and provide supporting evidence. The burden of proving the claim falls on the owner.
- 11.4 The local authority must consider the claim and is required to give written reasons for its decision. No time limit is specified for responding to the claim. The reason for this is that it may take the authority some time to assemble all the necessary evidence; however, once it has all the facts the authority should reach a decision as quickly as is practicable.
- 11.5 The compensation scheme does not extend to public authorities and bodies.
- 11.6 The owner may ask the Council to review either or both of its decisions in relation to a claim, as follows:
- a) Whether compensation should be paid
 - b) If compensation is to be paid, the amount of that compensation
- 11.7 The owner must request a compensation review in writing before the end of the period of eight weeks beginning with the day on which written notice of the decision made on compensation was given by the Council, giving appropriate evidence to support the request.
- 11.8 The compensation review will broadly follow the Council's procedure for a Listing Review, in accordance with schedule 2 to the Regulations.
- 11.9 All claims and appeals should be made in writing via the details at the end of this document.

12 Permitted Development Rights

- 12.1 [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) \(No. 2\) Order 2017 \(SI 2017/619\)](#), effective 23 May 2017 amends legislation relating to Class A4 (drinking establishments).
- 12.2 Firstly, it removes Permitted Development Rights (PDR) allowing the change of use of a building falling within Class A4 (drinking establishments) to a building within classes A1(shops), A2 (financial and professional services), and A3 (restaurants and cafés) and to a temporary flexible use or a state funded school for up to 2 academic years. These PDR are removed from all pubs, not only those on the Council's register of ACVs.
- 12.3 Secondly, it precludes the demolition of Class A4 (drinking establishments). Planning permission must be sought.
- 12.4 Thirdly, it introduces a new permitted development right allowing certain other changes of use of a building in Class A4 (drinking establishments) namely, a change of use to "drinking establishments with expanded food provision", and vice versa. These changes are permitted regardless of the pub's status as an ACV.
- 12.5 Where the owner of an ACV is required to seek planning permission prior to carrying out works, he/she must do so in accordance with planning regulations. Where permission is not required and the ACV listing has no bearing, the community must be mindful of the limits of the legislation in protecting community assets.
- 12.6 It will be for the Council's planning function to decide whether the status of an ACV is sufficient material consideration to refuse permission for change of use.

13 Enforcement

- 13.1 The Act provides for various mechanisms to encourage compliance by requiring local authorities to:
- a) inform owners and other interested parties that an asset has been listed;
 - b) enter on the local land charges register the fact that an asset has been listed; and
 - c) in the case of registered land, apply for a restriction on the land charges register
- 13.2 Additionally, to give a strong incentive to owners to comply with the Act, noncompliant disposals will be deemed ineffective (void), meaning that the change of ownership has not taken place (regardless of whether it has erroneously been registered with the Land Registry – this would have to be rectified once the fact that the sale was void had been discovered).
- 13.3 However, the disposal would *not* be deemed ineffective if the owner made all reasonable efforts to find out whether the land was listed and was unaware that the land was listed when sold.

14 Glossary of Key Terms

14.1 The Council means Rugby Borough Council

14.2 MHCLG means The Ministry for Housing, Communities and Local Government

14.3 DCLG Advice Note means 'Community Right to Bid: Non-statutory advice note for Local Authorities', October 2012, Department for Communities and Local Government (now MHCLG).

14.4 ACV means Asset/s of Community Value

14.5 References to land can include buildings where relevant

15 References15.1 Department for Communities and Local Government's Community Right to Bid: Non-statutory advice note for local authorities:
[https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/14880/Community Right to Bid - Non-statutory advice note for local authorities.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/14880/Community_Right_to_Bid_-_Non-statutory_advice_note_for_local_authorities.pdf)15.2 Part 5 Chapter 3 of the Localism Act 2011:
<http://www.legislation.gov.uk/ukpga/2011/20/part/5/chapter/3>15.3 The Assets of Community Regulations 2012:
<http://www.legislation.gov.uk/uksi/2012/2421/contents/made>15.4 Communities and Local Government Committee Report, Feb 2015:
<http://www.publications.parliament.uk/pa/cm201415/cmselect/cmcomloc/262/26205.htm>15.5 Town and Country Planning Use Class guidance:
<http://www.planningportal.gov.uk/permission/commonprojects/changeofuse>

15.6 Further information relating to Community Right to Bid and the process followed by the Council can be found on our public website:

15.7 This guidance and procedure document has been refreshed using the good practice and case law contained in Simon Adamyk; *Assets of Community Value – Law and Practice* - Wildy, Simmonds and Hill Publishing, 2017**16 Correspondence**

All correspondence relating to the Community Right to Bid (Assets of Community Value), including notification of intent to enter into a relevant disposal and requests for an internal review, should be sent via email to: estatesandproperty@rugby.gov.uk

Alternatively, please post any correspondence, including postal nomination forms to:

The Property Manager
Rugby Borough Council
The Town Hall

AGENDA MANAGEMENT SHEET

Report Title:	Government Consultations: Local Government Reorganisation and Spatial Development Strategies
Name of Committee:	Cabinet
Date of Meeting:	3 March 2026
Report Director:	Chief Executive
Portfolio:	Finance and Performance, Legal and Governance
Ward Relevance:	All
Prior Consultation:	Leader of the Council, Monitoring Officer
Contact Officer:	dan.green@rugby.gov.uk
Public or Private:	Public
Report Subject to Call-In:	Yes
Report En-Bloc:	Yes
Key Decision:	No
Corporate Priorities:	<p>This report relates to the following priority(ies):</p> <ul style="list-style-type: none"><input type="checkbox"/> A Healthier Rugby – To support people to live healthier, longer, and more independent lives.<input type="checkbox"/> A Thriving Rugby – To deliver a thriving economy which brings Borough-wide investment and regenerates Rugby Town Centre.<input type="checkbox"/> A Greener Rugby – To protect the environment and ensure the Borough adapts to climate change.<input type="checkbox"/> A Fairer Rugby – To reduce inequalities and improve housing across the Borough. <p>Corporate Strategy 2025-2035</p> <p><input checked="" type="checkbox"/> This report does not specifically relate to any Council priorities but</p>
Summary:	<p>This report seeks to highlight several key consultations which the government has recently begun and which Rugby Borough Council may wish to submit a response to.</p>
Local Government Reorganisation Implications:	<p>Each of the consultations referred to within the report have potential direct implications for local government reorganisation.</p>

Financial Implications:	No financial implications arising directly from this report.
Risk Management/Health and Safety Implications:	No risk management implications arising directly from this report.
Environmental Implications:	No environmental implications arising directly from this report.
Legal Implications:	No legal implications arising directly from this report.
Equality and Diversity:	No E&D implications arising directly from this report.
Options:	<p>Approve the recommendations and enable the Council to respond to the consultations listed within the report.</p> <p>Do not approve the recommendations and limit the Council's ability to respond to the consultations listed within the report.</p>
Recommendation:	<p>Delegated authority be given to the Chief Executive (in consultation with the All Leaders' Group) to respond to the following consultations:</p> <ul style="list-style-type: none"> - Proposed geographies over which spatial development strategies (SDS) should be produced. - Local Government Reorganisation in Warwickshire. - Local Government Reorganisation in Worcestershire. - Local Government Reorganisation in Leicestershire, Leicester and Rutland. - Local Government Reorganisation in Staffordshire and Stoke on Trent. - Local Government Reorganisation in Gloucestershire. - Local Government Reorganisation in Oxfordshire. - Local Government Reorganisation in any other area where Rugby Borough Council is not a named consultee.
Reasons for Recommendation:	Approving this recommendation enables the Council to express a view on key government consultations which will have a direct impact on Rugby Borough Council and any successor authority.

Cabinet - 3 March 2026

Government Consultations: Local Government Reorganisation and Spatial Development Strategies

Public Report of the Chief Executive

Recommendation

Delegated authority be given to the Chief Executive (in consultation with the All Leaders' Group) to respond to the following consultations:

- Local Government Reorganisation in Warwickshire
- Local Government Reorganisation in Worcestershire
- Local Government Reorganisation in Leicestershire, Leicester and Rutland
- Local Government Reorganisation in Staffordshire and Stoke on Trent
- Local Government Reorganisation in Gloucestershire
- Local Government Reorganisation in Oxfordshire
- Local Government Reorganisation in any other area where Rugby Borough Council is not a named consultee.
- Proposed geographies over which spatial development strategies (SDS) should be produced

1. INTRODUCTION

- 1.1 This report seeks to highlight several key consultations which the government recently began and which Rugby Borough Council may wish to submit a response to.
- 1.2 The consultations in question relate to a) Local Government Reorganisation and b) proposed geographies over which spatial development strategies (SDS) should be produced.

2. CONSULTATIONS REGARDING LOCAL GOVERNMENT REORGANISATION

- 2.1 In February 2025, government invited all councils in two-tier areas and their neighbouring small unitary councils to develop proposals for unitary local government, a single council responsible for all local government functions in an area.
- 2.2 The government has now launched a consultation on councils in response to the invitation.

- 2.3 Before a proposal can be implemented, government is required to consult with any council affected that has not submitted a proposal, as well as any other appropriate persons.
- 2.4 Rugby Borough Council has been identified as an appropriate body to consult for Worcestershire, Warwickshire, Leicestershire, Leicester and Rutland, Staffordshire and Stoke on Trent, and Gloucestershire local government reorganisation
- 2.5 In addition to the areas where Rugby Borough Council is a named consultee (i.e. those areas listed in 2.4), the Council may also respond to consultations affecting other areas. These areas are Cambridgeshire and Peterborough; Derbyshire and Derby; Devon, Plymouth and Torbay; Hertfordshire; Kent and Medway; Lancashire, Blackburn with Darwen and Blackpool; Lincolnshire, North Lincolnshire and North East Lincolnshire; Nottinghamshire and Nottingham; and Oxfordshire.
- 2.6 The deadline for responses to these consultations is **11:59pm on 26th March 2026**.

3. CONSULTATION REGARDING PROPOSED GEOGRAPHIES OVER WHICH SPATIAL DEVELOPMENT STRATEGIES (SDS) SHOULD BE PRODUCED

- 3.1 The Planning and Infrastructure Act 2025 reinstates a strategic planning system for England. Once the provisions in the Act are commenced places will be required to produce an SDS. These strategies will deal with strategic planning and cross-boundary issues and set the context for local plans, which will have to be in 'general conformity' with the umbrella SDS once adopted.
- 3.2 By taking a sub-regional view of how growth needs can be sustainably met, they will help us build more homes, co-ordinate the delivery of strategic infrastructure, grow the economy, and improve the environment and climate resilience.
- 3.3 For parts of the country currently without mayoral devolution, government have set out that SDSs need to be developed across 'sensible geographies' in line with the principles of the English Devolution White Paper.
- 3.4 On 12th February 2026, government launched a consultation on what these sensible geographies might be. In some places, there is already broad agreement on them. In other places, government do not believe there is a consensus view yet, and so are seeking proposals which align with the 'sensible geography' criteria in the White Paper.
- 3.5 The consultation provides four categories of areas, namely:
- Group 1: Proposed SDS geographies based on existing devolution footprints
 - Group 2: Proposed SDS geographies based on Devolution Priority Programme footprints

- Group 3: Proposed SDS geographies not based on existing devolution footprints
 - Group 4: Remaining areas where we want to hear proposals for appropriate SDS geographies
- 3.6 Within the consultation document, Warwickshire (together with North Northamptonshire, West Northamptonshire, Worcestershire, Gloucestershire, Shropshire, Herefordshire, Telford and Wrekin, Cornwall, Devon and Torbay and Plymouth) is listed under Group 4 'No Proposed SDS Area' meaning that the government wish to hear proposals for appropriate SDS geographies.
- 3.7 Government have invited views on proposals for Spatial Development Strategies and in particular the following questions:
1. Which SDS area(s) are you interested in?
 2. Do you agree with the proposed SDS area (where one is provided)? If so, please explain the strengths of the proposal as you see them.
 3. If you do not agree with the proposed SDS area, please explain the issues/challenges that it/they would present.
 4. If you do not agree with the proposed SDS area, please suggest and explain one or more alternatives that you believe would work better.
 5. If there is no proposed SDS area for your area of interest, we would welcome your preferred SDS area with an explanation of your reasoning.
- 3.8 The closing date for responses is **26 March 2026**.
- 3.9 Where SDSs are not coterminous with Strategic Authorities, the formal mechanism for areas to work together on their SDS will be a Strategic Planning Board (SPB), which will be established through secondary legislation. Government will undertake statutory consultation prior to establishing these boards.
- 3.10 Government believe that sensible strategic planning and devolution geographies will, in the vast majority of cases, be one and the same, the development of SDS footprints is also viewed as an opportunity to agree the shape of devolution geographies for areas currently without a Strategic Authority.
- 3.11 The government is therefore inviting these places to come forward with expressions of interest for the establishment of new Foundation Strategic Authorities (FSAs), which must meet the criteria in the English Devolution White Paper and therefore should, typically, align with SDS geographies.
- 3.12 FSAs will have devolved powers over local transport and skills, as well as being responsible for delivering the area's SDS where the SDS boundary is coterminous with the FSA.
- 3.13 Government have invited all areas in England without an existing devolution agreement to come forward with their neighbours to take on devolution

through an FSA over a sensible geography. Government will begin reviewing responses from **20 March 2026**.

4. TIMELINES AND NEXT STEPS ASSOCIATED WITH DECISION

- Consideration by All Leaders' Group – 24th February 2026
- Consideration by Cabinet – 3rd March 2026
- Submission of any proposals relating to Foundation Strategic Authorities (FSAs) - 20th March 2026
- Submission of an response to consultations relating to Local Government Reorganisation (LGR) – 26th March 2026
- Submission of any response to consultation relating to Spatial Development Strategies (SDS) – 26th March 2026

Name of Meeting: Cabinet

Date of Meeting: 4 March 2026

Subject Matter: Government Consultations: Local Government Reorganisation and Spatial Development Strategies

Originating Department: Chief Executive Office

DO ANY BACKGROUND PAPERS APPLY YES NO

LIST OF BACKGROUND PAPERS

Doc No	Title of Document and Hyperlink
1.	https://www.gov.uk/government/consultations/national-planning-policy-framework-proposed-reforms-and-other-changes-to-the-planning-system (draft National Planning Policy Framework)
2.	https://www.gov.uk/government/publications/english-devolution-white-paper-power-and-partnership-foundations-for-growth/english-devolution-white-paper (English Devolution White Paper)
3.	https://www.gov.uk/government/consultations/local-government-reorganisation-in-warwickshire (Local Government Reorganisation in Warwickshire)
4.	Areas for producing spatial development strategies - GOV.UK (Consultation for Areas Producing Spatial Development Strategies)

The background papers relating to reports on planning applications and which are open to public inspection under Section 100D of the Local Government Act 1972, consist of the planning applications, referred to in the reports, and all written responses to consultations made by the Local Planning Authority, in connection with those applications.

Exempt information is contained in the following documents:

Doc No	Relevant Paragraph of Schedule 12A