

Borough Council of
**King's Lynn &
West Norfolk**



CABINET

Agenda

TUESDAY, 1 JULY 2014
at 5.30pm

in the

**Committee Suite
King's Court
Chapel Street
King's Lynn**



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Borough Council of
**King's Lynn &
West Norfolk**



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CABINET AGENDA

DATE: CABINET – TUESDAY, 1 JULY 2014

**VENUE: COMMITTEE SUITE, KING'S COURT,
CHAPEL STREET, KING'S LYNN**

TIME: 5.30 pm

There are no items to be considered in private as required by Regulations 5 (4) and (5) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

1. MINUTES

To approve the Minutes of the Meeting held on 11 June 2014 (previously circulated).

2. APOLOGIES

To receive apologies for absence.

3. URGENT BUSINESS

To consider any business, which by reason of special circumstances, the Chairman proposes to accept, under Section 100(b)(4)(b) of the Local Government Act 1972.

4. DECLARATION OF INTEREST

Please indicate if there are any interests which should be declared. A declaration of an interest should indicate the nature of the interest (if not already declared on the Register of

Interests) and the agenda item to which it relates. If a disclosable pecuniary interest is declared, the member should withdraw from the room whilst the matter is discussed.

These declarations apply to all Members present, whether the Member is part of the meeting, attending to speak as a local Member on an item or simply observing the meeting from the public seating area.

5. CHAIRMAN'S CORRESPONDENCE

To receive any Chairman's correspondence.

6. MEMBERS PRESENT PURSUANT TO STANDING ORDER 34

To note the names of any Councillors who wish to address the meeting under Standing Order 34.

7. CALLED IN MATTERS

To report on any Cabinet decisions called in.

8. FORWARD DECISIONS LIST

A copy of the Forward Decisions List is attached (Page. 6)

9. MATTERS REFERRED TO CABINET FROM OTHER COUNCIL BODIES

To receive any comments and recommendations from other Council bodies which meet after the dispatch of this agenda. Copies of any comments made will be circulated as soon as they are available.

- Resources and Performance Panel and Audit Committee – 24 July 2014
- Regeneration, Environment and Community Panel – 25 July 2014

10. REPORTS

1) Award of the Honorary Freedom of the Borough: No 42 (King's Lynn) Sqn, Air Training Corps (Page 9)

The Borough Council has received a letter of nomination, supported by a number of referees, for the No 42 (King's Lynn) Sqn Air Training Corps to be awarded the Honorary Freedom of the Borough during 2014, the 75th year of their existence.

2) **Benefits and Revenues Fraud Policy – Introduction of Civil Penalties for Council Tax** (Page15)

The Investigations Unit, undertake work to prevent and detect benefit, Council Tax Support, Council Tax and Business Rates fraud. This report provides information regarding the proposed use of Civil Penalties for Council Tax only and the proposed use of Prosecution and a sanction of a Simple Caution, for Council Tax and Business Rates.

3) **Delegation of Approval of the Council Taxbase to the S151 Officer in consultation with the Council Leader** (Page 26)

Full Council has historically been asked to approve the annual Council Taxbase for council tax setting purposes. This is a purely administrative exercise as the items that affect the Taxbase, such as the Council Tax Support scheme and council tax discounts for second homes and long term empty properties, will already have been approved at previous Council meetings.

Requiring Council approval for the Council Taxbase puts considerable pressure on the timescales for agreeing the Council Tax Support Scheme and Council Tax Discounts as these must be ratified before the Taxbase can be set. Delegating authority to approve the Taxbase to the s151 Officer, in consultation with the Leader of the Council, will allow significantly more time for these items to be prepared.

The requirement for Council to approve the Borough's overall council tax is unaffected.

4) **Business Rates and Council Tax – Amendments to Flooding Reliefs** (Page29)

Council agreed on 24 April 2014 to an updated Discretionary Relief policy including reliefs for properties adversely affected by the December 2013 floods. Since the meeting Central Government have amended their guidance and the Council can now extend the period of relief for council tax from three months to an indefinite period.

The report also considers the potential to extend the relief scheme for business rates if Government provides further guidance.

5) **Annual Treasury Report 2012/13** (Page32)

The Council has formally adopted the Chartered Institute of Public Finance and Accountancy's Code of Practice on Treasury Management (2009) and remains fully compliant with its requirements.

The primary requirements of the Code include:

- Creation and maintenance of a Treasury Management Policy Statement which sets out the policies and objectives of the Council's treasury management activities.
- Receipt by Council of an annual strategy report (including the annual investment strategy report) for the year ahead, a mid year review report and an annual review report of the previous year.

This Annual Treasury Report looks backwards at 2013/2014 and covers:

- the Council's overall borrowing need
- the Council's treasury position/performance;
- the strategy for 2013/2014;
- the economy in 2013/2014;
- borrowing rates in 2013/2014;
- the borrowing outturn for 2013/2014;
- compliance with treasury limits and Prudential Indicators;
- investment rates for 2013/2014;
- investment outturn for 2013/2014;
- debt rescheduling

Cabinet is asked to approve the amendment to the Treasury Management Strategy for 2014-2015, to extend the duration of investments placed with Nationalised and Part Nationalised institutions to 2 years.

6) **Residential Caravan Site Licensing** (Page51)

The Council has a statutory responsibility for the licensing and regulation of residential caravan sites within the Borough. Existing policy determines that caravan site licence conditions are reviewed on a regular basis and as part of this process an external consultation is proposed. Following consultation a further report will be presented to Cabinet/Council to include a review of the site licence conditions and a proposed fees policy associated with this licensing function.

7) **"A" Boards Enforcement** (Page71)

The report gives proposals for controlling A-Boards in town centre areas.

8) **Local Government and Public Involvement in Health Act 2007 – Requests for Variations of Number of Parish Councillors** (Page 86)

The report seeks to address the requests by three Parish Councils to vary their number of Parish Councillors.

To: Members of the Cabinet

Councillors N J Daubney (Chairman), A Beales, Lord Howard, A Lawrence, B Long, Mrs E A Nockolds, D Pope and Mrs V Spikings.

Cabinet Scrutiny Committee

For further information, please contact:

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FORWARD DECISIONS LIST

Date of meeting	Report title	Description of report	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
1 July 2014	Consideration of the award of Freedom of the Borough		Non	Council	Leader Chief Executive		Public
	Benefits & Revenues Fraud Policy – Introduction of Civil Penalties for Council Tax	New policy for consideration	Non	Council	Housing & Community Deputy Chief Executive		Public
	“A” Boards enforcement		Non	Cabinet	Housing & Community Exec Director C Bamfield		Public
	Delegation of approval of the Council Taxbase to the S151 Officer in consultation with the Council Leader	Putting in place suitable delegation	Non	Council	Deputy Chief Executive Leader		Public
	Business Rates and Council Tax – Amendments to Flooding Reliefs	Amendments following changes by the government	Non	Council	Deputy Chief Executive Leader		Public
	Local Government and Public Involvement in Health Act 2007 – Requests for Variation of Number of Parish	Consideration of Requests to amend Parish Council sizes and dealing with an Inquorate Parish Council	Non	Council	Chief Executive Leader	Parish Council minutes	Public
	Residential Caravan Site Licensing	Approval of consultation on New Site Conditions	Non	Cabinet	Chief Executive Housing & Community		Public
	Annual Treasury Report 2013/14		Non	Cabinet	Deputy Chief Executive Leader		Public

Date of meeting	Report title	Description of report	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
29 July 2014							
	Potential for Compulsory Purchase Order – Land rear of 7 Blackfriars Road, King's Lynn	Consideration of the CPO of the land	Non	Council	Development Exec Dir – G Hall		Public
	Air Quality Action Plan	Update	Non	Cabinet	Environment Exec Dir – G Hall		Public
	Markets	Report considering the provision of markets	Non	Cabinet	ICT Leisure & Public Space Exec Director – C Bamfield		Public
	Asset Management – Future Acquisition of Industrial site/s- Saddlebow	Consideration of potential site/s	Key	Cabinet	Regeneration & Industrial Assets Deputy Chief Executive	Report to 6 May Cabinet.	Public
	Site Allocations & Development Management Policies	Latest stage in the process	Key	Council	Development Exec Dir – G Hall	Previous reports published	Public
	Homelessness Review and draft Homelessness Strategy for	Review of the documents	Non	Council	Housing & Community Chief Executive		Public
	Provision of Legal Services	Report setting out the proposed provision of services for the authority	Non	Council	Leader Chief Executive	Previous report to cnc	Public
	Appointment of Directors to the Local Authority Housing Company	Appointment of Directors	Non	Cabinet	Housing & Community Community		Public

Date of meeting	Report title	Description of report	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
10 September 2014	Accounts	To consider the accounts	Key	Cabinet	Leader Deputy Chief Executive		Public
	Annual Governance Statement		Non	Council	Leader Executive Director – D Gates		Public
	King's Lynn Bus Station & Train Station Link	Scheme to improve the bus	Non	Cabinet	Regeneration & Industrial Assets		Public

	Improvements	station and pedestrian link to the train station using S106 funding			Chief Executive		
	Update to Freedom of Information and Data Protection Policies	Update of the Council's Freedom of Information and Data Protection Policies	Non	Council	Leader Deputy Chief Executive		Public
	Peer Challenge Report and draft action plan		Non	Cabinet	Leader Chief Executive		Public
	Major Housing Scheme – Results of Procurement	Report setting out the results of the procurement exercise	Key	Council	Regeneration Chief Executive		Public

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Discretionary	Be entirely within Cabinet's powers to decide	NO	
		Need to be recommendations to Council	YES	
		Is it a Key Decision	NO	
Lead Member: Cllr N Daubney E-mail: <i>cllr.nick.daubney@west-norfolk.gov.uk</i>		Other Cabinet Members consulted:		
		Other Members consulted: Group Leaders		
Lead Officer: Samantha Winter E-mail: <i>sam.winter@west-norfolk.gov.uk</i> Direct Dial: 01553 616327		Other Officers consulted: Chief Executive and Deputy Chief Executive, Civic Officers		
Financial Implications YES	Policy/Personnel Implications NO	Statutory Implications YES	Equal Impact Assessment NO	Risk Management Implications NO

Date of meeting: 1 July 2014

1 AWARD OF THE HONORARY FREEDOM OF THE BOROUGH – NO 42 (KING'S LYNN) SQN AIR TRAINING CORPS

Summary

The Borough Council has received a letter of nomination, supported by a number of referees, for the No 42 (King's Lynn) Sqn Air Training Corps to be awarded the Honorary Freedom of the Borough during 2014, the 75th year of their existence.

Recommendation

- 1) That an Extraordinary Meeting of the Council be held prior to the Council meeting on 25 September 2014 in order to approve the award of the Honorary of Freedom of the Borough to the No 42 (King's Lynn) Sqn Air Training Corps, under s249 of the Local Government Act 1972, in recognition of the eminent services that the Corps has given to the Borough over the last 75 years.**
- 2) That the common seal of the Council be affixed to a certificate to be presented to Corps at a formal ceremony at The Town Hall on the evening of 2 October 2014 at a cost of approximately £2,000 which will be met from the Corporate Events Budget.**

Reason for Decision

To recognise the No 42 (King's Lynn) Sqn Air Training Corps and the service they have given to the Borough over the last 75 years.

1 Background of Nomination

A letter of nomination has been received from Mr Michael Lister for the No 42 (King's Lynn) Sqn Air Training Corps to be awarded the Honorary Freedom of the Borough. The nomination has been supported in writing by the following:

- Wg Cdr M W Smith MA RAF, Officer Commanding Tactical Imagery-Intelligence Wing, RAF Marham
- Mrs Georgina Holloway, High Sheriff of Norfolk 2010/11
- Mr M J O'Lone, Sandringham Estate
- Honorary Alderman Dr P R Richards
- Honorary Alderman Wg Cdr V A Stapely OBE.DFC. RAF (Retd)
- Mrs Daphne Cole

2 Information on the No 42 (King's Lynn) Sqn Air Training Corps , provided by the Corps.

On December 14th 1938, all the young men in the Town were called for a meeting at the Town Hall with the idea of starting an Air Defence Cadet Corps. 53 boys turned up and the squadron was agreed. On January 2nd 1939 the squadron was formed officially and became part of the Air League. At that time it was used as a recruiting tool for the RAF, and many members went to war, where unfortunately some were lost. Cadets paraded at Paradise Chambers (a 3 storey house where Beales is now) and learnt subjects such as aviation studies, drill and discipline, shooting, band and engineering. In the basement of Paradise Chambers there was a shooting range and also an aircraft engine to learn on.

Although the Air Cadet Organisation today has changed and is not solely involved in recruiting for the RAF, for anyone thinking about a Service career, cadet membership does put them ahead of the competition. Many cadets go on to great success in the RAF (and the other Services). Around 40% of officers and 50% of all aircrew (including pilots, navigators and engineers) in the RAF now are ex-cadets. Research shows that they do better in basic training and stay in the Service longer than their colleagues. Likewise, if a civilian career is chosen research proves employers just love the skills and experience that air cadets offer.

The Corps is sponsored by the Royal Air Force and give a hands-on experience of activities and courses that will challenge and develop skills to help young people succeed in whatever they want to do.

The ACO is made up of two areas:

- Air Training Corps - The ATC is the RAF's cadet force, divided into six regions, 36 wings and more than 900 squadrons within communities around the UK
- Combined Cadet Force (RAF) - The CCF (RAF) is our section of the CCF which is made up of cadets from all three services, coming together in approximately 200 independent and state schools across the country

Its aims are to:

- Promote and encourage a practical interest in aviation and the Royal Air Force among young people
- Provide training which will be useful in the Services and civilian life
- Encourage the spirit of adventure and develop qualities of leadership and good citizenship

And there's one more important thing - it's a lot of fun!

42F Kings Lynn prides itself on endeavouring to meet these aims. Lessons are taught that can help young people achieve BTEC in Public Services and in Aviation studies, the diverse training that we give includes marksmanship, fieldcraft, First Aid, flying, gliding, all sports, imitative exercises and teamwork.

To encourage the spirit of adventure King's Lynn has completed expeditions in Australia, Canada, Germany, Iceland and more recently Ascension Island. The squadron does an annual trip to the War Cemeteries in France and Belgium and the battle fields, parading and laying wreaths. In addition to this the cadets take part in annual camps and Duke of Edinburgh award schemes.

One of the most important parts to life at 42F is being involved in the community. Cadets and staff attend all the Civic parades, including Remembrance Service and Justices Service and other events, they help at Sandringham Flower show, North Norfolk Railway, and other charities with car parking. Recently some of the cadets have also been helping at Amberley Hall with the gardens.

The squadron currently has 46 cadets and meets Monday and Thursday nights at Loke Road.

Flt Lt Petch has another officer Flying Officer Barrett as well as 4 Civilian Instructors that help with the training on a nightly basis. We also have Service Instructors who attend from RAF Marham to assist when needed

3 Background to the award of the Honorary Freedom of the Borough

Under Section 249 of the Local Government Act 1972, Borough Councils may admit as Honorary Freemen of the Borough 'persons of distinction and persons who have, in the opinion of the council, rendered eminent services to the Borough'. In the case of HM Services units, the Freedom of the Borough can be bestowed upon them.

The Honorary Freedom is the highest award that the Council can bestow.

No legal rights or responsibilities are conveyed by the granting of the Freedom of the Borough, other than a ceremonial role at Civic functions.

When a regiment has been granted the Freedom of the Borough, tradition allows a military unit to parade through the town with fixed bayonets, regimental band playing, and colours flying. Following Council approval, regimental flags may be flown at the Civic Centre, on regimental days only, for those regiments who have been or are granted Freedom of the Borough.

The resolution must be passed by not less than two-thirds of the Members at a meeting of the Council specially convened for the purpose with notice of the object.

4 Previous Awards of Freedom of the Borough

The list of individuals and organisations who have been awarded the Freedom of the Borough are as follows:

10 July 1901	George William Webster
10 July 1901	Walter Harry Rutter
10 July 1901	Charles Ernest Ayre
10 July 1901	John David Franks
10 July 1901	John Leaf Wright
4 November 1901	Harry Lambert
9 May 1907	David Warnes
12 January 1912	Sir William John Lancaster J.P
26 September 1923	Holcombe Ingleby M.A.J.P
21 October 1946	William Russell Sadler O.B.E., J.P.
26 September 1951	Robert Bunnett O.B.E., J.P.
26 September 1951	John Harwood Catleight O.B.E., J.P.
26 July 1954	Her Majesty Queen Elizabeth, The Queen Mother
15 October 1962	Alice Maud Fisher
25 March 1963	The Lady Fermoy O.B.E
14 October 1969	Sir John Barbirolli C.H., F.R.A.M., F.T.C.L.
6 December 1976	The Royal Air Force, Marham

Awards made since Borough Council of King's Lynn and West Norfolk formed

13 November 1981	The Royal Air Force, Marham
15 July 1983	The Royal Anglian Regiment

5 Nominating Criteria

In 2002 Council agreed the following criteria to be considered when nominating and considering nominations for the freedom of the Borough:

1. Making the award should be an exceptional event;
2. Organisations as well as individuals should be eligible;

3. Recipients should be persons who, or organisations which, have given outstanding service to the Borough;
4. Persons nominating may do so at any time and should do so in writing giving reasons and providing 5 referees to testify to the nominee's worthiness, two of whom at least should be currently resident citizens of the Borough;
5. Nominations received should be business 'exempt' from publicity and considered first by the Standards Board and comments from individual Council members should be invited and reported to it;
6. If this process is agreed by Council, the functions remitted to that Board be updated accordingly at the next opportunity; *(NB: The terms of reference of the Standards Committee were changed in June 2012 following statutory changes in its role, and now no longer has this element in its terms of reference).*
7. Anyone granted the Honorary Freedom of the Borough should take formal precedence after the Mayor and Deputy Mayor on Civic occasions; and
8. Anyone granted the Honorary Freedom of the Borough should receive a badge (similar to an Honorary Alderman's) and an illuminated scroll.
9. Any former Council Member will remain ineligible for nomination for 10 years after they cease to be a Councillor.

6 Options Considered

It is a decision of no less than two thirds of the members present at the Special Council meeting convened for that purpose to decide whether to make the award.

7 Policy Implications

There are no policy implications.

8 Financial Implications

The Special Council meeting will be held on the same day as an ordinary meeting. The cost of the ceremony awarding the Certificate and the reception will be in the region of £2,000. It is proposed to meet the one off costs from the Corporate Events budget.

9 Personnel Implications

None applicable

10 Statutory Considerations

Section 249 of the Local Government Act 1972

11 Equality Impact Assessment (EIA)

(Pre screening report template attached)
None applicable

12 Risk Management Implications

None.

13 Declarations of Interest / Dispensations Granted

None

14 Background Papers

The letters of request and support.

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Discretionary / Operational	Be entirely within Cabinet's powers to decide	NO	
		Need to be recommendations to Council	YES	
		Is it a Key Decision	NO	
Lead Member: Cllr Nick Daubney E-mail: cllr.nick.daubney@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Sarah Munson, Fraud Investigations Manager E-mail: sarah.munson@west-norfolk.gov.uk Direct Dial:01553 616560		Other Officers consulted: David Thomason Kate Littlewood Jo Stanton Rachel Holman Equalities Working Group		
Financial Implications YES	Policy/Personnel Implications YES	Statutory Implications NO	Equal Impact Assessment NO If YES: Pre-screening/ Full Assessment	Risk Management Implications NO

Date of meeting: 1 July 2014

2 BENEFITS & REVENUES FRAUD POLICY – INTRODUCTION OF CIVIL PENALTIES FOR COUNCIL TAX

Summary

The Investigations Unit, undertake work to prevent and detect benefit, Council Tax Support, Council Tax and Business Rates fraud. This report provides information regarding the proposed use of Civil Penalties for Council Tax only and the proposed use of Prosecution and a sanction of a Simple Caution, for Council Tax and Business Rates.

Recommendation

Cabinet is asked to recommend to Council:

- 1) the proposal for the use of Civil Penalties for Council Tax only.
- 2) the proposal for the use of Prosecution and a sanction of a Simple Caution, for Council Tax and Business Rates.
- 3) to note the inclusion of the investigation of Council Tax and Business Rates fraud.

Reason for Decision

To include the use of Civil Penalties for Council Tax within the existing Benefits & Revenues Fraud Policy when a person fails to supply information requested, knowingly supplies inaccurate information, or fails without reasonable excuse to notify that relevant circumstances have changed, which affect the Council Tax account. To include the use of Prosecution and a sanction of a Simple Caution within the Benefits & Revenues Fraud Policy.

1. Background

1.1 The Benefits & Revenues Fraud Policy sets out the Borough Council's policy on the investigation, prosecution and sanctioning of benefit, Council Tax Support, Council Tax and Business Rates fraud. In bringing any prosecution, the seriousness of the offence will often be seen as the amount of benefit fraudulently claimed. A robust policy is required to protect the Council.

2. Civil Penalties

2.1 Whilst the 1992 Act introduced the potential use of Civil Penalties they were not widely used by authorities. In the current financial climate where the correct calculation of the council tax base has become even more critical to the funding for council and parish services the threat (and if necessary use) of a financial penalty to gain more accurate information becomes more critical. For this reason a number of authorities have now included Civil Penalties as another incentive to applicants and recipients of support to supply accurate and up to date information. The following is proposed to be inserted within the Benefits & Revenues Fraud Policy, to be used for Council Tax only:-

Civil Penalties for Council Tax - (not including benefit)

The Local Government Finance Act 1992 provides that a billing authority may impose Civil Penalties.

Civil Penalties can be imposed where a person fails to supply certain information regarding liability to a billing authority which the authority has requested, or knowingly supplies inaccurate information, and where a person fails without reasonable excuse, to notify a billing authority that an assumption, the authority has made as to exemption or discount is incorrect, or that relevant circumstances have changed.

The initial penalty is £70. In cases where there has been a second refusal for the same information, or a second provision of inaccurate information, this can lead to an additional penalty of £280. A further penalty of £280 may be imposed for each subsequent failure.

2.2 The Civil Penalty would be applied to the Council Tax account and would be recovered using the Council's current methods. It is not yet known the number of people this could affect. Civil penalties tend to be used by Local Authorities where a Council Tax bill payer is in receipt of a Single Person Discount, but fails to report that another adult is in the household and therefore should lose the 25% Single Person Discount.

2.3 It is proposed to include the Prosecution and a sanction of a Simple Caution for Council Tax and Business Rates, discounts, exemptions and reliefs fraud, within the Prosecution Policy. Where a person is convicted of an offence, a Civil Penalty shall **not** also be imposed, in line with regulations.

2.4 The Investigations Unit is now looking at alleged fraud in Council Tax as this directly affects the Council's revenue from 1 April 2013 which needs to be protected. Previous reports to the Audit & Risk Committee have advised of the financial incentive to the Council to be visibly active against fraud. This can have a substantial deterrent effect, reducing the risk of fraud and preventing fraud taking place, detecting and stopping fraud, prosecuting, sanctioning or the use of Civil Penalties. Due to the new scheme there is an increased risk of fraud. Changes in discounts may be avoided and evaded.

3. Policy Implications

3.1 An updated copy of the Benefits & Revenues Fraud & Prosecution Policy, with the inclusion of the investigation of Council Tax and Business Rates fraud is attached as **Appendix 1**. Other than bringing the document up to date on changes in legislation the major changes are the introduction of Civil Penalties for Council Tax only, the Prosecution and a sanction of a Simple Caution for Council Tax and Business Rates and a note on the inclusion of the investigation of Council Tax and Business Rates fraud. (highlighted in the document).

4. Financial Implications

4.1 Financial Implications will include the cost of any prosecution, which varies dependant on the case. Prosecution costs are awarded by the Court. Monies will be recovered where accounts are adjusted following investigation actions. Money will be received from imposing any Civil Penalty but at this stage it is difficult to estimate any level of recovery.

5. Personnel Implications

5.1 None, as the work would be carried out by current staff.

6. Equality Impact Assessment (EIA)

6.1 The Pre-Screening EIA has been completed with the Equalities Working Group as attached.

8. Background Papers

8.1 None.

Appendix 1

BOROUGH COUNCIL OF KINGS LYNN AND WEST NORFOLK

BENEFITS & REVENUES FRAUD POLICY

AIM

To seek to identify and deal effectively with Fraud and impose appropriate sanctions.

Background

Housing Benefit is a major pillar of support from the public purse to those on low incomes. It is a vital form of financial help for some of the most vulnerable members of society. The system of claiming benefit is complex, and, as a result this can lead to error and the potential for fraudulent activity.

Local Authorities have a statutory duty under Section 151 of the Local Government Finance Act 1972 to make arrangements for the proper administration of their financial affairs, this includes the prevention and detection of Housing Benefit, Council Tax Support, Council Tax and Business Rates fraud.

Council Tax discounts have an effect on the Council's tax base and any change to these also affects the amount of Council Tax raised. If fraudulent discounts are exposed and removed the Council's tax base will increase. Billing Authorities and Precepting Authorities are able to retain their share of the additional income raised from the changes to put towards any purpose.

The local Council Tax Support from 1 April 2013 has a negative effect on the tax base as it increased the reductions given (previously Council Tax Benefit did not affect the tax base) and reduces the income raised through Council Tax for all the Precepting Authorities.

Business Rates collected by local authorities are the way that those who occupy non-domestic property contribute towards the cost of local services. Under the Business Rates retention arrangements introduced from 1 April 2013, authorities keep a proportion of the business rates paid locally.

Investigations Unit

The Council has a dedicated Investigation Unit responsible for the investigation of suspected Housing Benefit, Council Tax Support, Council Tax and Business Rates fraud. It is also responsible for the investigation of other Social Security fraud under the Social Security Administration Act 1992. The unit aims to investigate these cases and make recommendations to the Benefit and Revenues Sections for adjudication. This way it maintains its independence.

It is also the policy of the unit to co-operate with other Government agencies in the cases of fraud and to adopt Good Practice and Best Value recommendations where appropriate. The unit has its own code of practice and internal policy and procedures which are followed. The unit also follows the Fraud Procedures and Instructions Manual and associated Fraud Circulars issued by the Department of Work and Pensions (DWP). Where a fraud is identified which involves a member of the Council's staff or is a member of the Council, the unit will liaise with Internal Audit.

The Unit is managed by the Fraud Investigations Manager, reporting to the Audit Manager, together with three Area Investigators and one Administrative Assistant. Investigators are encouraged to undertake the formal training given by the DWP, and are rewarded by progression through salary grades as an incentive to gain the qualification.

The Borough Council will operate and comply in full with the Verification Framework standards, have a detailed policy for considering prosecution and other sanctions for benefit fraud cases, and operate government initiatives wherever possible, and maintain up to date and working Service Level Agreements with the DWP and Fraud Investigation Service.

Freedom of Information, Human Rights, Regulation of Investigatory Powers, Criminal Procedures & Investigations Act and The Data Protection Act

All investigations will strictly adhere to the regulations contained in the above Acts.

The Regulation of Investigatory Powers Act (RIPA) 2000 came into force on 25 September 2000. With effect from that date, all surveillance must be in accordance with that Act, and the Borough Council and DWP has issued a Code of Practice, which must be applied.

From 25 September 2000, authorisation, renewals and cancellations must support surveillance on up to date forms available from the Gov.uk website, within Home Office - Surveillance.

Local Authorities are made aware that the adoption of the statutory code of practice is not an option, it is a requirement, and must be approved by Council. Any surveillance involved in a case, even if it does not form part of the eventual prosecution case, will be deemed unlawful if not properly authorised and could lead to a challenge against the whole case under Article 8 of the Human Rights Act. The authorising officers specified in the Act are Director, Head of Service, Service Manager or equivalent. If surveillance is not properly authorised, it may be subject to legal challenge.

From 1 November 2012 local authorities are required to obtain judicial approval prior to using covert techniques. Local authority authorisations and notices under RIPA will only be given effect once an order has been granted by a Justice of the Peace in England and Wales, a Sheriff in Scotland and a District Judge (magistrates' court) in Northern Ireland.

Additionally, from that date local authority use of directed surveillance under RIPA will be limited to the investigation of crimes which attract a 6 month or more custodial sentence, with the exception of offences relating to the underage sale of alcohol and tobacco.

Investigation Objectives

The Council is committed to the prevention and detection of fraud and the protection of public funds. The unit was established in order that the Council could ensure that its statutory duty to pay only bona fide benefit applications and discounts and exemptions could be met where possible.

The main objectives are:

Prevention: by establishing systems of control and procedures to seek to ensure that only genuine claims are processed and paid.

Detection: by investigating and, where appropriate, recommending the disallowance or reassessment of fraudulent or irregular applications and existing claims.

Deterrence: by creating and developing a culture which discourages applicants from making false claims and ensures those clients who receive benefit, discounts and exemptions fulfil their responsibilities. The consideration of Prosecution or other sanction will be considered in certain cases.

All investigations will be carried out in a professional, objective and efficient manner. The Unit is located within the Audit and Fraud Section and works with other Council Departments and other organisations, including the DWP, in order to provide the most effective anti-fraud resource to the Council.

Targets will be set for the Investigations Unit each year, and will be monitored and reported as part of the Council's quarterly performance management system.

Strategy

The unit has established both referral and investigation procedures to achieve a consistent approach.

It will constantly monitor and update procedures to maintain the best possible service at all times.

It will liaise with other departments within the authority to create a culture of fraud awareness and develop a confidential referral procedure.

It will further liaise and co-operate with external agencies such as, other Local Authorities, Fraud Investigation Service (through Service Level Agreements), Employment Service, and Utility companies holding regular liaison meetings.

It will utilise to best effect any government initiatives to assist the prevention and detection of fraud

Target Areas

The Investigations Unit will have the following specific target areas:

Do not redirect envelopes: Benefits mail is not redirected if for example the recipient has moved. On return of the envelope the circumstances are investigated.

Planning List: A check of planning applications is cross referenced with Housing Benefit and Council Tax Support.

Fraud Referrals: This is the mainstay of the units work. All referrals are prioritised for investigation and allocated to Investigators.

Fraud Hotline: A 24 hour free phone telephone service (out of hour's answer phone) will be maintained to allow the public to report their suspicions. The number will be advertised locally and re-emphasised in all publicity material. An on-line benefit and Council Tax fraud referral is available to complete through the Borough Council of Kings Lynn & West Norfolk's website.

Land Registry Checks: To establish the ownership details of properties that are subject to private letting.

DVLA Checks: Registration details of vehicles observed as part of investigations will be checked using DVLA records, always observing the rules concerning Regulation of Investigatory Powers Act (RIPA).

Observations: The investigation of certain cases requires surveillance or at least drive-bys to gather information. Often this needs to be undertaken out of hours. The unit will undertake all such observations in accordance with RIPA and also in accordance with the Unit's Code of Practice.

Proactive Work: Proactive work will be undertaken as considered necessary depending upon the time and circumstances, e.g. referrals against a particular firm, employer, street/caravan site etc.

Data Matching: The Unit will take part in national data matching exercises undertaken by the DWP and Housing Benefit Matching Service, and investigations will be carried out accordingly. The Unit will also complete internal data matching where required.

Publicity: The unit will undertake to promote throughout the community, awareness of fraud issues. This will include promotion of the fraud hotline, information on Council leaflets and posters, publicising prosecutions and regular press articles to highlight fraud awareness.

Training: The unit is responsible for the organisation of fraud awareness training.

Health and Safety: All of the Unit's activities will be undertaken in accordance with the Council's Health and Safety policies and the Unit's own Code of Practice.

Code of Conduct: The investigators will carry out all activities in accordance with the Authorities codes of conduct and the Human Rights Act.

National Fraud Initiative: The Unit will participate in the National Fraud Initiative administered by the Audit Commission.

Prosecution Policy

This part of the policy sets out The Borough Councils policy on the prosecution and sanctioning of persons who have committed criminal offences against the authority in knowingly/dishonestly obtaining Social Security Benefits, Council Tax Support, Council Tax and Business Rates discounts, exemptions and reliefs. The Council will follow The Code for Crown Prosecutors.

Financial Considerations

In bringing any prosecution, the seriousness of the offence will often be seen as the amount of benefit fraudulently claimed. The following amounts will be used in most cases:

- 1) Below £2,000 overpaid = A prosecution would be considered if previous fraud identified or in the public interest. In most cases a simple caution may be given if the offence has been admitted, or an Admin Penalty may be offered if applicable.
- 2) Over £2,000 overpaid = Prosecution would be recommended.

Deciding whether to prosecute

When deciding upon an individual case, the following is a non-exhaustive list of circumstances that will be considered:

- 1) Duration of offence and number of offences.
- 2) Offenders physical/mental conditions.
- 3) Voluntary Disclosure.
- 4) Previous Fraud.
- 5) Social Factors.
- 6) Clarity of evidence.
- 7) Failure in investigation or benefit administration.
- 8) Attitude during interview.

- 9) Whether the offender has a position of trust.
- 10) The offence is deliberate i.e. false from the onset.
- 11) Common sense of Investigator.

The Unit will undertake interviews under caution and prosecution preparation work. The case will then be passed to the Solicitor to the Council to instigate court proceedings.

The final decision upon whether to prosecute will rest with the Audit Manager and the Solicitor to the Council. The final decision will rest with the DWP Solicitors' on jointly worked cases, where it has been agreed that the DWP will prosecute both their benefits and the Council's benefits.

Publicity of all successful fraud prosecutions will normally follow immediately after the sentencing of an offender unless it is considered that further publicity was not in the public's interest.

Administrative Penalties – Social Security Benefits and Council Tax Reduction Scheme

The Social Security Administration Act 1992 as amended by the Fraud Act 1997 allows a local authority to apply an Administrative Penalty as an alternative to prosecution at 30% of the total overpayment. Upon accepting a penalty the claimant has 28 days to change their mind. If a penalty is not accepted or is withdrawn the local authority must be prepared to prosecute, therefore all cases of Administrative Penalty must be of prosecution standard.

Administrative Penalties will generally be considered for fraudulent overpayments of under £2,000 if it was a first offence and/or there was no planning involved in the fraud.

The Council will make an offer of a 30% penalty and this will be added to the overpayment which is recoverable.

Cases where an offence has been committed wholly, or an attempt is made, where an offence of benefit fraud has been committed, but the fraud is discovered and stopped before any overpayment of Benefit is made, after 8 May 2012, the Council will offer a minimum penalty of £350 or 50% of the overpayment, whichever is greater (up to a maximum penalty of £2,000), as per the Welfare Reform Act 2012. The decision upon whether to offer an Administrative Penalty will be taken by the Fraud Investigations Manager.

The offer of a penalty should be made in a special interview, and the offender should be told that it is not an interview under caution, acceptance of the penalty is not a declaration of guilt, the recovery of the penalty will occur in the same way as the recovery of the overpayment, he/she has 28 days, or 14 days, where an offence has been committed wholly, or an attempt is made after 8 May 2012, in which to change their mind should they accept the penalty, but in the event of non-acceptance prosecution would be instituted

and failure to repay the debt or default on instalments will result in proceedings for recovery.

Regulations have been made under Section 14 of the Local Government Finance Act 1992 (as amended) in exercise of The Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013 to bring in the necessary powers, offences and penalties, to allow local authorities to investigate and tackle potential fraudulent Local Council Tax Support Scheme claims. These are similar to existing rules in relation to Council Tax Benefit which ended on 31 March 2013. The amount of penalty as alternative to prosecution (Administrative Penalty) is 50% of the amount of the excess reduction, subject to a minimum amount of £100 and a maximum amount of £1,000.

The Investigations Officer who conducts the original interview under caution will **not** normally undertake the administrative penalty interview.

Simple Cautions

The purpose of a Simple Caution is to deal quickly and simply with less serious offenders, to save unnecessary appearance in a criminal court and to reduce the chances of the re-offending.

A Simple Caution is a serious matter, which should be recorded and used in the future if a person should offend again. It may be cited in any subsequent court proceedings.

In order to safeguard the offender's interests, the following conditions must be met before a caution is administered, there must be evidence of the offender's guilt, sufficient to give realistic prospect of conviction, the offender must admit the offence and the offender must understand the significance of a caution and give informed consent to being cautioned.

A Simple Caution can only be issued if the claimant admits the offence. If the claimant denies the charge it cannot be issued, but a formal prosecution may then be considered. Any overpayment will be recoverable.

All Simple Cautions will be administered in accordance with the Police and Criminal Evidence Act.

Civil Penalties for Council Tax - (not including Benefit)

The Local Government Finance Act 1992 provides that a billing authority may impose civil penalties.

Civil Penalties can be imposed where a person fails to supply certain information regarding liability to a billing authority which the authority has requested, or knowingly supplies inaccurate information, and where a person fails without reasonable excuse, to notify a billing authority that an assumption, the authority has made as to exemption or discount is incorrect, or that relevant circumstances have changed.

The initial penalty is £70. In cases where there has been a second refusal for the same information, or a second provision of inaccurate information, this can lead to an additional penalty of £280. A further penalty of £280 may be imposed for each subsequent failure.

Corporate Fraud

Investigation of Frauds other than Housing Benefit, Council Tax Support, Council Tax and Business Rates fraud, are not part of this Fraud Strategy Document. Such incidents are covered in the Anti-Fraud and Anti-Corruption Strategy and investigations will be carried out by any members of the Audit and Fraud Team dependent on the nature of the issue raised.

REPORT TO CABINET

Open/Exempt		Would any decisions proposed :		
Any especially affected Wards	Mandatory/	Be entirely within Cabinet's powers to decide		YES/NO
	Discretionary /	Need to be recommendations to Council		YES/NO
	Operational	Is it a Key Decision		YES/NO
Lead Member: E-mail: cllr.nick.daubney@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Jo Stanton E-mail: joanne.stanton@west-norfolk.gov.uk Direct Dial: 01553 616349		Other Officers consulted: Dave Thomason Lorraine Gore		
Financial Implications YES/NO	Policy/Personnel Implications YES/NO	Statutory Implications YES/NO	Equal Impact Assessment YES/NO If YES: Pre-screening/ Full Assessment	Risk Management Implications YES/NO

Date of meeting: 1 July 2014

3 DELEGATION OF APPROVAL OF THE COUNCIL TAXBASE TO THE S151 OFFICER IN CONSULTATION WITH THE COUNCIL LEADER

Summary

Full Council has historically been asked to approve the annual Council Taxbase for council tax setting purposes. This is a purely administrative exercise as the items that affect the Taxbase, such as the Council Tax Support scheme and council tax discounts for second homes and long term empty properties, will already have been approved at previous Council meetings.

Requiring Council approval for the Council Taxbase puts considerable pressure on the timescales for agreeing the Council Tax Support Scheme and Council Tax Discounts as these must be ratified before the Taxbase can be set. Delegating authority to approve the Taxbase to the s151 Officer, in consultation with the Leader of the Council, will allow significantly more time for these items to be prepared.

The requirement for Council to approve the Borough's overall council tax is unaffected.

Recommendation

Council agree to delegate the authority to approve the annual Council Tax Base for the Borough to the Council's s151 Officer in consultation with the Council Leader.

Reason for Decision

To allow sufficient time for the Council Tax Support scheme and Council Tax Discount resolutions to be prepared and taken through the Cabinet and Council process and to delegate a purely administrative item to the s151 Officer in consultation with the Council Leader.

1. Background

- 1.1. Full Council have always been asked to approve the annual Council Taxbase for council tax setting purposes. Until 2003 this was a decision that could not be delegated. This was subsequently amended by s84 of the Local Government Act 2003 (which amended s67 of the Local Government Act 1992) to allow the determination of the Taxbase to be approved by a Committee or Officer of the Authority.
- 1.2. The final Taxbase is affected by the Council's determinations on the Council Tax Support scheme and the council tax discounts for second homes and long term empty properties. Before the Taxbase can be approved these items must be agreed by the Council. The Taxbase must be approved by 31 January and this puts considerable pressure on the timetabling of these items through the Cabinet and Council process. For example – for the Taxbase to be approved at the January 2015 Council meeting the Council Tax Support scheme would have to be ready by 2 October 2014 to be approved at the 27 November 2014 Council meeting. Delegating authority will mean the Taxbase is still approved by 31 January deadline but allows far greater flexibility for supporting items to be approved.
- 1.3. This does not affect the setting of the overall council tax for the Borough and full Council will still be required to approve the budget and annual council tax at their February meeting.

2. Options Considered

- 2.1. The determination of the Taxbase can remain a function of full Council; however this puts considerable pressure on the timescales for approving the items that feed into the Taxbase which must be approved before the Taxbase can be agreed.
- 2.2. The main item that impacts on the Taxbase is the Council Tax Support scheme, which would need to be researched, reported, opened to consultation, finalised, agreed and written up into a Cabinet Report by 2 October 2014. Given the complexity of the scheme as much time as possible needs to be allowed to undertake this piece of work properly.

3. Policy Implications

- 3.1. None

4. Financial Implications

4.1. None

5. Personnel Implications

5.1. None

6. Statutory Considerations

6.1. None – delegation of approval of the Taxbase is allowed under s67 of the Local Government Finance Act 1992.

7. Equality Impact Assessment (EIA)

7.1. A pre-screening report is attached as a background paper

8. Risk Management Implications

8.1. None

9. Declarations of Interest / Dispensations Granted

9.1. None

10. Background Papers

10.1. Local Government Finance Act 1992 s67

10.2. Local Government Act 2003 s84

10.3. EIA

REPORT TO CABINET

Open/Exempt		Would any decisions proposed :		
Any especially affected Wards	Mandatory/	Be entirely within Cabinet's powers to decide	YES/NO	
	Discretionary /	Need to be recommendations to Council	YES/NO	
	Operational	Is it a Key Decision	YES/NO	
Lead Member: Cllr Nick Daubney E-mail: cllr.nick.daubney@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Jo Stanton E-mail: joanne.stanton@west-norfolk.gov.uk Direct Dial:01553 616349		Other Officers consulted: Ray Harding Dave Thomason Ostap Paparega Alistair Cox		
Financial Implications YES/NO	Policy/Personnel Implications YES/NO	Statutory Implications YES/NO	Equality Impact Assessment YES/NO If YES: Pre-screening/ Full Assessment	Risk Management Implications YES/NO

Date of meeting: 1 July 2014

4 BUSINESS RATES AND COUNCIL TAX – AMENDMENTS TO FLOODING RELIEFS

Summary

Council agreed on 24 April 2014 to an updated Discretionary Relief policy including reliefs for properties adversely affected by the December 2013 floods. Since the meeting Central Government have amended their guidance and the Council can now extend the period of relief for council tax from three months to an indefinite period.

The report also considers the potential to extend the relief scheme for business rates if Government provides further guidance.

Recommendations:

Cabinet recommend to Council to extend the council tax discount for properties adversely affected by flooding from three months to an indefinite time in line with Central Government guidance.

Reason for Decision

To allow the amended flood relief to be awarded to qualifying businesses and council tax payers.

1. Background

- 1.1 On 1 April 2014 Cabinet agreed to recommend to Council to award the new discretionary flood relief discounts to council tax and business rate payers adversely affected by the December floods. The recommendations were subsequently agreed by Council on 24 April 2014.
- 1.2 The original Government guidance stated the flood reliefs would be fully funded by Central Government for up to three months. This was adopted by Council as the length of discount that would be awarded to qualifying cases.

2 Update

- 2.1 Since the original Cabinet and Council meetings the Government has amended the three month period for council tax and discounts can now be awarded, and will be funded by Government, for as long as someone is unable to occupy their property due to the effects of the floods.
- 2.2 No amendments have been made to the Business Rates Flood Relief discounts which remain as a three month discount.

3 Recommendations

- 3.1 Cabinet recommend to Council to extend the council tax discount for properties adversely affected by flooding from three months to an indefinite time in line with Central Government guidance.

4 Policy Implications

- 4.1 The amendments to the new reliefs are a temporary change of the Discretionary Relief Policy.

5 Financial Implications

- 5.1 None. Central Government will fully reimburse the cost of all the new reliefs.

6 Equality Impact Assessment (EIA)

- 6.1 A full Equality Impact Assessment is not required. The Equality Impact Assessment Pre-screening form is shown at Appendix A.

7 Background Papers

- 7.1 Department for Communities and Local Government – Business Rates Retail Relief Guidance (January 2014)

7.2 HM Government – Flood Support Schemes Guidance note (February 2014)

7.3 Borough Council of King's Lynn & West Norfolk Discretionary Relief Policy

7.4 Cabinet Report 1 April 2014: Business Rates and Council Tax - Discretionary Reliefs

REPORT TO CABINET

Open	Would any decisions proposed :			
Any especially affected Wards	(a) Be entirely within Cabinet's powers to decide YES			
None	(b) Need to be recommendations to Council NO			
	(c) Be partly for recommendations to Council NO and partly within Cabinets powers –			
Lead Member: Nick Daubney E-mail:		Other Cabinet Members consulted: None		
		Other Members consulted: None		
Lead Officer: Lorraine Gore E-mail: lorraine.gore@west-norfolk.gov.uk Direct Dial: 01553 616432		Other Officers consulted: David Thomason, Management Team		
Financial Implications NO	Policy/Personnel Implications NO	Statutory Implications (incl S.17) YES	Equal Opportunities Implications NO	Risk Management Implications NO

Date of meeting: 1 July 2014

5 ANNUAL TREASURY REPORT 2013/2014

Summary

The Council has formally adopted the Chartered Institute of Public Finance and Accountancy's Code of Practice on Treasury Management (2009) and remains fully compliant with its requirements.

The primary requirements of the Code include:

- Creation and maintenance of a Treasury Management Policy Statement which sets out the policies and objectives of the Council's treasury management activities.
- Receipt by Council of an annual strategy report (including the annual investment strategy report) for the year ahead, a mid year review report and an annual review report of the previous year.

This Annual Treasury Report looks backwards at 2013/2014 and covers:

- the Council's overall borrowing need
- the Council's treasury position/performance;
- the strategy for 2013/2014;
- the economy in 2013/2014;
- borrowing rates in 2013/2014;
- the borrowing outturn for 2013/2014;
- compliance with treasury limits and Prudential Indicators;
- investment rates for 2013/2014;
- investment outturn for 2013/2014;
- debt rescheduling;

During the year the Council maintained a cautious approach to investment and management of debt. Investments returned a percentage of 0.79% exceeding the 7 day LIBID benchmark rate of 0.35%. Interest on debt averaged 2.82% in 2013/2014.

Cabinet is asked to approve the amendment to the Treasury Management Strategy for 2014-2015, to extend the duration of investments placed with Nationalised and Part Nationalised institutions to 2 years.

Recommendations

1. Cabinet is asked to approve the actual 2013/2014 prudential and treasury indicators in this report, and to note the report.
2. Cabinet is asked to approve the amendment to the strategy for 2014/2015.

Reason for the Decision

The Council must make an annual review of its Treasury operation for the previous year, as part of the CIPFA code of Practice.

1. Introduction and Background

1.1 The Chartered Institute of Public Finance and Accountancy (CIPFA) and the Council's Code of Practice on Treasury Management requires that Council consider an Annual Treasury Report looking back at the previous year's performance.

- 1.2 This Annual Treasury Report covers:
- a. the Council's overall borrowing need
 - b. the Council's treasury position/performance;
 - c. the strategy for 2013/2014;
 - d. the economy in 2013/2014;
 - e. borrowing rates in 2013/2014;
 - f. the borrowing outturn for 2013/2014;
 - g. compliance with treasury limits and Prudential Indicators;
 - h. investment rates 2013/2014;
 - i. investment outturn for 2013/2014;
 - j. debt rescheduling;

2. The Council's Overall Borrowing Need

- 2.1 The Council's underlying need to borrow for capital expenditure is termed the Capital Financing Requirement (CFR). This figure is a gauge of the Council's debt position. The CFR results from the capital activity of the Council and what resources have been used to pay for the capital spend. It represents the 2013/2014 unfinanced capital expenditure, and prior years' net or unfinanced capital expenditure which has not yet been paid for by revenue or other resources.
- 2.2 Part of the Council's treasury activities is to address the funding requirements for this borrowing need. Depending on the capital expenditure programme, the treasury service organises the Council's cash position to ensure sufficient cash is available to meet the capital plans and cash flow requirements. This may be sourced through borrowing from external bodies (such as the Government, through the Public Works Loan Board [PWLB] or the money markets), or utilising temporary cash resources within the Council.
- 2.3 **Reducing the CFR** – the Council's underlying borrowing need (CFR) is not allowed to rise indefinitely. Statutory controls are in place to ensure that capital assets are broadly charged to revenue over the life of the asset. The Council is required to make an annual revenue charge, called the Minimum Revenue Provision – MRP, to reduce the CFR. This is effectively a repayment of the borrowing need. This differs from the treasury management arrangements which ensure that cash is available to meet capital commitments. External debt can also be borrowed or repaid at any time, but this does not change the CFR.

The total CFR can also be reduced by:

- the application of additional capital financing resources (such as unapplied capital receipts); or
 - charging more than the statutory revenue charge (MRP) each year through a Voluntary Revenue Provision (VRP).
- 2.4 The Council's 2013/2014 MRP Policy (as required by CLG Guidance) was approved as part of the Treasury Management Strategy Report for 2013/2014 on 5 March 2013.
- 2.5 The Council's CFR for the year is shown below, and represents a key prudential indicator. This includes leasing schemes on the balance sheet, which increase the Council's borrowing need.

CFR	31 March 2013 Actual £000's	31 March 2014 Actual £000's
Opening Balance	12,887	13,555
Add unfinanced capital expenditure	1,463	2,634
Less MRP	230	338
Less Unsupported Borrowing	563	475
Less finance lease repayments	2	2
Closing CFR	13,555	15,374

- 2.6 **Net borrowing and the CFR** - in order to ensure that borrowing levels are prudent over the medium term the Council's external borrowing, net of investments, must only be for a capital purpose. This essentially means that the Council is not borrowing to support revenue expenditure. Net borrowing should not therefore, except in the short term, have exceeded the CFR for 2013/2014 plus the expected changes to the CFR over 2014/15 and 2015/16. This essentially means that the Council is not borrowing to support revenue expenditure. This indicator allows the Council some flexibility to borrow in advance of its immediate capital needs in 2013/2014. The table below highlights the Council's net borrowing position against the CFR. The Council has complied with this prudential indicator.

CFR	31 March 2013 Actual £million	31 March 2014 Actual £million
Borrowing	17.72	16.60
Investments	27.17	31.30
Net Position	(9.45)	(14.70)
Closing CFR	13.56	15.37

- 2.7 **The authorised limit** - the authorised limit is the "affordable borrowing limit" required by s3 of the Local Government Act 2003. The Council does not have the power to borrow above this level. The table below demonstrates that during 2013/2014 the Council has maintained gross borrowing within its authorised limit.
- 2.8 **The operational boundary** – the operational boundary is the expected borrowing position of the Council during the year. Periods where the actual

position is either below or over the boundary is acceptable subject to the authorised limit not being breached.

- 2.9 **Actual financing costs as a proportion of net revenue stream** - this indicator identifies the trend in the cost of capital (borrowing and other long term obligation costs net of investment income) against the net revenue stream (Council Tax and Government Grant).

	2013/2014
Authorised limit	£30m
Maximum gross borrowing position	£18.4m
Operational boundary	£20m
Average gross borrowing position	£14.4m
Financing costs as a proportion of net revenue stream	2.52%

3. Treasury Position/Performance as at 31 March 2014

- 3.1 The Council's debt and investment position is organised by the treasury management service in order to ensure adequate liquidity for revenue and capital activities, security for investments and to manage risks within all treasury management activities. Procedures and controls to achieve these objectives are well established both through Member reporting detailed in the summary, and through officer activity detailed in the Council's Treasury Management Practices. At the beginning and the end of 2013/2014 the Council's treasury position was as detailed in the table below:

	31st March 2013 Principal £ million	Total £ million	Rate/ Return %	31st March 2014 Principal £ million	Total £ million	Rate/ Return %
Borrowing:						
Fixed Rate Funding:						
- PWLB	1.30		2.92	1.10		2.92
- Market	10.00	11.30	3.81	12.50	13.60	3.81
Variable Rate Funding:						
- PWLB	0.00			0.00		
- Market	6.42	6.42	0.31	3.00	3.00	0.31
Total Debt		17.72	2.48		16.60	2.82
*Investments:						
- In-House	27.17		1.38	31.30		0.79
Total Investments		27.17	1.38		31.30	0.79
Net Position		(9.45)			(14.70)	

*see section 10.9 for explanation of movement, of investment balances

3.2 The maturity structure of the debt portfolio was as follows:

	31 March 2013 Actual £million	31 March 2014 Actual £million
Under 12 months (cash flow)	6.42	3.00
12 months and within 24 months	0.00	0.00
24 months and within 5 years	0.00	2.50
5 years and within 10 years	1.30	1.10
10 years and above	10.00	10.00
Total:	17.72	16.60

3.3 The maturity structure of the investment portfolio was as follows:

	31 March 2013 Actual £million	31 March 2014 Actual £million
Longer than 1 year	2.00	5.00
Under 1 year	25.17	26.30
Total:	27.17	31.30

3.4 As part of the Council strategy in 2013/2014, the Council would avoid locking into longer term deals while investment rates were down at historically low levels **unless** exceptionally attractive rates were available which would make longer term deals worthwhile.

3.5 The Council invested £3 million with Glasgow City Council until November 2015 at 0.95% and £2 million with West Cheshire & Chester Council until January 2016 at 1.10% to take advantage of Local Authority deals due to the reduced investment rates being offered by Natwest (where investments were previously placed). The investments were advantageous as money market rates at the end of March 2014 for 12 months were being offered at 0.50%, and rates were not expected to rise until quarter 3 of 2015. Our advisors, Capita Asset Services, were also consulted in regards to the investments.

4. The Strategy for 2013/2014

4.1 Capita Asset Services (Sector), the Council's treasury advisors, recommended a treasury strategy for 2013/2014, based on their view that the expectation for interest rates anticipated low but rising Bank Rate (starting in quarter 1 of 2015), and gradual rises in medium and longer term fixed borrowing rates during 2013/14. Variable, or short-term rates, were expected to be the cheaper form of borrowing over the period. Continued uncertainty in the aftermath of the 2008 financial crisis promoted a cautious approach, whereby investments would continue to be dominated by low counterparty risk considerations, resulting in relatively low returns compared to borrowing rates.

4.2 In this scenario, the treasury strategy was to postpone borrowing to avoid the cost of holding higher levels of investments and to reduce counterparty risk.

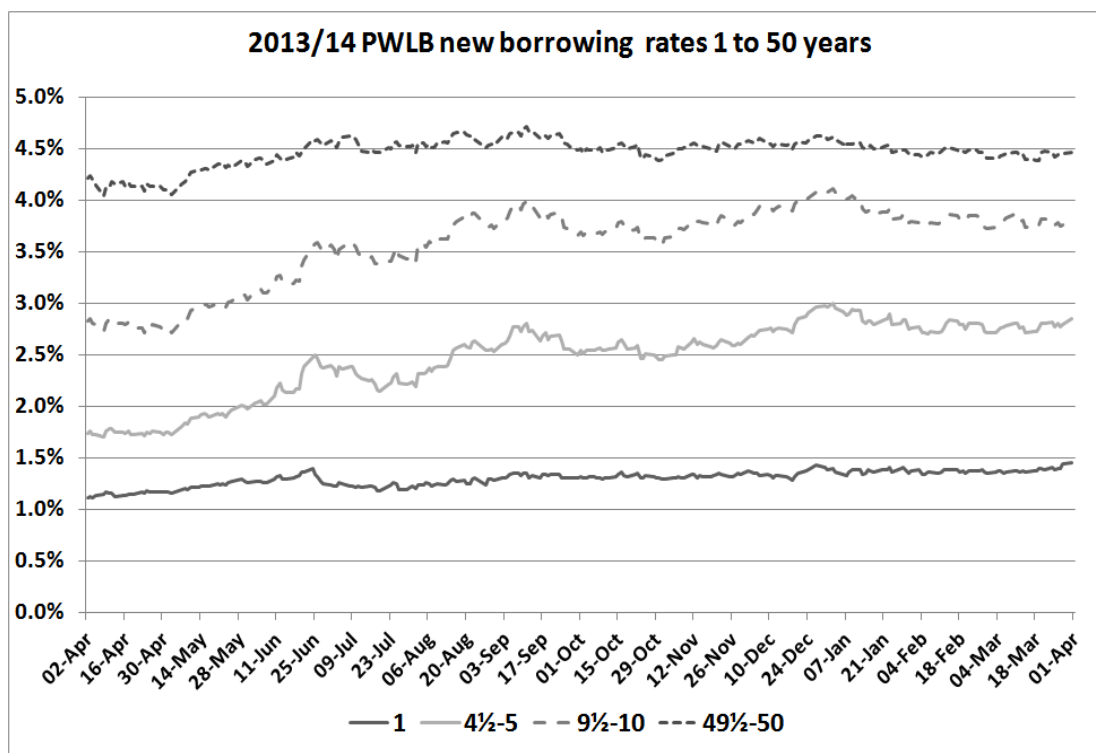
4.32 The actual movement in gilt yields meant that Public Works Loans Board (PWLB) rates were on a sharply rising trend during 2013 as markets anticipated the start of tapering of asset purchases by the Federated Bank (the Fed). This duly started in December 2013 and the Fed adopted a future course of monthly reductions of \$10bn (from a starting position of \$85bn), meaning that asset purchases were likely to stop by the end of 2014. However, volatility set in during the first quarter of 2014 as fears around emerging markets, various vulnerabilities in the Chinese economy, the increasing danger for the Eurozone to drop into a deflationary spiral, and the situation in the Ukraine, caused rates to dip down, reflecting a flight to quality into UK gilts.

5. The Economy 2013/2014

- 5.1 The original expectation for 2013/14 was that Bank Rate would not rise during the year and for it only to start gently rising from quarter 1 2015. This forecast rise has now been pushed back to a start in quarter 3 2015. Economic growth (Gross Domestic Product-GDP) in the UK was virtually flat during 2012/13 but surged strongly during the year. Consequently there was no additional quantitative easing during 2013/14 and Bank Rate ended the year unchanged at 0.5% for the fifth successive year. While Consumer Price Index (CPI) inflation had remained stubbornly high and substantially above the 2% target during 2012, by January 2014 it had, at last, fallen below the target rate to 1.9% and then fell further to 1.7% in February. It is also expected to remain slightly below the target rate for most of the two years ahead.
- 5.2 Gilt yields were on a sharply rising trend during 2013 but volatility returned in the first quarter of 2014 as various fears sparked a flight to quality. The Funding for Lending Scheme, announced in July 2012, resulted in a flood of cheap credit being made available to banks which then resulted in money market investment rates falling drastically in the second half of that year and continuing into 2013/2014. That part of the Scheme which supported the provision of credit for mortgages was terminated in the first quarter of 2014 as concerns rose over resurging house prices.
- 5.3 The UK coalition Government maintained its tight fiscal policy stance but recent strong economic growth has led to a cumulative, (in the Autumn Statement and the March Budget), reduction in the forecasts for total borrowing, of £97bn over the next five years, culminating in a £5bn surplus in 2018-2019.
- 5.4 The European Union (EU) sovereign debt crisis subsided during the year and confidence in the ability of the Eurozone to remain intact increased substantially. Perceptions of counterparty risk improved after the European Central Bank (ECB) statement in July 2012 that it would do “whatever it takes” to support struggling Eurozone countries; this led to a return of confidence in its banking system which has continued into 2013/2014 and led to a move away from only very short term investing. However, this is not to say that the problems of the Eurozone, or its banks, have ended as the zone faces the likelihood of weak growth over the next few years at a time when the total size of government debt for some nations is likely to continue rising. Upcoming stress tests of Eurozone banks could also reveal some areas of concern.

6 Borrowing Rates in 2013/2014 – (Rates based on PWLB maturity profiles)

- 6.1 **PWLB borrowing rates** - the graph and table for PWLB maturity rates below show, for a selection of maturity periods, the range (high and low points) in rates, the average rates and individual rates at the start and the end of the financial year.



PWLB borrowing rates 2013/14 for 1 to 50 years									
	1	1-1.5	2.5-3	3.5-4	4.5-5	9.5-10	24.5-25	49.5-50	1 month variable
2/4/13	1.120%	1.150%	1.350%	1.530%	1.750%	2.840%	4.080%	4.230%	1.470%
30/9/13	1.300%	1.420%	1.870%	2.190%	2.500%	3.660%	4.450%	4.480%	1.470%
High	1.450%	1.630%	2.230%	2.620%	2.970%	4.100%	4.670%	4.700%	1.480%
Low	1.110%	1.120%	1.250%	1.410%	1.610%	2.580%	3.780%	4.070%	1.450%
Average	1.305%	1.421%	1.853%	2.164%	2.469%	3.584%	4.427%	4.467%	1.466%
Spread	0.340%	0.510%	0.980%	1.210%	1.360%	1.520%	0.890%	0.630%	0.030%
High date	31/3/14	31/3/14	27/12/13	27/12/13	27/12/13	2/1/14	10/9/13	10/9/13	9/4/13
Low date	5/4/13	15/4/13	15/4/13	15/4/13	15/4/13	19/4/13	19/4/13	3/5/13	10/5/13

7 Borrowing Outturn for 2013/2014

7.1 The Council Strategy was based on the following views:

The Council will only borrow if it is financially advantageous to do so.

The Council's borrowing strategy will give consideration to new borrowing in the following order of priority: -

- *The cheapest borrowing will be internal borrowing by running down cash balances and foregoing interest earned at historically low rates. However, in view of the overall forecast for long term borrowing rates to increase over the next few years, consideration will also be given to weighing the short term advantage of internal borrowing against potential long term costs if the opportunity is missed for taking loans at long term rates which will be higher in future years*

- *Temporary borrowing from the money markets or other local authorities*
- *PWLB (Public Works Loan Board) variable rate loans for up to 10 years*
- *Short dated borrowing from non PWLB below sources*
- *Long term fixed rate market loans at rates significantly below PWLB rates for the equivalent maturity period (where available) and to maintaining an appropriate balance between PWLB and market debt in the debt portfolio.*
- *PWLB borrowing for periods under 10 years where rates are expected to be significantly lower than rates for longer periods. This offers a range of options for new borrowing which will spread debt maturities away from a concentration in longer dated debt.*

Any decisions will be reported to the appropriate decision making body at the next available opportunity.

7.3 Borrowing as at 31st March 2014:

Start Date	End Date	Loan No	Value £	Institution	Rate	Term
17.02.14	18.08.14	3788	1,000,000	South Ayrshire Council	0.40%	Short Term
19.03.13	05.04.13	3786	2,000,000	Vale of Glamorgan	0.32%	Short Term
Total Short Term			3,000,000			
22.03.07	21.03.77	5888	5,000,000	Barclays – fixed rate LOBO (lenders option, borrowers option)	3.81%	Long Term – fixed for initial 10 year period, and option to change every 5 years thereafter
12.04.07	11.04.77	5887	5,000,000	Barclays – fixed rate LOBO (lenders option, borrowers option)	3.81%	Long Term - fixed for initial 10 year period, and option to change every 5 years thereafter
15.09.09	14.09.19	495951	1,100,000	PWLB	2.92%	Long Term – fixed for 10 years
27.03.14	30.11.18	3789	2,500,000	Suffolk County Council (LEP)	1.80%	**see note below
Total Long Term			13,600,000			
Total Borrowing			16,600,000			

**A loan was taken out, on behalf of Norfolk and Waveney Enterprise Services Ltd (NWES), with Suffolk County Council for the Local Enterprise Partnership. A corresponding investment is shown in table 10.9 with NWES at the same rate of interest (only £500,000 has been drawn down in 2013/2014, a further £2,000,000 to follow in 2014/2015).

The table at 3.1 shows average rate of debt as being 2.82%.

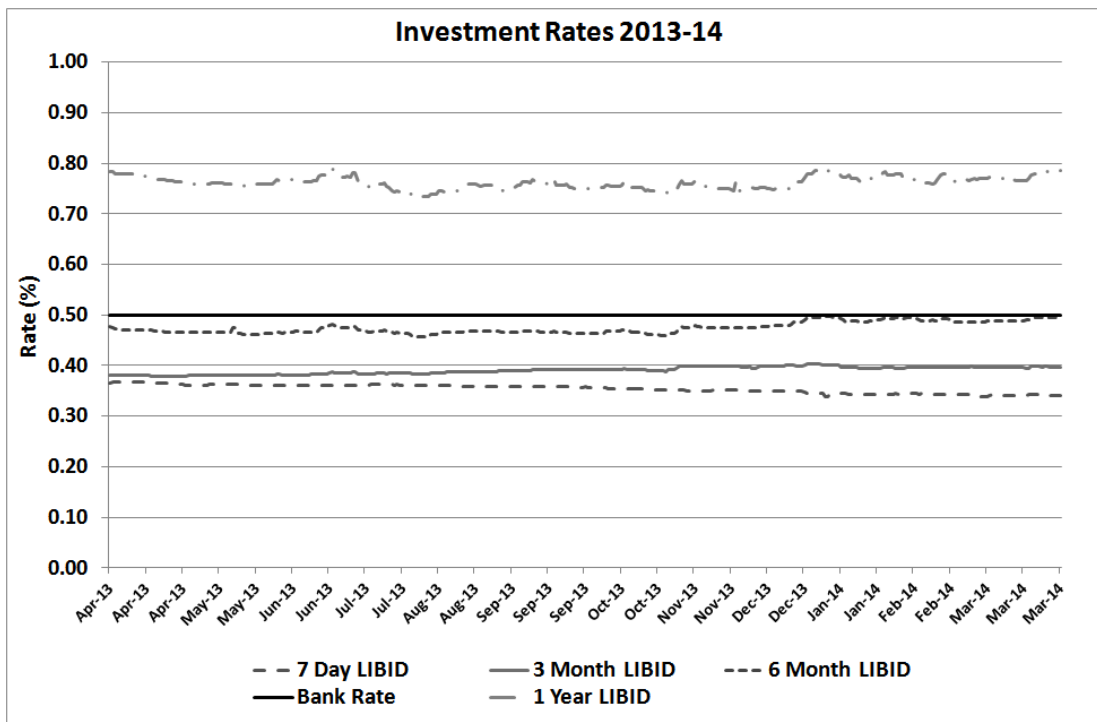
8. Compliance with Treasury Limits

8.1 During the financial year the Council operated within the treasury limits and Prudential Indicators set out in the Council's Treasury Policy Statement and

annual Treasury Strategy Statement. The outturn for the Prudential Indicators is shown in appendix 1.

9. Investment Rates in 2013/2014

9.1 Bank Rate remained at its historic low of 0.50% throughout the year; it has now remained unchanged for five years. Market expectations as to the timing of the start of monetary tightening ended up almost unchanged at around the end of 2014 / start of 2015. The Funding for Lending Scheme resulted in deposit rates remaining depressed during the whole of the year, although the part of the scheme supporting provision of credit for mortgages came to an end in the first quarter of 2014.



10. Investment Outturn for 2013/2014

10.1 **Internally Managed Investments** - The Council manages its investments in-house and invests with the institutions listed in the Council's approved lending list. The Council invests for a range of periods, dependent on the Council's cash flows, its interest rate view and the interest rates on offer. During the year, all investments were made in full compliance with this Council's treasury management policies and practices.

10.2 **Investment Strategy** - The expected short-term investment strategy for in-house managed funds was:

10.3 *In-house funds: The Council's in-house managed funds are currently made up of both cash-flow derived and longer term investments. Investments will accordingly be made with reference to the core balance, cash flow requirements and the need to finance the capital programme. This means that both the outlook for short-term interest rates (i.e. rates for investments up to*

12 months) and longer term interest rates (over one year) will be considered when making investments.

- 10.4 *Bank Rate has been unchanged at 0.50% since March 2009. Bank rate is forecast to commence rising in quarter 4 of 2014 and then to rise steadily from thereon. There are downside risks to these forecasts (i.e. start of increases in Bank Rate is delayed even further) if economic growth remains weaker for longer than expected. However, should the pace of growth pick up more sharply than expected there could be upside risk, particularly if Bank of England inflation forecasts for two years ahead exceed the Bank of England's 2% target rate.*
- 10.5 *The Council will avoid locking into longer term deals while investment rates are down at historically low levels unless attractive rates are available with counterparties of particularly high creditworthiness which make longer term deals worthwhile and within the risk parameters set by this council.*
- 10.6 *For 2013/2014, it is suggested by the Councils advisors, that due to current market conditions, all investments should be made for periods less than 364 days, due to risk as detailed in the creditworthiness policy. The Council will continue to monitor creditworthiness on a daily basis.*
- 10.7 *For its cash flow generated balances, the Council will seek to utilise its business reserve accounts, 15 and 30 day notice accounts, money market funds and short-dated deposits in order to benefit from the compounding of interest.*
- 10.8 *Alternative options for investment will be considered during the year including a review of property investments as an alternative to "traditional" investments. These will be assessed in conjunction with Sector, our Treasury Management Advisors. Further reports will be brought to Cabinet if these types of investment are to be used.*
- 10.9 **Investments for 2013/2014** - Detailed below is the result of the investment strategy undertaken by the Council.

	Investments as at 1 April 2013 (£millions)	Investments as at 31 March 2014 (£millions)	Rate of Return (net of fees) %	Benchmark Return %
Investments	27.17	31.30	0.79	0.35

Investments as at 31st March 2014:

Institution	Principal	Start Date	End Date	Rate %	Ratings
Barclays FIBCA**	2,400,000	12/11/2012		0.30	A
Barclays FIBCA**	2,600,000	20/12/2012		0.30	A
Natwest call account	3,000,000	14/02/2013		0.50	A
Natwest 95 day account	1,500,000	11/04/2013		0.60	A
Bank of Scotland	2,000,000	11/04/2013	11/04/2014	1.10	A
Natwest 95 day account	2,500,000	21/08/2013		0.60	A
Bank of Scotland	2,000,000	22/11/2013	01/12/2014	1.00	A
Bank of Scotland	3,000,000	26/11/2013	03/12/2014	1.00	A
Svenska Handelsbanken	800,000	05/02/2014		0.55	AA-
Goldman Sachs International Bank	2,000,000	20/03/2014	22/09/2014	0.69	A
Norfolk & Waveney Enterprise Services (LEP)***	500,000	27/03/2014	30/11/2018	1.80	AAA
Svenska Handelsbanken	2,000,000	27/03/2014		0.55	AA-
Roydon Parish Council	4,000	19/02/2013	01/04/2015	1.50	AAA
Wyre Forest District Council	2,000,000	14/01/2013	14/07/14	0.75	AAA
Glasgow City Council	3,000,000	12/11/13	12/11/15	0.95	AAA
Cheshire West & Chester Council	2,000,000	20/01/14	20/01/16	1.10	AAA
Total	31,304,000				

** Barclays FIBCA (Flexible Interest Bearing Current Account) deposits are in a current account which attracts an additional 0.40% bonus when the investments are held in the account for a year

***see also 7.3 borrowings from Suffolk County Council

10.10 The benchmark rate is derived from the 7 day LIBID (London Interbank Bid Rate) rate. The Council exceeded this rate, as investments were tied in for longer periods to take advantage of higher interest returns while the bank rate remained at 0.50%.

10.11 In addition, the Council utilised business reserve accounts which were providing higher returns from those available on the markets, due to problems with the worlds' financial markets. The Council targeted investments with banks which met their minimum criteria counterparty limits. If changes in ratings occurred to banks where funds were deposited, this was noted on Monthly Monitoring reports and reviewed.

10.12 The Council also ensured priority was given to security and liquidity in order to reduce counterparty risk. This was achieved by adopting Sector's methodology of using ratings from three agencies to provide the core element of the credit watch service with outlooks and credit default swaps spreads to give early warning signs of changes, and sovereign ratings to select counterparties.

10.13 No institutions in which investments were made had any difficulty in repaying investments and interest in full during the year.

11.0 Debt Rescheduling

11.1 The Authority did not reschedule any debt during the year.

12.0 Amendment to Treasury Management Strategy 2014-2015

12.1 Due to Bank Rate remaining at a historic low of 0.50% (it has now remained unchanged for five years), local authorities are now looking for alternative ways of achieving better rates of return, while still maintaining security and not exposing themselves to risk.

12.2 In addition to this, the Royal Bank of Scotland (RBS/Natwest) are now fully funded and therefore have reduced their rates substantially on their call accounts with effect from June/July 2014. The Council had £7million invested with RBS as at 31 March 2014, which would mean if funds were still held in these accounts, the investment return would decrease along with the percentage return for the investment portfolio as a whole.

12.3 After consultation with the Council’s Treasury advisors, Capita Asset Services, by extending the duration with Nationalised and Part Nationalised institutions, the Council could maximise the returns and lock in investments for a 2 year period, whilst exposing themselves to less risk. Forecasts suggest that investment rates are unlikely to rise until December 2015. For example, if fund were held in RBS 95 day account, rate of return would be 0.40%, however, if these funds were placed on a 2 year deposit with RBS, at least 1% could be achieved – an increase in investment return of £42,000 per annum (this investment is based on 3 month libor rate, rising to 2% if libor increased during this period, therefore protecting the Council against unexpected rate rises).

12.4 The table below shows an extract taken from the Treasury Management Strategy and the new suggested durations for all institutions (amended item is in bold print changed from 1 to 2 years):

Yellow	5 years
Dark pink	5 years for Enhanced money market funds (EMMFs) with a credit score of 1.25
Light pink	5 years for Enhanced money market funds (EMMFs) with a credit score of 1.5
Purple	2 years
Blue	1 year (only applies to nationalised or semi nationalised UK Banks)
Orange	1 year
Red	6 months
Green	100 days
No colour	not to be used

Counterparties	Colour (and long term rating where applicable)	Time Limit
Banks	yellow	5yrs
Banks	purple	2 yrs
Banks	orange	1 yr
Banks – UK part nationalised	blue	2 yr
Banks	red	6 mths
Banks	green	100 days
Banks	No colour	
The Council's transactional bank (The Co-operative Bank)	No colour	1 day
Other institutions limit (i.e. Building Societies)	-	Dependent upon institution
DMADF (Debt Management Account Deposit Facility)	AAA	6 months
Local authorities	n/a	unlimited
Money market funds	AAA	liquid
Enhanced money market funds with a credit score of 1.25	Dark pink / AAA	liquid
Enhanced money market funds with a credit score of 1.5	Light pink / AAA	liquid

12.5 The Council is asked to approve the treasury indicator and limit: -

Maximum principal sums invested > 364 days			
	2014/2015	2015/2016	2016/2017
Principal sums invested > 364 days	£m	£m	£m
With Local Authorities	10	10	10
With Part Nationalised and Nationalised Banks	10	10	10
Other institutions	2	2	2

12.6 Cabinet are asked to approve the amendment to the Treasury Management Strategy for 2014-2015, to extend the duration of investments placed with Nationalised and Part Nationalised institutions to 2 years.

13.0 Summary

13.1 In summary the Council:

- Did not pursue any debt rescheduling as long term loans were reviewed against future long term rates and early repayment penalties, which were proven to be disadvantageous.
- Undertook a lending list review to ensure security and liquidity were maintained.
- Took advantage of higher business reserve account rates on short term investments, and tied in rates for fixed term investments to take advantage of higher interest rate returns (while bank rate remained at 0.50%).
- Ensured counterparty listings on our lending lists were maintained and updated regularly, and reported on monthly monitoring reports if changes occurred to any banks where funds were deposited.
- Ensured priority was given to security and liquidity in order to reduce counterparty risk. This was achieved by adopting Sector's methodology of using ratings from three agencies to provide the core element of the credit watch service with outlooks and credit default swaps spreads to give early warning signs of changes, and sovereign ratings to select counterparties.

13.2 Cabinet is asked to approve the amendment to the Treasury Management Strategy for 2014-2015, to extend the duration of investments placed with Nationalised and Part Nationalised institutions to 2 years.

APPENDIX 1: PRUDENTIAL INDICATORS

PRUDENTIAL INDICATOR	2012/2013	2013/2014
(1). EXTRACT FROM BUDGET AND RENT SETTING REPORT	£'000	£'000
	Actual	Actual
Capital Expenditure	4,435	7,887
Ratio of financing costs to net revenue stream	1.34%	2.52%
Net borrowing requirement		
brought forward 1 April	17,620	17,720
carried forward 31 March	17,720	16,600
in year borrowing requirement	100	(1,120)
Net Investment		
brought forward 1 April	25,731	27,205
carried forward 31 March	27,205	31,335
in year investment	1,474	4,130

PRUDENTIAL INDICATOR	2012/2013	2013/2014
(2). TREASURY MANAGEMENT PRUDENTIAL INDICATORS	£'000	£'000
	Actual	Final
Authorised limit for external debt -		
Borrowing	25,000	25,000
Operational boundary for external debt -		
Borrowing	20,000	20,000
Actual External Debt	17,720	16,600
Upper limit for fixed interest rate exposure		
Net principal re fixed rate borrowing / investments	20,000	20,000
Upper limit for variable rate exposure		
Net principal re variable rate borrowing / investments	20,000	20,000
Upper limit for total principal sums invested for over 364 days		
(per maturity date)	No limit	No limit

Maturity structure of fixed rate borrowing during 2013/2014	upper limit	lower limit
under 12 months	100%	0%
12 months and within 24 months	100%	0%
24 months and within 5 years	100%	0%
5 years and within 10 years	100%	0%
10 years and above	100%	0%

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Mandatory/ Operational	Be entirely within Cabinet powers to decide		Yes
		Need to be recommendations to Council		No
		Is it a Key Decision		No
Lead Member: Adrian Lawrence E-mail: <i>cllr.adrian.lawrence@west-norfolk.gov.uk</i>		Other cabinet Members consulted: N/A		
		Other Members consulted: N/A		
Lead Officer: Gordon Jackson-Hopps E-mail: <i>gjackson-hopps@west-norfolk.gov.uk</i> Direct Dial: 01553 616301		Other Officers consulted: Management Team, Internal Colleagues		
Financial Implications NO	Policy/Personnel Implications NO	Statutory Implications NO	Equal Impact Assessment NO If YES: Pre-screening/ Full Assessment	Risk Management Implications NO

Date of meeting: 01 July 2014

6 RESIDENTIAL CARAVAN SITE LICENSING

Summary

The Council has a statutory responsibility for the licensing and regulation of residential caravan sites within the Borough. Existing policy determines that caravan site licence conditions are reviewed on a regular basis and as part of this process an external consultation is proposed. Following consultation a further report will be presented to Cabinet/Council to include a review of the site licence conditions and a proposed fees policy associated with this licensing function.

Recommendation

Members approve the external consultation in respect to the proposed review and amendment of site licence conditions for residential sites across the Borough.

Reason for Decision

To ensure residential caravan site licence conditions are refreshed to meet current requirements.

1.0 Background

- 1.1 Any person wishing to place one or more caravans on land for residential purposes requires planning permission to do so. Through the planning process, conditions can be imposed to control the use and occupation of the site. Once planning permission has been granted, the relevant person, be they the land owner or occupier needs to apply for a site licence.
- 1.2 The Caravan Sites and Control of Development Act 1960, as amended by the Mobile Homes Act 2013, gives local authorities the duty to grant a site licence, incorporating conditions designed to protect the safety and amenity for residents and the wider general public.
- 1.3 Residential caravan sites are licensed as part of the housing function and are administered by the Housing Standards department with holiday caravan sites being administered by the Licensing team.
- 1.4 In 2013 the site licence conditions were updated to reflect the most recent government standards, being the Model Standards 2008 published by the Department for Communities and Local Government.
- 1.5 There are exemptions from licensing under the Caravan Sites and Control of Development Act 1960 (as amended) and they are;
 - The use of land within the curtilage of a dwelling house if the use is incidental to the enjoyment of the dwelling (parking a touring caravan on a driveway whilst not in use for example)
 - The use of land by an exempt organisation
 - The use of agricultural/forestry land to accommodate seasonal workers (so long as the units are not occupied all year round)
 - The use of land for travelling showpeople
 - The use of land owned and/or occupied by the authority or county council (including gypsy and traveller sites)
- 1.6 As it is the conditions within the licence that protect the occupants, it is important that sites are licensed appropriately. Residential site licence conditions should be more stringent than holiday site licence conditions as people occupy the site permanently all year round. Therefore it is of greater importance that the conditions consider the health, safety and welfare of the residents and the amenity of the sites themselves.
- 1.7 Currently there are the following sites within the Borough;
 - 58 Residential gypsy & traveller sites of which 5 are exempt from licensing (see 1.5). These are a mixture of single family residential sites and larger multi-sites which may include pitches and caravans that are being let for permanent residential occupation.
 - 9 Non-gypsy & traveller multi-sites or often referred to as 'park home' sites, again including pitches and caravans that are being let for permanent residential occupation.
 - 6 Non-gypsy & traveller single family sites.
- 1.8 The scale and density of residential caravan sites within the Borough is significant and ONS data highlights that King's Lynn & West Norfolk has the highest number of households living in caravans - or other mobile or temporary structures - in England and Wales, at 5.9%. That compares with 0.4% of households across England and Wales.¹

¹ Office of National Statistics & BBC News Magazine, 12 December 2012

- 1.9 Given the size of this housing sector there is a huge variation in the quality and standard of site condition and therefore it is essential that there are appropriate and robust measures in place to deal appropriately and efficiently with residential caravan site standards across the Borough.
- 1.10 Following several recent caravan site inspections it is apparent that a large number of caravans may be being let by site owners/landlords. These inspections have given rise to concerns regarding the quality of accommodation and also the wider site amenity conditions including concerns regarding fire safety.
- 1.11 Following a review of the scale and nature of the residential caravan sector within the Borough and in conjunction with the implementation of a number of elements of the Mobile Homes Act 2013, an initial review of the residential site licence conditions has been undertaken.

2.0 **Proposed Amendments**

- 2.1 As part of the review of residential caravan site licence conditions it has been identified that the Model Standards 2008 which were used as the basis for the most recent site licence amendments in 2013, do not fully address the complexities arising from the type and scale of residential caravan sites within the Borough, including those residential gypsy & traveller sites.
- 2.2 The gypsy & traveller community, which reside on the largest number of residential sites within the Borough, generally occupy residential caravan sites in a manner in keeping with their cultural and ethnic backgrounds. There is regular use of touring caravans as means of providing secondary accommodation for growing families for example and the standard of accommodation on gypsy & traveller, both single family and multi-sites, is of poorer quality.
- 2.3 The proposed amendments give due consideration to the complexities surrounding gypsy & traveller sites whilst ensuring that facilities are provided so as to protect the health, safety and welfare of residents on all sites.
- 2.4 Some amendments are also sought to clarify the obligations placed upon those landlords letting residential caravans and their obligations in respect to safety and other amendments are to bring the conditions in to line with current best practice, for example those proposed amendments in respect to fire safety.
- 2.5 The more substantive amendments are as follows;

Supply & Storage of Gas etc.

- a) Clarification in relation to the condition relating to the supply and storage of gas, i.e. that any gas installations, appliances, flues and associated pipework/installations to caravans which are let for human habitation should be subject to an annual inspection by a competent person and shall be maintained in accordance with the Gas Safety (Installation and Use) Regulations 1998.
- b) Any caravan let for residential purposes shall be provided with a carbon monoxide detector. This is in line with holiday caravans and will dramatically improve the safety of residential caravans for occupants.

Electrical Installations

- c) Clarification in relation to the condition surrounding the electrical installations in caravans which are let for residential purposes. This will clarify the duty to have the electrical installations within the caravans inspected and tested in accordance with the British Standard BS7671 but also upon the change of tenant and/or as so directed by previous inspection reports.

d) **Drainage & Sanitation**

Where touring caravans are occupied as the sole residence in respect to the gypsy & traveller community, they shall also ensure that an amenity building is provided that provides as a minimum; hot & cold water supply, electricity supply, a separate toilet and wash hand basin and a bath or shower. Means of heating shall be provided as should adequate lighting and the building should comply with current legislation, codes of practice and British or European Standards. This is to ensure that access to appropriate sanitation and drainage is provided for residents.

e) **Flooding**

It shall be a requirement rather than a recommendation that where any residential caravan site is located within a high flood risk area that the site is registered with the Environment Agency Floodline.

f) **Fire Fighting Equipment & Precautions**

The provision of fire extinguishers will be optional and the emphasis will be placed upon fire warning and means of escape. This is in line with recent Fire and Rescue Service commentary and would ensure that residential sites are brought into line with holiday sites. This will remove the burden for licensees to ensure that extinguishers are annually inspected and maintained and will reduce the duty to train those that might need to use them.

g) Any caravan let for residential purposes shall be fitted with a fire blanket and smoke detector. This will improve life safety for residents in structures that are considered high risk in terms of fire and will bring the residential conditions into line with holiday sites within the Borough.

h) No flammable materials or liquids will be permitted to be left stored in or on the caravan or within the space under any caravan as a fire safety measure.

General Conditions

i) The Licensee will be responsible for ensuring that caravans are not occupied by a greater number of persons that the caravan is designed to accommodate. This is to prevent overcrowding an unsanitary conditions arising and also as a fire safety precaution.

j) Clarification that the condition relating to all caravans being brought onto site for residential purposes i.e. in accordance with BS3632 does not apply to touring caravans occupied by gypsy & travellers, as so permitted within their planning consent, and where the caravans are not being let.

k) Each and every caravan that is let for residential purposes must be designed and constructed for permanent residential use and shall either comply with BS3632(2005) or in the case of caravans purchased before 2005, in accordance with the previous versions of this British Standard. This will ensure that every landlord letting a caravan for residential purposes provides accommodation designed for such a purpose; i.e. improved thermal performance over and above a holiday static caravan which is designed solely for seasonal use. It is understood that on a number of sites currently being operated within the Borough that a number of caravans are being let to residents which would not meet these standards both in respect to licensed sites and those sites not yet licensed. The purpose of this condition is to ensure that where caravan site operators are letting caravans directly as landlords as opposed to pitches only, that the accommodation provided is adequate and fit for purpose. This may result in a number of landlords/site operators having to invest in stock improvement in order to comply with

this condition.

1) A condition would also be included that would require site Licences to provide information to the Council upon request so as to ensure that caravans were being occupied in accordance with the necessary permissions and licenses and to combat potential fraudulent activity.

2.6 Under s. 8(1) of the Caravan Sites and Control of Development Act 1960 the Council has the authority, at any time, to alter a site licence, by changing or cancelling the existing conditions, or by adding new ones, or a combination of all three. Before doing so it must allow the holder of the licence the opportunity of making representations. The Council must also give due regard to the Model Standards 2008 and this has been done in preparing this report and the proposed conditions for consultation.

2.7 Should the Licensee wish to appeal in respect to any amended conditions (28 days) then they may do so and this will then be referred to a Residential Property Tribunal for determination.

2.8 The requirements of the above proposed amended conditions should not be significantly more demanding than the previous standards in most cases however there may be instances where compliance with some could create an additional burden or expense upon some Licensees. Specifically those site owners letting caravans that are not designed for permanent residential use.

2.9 In considering variations to existing site licence conditions there is a duty to consider whether it is appropriate for new conditions to apply. Where a current licence condition is adequate in serving its purpose the Council should not normally apply a new condition. In amending any site licence conditions, the Council will review each licence and the current conditions and only those new or amended conditions will be applied where appropriate. Also in deciding whether to apply the amended or new conditions the Council will have regard to the benefit that this will achieve and the interests of both residents and site owners, including the cost of owner compliance.

3.0 **Consultation**

3.1 It is proposed that external consultation with the following bodies be undertaken; the National Park Homes Council, the Independent Park Homes Advisory Service, the National Caravan Council, the Park Homes Residents Action Alliance, the Environment Agency, Anglian Water, Norfolk Fire & Rescue Service and the Norfolk & Suffolk Gypsy, Roma & Traveller Liaison Service.

3.2 It is also proposed that consultation will be undertaken with the gypsy & traveller community within the Borough and the 9 park home Licensees in order to ensure that the implications arising from any proposed amendments to the standard licence conditions are considered adequately.

3.3 A consultation plan will be produced to ensure that the consultation is undertaken in accordance with best practice and that all consultees will be afforded the opportunity to make representations to the Council in advance of any proposed amendments being subsequently proposed for adoption.

4.0 **Policy Implications**

4.1 There are no specific policy recommendations arising at this stage.

5.0 **Financial Implications**

5.1 No direct implications at this stage save for for time taken to undertake consultations with existing Borough Council staff.

6.0 **Personnel Implications**

6.1 No direct implications.

7.0 **Statutory Considerations**

7.1 The proposed amendments and consultation take into account relevant legislation and guidance specifically;

The Caravan Sites and Control of Development Act 1960

The Model Standards 2008

The Mobile Homes Act 2013

8.0 **Equality Impact Assessment (EIA)**

8.1 Pre-screening summary attached

9.0 **Risk Management Implications**

9.1 The report seeks to mitigate risks by thorough consultation with affected parties prior to any changes being proposed.

Appendix 1 – Amended Residential Caravan Site Licence Conditions

CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1960

King's Court, Chapel Street
King's Lynn
Norfolk PE30 1EX
Tel: (01553) 616200
Fax: (01553) 768999

Borough Council of
**King's Lynn &
West Norfolk**



LICENCE REF:

DATED:

ISSUED IN RESPECT OF:

SITE APPROVAL DETAILS:

Licence Conditions (Single Occupancy Site)

Note: A single occupancy site is where the people in each caravan are related to each other. This usually applies to smaller sites occupied by one extended family group such as gypsy & traveller families. A multi-occupancy site is where the people in each caravan form separate households.

These conditions shall apply to the land shown on the plan attached to the most recent site licence in connection with the stationing of caravans on that land for the purposes of human habitation.

The Licensing Authority is the Borough Council of King's Lynn & West Norfolk.

1. Number of Caravans

At no time shall the number of caravans onsite, as defined by Section 29 of the Caravan Sites and Control of Development Act 1960 as amended by Section 13 the Caravan Sites Act 1968 exceed .

2. Boundaries and Plan of the Site

- (i) The boundaries of the site from any adjoining land shall be clearly marked by a man made or natural feature.
- (ii) No caravan or combustible structure should be positioned within 3 metres of the boundary of the site.
- (iii)
 - (a) A plan of the site shall be supplied to the local authority upon the application for a licence and, thereafter whenever there is a material change to the boundaries or layout of the site, or at any other time on the demand of the Licensing Authority.
 - (b) The plan supplied must be of a scale no less than 1:500 and should clearly show all relevant structures, features and facilities on it and shall of a suitable quality, as so defined by the Licensing Authority.

3. Density, Spacing and Parking Between Caravans

- (i) Except in the case mentioned in sub paragraph (iii) and subject to sub paragraph (iv), every caravan must where practicable be spaced at a distance of no less than 6 metres (the separation distance) from any other caravan which is occupied.
- (ii) No caravan shall be stationed within 2 metres of any road or communal car park within the site or more than 50 metres from such a road within the site. There should be a physical barrier such as a fence between any caravan and any road or communal car park.
- (iii) Where a caravan has retrospectively been fitted with cladding from Class 1 fire rated materials to its facing walls, then the separation distance between it and an adjacent caravan may be reduced

to a minimum of 5.25 metres.*

- (iv) In any case mentioned in subparagraph (i) or (iii):
- (a) A porch attached to the caravan may protrude one metre into the separation distance and must not exceed 2 metres in length and 1 metre in depth. The porch must not exceed the height of the caravan. Where a porch is installed only one door may be permitted at that entrance to the home, either on the porch or on the home.
 - (b) Eaves, drainpipes and bay windows may extend into the separation distance provided the total distance between the extremities of two facing caravans is not less than 5 metres, except where sub paragraph (iii) applies in which case the extension into the separation distance shall not exceed 4.25 metres.
 - (c) Any structure including steps, ramps, etc (except a garage or car port), which extends more than 1 metre into the separation distance shall be of non-combustible construction. There should be a 4.5 metre clear distance between any such structure and any adjacent caravan.
 - (d) A garage or car port may only be permitted within the separation distance if it is of non-combustible construction.*
 - (e) Windows in structures within the separation distance shall not face towards the caravan on either side.
 - (f) Fences and hedges, where allowed and forming the boundary between adjacent caravans, should be a maximum of 1 metre high.
 - (g) Private cars may be parked within the separation distance provided that they do not obstruct entrances to caravans or access around them and they are a minimum of 3 metres from an adjacent caravan. A motorhome used for habitation will not qualify as a private car and the separation distance referred to in (i) shall be maintained.

4. Roads, Gateways, Footpaths and Overhead Cables

- (i) Roads shall be designed to afford access for emergency vehicles, shall be constructed to accommodate all necessary loadings and shall be well maintained and kept clear of obstruction at all times.
- (ii) Footpaths provided on the site shall be maintained in good, condition.
- (iii) Cable overhangs must meet the statutory requirements.

5. Bases

- (i) Every caravan must stand on a concrete base or hard-standing.
- (ii) The base must extend over the whole area occupied by the caravan, and must project a sufficient distance outwards from its entrance or entrances to enable occupants to enter and leave safely. The hard standings must be constructed to the industry guidance, current at the time of siting, taking into account local conditions.

6. Supply & Storage of Gas etc

- (i) Gas (including natural gas) and oil installations, and the storage of supplies shall meet current statutory requirements, relevant Standards and Codes of Practice.
- (ii) Liquefied Petroleum Gas cylinders must not be positioned or secured in such a way as to impede access or removal in the event of an emergency.
- (iii) Exposed Liquefied Petroleum Gas cylinders must not be positioned within 6m of an adjoining

caravan and a maximum of 2 x 47kg LPG cylinders should be stored adjacent to any caravan at any one time.

7. Electrical Installations

- (i) On the site there shall be installed an electricity network of adequate capacity to meet safely all reasonable demands of the caravans and other facilities and services within it.
- (ii) The electrical network installations shall be subject to regulation under current relevant legislation and must be designed, installed, tested, inspected and maintained in accordance with the provisions of the current relevant statutory requirements.
- (iii) Any work on electrical installations and appliances shall be carried out only by persons who are competent to do the particular type of work being undertaken, in accordance with current relevant statutory requirements.
- (iv) Any work on the electrical network within the site shall be done by a competent person fully conversant with the appropriate statutory requirements.

8. Water Supply

- (i) All pitches on the site shall be provided with a water supply sufficient in all respects to meet all reasonable demands of the caravans situated on them.
- (ii) All new water supplies shall be in accordance with all current legislation, regulations and relevant British or European Standards.
- (iii) All repairs and improvements to water supplies and installations shall be carried out to conform with current legislation and British or European Standards.
- (iv) Work on water supplies and installations shall be carried out only by persons who are qualified in the particular type of work being undertaken and in accordance with current relevant legislation and British or European Standards.

9. Drainage and Sanitation

- (i) Surface water drainage shall be provided where appropriate to avoid standing pools of water.
- (ii) Every residential caravan shall have its own water supply and an internal water closet, properly connected to an appropriate foul drainage system. In addition, every caravan should be provided with a bath or shower, wash-hand basin and sink, each with a constant supply of hot and cold water. All amenities should be properly connected to the drainage system.
- (iii) Where touring caravans are occupied as the sole accommodation by gypsies & traveller's** then an amenity building shall be provided which shall contain as a minimum:
 - a) Hot and cold water supply; electricity supply; a separate toilet and wash hand basin, a bath/shower room. The access to the toilet should be through a lobbied area or by separate access direct from the pitch.
 - b) Means of heating should also be installed throughout the amenity building which provides temperatures suitable for room use.
 - c) Adequate lighting should be provided so as to afford safe access and use at all times.
 - d) The design and construction of amenity buildings must meet the requirements of all current legislation and British or European Standards.
- (iv) There shall be satisfactory provision for foul and waste water drainage either by connection to a public sewer or sewage treatment works or by discharge to a properly constructed septic tank or

cesspool approved by the Licensing Authority.

- (v) All drainage and sanitation provision shall be in accordance with all current legislation and British or European Standards.
- (vi) Work on drains and sewers shall be carried out only by persons who are qualified in the particular type of work being undertaken and in accordance with current legislation and British or European standards.

10. Domestic Refuse Storage & Disposal

- (i) All refuse disposal shall be in accordance with all current legislation and regulations.
- (ii) No refuse shall be allowed to accumulate at any point on the site, including the caravan surrounds. In this condition refuse includes derelict vehicles, discarded household items or other such waste.

11. Notice

A copy of the current site licence and associated conditions shall be available for inspection onsite.

12. Flooding

- (i) The site owner shall establish whether the site is at risk from flooding by referring to the Environment Agency's Flood Map.
- (ii) The site owner should establish the likelihood of flooding, the depths and velocities that might be expected and any site considered to be in a location regarded as high risk of flooding must be registered with the Environment Agency Floodline.

13. Fire safety measures where the Regulatory Reform (Fire Safety) Order 2005 does not apply

Fire Fighting Equipment & Precautions

- (i) Where water standpipes are provided:
 - (a) The water supply shall be of sufficient pressure to project a jet of water not less than 5 metres from the nozzle.
 - (b) There shall be a reel that complies with the current British or European Standard, with a hose not less than 35 metres long, having a means of connection to a water standpipe (preferably a screw thread connection) with a water supply of sufficient pressure and terminating in a small hand nozzle.
 - (c) Hoses shall be housed in a red box and marked "HOSE REEL". Access to the fire point shall not be obstructed or obscured.
- (ii) Where hydrants are provided, hydrants shall conform to the current British or European Standard.
- (iii) Access to hydrants and other water supplies shall not be obstructed or obscured.
- (iv) The provision of fire extinguishers is optional however if they are provided occupants shall be adequately trained and the extinguishers shall be installed, tested and maintained in working order by persons who are qualified in the particular type of work being undertaken.
- (v) No flammable materials or liquids shall be left stored in or on the caravan or any part of the caravan standing. Space under any caravan shall not be used for the storage of any materials

which contribute to a fire hazard.

Fire Warning

- (vii) Where there is more than one caravan a suitable means of raising the alarm in the event of a fire shall be provided.

14. General

- (i) The site shall be restricted to that for which planning permission is held.
- (ii) All caravans stationed on the site shall be maintained in a good state of, structural and mechanical repair, to the satisfaction of the Licensing Authority.
- (iii) The Licensee will be responsible for ensuring that all caravans are not occupied by a greater number of persons than the caravan is designed to accommodate.
- (iv) Every caravan brought onto the site for occupation, other than touring caravans occupied by gypsies & travellers, must be designed and constructed for permanent residential use and shall comply with BS3632 (2005).***
- (v) Each and every caravan that is let for residential purposes must be designed and constructed for permanent residential use and shall comply with BS3632(2005). Caravans predating this standard must comply with previous versions of this standard.****
- (vi) Information relating to the occupants of each caravan must be provided to an authorised officer of the Licensing Authority upon reasonable request.

**The Licensee may be required to provide supporting evidence of the fire rating or combustibility of materials and/or structures to the satisfaction of the Licensing Authority.*

*** The definition of gypsies & travellers is as defined in Annex 1 of 'Planning Policy for Travellers Sites'.*

****Where specific British Standards are referred to the licence holder should note that where these are superseded, the updated standard will automatically apply.*

*****The Licensee will be required to provide all necessary supporting technical information, to the satisfaction of the Licensing Authority, in this regard. Upgrading of caravans to meet the current British Standard may require an independent specialist report confirming that the relevant standards have been met in full.*

Notes in respect to the operation of the Caravan Sites and Control of Development Act 1960 (as amended);

Section 7

(1) Any person aggrieved by any condition (other than the condition referred to in subsection (3) of section five of this Act) subject to which a site licence has been issued to him in respect of any land may, within twenty-eight days of the date on which the licence was so issued, appeal to a magistrates' court acting for the petty sessions area in which the land is situated; or in a case relating to land in England, to a residential property tribunal; and the court or tribunal, if satisfied (having regard amongst other things to any standards which may have been specified by the Minister under subsection (6) of the said section 5) that the condition is unduly burdensome may vary or cancel the condition.

In a case where a residential property tribunal varies or cancels a condition under subsection (1), it may also attach a new condition to the licence in question.

In so far as the effect of a condition (in whatever words expressed subject to which a site licence is issued in respect of any land is to require the carrying out on the land of any works, the condition shall not have effect during the period within which the person to whom the site licence is issued is entitled by virtue of the foregoing subsection 16 to appeal against the condition is pending.

Section 8

Where the holder of a site licence is aggrieved by any alteration of the conditions attached thereto or by the refusal of the local authority of an application by him for an alteration of those conditions, he may, within 28 days of the date on which written notification of the alteration or refusal is received by him, appeal to a magistrates' court acting for the petty sessions area in which the land to which the site licence relates is situated; or in the case relating to land in England, to a residential property tribunal.

CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1960

King's Court, Chapel Street
King's Lynn
Norfolk PE30 1EX
Tel: (01553) 616200
Fax: (01553) 768999

Borough Council of
**King's Lynn &
West Norfolk**



LICENCE REF:

DATED:

ISSUED IN RESPECT OF:

SITE APPROVAL DETAILS:

Licence Conditions (Multi-Occupancy Site)

Note: A multi-occupancy site is where the people in each caravan form separate households. A single occupancy site is where the people in each caravan are related to each other. This usually applies to smaller sites occupied by one extended family group.

These conditions shall apply to the land shown on the plan attached to the most recent site licence in connection with the stationing of caravans on that land for the purposes of human habitation.

The Licensing Authority is the Borough Council of King's Lynn & West Norfolk.

1. Number of Caravans

At no time shall the number of caravans onsite, as defined by Section 29 of the Caravan Sites and Control of Development Act 1960 as amended by Section 13 the Caravan Sites Act 1968 exceed .

2. The Boundaries and Plan of the Site

- (i) The boundaries of the site from any adjoining land shall be clearly marked by a man made or natural feature.
- (ii) No caravan or combustible structure should be positioned within 3 metres of the boundary of the site.
- (iii)
 - (a) A plan of the site shall be supplied to the local authority upon the application for a licence and, thereafter whenever there is a material change to the boundaries or layout of the site, or at any other time on the demand of the Licensing Authority.
 - (b) The plan supplied must be of a scale no less than 1:500 and should clearly show all relevant structures, features and facilities on it and shall of a suitable quality, as so defined by the Licensing Authority.

3. Density, Spacing and Parking Between Caravans

- (i) Except in the case mentioned in sub paragraph (iii) and subject to sub paragraph (iv), every caravan must where practicable be spaced at a distance of no less than 6 metres (the separation distance) from any other caravan which is occupied as a separate residence.
- (ii) No caravan shall be stationed within 2 metres of any road or communal car park within the site or more than 50 metres from such a road within the site. There should be a physical barrier such as a fence between any caravan and any road or communal car park.
- (iii) Where a caravan has retrospectively been fitted with cladding from Class 1 fire rated materials to its facing walls, then the separation distance between it and an adjacent caravan may be reduced

to a minimum of 5.25 metres.*

- (iv) In any case mentioned in subparagraph (i) or (iii):
 - (a) A porch attached to the caravan may protrude one metre into the separation distance and must not exceed 2 metres in length and 1 metre in depth. The porch must not exceed the height of the caravan. Where a porch is installed only one door may be permitted at that entrance to the home, either on the porch or on the home.
 - (b) Eaves, drainpipes and bay windows may extend into the separation distance provided the total distance between the extremities of two facing caravans is not less than 5 metres, except where sub paragraph (iii) applies in which case the extension into the separation distance shall not exceed 4.25 metres.
 - (c) Any structure including steps, ramps, etc (except a garage or car port), which extends more than 1 metre into the separation distance shall be of non-combustible construction. There should be a 4.5 metre clear distance between any such structure and any adjacent caravan.
 - (d) A garage or car port may only be permitted within the separation distance if it is of non-combustible construction.
 - (e) Windows in structures within the separation distance shall not face towards the caravan on either side.
 - (f) Fences and hedges, where allowed and forming the boundary between adjacent caravans, should be a maximum of 1 metre high.
 - (g) Private cars may be parked within the separation distance provided that they do not obstruct entrances to caravans or access around them and they are a minimum of 3 metres from an adjacent caravan. A motorhome used for habitation will not qualify as a private car and the separation distance referred to in (i) shall be maintained.
- (v) The density of caravans on a site shall be determined in accordance with relevant health and safety standards and fire risk assessments.

4. Roads, Gateways and Overhead Cables

- (i) Roads shall be designed to afford access for emergency vehicles, shall be constructed to accommodate all necessary loadings and shall be well maintained and kept clear of obstruction at all times.
- (ii) New roads shall be constructed and laid of suitable bitumen macadem or concrete with a suitable compacted base.
- (iii) All roads shall have adequate surface water/storm drainage.
- (iv) New two way roads shall not be less than 3.7 metres wide, or if they are designed for and used by one way traffic, not less than 3 metres wide.
- (v) One-way systems shall be clearly signposted.
- (vi) Where existing two way roads are not 3.7 metres wide, passing places shall be provided where practical.
- (vii) Vehicular access and all gateways to the site must be a minimum of 3.1 metres wide and have a minimum height clearance of 3.7 metres.
- (viii) Roads shall be maintained in a good condition.

- (ix) Cable overhangs must meet the statutory requirements.

5. Footpaths and Pavements

- (i) Every caravan shall be connected to a road by a footpath with a hard surface which shall be maintained in good condition.
- (ii) Where practicable, communal footpaths and pavements shall not be less than 0.9 metres wide.

6. Lighting

Roads, communal footpaths and pavements shall be adequately lit between dusk and dawn to allow the safe movement of pedestrians and vehicles around the site during the hours of darkness.

7. Bases

- (i) Every unit must stand on a concrete base or hard-standing.
- (ii) The base must extend over the whole area occupied by the unit, and must project a sufficient distance outwards from its entrance or entrances to enable occupants to enter and leave safely. The hard standings must be constructed to the industry guidance, current at the time of siting, taking into account local conditions.

8. Maintenance of Common Areas, including Grass, Vegetation and Trees

- (i) Every part of the site to which the public have access shall be kept in a clean and tidy condition.
- (ii) Every road, communal footpath and pavement on the site shall be maintained in a good condition, good repair and clear of rubbish.
- (iii) Grass and vegetation shall be cut and removed at frequent and regular intervals.
- (iv) Trees within the site shall (subject to the necessary consents) be maintained.
- (v) Any cuttings, litter or waste shall be removed from the immediate surrounds of a pitch.

9. Supply & Storage of Gas etc

- (i) Gas (including natural gas) and oil installations, and the storage of supplies shall meet current statutory requirements, relevant Standards and Codes of Practice.
- (ii) Liquefied Petroleum Gas cylinders must not be positioned or secured in such a way as to impede access or removal in the event of an emergency.
- (iii) Exposed Liquefied Petroleum Gas cylinders must not be positioned within 6m of an adjoining caravan and a maximum of 2 x 47kg LPG cylinders should be stored adjacent to any caravan at any one time.
 - (iv) Any gas installations, appliances, flues and associated pipework/installations to caravans which are let for residential purposes shall be subject to an annual inspection by a competent person and shall be maintained in accordance with all current statutory requirements, relevant Standards and Codes of Practice. A copy of the inspection certificate shall be made available to the occupant and/or Licensing Authority upon request.
- (v) Any caravan let for residential purposes shall be provided with a carbon monoxide detector. It shall be of a type which gives an audible warning and be installed in accordance with the manufacturer's instructions. The detector shall be subject to an annual inspection by the Licensee in accordance with the manufacturer's instructions. The inspection shall be recorded and shall be available for inspection by the occupant and/or Licensing Authority.

10. Electrical Installations

- (i) On the site there shall be installed an electricity network of adequate capacity to meet safely all reasonable demands of the caravans and other facilities and services within it.
- (ii) The electrical network installations shall be subject to regulation under current relevant legislation and must be designed, installed, tested, inspected and maintained in accordance with the provisions of the current relevant statutory requirements.
- (iii) Any work on electrical installations and appliances shall be carried out only by persons who are competent to do the particular type of work being undertaken, in accordance with current relevant statutory requirements.
- (iv) Any work on the electrical network within the site shall be done by a competent person fully conversant with the appropriate statutory requirements.
- (v) Any electrical installations, appliances and associated installations to caravans which are let for residential purposes shall be subject to, as a minimum, electrical inspection and testing every 3 years, or at a change of tenancy. This inspection and testing should be undertaken by a competent person and all installations and appliances shall be maintained in accordance with all current statutory requirements, relevant Standards and Codes of Practice. A copy of the inspection certificate shall be made available to the occupant and/or Licensing Authority upon request.

11. Water Supply

- (i) All pitches on the site shall be provided with a water supply sufficient in all respects to meet all reasonable demands of the caravans situated on them.
- (ii) All new water supplies shall be in accordance with all current legislation, regulations and relevant British or European Standards.
- (iii) All repairs and improvements to water supplies and installations shall be carried out to conform with current legislation and British or European Standards.
- (iv) Work on water supplies and installations shall be carried out only by persons who are qualified in the particular type of work being undertaken and in accordance with current relevant legislation and British or European Standards.

12. Drainage and Sanitation

- (i) Surface water drainage shall be provided where appropriate to avoid standing pools of water.
- (ii) Every residential caravan should have its own water supply and an internal water closet, properly connected to an appropriate foul drainage system. In addition, every caravan should be provided with a bath or shower, wash-hand basin and sink, each with a constant supply of hot and cold water. All amenities should be properly connected to the drainage system.
- (iii) Where touring caravans are occupied as the sole accommodation by gypsies & traveller's** then an amenity building shall be provided which shall contain as a minimum:
 - a) Hot and cold water supply; electricity supply; a separate toilet and wash hand basin, a bath/shower room. The access to the toilet should be through a lobbied area or by separate access direct from the pitch.
 - b) Means of heating should also be installed throughout the amenity building which provides temperatures suitable for room use.

- c) Adequate lighting should be provided so as to afford safe access and use at all times.
 - d) The design and construction of amenity buildings must meet the requirements of all current legislation, codes of practice and British or European Standards
- (iv) There shall be satisfactory provision for foul and waste water drainage either by connection to a public sewer or sewage treatment works or by discharge to a properly constructed septic tank or cesspool approved by the local authority.
 - (v) All drainage and sanitation provision shall be in accordance with all current legislation and British or European Standards.
 - (vi) Work on drains and sewers shall be carried out only by persons who are qualified in the particular type of work being undertaken and in accordance with current legislation and British or European standards.

13. Domestic Refuse Storage & Disposal

- (i) Where communal refuse bins are provided these shall be non-combustible and housed within a properly constructed bin store.
- (ii) All refuse disposal shall be in accordance with all current legislation and regulations.
- (iii) No refuse shall be allowed to accumulate at any point on the site, including the caravan surrounds. In this condition refuse includes derelict vehicles, discarded household items or other such waste.

14. Communal Vehicular Parking

Suitably surfaced parking spaces shall be provided to meet the requirements of residents and their visitors.

15. Communal Recreation Space

On sites where it is practical to do so, suitable space equivalent to about one tenth of the total area of the site shall be allocated for recreational purposes, unless in the local authority's opinion there are adequate recreational facilities within a close proximity to the site.

16. Notices and Information

- (i) The name of the site shall be displayed on a sign in a prominent position at the entrances to the site together with the current name, address and telephone number of the licence holder and manager and emergency contact details, a copy of the site licence or the front page of the said licence and details of where the full licence and other information required to be available under this standard can be viewed and between which times (if not displayed on the notice board).
- (ii) A current plan of the site with roads and pitches marked on it shall be prominently displayed at the entrances to it.
- (iii) A copy of the current site licence shall be available for inspection in a prominent place on the site.
- (iv) In addition at the prominent place the following information shall also be available for inspection at the prominent place:
 - (a) A copy of the most recent periodic electrical inspection report.
 - (b) A copy of the site owner's certificate of public liability insurance.
 - (c) A copy of the local flood warning system and evacuation procedures, if appropriate.
 - (d) A copy of the fire risk assessment made for the site.

- (v) All notices shall be suitably protected from the weather and from direct sunlight.

17. Flooding

- (i) The site owner shall establish whether the site is at risk from flooding by referring to the Environment Agency's Flood Map.
- (ii) The site owner should establish the likelihood of flooding, the depths and velocities that might be expected and any site considered to be in a location regarded as high risk of flooding must be registered with the Environment Agency Floodline.

18. Requirement to Comply with the Regulatory Reform (Fire Safety) Order 2005

The site owner shall make available the latest version of the fire risk assessment carried out under the Regulatory Reform (Fire Safety) Order 2005 for inspection by residents and when demanded, a copy of the risk assessment shall be made available to the Licensing Authority.

19. Fire Safety

Each and every condition of this site licence shall not apply to any fire safety matter to which requirements or prohibitions that are, or could be imposed by the Regulatory Reform (Fire Safety) Order 2005, specifically in relation to the Caravan Site. Controls in relation to fire safety do apply in as much and is so far as is compatible with the said Order.

Fire Points

- (i) These shall be located so that no caravan or site building is more than 30 metres from a fire point.
- (ii) Each fire point should consist of a red hi-viz waterproof housing, be accessible and clearly and conspicuously marked 'FIRE POINT' and shall have affixed a weatherproof action instruction notice on the outside and a smaller waterproof notice on the inside attached to the warning device.
- (iii) Each Fire Point shall contain inside;
- a) A portable air warning horn or other similar warning device which must be fully servicable and available for use at all times.
 - b) A full servicable hand held torch.
- (iv) Unless a person is trained in fire fighting there should be no encouragement to any person to act in any manner to fight a fire. The following advice should appear in writing at each fire point in clear distinct signage;
- a) Do not take personal risks or attempt to tackle the fire.
 - b) Raise the alarm by activation of the alarm mechanism provided in the location of but not in the close vicinity to the fire affected area.
 - c) Ensure that the fire and rescue service is called.
 - d) The nearest public telephone is located at.....
 - e) The address and the postcode of this site is.....
 - f) Meet the fire and rescue service on their arrival in order to facilitate access, directions and to report should you be aware of any persons either missing or trapped.

Fire Fighting Equipment

- (v) Where water standpipes are provided:
 - (a) The water supply shall be of sufficient pressure to project a jet of water not less than 5 metres from the nozzle.
 - (b) There shall be a reel that complies with the current British or European Standard, with a hose not less than 35 metres long, having a means of connection to a water standpipe (preferably a screw thread connection) with a water supply of sufficient pressure and terminating in a small hand nozzle.
 - (c) Hoses shall be housed in a red box and marked "HOSE REEL". Access to the fire point shall not be obstructed or obscured.
- (vi) Where hydrants are provided, hydrants shall conform to the current British or European Standard.
- (vii) Access to hydrants and other water supplies shall not be obstructed or obscured.
- (viii) Any caravan let for residential purposes shall comply with 6 (v) and shall be fitted with a fire blanket and smoke detector of a type which gives an audible warning and shall be installed in accordance with the manufacturer's instructions. This equipment shall be subject to regular inspection by the Licensee, in accordance with the manufacturer's instructions. The inspection shall be recorded and shall be available for inspection by the occupant and/or Licensing Authority.
- (ix) The provision of fire extinguishers is optional however if they are provided the residents shall be adequately trained and the extinguishers shall be installed, tested and maintained in working order by persons who are qualified in the particular type of work being undertaken and be available for inspection by, or on behalf of, the occupants, the Licensing Authority or the Fire and Rescue Service.
- (x) All fire fighting equipment should be freely accessible, be in good working order and adequately protected from weathering and the effects of frost.
- (xii) No flammable materials or liquids shall be left stored in or on the caravan or any part of the caravan standing. Space under any caravan shall not be used for the storage of any materials which contribute to a fire hazard.

20. General

- (i) The site shall be restricted to that for which planning permission is held.
- (ii) All caravans stationed on the site shall be maintained in a good state of structural and mechanical repair, to the satisfaction of the Licensing Authority.
- (iii) The Licensee will be responsible for ensuring that all caravans are not occupied by a greater number of persons than the caravan is designed to accommodate.
- (iv) Every caravan brought onto the site for occupation, other than touring caravans occupied by gypsies & travellers, must be designed and constructed for permanent residential use and shall comply with BS3632 (2005).***
- (v) Each and every caravan that is let for residential purposes must be designed and constructed for permanent residential use and shall comply with BS3632 (2005). Caravans predating this standard must comply with previous versions of this standard. ****

- (vi) Information relating to the occupants of each caravan must be provided to an authorised officer of the Licensing Authority upon reasonable request.

**The Licensee may be required to provide supporting evidence of the fire rating or combustibility of materials and/or structures to the satisfaction of the Licensing Authority.*

*** The definition of gypsies & travellers is as defined in Annex 1 of 'Planning Policy for Travellers Sites'.*

****Where specific British Standards are referred to the licence holder should note that where these are superseded, the updated standard will automatically apply.*

*****The Licensee will be required to provide all necessary supporting technical information, to the satisfaction of the Licensing Authority, in this regard. Upgrading of caravans to meet the current British standard may require an independent specialist report confirming that the relevant standards have been met in full.*

Notes in respect to the operation of the Caravan Sites and Control of Development Act 1960 (as amended);

Section 7

(1) Any person aggrieved by any condition (other than the condition referred to in subsection (3) of section five of this Act) subject to which a site licence has been issued to him in respect of any land may, within twenty-eight days of the date on which the licence was so issued, appeal to a magistrates' court acting for the petty sessions area in which the land is situated; or in a case relating to land in England, to a residential property tribunal; and the court or tribunal, if satisfied (having regard amongst other things to any standards which may have been specified by the Minister under subsection (6) of the said section 5) that the condition is unduly burdensome may vary or cancel the condition.

In a case where a residential property tribunal varies or cancels a condition under subsection (1), it may also attach a new condition to the licence in question.

In so far as the effect of a condition (in whatever words expressed subject to which a site licence is issued in respect of any land is to require the carrying out on the land of any works, the condition shall not have effect during the period within which the person to whom the site licence is issued is entitled by virtue of the foregoing subsection 16 to appeal against the condition is pending.

Section 8

Where the holder of a site licence is aggrieved by any alteration of the conditions attached thereto or by the refusal of the local authority of an application by him for an alteration of those conditions, he may, within 28 days of the date on which written notification of the alteration or refusal is received by him, appeal to a magistrates' court acting for the petty sessions area in which the land to which the site licence relates is situated; or in the case relating to land in England, to a residential property tribunal.

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Discretionary	Be entirely within Cabinet's powers to decide	YES	
		Need to be recommendations to Council	NO	
		Is it a Key Decision	NO	
Lead Member: Cllr David Pope E-mail: cllr.david.pope@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Alistair Cox E-mail: alistair.cox@west-norfolk.gov.uk Direct Dial: 01553 616739		Other Officers consulted:		
Financial Implications NO	Policy/Personnel Implications YES	Statutory Implications NO	Equal Impact Assessment req'd YES	Risk Management Implications YES

Date of meeting: 1 July 2014

7 A-BOARDS

Summary

The report gives proposals for controlling A-Boards in town centre areas.

Recommendation

That Cabinet approve the guidelines as detailed in the attached Appendix 2 and delegate authority to the Executive Director, Commercial Services in consultation with the Portfolio Holders for ICT, Leisure & Public Space and Housing & Community to amend the guidelines as required.

Reason for Decision

To allow effective management of A board signage in the town centre pedestrian areas.

1. INTRODUCTION

- 1.1 At its meeting on 8 January 2014, the Regeneration, Environment and Community Panel considered the initial report on the management of A-Boards in the town centre (attached at Appendix 1).
- 1.2 Following on from the comments of the Panel, further discussion has taken place with County Council Highways to develop operational guidance.

2. IMPLEMENTATION

- 2.1 The discussions of the Panel identified that implementing the arrangements for management of A-Boards has the potential to create conflict in meeting the needs of different bodies. The dilemma in moving

forward with the proposals will be to enable retailers to position A-Boards in a suitable position while balancing the needs of pedestrians, in particular, those with disabilities.

- 2.2 To enable the management arrangements to progress, it is proposed that Cabinet approve the guidelines as detailed in the attached Appendix 2 and delegate authority to the Executive Director, Commercial Services in consultation with the Portfolio Holders for ICT, Leisure & Public Space and Housing & Community to amend the guidelines as required.

3. FINANCIAL IMPLICATIONS

- 3.1 There are no significant financial implications.
- 3.2 There will be a small charge for issue of an A-Board permit but this would be circa £50 per annum.

4. RISK MANAGEMENT

- 4.1 There are no risks for the Council in the current arrangements. However, it is likely that County Highways will remove A-Boards as a blanket approach without a management system in place.
- 4.2 By taking control of the process the Council may be criticised by some stakeholders if their needs are not considered.

POLICY REVIEW & DEVELOPMENT REPORT

Type of Report: Policy	Portfolio(s): Regeneration and Community
Author Name: C Bamfield	Consultations: Norfolk County Council
Tel: 01553 616648	
Email: chris.bamfield@west-norfolk.gov.uk	
OPEN	

Regeneration, Environment and Community Panel

Date: 8th January 2014

Subject: Norfolk County Council “A” Boards Arrangements

Summary

The practice of placing unauthorised items indiscriminately on the highway, especially in the town centres and market towns, can present highway users with a nuisance and can adversely affect the amenity of the street scene. These items can include advertising “A” boards, litter Bins, displayed goods for sale and table and chairs.

The district councils in Norfolk are able to prosecute for relevant offences in the Highways Act 1980 such as obstruction and are able to issue highway amenities licences to authorise items to be placed on the highway, in consultation with the County Council. However, only the County Council has the power to take direct action to remove unauthorised items.

This report outlines proposals by Norfolk County Council to delegate this power to the Borough Council.

Recommendations

To comment on the County Council’s proposal to delegate to King’s Lynn and West Norfolk Borough Council, the County Council’s powers in Sections 143 and 149 of the Highways Act 1980 in relation to area of West Norfolk defined at Appendix B to be carried out in accordance with a defined street activities code.

Background

- 1.1 Attached at Appendix One is a report which has been agreed by the County Council to delegate powers for control and arrangement of the items on the highway.
- 1.2 The delegation will allow the Borough Council, to make arrangements to permit items advertising ‘A’ boards, litter bins, goods displayed for sale and tables and chairs in line with arrangements already in place in Great Yarmouth and North Norfolk.
- 1.3 Most of the arrangements would be undertaken by the Borough Council Town Centre Manager in co-ordination with the Licensing Team. Appendix

A of the County Highways report details the arrangements in place in North Norfolk and it is proposed that the arrangements in King's Lynn and West Norfolk would mirror these.

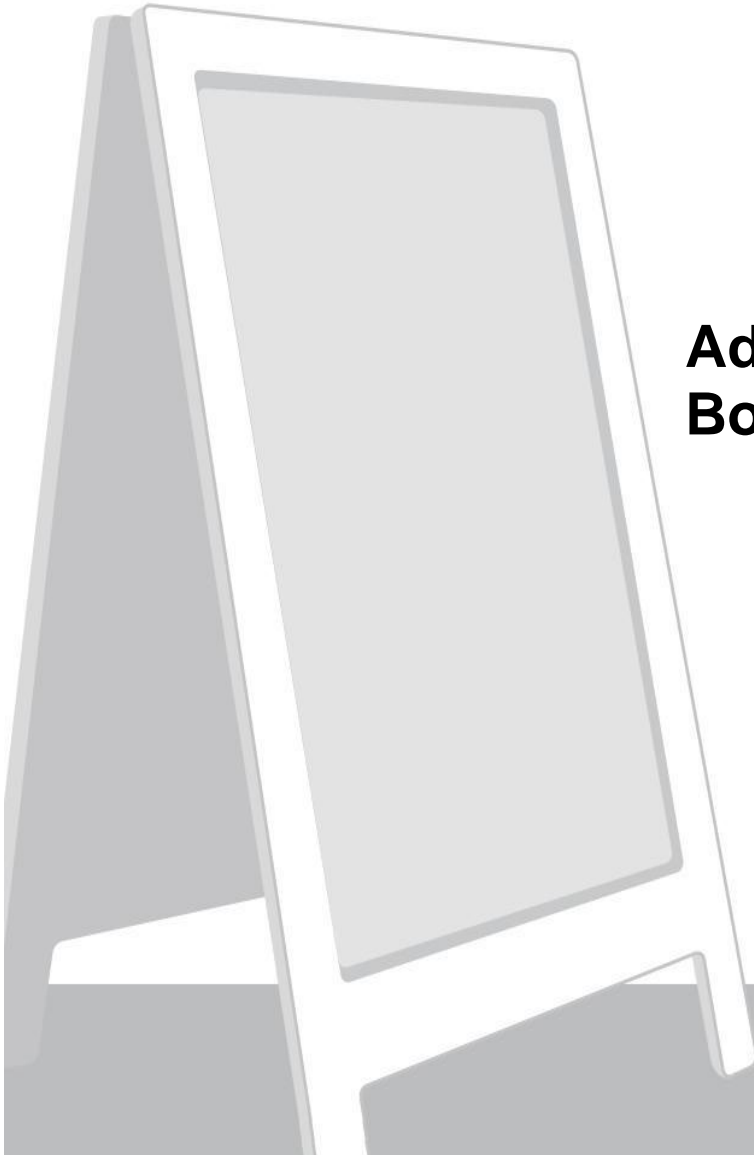
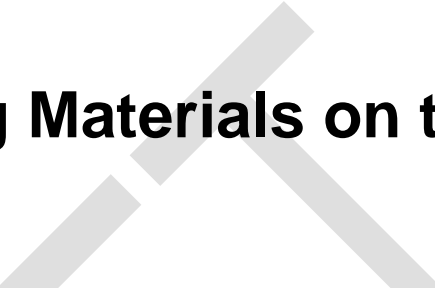
- 1.4 The Panel are requested to comment on the County Council's proposal to delegate to King's Lynn and West Norfolk, the County Council powers under Section 143 and 149 of the Highways Act 1980 in relation to the area defined at Appendix B to be carried out in accordance with a defined street activities code.

Borough Council of
**King's Lynn &
West Norfolk**



DRAFT

Policy on Advertising Materials on the Public Highways



**Advertising
Board Policy**

Introduction

Advertising Boards, or 'A' Boards, are small movable advertising boards commonly seen on footways outside businesses, advertising services or products.

As these boards are located in the public realm, their physical presence impacts on all highway users and if placed in inappropriate locations they can be inconvenient or hazardous to the public, especially those with disabilities.

The Council aims to encourage business growth and understands businesses need to advertise and therefore supports the appropriate use of 'A' Boards. The Council, however, also requires that the public realm is accessible for all and that barriers to accessibility are removed or mitigated.

Both The Borough Council of King's Lynn & West Norfolk have agreed with Norfolk County Council to adopt these guidelines to provide a clear framework whereby a business can apply for permission to place an 'A' Board on a footway. This permission will be based on the criteria set out below which address the suitability and nature of the location and the management of 'A' Boards by the business.

In adopting the 'A' Board Permission and Management Guidelines the Council aims to make all areas of the town clean, vibrant, accessible and safe.

1.0 What is the aim of this guidance?

1.1 To explain where an 'A' Board can be placed on a footway so they don't cause an unnecessary obstacle to the safe use of footway

2.0 What is an 'A' Board?

2.1 'A' Boards are all types of adverts, directional, information signs placed upon the footways. This does not include boards on private property, including privately owned shopping centres.

2.2 'A' Boards shall be a standard A1 size (67 x 1100 x 800mm) and a maximum of 1.1 metres high. Note: all 'A' Boards shall fall within these parameters unless otherwise approved in writing by the Council.

2.3 The Following will **not** be permitted:

- Rotating or swinging signs.
- More than one 'A' Board per business.
- Illuminated/Powered or with amplified speakers.
- Affixed to the footway or street furniture.
- 'A' Boards that cannot be removed by hand or require mechanical assistance to remove.

3.0 Why do I have to obtain permission?

3.1 For any object/structure to be placed on the footway it is a legal requirement of s115 of the Highways Act 1980 that the appropriate permission be obtained from the Council.

3.2 To ensure that the powers contained within the Highways Act 1980 and Road Traffic Regulation Act 1984 Town and Country Planning Act 1990 and Town and Country Planning (Control of Advertisements) (England) Regulations 2007 are applied fairly and consistently and in the public interest.

3.3 If permission is granted, an 'A' Board licence will be issued which will contain the conditions of the permission

4.0 How do I apply for permission?

4.1 The Council has produced an application form which you should have received with this guidance which you need to fill in and submit. The form requires you to assess where your 'A' Board can go on the footway and to provide information to enable the Council to consider your application.

4.2 It is important you read these guidelines carefully before you complete your application form.

4.3 At the end of this guidance there is a flow diagram which shows how the application is processed and what you need to do.

5.0 Where can I place an 'A' Board?

5.1 Assessing where your 'A' Board can go on the footway is the critical part of your application. **You must ensure there will be a minimum 2 metre free and unobstructed clearance of footway around the 'A' Board at all times.**

5.2 This minimum clearance of 2 metres cannot be reduced as it is the minimum width of highway desired to enable wheelchairs and pushchairs to pass safely.

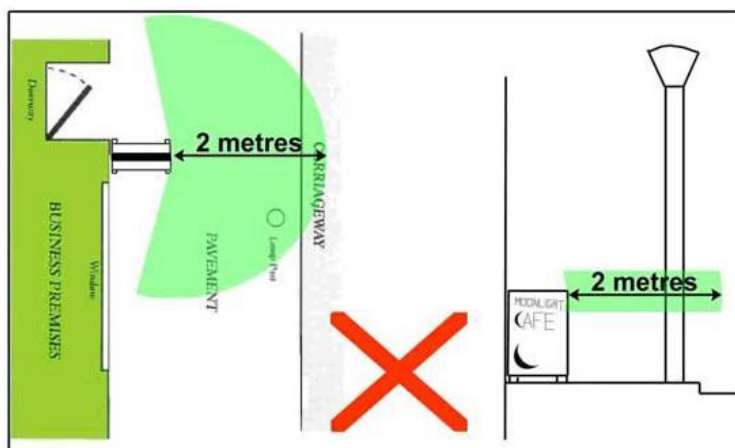
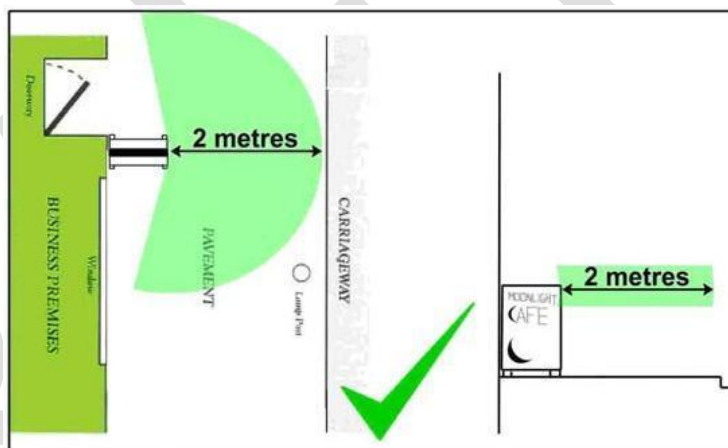
5.3 'A' Boards can only be located on footways within the frontage of your building. They cannot be located away from your business, at the end of the street or on the opposite side of the road.

5.4 Placing 'A' Boards in sensitive areas, such as conservation areas or close to listed buildings, may be unacceptable. This is because of the adverse impact that the proliferation of such displays can have on visual amenity. If relevant to your application, the visual amenity consideration of the 'A' Boards will form part of the Councils assessment.

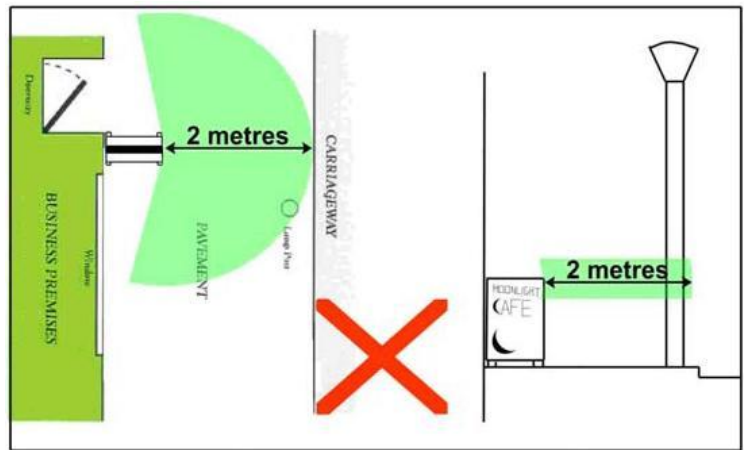
5.5 Where multiple business occupancy premises share joint accesses, only one 'A' Board will be permitted per building frontage.

5.6 'A' boards **cannot** be located:

- In the middle of the footway.
- Within 500mm of the kerb face.
- Affixed to or on existing street furniture.
- On a road.
- Adjacent to building emergency exits.



- Outside other businesses



5.7 If the footway fronting your business cannot accommodate the 'A' Board **and** the 2 metres unobstructed clearance (e.g. the footway is too narrow, street furniture etc) then Council is unable to grant permission. However, if you contact the Council (details below) we will discuss with you what other possible alternative options may be available.

Indicative sketches have been produced (see the right page) to assist and guide you on acceptable locations. Please note these are to assist you to consider how to apply the criteria your board location does not need to match this exact image.

It is important to note you are responsible for locating where the 'A' Board should be placed. You need to measure and assess the footway in front of your business and when you think you have selected a suitable location mark this on the application form plan.

6.0 Compliance and enforcement

6.1 Once permission is granted, all 'A' Boards must comply with this guidance together with the conditions of the licence. The Council reserves the right to take enforcement action where compliance is not achieved.

6.2 'A' Boards placed on the footway without permission create a nuisance, breach advertising legislation or present a danger and will be removed by the Council in accordance with relevant legislation.

6.3 Council officers will regularly inspect 'A' Boards to ensure the conditions of the licence are upheld. If it is found the Licensee is not complying with the conditions of the licence then the Council may withdraw permission for the 'A' Board.

6.4 If the 'A' Board is not managed in accordance with the licence and these guidelines, the Licensee will receive a verbal notification in the first instance from a Council Officer. Following this, should the Council be required to revisit the licensee to reinforce compliance, the Licensee will receive a written notification that they must ensure the conditions of the licence are adhered to. Should the Licensee continue with non-compliance with the conditions of the licence then the Council may move to withdraw the highway licence and the associated permission.

6.5 In the event of the Council moving to withdraw the highway licence, the Licensee will have the right to appeal to an officer or committee of members.

6.6 Please note the history of a businesses management of an 'A' Board will form part of the consideration to issue a new licence, or renewal of permission.

7.0 Making an application

7.1 Once you have read the guidance and assessed where an 'A' Board can be located, you need to complete the application form and submit it to the Council together with payment. It is important that you make sure you have provided all necessary information.

7.2 Once we have received an application, it will be assessed to ensure the guidance criteria have been met. If that is the case, we shall issue you a notice which you must display in such a position (e.g. shop window) that it can be viewed by the public for 28 days. This is because the legislation requires that the public receives prior notification and that, if they have reason, they can raise objections to the Council.

7.3 Following this 28 day period, if no objections have been received the permission will be granted. A licence will be issued and you may place the 'A' Board on the footway at the approved location.

7.4 However if objections are received during the 28 day notification period these objections together with your application, will be assessed by a committee of the Council on whether to grant permission. Further details are available upon request.

8.0 How long does a licence last?

8.1 Every 'A' Board licence will last for one year from the date of the end of the notification period. This will be recorded on your licence and you must reapply for renewal no later than 6 weeks before the permission expires.

9.0 Management of 'A' Boards.

9.1 Once an 'A' Board licence has been granted, it is the responsibility of the Licensee to ensure the 'A' Board is managed in accordance with the conditions of the permission and these guidelines (see 6.7).

9.2 The Licensee is wholly responsible to ensure that the 'A' Board is located at the approved location and must ensure it is inspected and maintained on a regular basis. This must be conveyed to the staff who will place and remove the 'A' Board.

9.3 'A' Boards can only be located as detailed on the application form plan. Moving them to alternative locations is not allowed.

9.4 If the 'A' Board, for whatever reason, is moved from the approved location, it must be replaced or removed from the highway immediately by the Licensee.

9.5 The 'A' Board must conform to the specification within this guidance and as detailed in the application form.

9.6 The 'A' Board cannot be left on the footway outside the opening times of the business it serves.

9.7 The 'A' Board cannot be left on the footway after 9pm.

9.8 'A' Boards that become damaged must be removed and repaired or renewed.

9.9 'A' Boards cannot carry any other structure or object.

10.0 Conditions of an 'A' Board licence

10.1 The Highway permission will take the form of a licence which, when issued, must be displayed in a prominent position and be visible for inspection by Council Officers.

10.2 The licence will contain a number of conditions, examples of which are:

- The Licensee shall carry public liability insurance and will indemnify the Council against any claims that might arise in respect of injury, damage or loss arising out of the grant of permission unless such arise out of negligence by the Council.
- The licence will limit the hours of permission to business operating hours but not between the hours of 9pm and 6am.
- Outside the permitted hours of operation the 'A' Board must be removed and stored in the business premises.

Please note: The 'A' Board Permission and Management Guidance is not exhaustive and any application may be assessed against additional criteria depending on the nature of the 'A' Board, location or other matters the Council considers pertinent.

In addition the Council reserves the right to condition a licence as it deems appropriate for any individual licence application.

11.0 Fees

11.1 The Council's basic fee for granting permission for an 'A' Board and issuing a highways licence, is currently set at **£XX** for a one year licence period. Please note this figure will be reviewed annually and you should check the current fee before making any payment.

12.0 Contact details

If you wish to discuss any of the guidance please contact the following:

**Town Centre Management
Borough Council of Kings Lynn & West Norfolk
King's Court, Chapel Street
King's Lynn,
Norfolk, PE30 1EX**

Telephone 01553 616739

Email towncentremanager@west-norfolk.gov.uk

'A' Board application process

1. Applicant obtains guidelines and application form.
2. Applicant completes application form based on information contained in the guidance.
3. Applicant submits to Council application form and fee.
4. Council assesses application - Note: If the application is incomplete or does not contain required information, the form will be returned and will not be assessed until it is resubmitted with the form completed correctly.
5. Following assessment and if the application meets the required criteria, a notice will be issued to the applicant who must display and maintain it for a period of no less than 28 days in a

prominent position e.g. window, fronting the 'A' Board location. – Please note it is important this notice stays in position for 28 days. Failure to comply will make the application invalid.

6. If no objections are received, an 'A' Board licence permission will be issued.

7. If objections are received, the Council shall assess the objections and make a decision whether to issue the licence or refuse.

8. Upon completion of the one year permission, the applicant must reapply for a new licence following this process.

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Application To Use Street Or Pavement For A Board & Shop Front Display

Highways Act 1980, Section 115B/115E

Section 1 of 7

APPLICANT DETAILS

First Name

Surname

E-mail

Main telephone number

Other telephone number

Business Owner Details (if different from above)

First Name

Surname

E-mail

Telephone number

Business/Premises address for which permission is required

Name of premises/trading name

Building number or name

Street

Town

County

Postcode

Type of Business (e.g. flower shop, newsagent, hairdresser)

Section 2 of 7

TYPE OF APPLICATION

Type of Application New Renewal

Section 3 of 7

OCCUPATION OF THE PAVEMENT/FOOTWAY

What do you want to place on the pavement / footway?

Shop Front Display

Advertising "A" Board

Details of Equipment (number/size, shop front display, advertising board etc)

Section 4 of 7

PUBLIC LIABILITY INSURANCE

You must have a suitable level of public liability insurance to cover this activity.

Do you have public liability insurance?

- YES (if so please attach a copy to your application)
- NO

Section 5 of 7

ADDITIONAL DETAILS

Please provide any additional information which is required or relevant to your application (check guidance notes and conditions)

Section 6 of 7

This fee must be paid to the authority. You must pay this by direct debit or credit card using our online payment system or by cheque attached to the application.
The current fee for licenses to place advertising boards, merchandise or other displays on the highway is £XX.XX per year.

Fee Amount (£)

Payment reference /Cheque number

ATTACHMENTS

- Plan
- Public Liability Insurance

Please note until we have received all of the above we cannot process your application.

Section 7 of 7

DECLARATION

I am aware of the provisions of the Highways Act 1980. The details contained in this application form and any attached documentation are correct to the best of my knowledge and belief.

Ticking this box indicates you have read and understood the above declaration.

This section should be completed by the applicant

Full Name

Signature

Date (dd/mm/yyyy)

OUR POSTAL ADDRESS TO RETURN APPLICATION

Town Centre Management
Borough Council of King's Lynn & West Norfolk
King's Court
Chapel St
King's Lynn
Norfolk
PE30 1EX

e-mail: towncentremanager@west-norfolk.gov.uk

Tel: 01553 616739

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Mandatory/ Discretionary/ Operational	(a) Be entirely within cabinet's powers to decide NO		
Airfield Burnham Upwell and Delph Valley Hill		(b) Need to be recommendations to Council YES		
		(c) Be partly for recommendations to Council NO and partly within Cabinets powers –		
Lead Member: Councillor Nick Daubney E-mail: cllr.nick.daubney@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Mary Colangelo E-mail: mary.colangelo@west-norfolk.gov.uk Direct Dial: 01553 616281		Other Officers consulted:		
Financial Implications NO	Policy/Personnel Implications NO	Statutory Implications NO	Equal Impact Assessment NO	Risk Management Implications NO

Date of meeting: 1 July 2014

8 LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007 – REQUESTS FOR VARIATION OF NUMBER OF PARISH COUNCILLORS

Summary

This report seeks to address the requests by three Parish Councils to vary their number of Parish Councillors

Recommendation

That those variations within the Council's scale be approved.

Reason for Decision

To ensure that the Council meets its statutory obligation, whilst maintaining the scale previously set by the Council.

1. Background

Under Schedule 5 of the Local Government and Public Involvement in Health Act 2007, Section 4, 3A(b) the number of Parish Councillors for each Parish is fixed from time to time by the Borough Council. The last occasion this matter was reviewed was in 1991, when the following scale was agreed:

Electorate	Number of Parish Councillors
Up to 300	7
For every additional 300 or part thereof	1

2. Proposed Arrangements

2.1 Burnham Market Parish Council

Burnham Market Parish Council is requesting a reduction in the number of Parish Councillors by 1 or 2.

The last time the number of Parish Councillors was reviewed the following applied:

Electorate	Existing Number of Councillors	Scale Allowance	Requested	Recommended Number
867	11	9	-	11

(current electorate – 743 and scale allowance would therefore be 9, suggest reduction agreed to)

Most recent Parish Council Elections produced the following:

May 2011 – 6 Nominations for 11 seats (5 remaining seats filled by co-option)

May 2007 – 7 Nominations for 11 seats (4 remaining seats filled by co-option)

May 2003 – was contested

Casual Vacancies

September 1997	1 vacancy
June 2004	1 vacancy
November 2004	1 vacancy
September 2005	1 vacancy
May 2008	1 vacancy
February 2009	1 vacancy
October 2011	1 vacancy

2.2 Shouldham Parish Council

Shouldham Parish Council is requesting an increase in the number of Parish Councillors by 1.

The last time the number of Parish Councillors was reviewed the following applied:

Electorate	Existing Number of Councillors	Scale Allowance	Requested	Recommended Number
462	7	8	8	8

(current electorate – 510 and scale allowance would therefore be 8, suggest reduction agreed to)

Most recent Parish Council Elections produced the following:

May 2011 – 8 Nominations for 8 seats

May 2007 – 5 Nominations for 8 seats (3 remaining seats filled by co-option)

May 2003 – was contested

Casual Vacancies

October 1997	1 vacancy
October 1998	1 vacancy
January 2000	1 vacancy
July 2000	1 vacancy
May 2001	1 vacancy
January 2002	1 vacancy
June 2002	1 vacancy
March 2004	1 vacancy
June 2006	1 vacancy
June 2013	1 vacancy

2.3 Welney Parish Council

Welney Parish Council is requesting a reduction in the number of Parish Councillors by 1.

The last time the number of Parish Councillors was reviewed the following applied:

Electorate	Existing Number of Councillors	Scale Allowance	Requested	Recommended Number
406	9	8	9	9

(current electorate – 436 and scale allowance would therefore be 8, suggest reduction agreed to)

Most recent Parish Council Elections produced the following:

May 2011 – 6 Nominations for 9 seats (3 remaining seats filled by co-option)

May 2007 – 7 Nominations for 9 seats (2 remaining seats filled by co-option)

May 2003 – was contested

Casual Vacancies

September 1997	1 vacancy
June 2004	1 vacancy
November 2004	1 vacancy
September 2005	1 vacancy
May 2008	1 vacancy
February 2009	1 vacancy
October 2011	1 vacancy

3. Policy Implications

No policy implications if the scale is adhered to.

4. Financial Implications

There are no financial implications.

5. Personnel Implications

There are no personnel implications.

6. Statutory Considerations

The Borough Council has a statutory obligation to keep the number of Parish Councillors under review.

7. Equality Impact Assessment (EIA)

There are no Equality Impact Assessment implications.

8. Risk Management Implications

There are no immediate risks identified in the proposed works.

9. Declarations of Interest/Dispensations Granted

None identified.

10. Background Papers

Local Government and Public Involvement in Health Act 2007
Minutes of Burnham Market Parish Council – 19 May 2014
Minutes of Shouldham Parish Council Meeting – 9 September 2013
Minutes of Welney Parish Council Meeting – 1 April 2014