

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



CABINET

Agenda

TUESDAY, 29 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, 29 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 1 July 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 (Pages 5)

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 – 22 July 2014
- Regeneration, Environment and Community Panel – 23 July 2014

10. REPORTS

1) Council Tax Discretionary Relief Policy (page 7)

Section 13a of the Local Government Finance Act 1992 allows billing authorities (Councils) to resolve to reduce the amount of council tax a person has to pay by any amount, including reducing it to nil.

This report contains the recommended policy for council tax discretionary reliefs including relief for those affected by the technical reforms to council tax discounts, relief for those in

receipt of council tax support, relief for those affected by flooding and any other applications for relief.

2) **Non Domestic Rates Discretionary Relief Policy** (page 24)

This report contains the recommended revised policy for non-domestic rates (business rates) discretionary reliefs including relief for those affected by flooding, the new retail reliefs introduced by Government and two new reliefs added due to changes since the policy was last reviewed in 2010.

3) **Air Quality Action Plan** (page 38)

This report highlights the work which has been completed in drawing up an air quality action plan (AQAP) and the mechanism to be used to consult with the public and stakeholders on the proposed air quality reduction measures.

4) **Provision of Legal Services** (page 51)

Cabinet at its meeting on 11 June 2014, followed by Council on 26 June 2014 approved the establishment of the Local Authority Housing Company. Cabinet is invited to consider appointing the Board of Directors of the Local Authority Company.

5) **Homelessness Review and draft Homelessness Strategy**
(Page 55)

To seek approval to consult on the draft Homelessness Strategy Consultation Document 2014-19

6) **NORA Joint Venture – Phase 2** (page 73)

This report updates Members on progress made on the NORA Housing project and requests Members to agree a trigger point of sales on the phase one development and give delegated authority to the Chief Executive and the Deputy Chief Executive (the JV board members for the Borough Council) in consultation with the Portfolio Holder for Regeneration, to authorise the signing of contracts to enable the start of works for Phase 2.

7) **Appointment of Directors to the Local Authority Housing Company** (page 82)

Cabinet at its meeting on 11 June 2014, followed by Council on 26 June 2014 approved the establishment of the Local Authority Housing Company. Cabinet is invited to consider appointing the Board of Directors of the Local Authority Company.

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:

Samantha Winter
Democratic Services Manager
Borough Council of King's Lynn & West Norfolk
King's Court, Chapel Street
King's Lynn PE30 1EX
Telephone: (01553) 616327 Email: sam.winter@west-norfolk.gov.uk

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
29 July 2014	Air Quality Action Plan	Update	Non	Cabinet	Environment Exec Dir – G Hall		Public
	Homelessness Review and draft Homelessness Strategy	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 cncl	Public
	Appointment of Directors to the Local Authority Housing Company	Appointment of Directors	Non	Cabinet	Housing & Community Community		Public
	Nora Joint Venture: Triggerpoint for Phase 2		Key	Cabinet	Housing & Community and Regeneration		Public
	Council Tax Discretionary Reliefs Policy		Non	Council	Leader Deputy Chief Executive		Public
	Non Domestic Rates Discretionary Reliefs Policy		Non	Council	Leader Deputy Chief Executive		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 Improvements	Scheme to improve the bus station and pedestrian link to the train	Non	Cabinet	Regeneration & Industrial Assets Chief Executive		Public

		station using S106 funding					
	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
	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
	Potential for Compulsory Purchase Order – Land rear of 7 Blackfriar's Road, King's Lynn	Consideration of the CPO of the land	Non	Council	Development Exec Dir – G Hall		Public
	Effectiveness of the Audit and Risk Committee		Non	Cabinet	Leader Deputy Chief Executive		Public
	Site Allocations & Development Management Policies	Latest stage in the process	Key	Council	Development Exec Dir – G Hall	Previous reports published	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
7 October 2014	King's Lynn Town Centre Action Plan - Update	Feedback from stakeholder consultation	Non	Cabinet	Regeneration and Industrial Assets and Culture Tourism & Marketing 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 Nick Daubney E-mail: cldr.nick.daubney@west-norfolk.gov.uk		Other Cabinet Members consulted: Cllr Adrian Lawrence		
		Other Members consulted:		
Lead Officer: Jo Stanton, Revenues and Benefits Manager E-mail: joanne.stanton@west-norfolk.gov.uk Direct Dial:01553 616349		Other Officers consulted: Management Team		
Financial Implications YES	Policy/Personnel Implications YES	Statutory Implications NO	Equal Impact Assessment YES/NO If YES: Pre-screening/ Full Assessment	Risk Management Implications YES

Date of meeting: 29 July 2014

1 COUNCIL TAX DISCRETIONARY RELIEF POLICY

Summary

Section 13a of the Local Government Finance Act 1992 allows billing authorities (Councils) to resolve to reduce the amount of council tax a person has to pay by any amount, including reducing it to nil.

This report contains the recommended policy for council tax discretionary reliefs including relief for those affected by the technical reforms to council tax discounts, relief for those in receipt of council tax support, relief for those affected by flooding and any other applications for relief.

Recommendations:

1. Cabinet recommend to Council to agree to adopt the Council Tax Support Discretionary Hardship Payment policy, including delegating authority to Decision Makers, as shown at Section 3 of Appendix C
2. Cabinet recommend to Council to agree to delegate authority to consider individual applications made under Section 4 to the Portfolio Holder for Resources in consultation with the relevant Ward Member and the Chairman of the Resources and Performance Panel.
3. Cabinet recommend to Council to agree to adopt the full Council Tax Discretionary Relief Policy as attached at Appendix C

Reason for Decision

To ensure a valid Council Tax Discretionary Relief Policy is in place and agreed by Council

1. Background

- 1.1. The Local Government Act 2003 amended the Local Government Finance Act (LGFA) 1992 from 1 January 2004, allowing Councils the powers to reduce or remit the amount of council tax a person has to pay.
- 1.2. Historically this power has been little used as there has been very low demand. However the introduction of the local Council Tax Support (CTS) scheme and the technical reforms to council tax discounts for empty properties and second homes have seen demand start to increase. The Flood Relief discount announced by Government in early 2014 also falls under these powers.
- 1.3. Some discretionary reliefs have already been agreed by Council on individual reports. This policy pulls together all new and existing council tax discretionary relief policies into one document for agreement by Members. The same approach is used for non-domestic rates discretionary reliefs.

2. Proposed Council Tax Discretionary Relief Policy

- 2.1. Some Council Tax Discretionary Relief policies have already been agreed individually by the Council. These are:
 - **Section 1:** Discretionary Relief for those whose council tax discount has been adversely affected by the changes to discounts for empty properties and second homes (agreed by Council annually as part of the Discounts Resolution and agreed for 2014/2015 on 30 January 2014)
 - **Section 2:** Discretionary Relief (hardship payments) for properties affected by Flooding – amended relief criteria as agreed by Cabinet on 1 July 2014 and due to be considered by full Council on 31 July 2014
- 2.2 **Section 3** is a new section added in to reflect the discretionary hardship payments available to people in receipt of Council Tax Support (CTS). These payments have already been agreed in principle by Council on 30 January 2014. This policy expands on how the relief may be claimed and the circumstances in which it will be awarded.
- 2.3 The policy for discretionary reliefs for those in receipt of CTS mirrors the policy for Housing Benefit Discretionary Housing Payments. The

two used to form part of the same policy but as CTS is now a council tax discount any discretionary reduction now falls under s13a LGFA 1992 (the council tax regulations rather than the benefit regulations) and must form part of an agreed council tax discretionary relief policy.

2.4 **Section 4** covers any other applications for relief. This provision has always been available and is now included as part of the policy for completeness.

2.5 As the relief is discretionary the Council must be prepared to consider any application for a reduction and each must be decided on its own merits.

2.6 The recommendation is to delegate authority to consider these applications on an individual basis to the Portfolio Holder for Resources in consultation with the relevant Ward Member and the Chairman of the Resources and Performance Panel. This reflects the arrangements for discretionary relief applications made under Section 1.

2.7 Recommendations:

Cabinet recommend to Council to agree to adopt the Council Tax Support Discretionary Hardship Payment policy, including delegating authority to Decision Makers, as shown at Section 3 of Appendix C

Cabinet recommend to Council to agree to delegate authority to consider individual applications under Section 4 to the Portfolio Holder for Resources in consultation with the relevant Ward Member and the Chairman of the Resources and Performance Panel.

2.8 **Section 5** details the statutory right of appeal a person has against the calculation of the amount of council tax they have to pay, which includes any decisions regarding council tax discretionary reductions.

2.9 Overall Recommendation: Cabinet recommend to Council to agree to adopt the Council Tax Discretionary Relief Policy as attached at Appendix C

3. Policy Implications

3.1. The council tax discretionary relief policy is a new policy combining some reliefs which have already been agreed and some newly introduced reliefs. These form a new Council policy.

4. Financial Implications

4.1. A budget has already been agreed for reliefs awarded under Sections 1 (Second Homes and Empty Properties) and 3 (Council Tax Support). The full cost of these reliefs falls to the Council. In

2013/2014 £519 was awarded as relief under Section 1. No awards were made under Section 3 in 2013/2014 however £12,300 has already been awarded in 2014/2015 due to the changes to the Council Tax Support scheme.

4.2. Reliefs awarded under Section 2 (Flooding Relief) are fully funded by Central Government and there are no financial implications for the Council.

4.3. There is no specific provision for reliefs awarded under Section 4 however these are relatively uncommon. Any reliefs awarded should be offset by natural growth in the council taxbase increasing council tax income.

5. Statutory Considerations

5.1. Council tax reliefs awarded under s13a LGFA 1992 are entirely at the discretion of the Council. The Council is not allowed to adopt a blanket policy and must have a procedure in place for considering all applications on an individual basis.

5.2. The Council is free to agree whatever discretionary relief policy it feels is appropriate.

6. Equality Impact Assessment (EIA)

6.1. Please see the pre-screening report template attached at Appendix A and the full impact assessment at Appendix B

7. Risk Management Implications

7.1. There is a risk that rising claims for discretionary relief will impact on the Council's income. Each claim must be considered on its own merits and recent case law has stated that a claim cannot be turned down solely on the basis of a lack of budget.

7.2. The amount spent on discretionary reliefs will be monitored quarterly and any significant increases in the number of applications or the financial cost will be reported to Members.

8. Declarations of Interest / Dispensations Granted

8.1. None

Appendix A Pre-Screening Equality Impact Assessment

Borough Council of
King's Lynn &
West Norfolk



Name of policy/service/function	Council Tax Discretionary Relief Policy				
Is this a new or existing policy/ service/function?	New				
Brief summary/description of the main aims of the policy/service/function being screened. Please state if this policy/service rigidly constrained by statutory obligations	The policy details the circumstances in which council tax discretionary relief will be awarded. The policy is entirely at the discretion of the Council.				
Question	Answer				
<p>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups according to their different protected characteristic, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p>		Positive	Negative	Neutral	Unsure
	Age			√	
	Disability	√	√		
	Gender			√	
	Gender Re-assignment			√	
	Marriage/civil partnership			√	
	Pregnancy & maternity			√	
	Race			√	
	Religion or belief			√	
	Sexual orientation			√	
Other (eg low income)	√				
Question	Answer	Comments			
2. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the Council, for example because it is seen as favouring a particular community or denying opportunities to another?	No				
3. Could this policy/service be perceived as impacting on communities differently?	No				
4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?	Partly	The policy contains the procedure for claiming discretionary relief for customers receiving Council Tax Support. It is aimed at helping those on a low income who cannot afford their council tax costs.			
<p>5. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions? If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section</p>	No	<p>Actions: Whether an impact is minor depends on an individual's circumstances. A full EIA has therefore been completed</p>			
		<p>Actions agreed by EWG member:</p>			
Assessment completed by:					

Name Jo Stanton	
Job title Revenues and Benefits Manager	Date 23 June 2014

Please Note: If there are any positive or negative impacts identified in question 1, or there any 'yes' responses to questions 2 – 4 a full impact assessment will be required.

Appendix B

Full Equality Impact Assessment



Equality Impact Assessments

Full Impact Assessment Form

1. What is the service area(s) and who is the lead officer?

Service Area: Resources
Executive Director: Dave Thomason
Service Manager: Jo Stanton, Revenues and Benefits Manager

This policy has been drawn up to include all council tax discretionary reliefs along with further information and appeal rights.

Applications for relief are becoming more common as changes are made and reliefs are introduced, including Council Tax Support Discretionary Hardship Payments (CTS DHPs) and flooding reliefs.

2. What change are you proposing?

The change is the introduction of a new policy combining all council tax discretionary reliefs into one document for agreement by Members. The reliefs are:

- A hardship relief for people affected by the changes to the council tax discounts for second homes and long term empty properties
- Relief for properties affected by flooding in December 2013
- Hardship Payments for those in receipt of CTS who cannot afford to pay their remaining council tax bill
- Any other applications for discretionary relief

These discretionary discounts must be agreed by full Council

The impacts arise from the CTS Hardship Payments policy at Section 3.

3. How will this change help the council achieve its corporate business plan objectives (and therefore your Directorate/service objectives)?

The Council should have in place a procedure for claiming council tax discretionary reliefs under s13a Local Government Finance Act 1992. The policy should detail the procedure for applications and the customer's appeal rights if they disagree with a decision.

This policy brings together all the different reliefs available into one document for agreement by Members. It provides clarity for both customers and officers.

4. What is your evidence of need for change?

The other two specific discretionary reliefs at Sections 1 and 2 have already been agreed by Members. The power to award discretionary council tax relief in any circumstances has existed since 2004 but has been little used.

A budget has already been agreed for CTS DHPs and the policy needs to be formally adopted by Members as a council tax discretionary relief as in Section 3.

The changes to CTS from 1/4/2014 mean people now get less help with their council tax costs. Demand has increased and a formal policy clarifies the procedure for claiming help. We have already seen demand increase from no applications for help in 2013/14, to 88 successful applications so far in 2014/2015.

5. How will this change deliver improved value for money and/or release efficiency savings?

The policy will safeguard vulnerable customers on low incomes and also provide help for those affected by specific adverse circumstances (such as flooding).

The policy ensures the Council has the correct procedures and agreements in place and provides transparency for customers.

6. What geographical area does this proposal cover?

This policy covers the whole Borough

7. What is the impact of your proposal?

- What outputs will be achieved as a result?
 - Vulnerable customers will be given financial help towards their council tax costs
- What will change?
 - CTS DHPs were previously awarded under benefits legislation. As CTS is now a Council Tax discount the policy for claiming and awarding reliefs now falls under council tax legislation and needs to be included in the council tax discretionary relief policy
- How will service users experience the change?
 - There will be clarity over how to claim and the conditions for receiving help. The actual relief and the procedure have not changed from when it was considered under benefits legislation

8. What data have you used to support your assessment of the impact of your proposal?

Recent case law has highlighted that it is good practice to have a formal CTS DHP policy agreed by members.

The number of CTS DHPs is monitored monthly. There were no applications in 2013/2014 but since the CTS scheme has changed on 01/04/2014 and the amount of help given to customers has been reduced, there has been an increase in applications. So far 88 awards of CTS DHP have been made in 2014/2015

9. What consultation has been undertaken/will need to be undertaken with stakeholders/ groups directly or indirectly impacted by the proposals and how do you intend to use this information to inform the decision?

Consultation on the full CTS scheme including CTS DHPs is carried out annually. The consultation results form part of the Cabinet Report recommending the final CTS scheme for the coming year

10. Are there any implications for other service areas?

No

11. What impact (either positive or negative) will this change have on different groups of the population?

- Have you considered the implications on groups with protected characteristics?
 - Disability: Possible Positive and Negative impacts
 - Low Income: Positive Impacts
- For all of these consider issues of:
 - income / financial access: the policy allows those on a low income to claim extra help with their council tax costs thus increasing their income
- How might this change remove some of these barriers (if identified) or prevent barriers being created?
 - The policy will ensure those in the most need can continue to claim financial help
- Can any differences be justified as appropriate or necessary?
 - The policy aims to avoid differences by using the same criteria to judge claims from all applicants
- Protected groups where a positive or negative impact was identified on the pre-screening form:
 - The policy for calculating a CTS DHP uses all of an applicant's income and expenditure. This includes all the benefits they are receiving, including disability benefits. The calculation compares income to all allowable expenditure which will include higher outgoings due to an applicant's disability (for example if they receive Mobility Allowance for a car this will be treated as income, but will be shown on expenses as the cost of owning that car). This creates fairness between all applicants and in some cases is beneficial to those receiving disabilities as their expenses can be significantly higher than the amount they receive in disability benefits.
 - The policy has a positive impact on those on low incomes whose expenses are higher than their income by awarding them extra help towards their council tax costs.

12. What actions could be taken to mitigate the adverse impacts identified in question 11? Please clearly state if any actions cannot be mitigated.

See response to Q11

13. How will you monitor the impact of this change?

- CTS DHPs are monitored monthly and the number and value of awards are recorded. Both successful and unsuccessful applications are logged.
- Council Tax Collection Rates are also monitored monthly and any variances are investigated.

14. Other Staff Involved in Assessment (including Corporate Equality Group Representatives), and comments from Equality Work Group Reps

Assessment Completed By: Jo Stanton
Job Title: Revenues and Benefits Manager
Date: 24 June 2014

Appendix C

COUNCIL TAX DISCRETIONARY RELIEF POLICY

2014/2015 ONWARDS

S13a Local Government Finance Act 1992

As agreed by Full Council on xxxxxx

Section 13a of the Local Government Finance Act 1992 allows billing authorities (Councils) to resolve to reduce the amount of council tax a person has to pay by any amount, including reducing it to nil. The following categories describe the circumstances where the Council will consider council tax discretionary relief.

1. Council Tax Technical Reforms – Second Homes and Long Term Empty Properties

Discretionary relief will be considered for any person or body liable for council tax whose council tax reduction has been adversely affected by the changes to council tax discounts for long term empty properties and second homes.

Authority is delegated to the Portfolio Holder for Resources in consultation with the Ward Member and the Chairman of the Resources and Performance Panel to consider any applications to the discretionary hardship fund.

Applications must be made on the form provided and each application will be considered on its own merits.

As agreed by full Council 30 January 2014

2. Properties Affected by Flooding: December 2013

100% discretionary relief will be awarded for properties meeting the following criteria:

- For any day between 1 December 2013 and 31 March 2014:
 - The property has been flooded in whole or part as a direct result of the adverse weather conditions; and
 - The ability to occupy the property has been adversely affected as a result of the flooding.

The definition of 'flood' is as shown at Appendix 1.

The discretionary relief will last for as long as the property is adversely affected.

An application form is available but where the Council is satisfied the relief should be granted it will be awarded automatically.

As agreed by full Council 31 July 2014

3. Council Tax Support – Discretionary Hardship Payments

Discretionary hardship payments (DHPs) will be considered for individuals who are liable for council tax and in receipt of Council Tax Support (CTS) but who can demonstrate they are suffering financial hardship.

Individuals who have applied for, but are not entitled to, CTS should make their application under Section 4 of this policy.

Claiming a CTS DHP

- A claim must be made on the claim form supplied by the Council
- The form must be fully completed and returned to the Council. Anyone needing assistance with this should contact the Council on (01553) 616200
- The Council will consider the application and may request any reasonable supporting evidence.

Award of CTS DHP

The Council will consider whether to award a CTS DHP, and the amount of any such award, based on the information provided. All applications will be treated equally whilst still taking into account individual circumstances. These circumstances may include:

- The people in the household
- The household's financial circumstances including all income and expenditure
- The household's medical circumstances
- Any other relevant circumstances

Decision Makers

Authority is delegated to the Executive Director for Resources, Revenues and Benefits Manager, Benefits Manager or Benefits Officer (Appeals) to consider and decide CTS DHP applications. This is in line with the Housing Benefit discretionary hardship policy.

Amount of award

A CTS DHP will usually only be awarded where a claimant's income is less than their allowable expenditure. The Council will include all of the claimant and partner's income and expenditure when calculating a CTS DHP except certain items considered non-essential outgoings.

The maximum award of a CTS DHP will normally be the difference between the claimant and partner's income and expenditure, up to a

maximum of the shortfall between the CTS and the council tax liability. A greater amount may be awarded in exceptional circumstances.

Period of award

A CTS DHP will normally only be awarded during the current financial year. A new application form is required for an application for a new financial year.

A CTS DHP may be awarded for only part of the financial year, for example six months. Once this fixed period has expired a further application form must be completed.

The Council will not award a CTS DHP under this section for any period outside a CTS period granted under the local CTS Regulations. Applications in these circumstances should be made under Section 4 of this policy.

The Council will consider any reasonable request for backdating an award of CTS DHP. All such requests should be in writing and clearly give the reasons why the application was not made at an earlier time.

Method of Payment

CTS DHPs will only be paid by crediting the claimant's council tax account.

4. Any Other Applications for Discretionary Relief

Any person liable for council tax may apply for a discretionary reduction on their council tax bill.

Applications must be made in writing and must clearly state the reason for the application, the reasons why the applicant feels relief should be awarded and the period they are claiming the relief for. Applications must be supplied with supporting evidence.

Each application will be considered on its own merits. Applications made under this section will be considered on an individual basis by the Portfolio Holder for Resources in consultation with the Ward Member and the Chairman of the Resources and Performance Panel.

5. Right of Appeal

There is a right of appeal under Section 16(1)(b) of the Local Government Finance Act if a person is aggrieved by any calculation made by the council of the amount which they are liable to pay in respect of council tax. This includes a decision on the amount of council tax discretionary relief awarded.

In the first instance the customer must write to the Revenues Section stating the grounds for appeal against the decision. The Revenues Section will review the appeal and respond within two months. If the customer is still dissatisfied, or if the Revenues Section does not respond within two months, the customer may appeal to the Valuation Tribunal.

Full details of how to appeal may be obtained from the Revenues Section as below.

Contact Details

Revenues Section
Borough Council of King's Lynn & West Norfolk
Kings Court
Chapel Street
King's Lynn
Norfolk
PE30 1EX
01553 616200
www.west-norfolk.gov.uk

Appendix 1

Definition of Flood

Section 1 of the Flood and Water Management Act 2010

- 1) Flood includes any case where land not normally covered by water becomes covered by water.
- 2) It does not matter whether a flood is caused by:
 - a. Heavy rainfall,
 - b. A river overflowing or its banks being breached,
 - c. A dam overflowing or being breached,
 - d. Tidal waters,
 - e. Groundwater, or
 - f. Anything else (including a combination of factors).
- 3) Flood does not include:
 - a. A flood from any part of a sewerage system, unless wholly or partly caused by an increase in the volume of rainwater (including snow and other precipitation) entering or otherwise affecting the system, or
 - b. A flood caused by a burst water main (within the meaning given by s219 of the Water Industry Act 1911)

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 Nick Daubney E-mail: cldr.nick.daubney@west-norfolk.gov.uk		Other Cabinet Members consulted: Cllr Adrian Lawrence		
		Other Members consulted:		
Lead Officer: Jo Stanton, Revenues and Benefits Manager E-mail: joanne.stanton@west-norfolk.gov.uk Direct Dial:01553 616349		Other Officers consulted: Management Team		
Financial Implications YES	Policy/Personnel Implications YES	Statutory Implications NO	Equal Impact Assessment YES/NO If YES: Pre-screening/ Full Assessment	Risk Management Implications YES

Date of meeting: 29 July 2014

2 NON-DOMESTIC RATES DISCRETIONARY RELIEF POLICY

Summary

This report contains the recommended revised policy for non-domestic rates (business rates) discretionary reliefs including relief for those affected by flooding, the new retail reliefs introduced by Government and two new reliefs added due to changes since the policy was last reviewed in 2010.

Recommendations:

Cabinet recommend to Council to adopt the revised non-domestic rates discretionary relief policy as shown at Appendix 2

Reason for Decision

To ensure a valid non domestic rates discretionary relief policy is in place and agreed by Council

1. Background

- 1.1. Section 47 of the Local Government Finance Act (LGFA) 1988 allows Councils to grant discretionary rate relief to non-domestic properties in its area. Since April 2012 there are no restrictions on the type of property that may be granted discretionary relief, providing the ratepayer is not a billing authority or precepting authority.

- 1.2. A non-domestic rates discretionary relief policy is already in place from 1 April 2010. This policy is now updated due to the introduction of new reliefs by Government and to reflect new policies introduced by the Council.
- 1.3. Most of the discretionary reliefs in the policy have already been agreed as part of the revised policy in 2010. Some new discretionary reliefs have subsequently been agreed by Council on individual reports. Two of the reliefs are a new policy. The updated policy combines all new and existing non-domestic rates discretionary relief policies into one document for agreement by Members. The same approach is used for council tax discretionary reliefs.

2. Proposed Non-Domestic Rates Discretionary Relief Policy

- 2.1. The updated policy is included at Appendix 2. The existing sections already agreed by Members as part of the policy review in 2010 are:

- **Section 1:** Conservation and Cultural Organisations
- **Section 2:** Village and Community Halls
- **Section 3:** Voluntary Bodies
- **Section 5:** Charity Shops
- **Section 7:** Young Person's Activities
- **Section 8:** Sporting Organisations
- **Section 9:** Sole Rural Post Offices
- **Section 10:** Sole Rural General Stores
- **Section 15:** Other Rural Businesses
- **Section 17:** Individual Applications

- 2.2 Some sections refer to discretionary reliefs already agreed on separate reports by Members. These are:

- **Section 11:** Flood Reliefs – agreed by full Council on 24/04/2014
- **Section 12:** Retail Relief – agreed by full Council on 24/04/2014
- **Section 13:** Retail Reoccupation Relief – agreed by full Council on 24/04/2014
- **Section 14:** Newly Built Empty Property Relief – agreed by full Council on 28/11/2013
- **Section 16:** Hardship Relief – agreed by Cabinet 04/06/2013

- 2.3 The new sections in the policy are:

- **Section 4:** Armed Forces Community Covenant. This was agreed by the Leader in July 2013 and now needs to be incorporated into the non-domestic rates discretionary relief policy.
- **Section 6:** Poster displays in shop windows. This has been included following an increase in applications for discretionary

relief from charities displaying posters in town centre shop windows.

3. New Sections In the Discretionary Relief Policy

3.1 Section 4 and Section 6 are newly added to the discretionary relief policy and are explained in more detail below.

3.2 Section 4: Armed Forces Community Covenant

3.2.1 The National Armed Forces Covenant was published in May 2011. One of its key initiatives is the development of local Community Covenants. A Community Covenant is a voluntary statement of mutual support between the civilian community and the serving members, veterans and families of their local Armed Forces community.

3.2.2 A Community Covenant has been developed by Norfolk County Council and all Norfolk authorities have signed up.

3.2.3 Under the covenant the Council has agreed to support businesses assisting armed forces veterans and personnel by remitting their non-domestic rates liabilities.

3.3 Section 6: Poster Displays in Shop Windows

3.3.1 The Council receives occasional applications for discretionary relief for charities displaying their posters in the windows of empty shop units.

3.3.2 In these circumstances the charity becomes liable for the non-domestic rates but provided they are using the property for charitable purposes, which would include the display of posters promoting their charitable activities, they will qualify for 80% mandatory charitable relief.

3.3.3 The proposed policy recommends the Council award an additional 20% discretionary relief subject to certain criteria being met. The criteria listed in the policy ensure that the Council supports local charities whilst ensuring empty shop units are still actively marketed for let by their owners.

4. Policy Implications

4.1. This is an update to the existing non-domestic rates discretionary relief policy, combining existing reliefs, reliefs agreed since 2010 and some newly introduced reliefs.

5. Financial Implications

5.1. It is unlikely the introduction of the new discretionary reliefs in Sections 4 and 6 will have a significant impact on non-domestic rates income as the numbers of applications are likely to be low.

5.2. Reliefs awarded under Section 11, 12, 13 and 14 (Flood Relief, Retail Relief, Retail Reoccupation Relief and Newly Built Empty Property Relief) are fully funded by Central Government and there are no financial implications for the Council.

5.3. All other awards of discretionary relief reduce the Council's non-domestic rates income which impacts on the Business Rate Retention Scheme. The Council meets 40% of the cost of these reliefs, with Central Government covering 50% of the cost and the County Council meeting 10%.

5.4. As at June 2014 a total of £547,711 in discretionary relief has been awarded for 2014/2015. £345,417 of this is met by Government grants and £202,294 is met from the Rate Retention Scheme. The cost is broken down as below:

Discretionary Relief Type	Awards
Charity Top Up	£98,238
Non Profit Making Bodies	£44,785
Rural Rate Relief – Post Offices	£25,606
Rural Rate Relief – General Stores	£6,518
Rural Rate Relief – Others	£27,147
Newly Built Empty Property Relief*	£10,845
Retail Relief*	£329,618
Retail Reoccupation Relief*	£0
Flooding Relief*	£4,954
Total	£547,711
*Met through Government Grant	£345,417
Met through Rate Retention	£202,294
~of which Borough Council share (40%)	£80,918
~of which Central Government share (50%)	£101,147
~of which County Council share (10%)	£20,229

5.5 There is no specific budget set aside in the Rate Retention scheme to meet the cost of discretionary relief. The cost of the reliefs feeds into the overall retained income figure from Rate Retention reported as part of budget monitoring, reducing the amounts received by each Council and the Government..

6. Statutory Considerations

6.1. Non-domestic rates reliefs awarded under s47 LGFA 1988 are entirely at the discretion of the Council. The Council is not allowed to adopt a blanket policy to refuse relief and must have a procedure in place for considering all applications on an individual basis.

6.2. The Council is free to agree whatever discretionary relief policy it feels is appropriate.

7. Equality Impact Assessment (EIA)

7.1. Please see the pre-screening report template attached at Appendix 1.

8. Risk Management Implications

8.1. There is a risk that rising claims for discretionary relief will impact on the Council's income. Each claim must be considered on its own merits and recent case law has stated that a claim cannot be turned down solely on the basis of a lack of funding.

8.2. The amount spent on discretionary reliefs will be monitored quarterly as part of the Rate Retention scheme monitoring. Any significant increases in the number of applications or the financial cost will be reported to Members.

9. Declarations of Interest / Dispensations Granted

9.1. None

Appendix 1 Pre-Screening Equality Impact Assessment

Borough Council of
King's Lynn &
West Norfolk



Name of policy/service/function	Non-Domestic Rates Discretionary Relief Policy				
Is this a new or existing policy/ service/function?	Update to an Existing Policy				
Brief summary/description of the main aims of the policy/service/function being screened. Please state if this policy/service rigidly constrained by statutory obligations	The policy details the circumstances in which non-domestic rates discretionary relief will be awarded. The policy is entirely at the discretion of the Council.				
Question	Answer				
<p>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups according to their different protected characteristic, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p>		Positive	Negative	Neutral	Unsure
	Age			√	
	Disability			√	
	Gender			√	
	Gender Re-assignment			√	
	Marriage/civil partnership			√	
	Pregnancy & maternity			√	
	Race			√	
	Religion or belief			√	
	Sexual orientation			√	
	Other (eg low income)			√	
Question	Answer	Comments			
2. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the Council, for example because it is seen as favouring a particular community or denying opportunities to another?	No				
3. Could this policy/service be perceived as impacting on communities differently?	No				
4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?	No				
<p>5. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions? If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section</p>	N/A	Actions:			
		Actions agreed by EWG member:			
Assessment completed by: Name Jo Stanton					
Job title Revenues and Benefits Manager	Date 24 June 2014				

Please Note: If there are any positive or negative impacts identified in question 1, or there any 'yes' responses to questions 2 – 4 a full impact assessment will be required.

Appendix 2

NON-DOMESTIC RATES DISCRETIONARY RELIEF POLICY S47 Local Government Finance Act 1988

1 APRIL 2014 ONWARDS – as agreed by Full Council xxxxxx

1. Conservation and Cultural Organisations

100% discretionary relief will be granted to non-registered charitable groups in this category, and a 20% additional relief to registered charities. Premises will include:

- Museums
- Rehearsal rooms for bands or dramatic societies
- Premises occupied for preservation projects
- Premises occupied by Norfolk based wildlife groups

No discretionary relief will be allowed to nationally based groups.

2. Village and Community Halls

100% discretionary relief will be granted to non-registered charitable groups and 20% additional relief to registered charities in this category where there is no fully licensed bar on the premises.

Where there is a fully licensed bar on the premises, no discretionary relief will be granted.

3. Voluntary Bodies

20% additional discretionary relief will be granted to **local** voluntary bodies which are registered as charities for the premises they occupy.

10% additional discretionary relief will be granted to **national** voluntary bodies which are registered as charities for the premises they occupy.

(NB a local charitable body is one that receives no support or funding from a nationally based 'parent' body)

Applications from non-registered organisations in this category will be considered for discretionary relief on an individual basis. Generally 100% discretionary relief will be granted to local organisations and 90% additional relief will be granted to national organisations.

4. Armed Forces Community Covenant: Organisations supporting Armed Forces Personnel and their Families – effective from 1.4.2013 **New**

The National Armed Forces Covenant was published in May 2011. One of its key initiatives is the development of local Community Covenants. A Community Covenant is a voluntary statement of mutual support between the civilian community and the serving members, veterans and families of their local Armed Forces community.

A Community Covenant has been developed by Norfolk County Council and all Norfolk authorities have signed up.

20% Discretionary Charitable Top-Up Relief, or 100% 'Not for Profit' Discretionary Relief, will be awarded to charitable or non-profit organisations whose work supporting Armed Forces veterans and their families supports the Norfolk Community Covenant. This is effective from 1 April 2013.

5. Charity Shops

No discretionary relief will be allowed.

6. Poster displays in shop windows **New**

Where a charitable organisation uses a shop window to display their own promotional material and they become liable for non-domestic rates they will usually qualify for 80% Mandatory Relief. Where this is the case an additional 20% top up relief will be awarded where the following criteria are met:

- The charity is a locally based charity (as per the description in Section 3);
- Their occupation of the shop window for displaying posters is 4 weeks or less;
- Where the shop window is re-used for displays there is a break of at least one week between displays; and
- The total time a unit is used for displays does not exceed 16 weeks in any rolling 52 week period

This relief is effective from 1 April 2014.

7. Young People's Activities

100% discretionary relief will be granted to organisations in this category not registered as charities, and 20% additional relief where the organisation is a registered charity. This category excludes any premises occupied for sporting activities.

8. Sporting Organisations

(a) Sports Grounds

100% discretionary relief

(b) Sailing/Boating/Boating Clubs/Water Sports/Fishing

25% discretionary relief.

(c) Bowls Clubs

100% relief where there is no bar, or bar takings are less than £10,000.

75% relief where bar takings exceed £10,000 but membership is mainly sporting.

50% relief where bar takings exceed £10,000 and membership is equally split between social and sporting.

25% relief where bar takings exceed £10,000 and membership is mainly social but there is an element of sporting membership.

(d) Other Clubs (including Boxing Clubs)

100% relief where there is no bar or bar takings are less than £10,000.

100% relief to West Norfolk Squash Club.

80% relief to West Norfolk Rugby Club.

(e) Sports and Social Clubs

75% relief where membership is mainly sporting.

50% relief where membership is equally divided between sporting and social membership.

25% relief where membership is mainly social but there is an element of sporting membership.

Sporting membership does not include indoor social sports.

9. Sole Rural Post Offices

50% discretionary relief is awarded where a Post Office qualifies for 50% mandatory relief.

10. Sole Rural General Stores

30% discretionary relief is awarded where a General Store qualifies for 50% mandatory relief.

11. Flood Reliefs New

100% relief will be awarded for up to three months to businesses adversely affected by the December 2013 floods who meet the following criteria:

- For any day between 1 December 2013 and 31 March 2014:
 - The property has been flooded in whole or in part as a direct result of the adverse weather conditions;
 - The business activity undertaken there has been adversely affected as a result of the flooding;
 - The property was occupied at the time of the flooding;
 - The rateable value is less than £10 million, and
 - The relief will not breach State Aid rules

The definition of 'Flood' is shown at Appendix A

An application process is in place but where the Council is satisfied the relief should be granted it will automatically be awarded.

As agreed by full Council on 24 April 2014.

12. Retail Relief New

A maximum £1,000 discount will be awarded to properties wholly or mainly used as a shop, restaurant or drinking establishment who meet the following criteria:

- The property must be occupied;
- The rateable value is £50,000 or less;
- The property is wholly or mainly used as a shop, café or drinking establishment; and
- The relief will not breach State Aid rules

There are no criteria as to the locality of a property and businesses need not be in a town centre or 'high street' type of location to qualify. The definition of 'Retail' is shown at Appendix B.

An application form must be completed to confirm the ratepayer does not breach State Aid limits.

The relief applies for 2014/2015 and 2015/2016 and will be awarded after all other reliefs have been applied.

As agreed by full Council on 24 April 2014.

13. Retail Reoccupation Relief New

50% relief will be awarded for a maximum of 18 months to businesses who occupy retail premises which were previously empty for more than one year who meet the following criteria:

- The property must be a retail premises;
- The property must have been empty for more than one year; and
- The relief will not breach State Aid rules

There are no criteria as to the locality of a property and businesses need not be in a town centre or 'high street' type of location to qualify. The definition of 'Retail' is shown at Appendix B.

An application form must be completed to confirm the ratepayer does not breach State Aid limits.

The relief applies for 2014/2015 and 2015/2016.

As agreed by full Council on 24 April 2014

14. Newly Built Empty Property Relief New

100% relief will be awarded to empty newly built non-domestic properties for up to 18 months after they are completed (subject to State Aid limits).

The relief applies to new properties completed between 1 October 2013 and 30 September 2016 whilst they remain empty.

As agreed by full Council on 28 November 2013

15. Other Rural Businesses

Members will consider individual applications from organisations in rural settlements with a Rateable Value of less than £16,500. Applications from Public Houses will be subject to an annual review of their trading position and relief will only be awarded for 12 months at a time.

16. Hardship Relief New

The Council operates a scheme for Hardship Relief for Non-Domestic Rates. A separate policy was agreed by Members on 04 June 2013.

17. Individual Applications

Applications will normally be considered within the Council's criteria, however, individual applications not fitting the criteria will be submitted on an individual basis, and where any organisation is dissatisfied they may ask for their application to be considered on an individual basis.

Appendix A

Definition of Flood

Section 1 of the Flood and Water Management Act 2010

- 1) Flood includes any case where land not normally covered by water becomes covered by water.
- 2) It does not matter whether a flood is caused by:
 - a. Heavy rainfall,
 - b. A river overflowing or its banks being breached,
 - c. A dam overflowing or being breached,
 - d. Tidal waters,
 - e. Groundwater, or
 - f. Anything else (including a combination of factors).
- 3) Flood does not include:
 - a. A flood from any part of a sewerage system, unless wholly or partly caused by an increase in the volume of rainwater (including snow and other precipitation) entering or otherwise affecting the system, or
 - b. A flood caused by a burst water main (within the meaning given by s219 of the Water Industry Act 1911)

Appendix B

Retail Relief – Central Government definition of ‘Retail’

‘Shops, restaurants, cafes and drinking establishments’ are taken to mean:

Hereditaments that are being used for the sale of goods to visiting members of the public:

- Shops (such as: florist, bakers, butchers, grocers, greengrocers, jewellers, stationers, off licence, chemists, newsagents, hardware stores, supermarkets, etc)
- Charity shops
- Opticians
- Post offices
- Furnishing shops/ display rooms (such as: carpet shops, double glazing, garage doors)
- Car/ caravan show rooms
- Second hand car lots
- Markets
- Petrol stations
- Garden centres
- Art galleries (where art is for sale/hire)

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

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

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

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

The following are not considered to be Retail premises:

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

- Financial services (e.g. banks, building societies, cash points, bureau de change, payday lenders, betting shops, pawn brokers)
- Other services (e.g. estate agents, letting agents, employment agencies)
- Medical services (e.g. vets, dentists, doctors, osteopaths, chiropractors)
- Professional services (e.g. solicitors, accountants, insurance agents/ financial advisers, tutors)
- Post office sorting office

Hereditaments that are not reasonably accessible to visiting members of the public

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 B Long E-mail: cllr.brian.long@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Dave Robson E-mail: dave.robson@west-norfolk.gov.uk Direct Dial:01553 616302		Other Officers consulted: Geoff Hall, Fabia Pollard, Air Quality Steering Group Ian Parkes, Norfolk County Council		
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: 29th July 2014

3 AIR QUALITY ACTION PLAN

Summary

This report highlights the work which has been completed in drawing up an Air Quality Action Plan (AQAP) and the mechanism to be used to consult with the public and stakeholders on the proposed air quality reduction measures.

Recommendation

That Cabinet note draft AQAP and publish for public consultation

Reason for Decision

To allow draft Air Quality Action Plan to go out to public consultation.

1 Background

1.1 The Borough Council has a statutory duty under Part IV of the Environment Act 1995 to review and assess air quality across its district. Air quality monitoring has shown that the levels of Nitrogen Dioxide (NO₂) exceed the annual mean objective in two areas within King's Lynn.

1.2 The Borough has declared these two areas as Air Quality Management Areas (AQMA) (see Appendices 1 & 2). The main source of NO₂ in both AQMA's is from road transport.

1.3 If an area is declared as an AQMA, then the Borough Council has a statutory duty to develop, adopt and implement an Air Quality Action Plan (AQAP) within 12-18 months of declaration. The draft AQAP must be

submitted to DEFRA, other stakeholders and undergo an 8 weeks public consultation before being adopted.

1.4 The measures within the AQAP will then be implemented through the Air Quality Steering Group (AQSG).

2 AIR QUALITY ACTION PLAN

2.1 DEFRA/Secretary of State has issued statutory Local Air Quality Management (LAQM) Policy Guidance 2009 (LAQM PG 09) regarding the setting up of a steering group, format of action plan, consultation and measures to be considered.

2.2 An AQAP must include the following:

- Quantification of the source contributions to the predicted exceedances of the relevant objectives; this will allow the Action Plan measures to be effectively targeted
- Evidence that all available options have been considered;
- How the Borough Council will use its powers and also work in conjunction with other organisations in pursuit of the air quality objectives;
- Clear timescales in which the Borough Council and other organisations propose to implement the measures within the plan;
- Where possible, quantification of the expected impacts;
- How the Borough Council intends to monitor and evaluate the effectiveness of the plan

2.3 DEFRA have included in LAQM PG (09) several local authority measures that should be considered. These measures include:

- Traffic regulation
- Traffic calming
- Reallocation of road space
- High occupancy vehicles lanes
- Vehicle restricted areas
- Parking controls
- Traffic control systems
- Speed limits
- Transport information & guidance systems
- Home zones
- Clear zones
- Park & ride
- Smarter choices (travel plans, car sharing etc)

3 Air Quality Steering Group

3.1 An Air Quality Steering Group (AQSG) has been set up under the Portfolio Holder – Environment who chairs the group. The group has met several times and has drawn up a draft Air Quality Action Plan (AQAP). The group membership includes officers from Planning Control, Planning Policy, Regeneration, Car Parks, NCC Transport Planning and Environmental Quality.

3.2 The AQAP needs to link to other corporate policy areas; namely the Local Development Framework, Local Transport Plan, parking management, town centre redevelopment and environmental statement. All these areas have potential impacts on air quality within the AQMA's and therefore these policies need to complement each other, rather than conflict. The aim of the plan is to achieve a win/win situation with the AQAP measures by reducing idling traffic, reducing traffic congestion, increase traffic speed through the town, improving public transport and alternative transport methods with added benefits of improving access to King's Lynn with positive impact on businesses and tourism.

3.3 The draft AQAP has been developed after reviewing several different measures. The draft AQAP recommends that 20 measures should be taken forward.

3.4 A copy of the Non-technical Summary is attached as Appendix 3 which highlights the 20 measures that are proposed to be taken forward.

4 Consultation

4.1 Once the draft AQAP has been drawn up it must be sent out for consultation with the following: -

- Secretary of State (DEFRA)
- Environment Agency
- Highways authority
- All neighbouring LA's
- Any National Park authority
- Other public bodies as appropriate
- Bodies representing local business interests and other organisations as appropriate

4.2 The proposed timetable for this consultation is shown below: -

Table 1 AQSG Implementation Timescale	
Date	Action
Finalise AQAP	April – May 2014
Cabinet/ Member consultation on draft AQAP	June – July 2014
Public Consultation on draft AQAP	August – September 2014
Review Public Consultation Comments	October 2014
Amend and revise AQAP as necessary	October 2014
Submit Final AQAP for DEFRA Approval	November 2014
Adoption of AQAP	December 2014/ January 2015
Implementation	January 2015 ongoing

4.3 A consultation strategy has been drawn up with the assistance of the Council's Communication Team (see appendix 4). The Environment Act 1995 paragraph 4 schedule 11 makes provision for public access to information as well as the Review and Assessment reports on which they are required to consult also need to proactively make available copies of:

- Orders designating an air quality management area
- Action Plans
- County council proposals for measure to be included in the action plan
- Any directions given to the district or county council by the Secretary of State

These will be made available on BCKLWN website in order to allow access from as wide an audience as possible

4.4 As well as following the consultation strategy we will set up an electronic customer satisfaction survey form to allow easy online access which will allow consultees to register their views.

5 Policy Implications

5.1 This document will form the basis of the Air Quality Action Plan that will be used to implement measures that are designed to, in combination, reduce the levels of NO₂ to levels below the National Air Quality Objective and eventually lead to the revocation of both AQMA within King's Lynn.

6 Financial Implications

6.1 None identified

7 Personnel Implications

7.1 None identified

8 Statutory Considerations

8.1 It is a legal requirement to complete, adopt and implement an AQAP if a local authority declares an AQMA.

8.2 Once adopted, this policy will form part of the guidance for proposed planning developments in or adjacent to the AQMA's.

8.3 The UK faces legal action over NO₂ breaches. Some of the UK's air-quality zones breach the 40 microgram per cubic metre NO₂ annual mean limit that should have been met by 1 January 2010. The UK has been sent a 'letter of formal notice' by the European Commission. This sets out why the Commission believes the UK to be in breach of the 2008 Ambient Air Quality Directive and gives the government two months to respond. A fine would be the ultimate step in legal action launched by the Commission on 20th February 2014. The Government have discussed the possibility of transferring any fine to individual local authorities where breaches have occurred. However, no decision has been made on this issue to date.

9 Equality Impact Assessment (EIA)

(Pre screening report template attached)

9.1 A pre-screening assessment has been completed and no issues were identified.

10 Risk Management Implications

10.1 As discussed in section 8 above, there are legal implications if this work is not completed.

11 Declarations of Interest / Dispensations Granted

11.1 None identified.

12 Background Papers

Annual Air Quality Reports
Air Quality Monitoring Results
Air Quality Management Orders for both AQMA
DEFRA LAQM TG(09)
DEFRA LAQM PG (09)
NSCA/ EPUK air quality guidance documents

Borough Council of King's Lynn & West Norfolk

Air Quality Action Plan Summary

Making King's Lynn a cleaner, more environmentally friendly place to live, work and visit

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Introduction – the problem

The quality of the air we breathe is an issue that can affect many people who live, work or visit the borough, especially in our urban areas. Air pollution can cause ozone depletion, contribute to climate change, make our environment less attractive and can have serious effects on health. We are aiming to reduce air pollution to levels that do not cause a risk to human health. These ‘safe’ levels are called *air quality objectives*.

The Borough Council has been measuring air pollution in our urban areas and in some rural areas since 2006. The results have shown that in King’s Lynn town centre and the Gaywood Clock area levels of nitrogen dioxide are above the air quality objective. The nitrogen dioxide is mostly coming from road traffic: mainly cars and buses. For this reason the Air Quality Action Plan has an emphasis on traffic management. Many of the actions aim to smooth traffic flows and make it easier to get in and out of town.

If we can reduce air pollution to below the air quality objectives the rewards include improved human health, reduced health costs and a healthier, more productive environment. These benefits will result in a better place to live and work and King’s Lynn in particular will be a more attractive destination for visitors.

The causes, sources and impacts of air pollution are connected. So, if we address one air quality issue we can often help to reduce other kinds of pollution and benefit our urban areas. These benefits include:

- Reduction in greenhouse gases which can contribute to climate change
- Reduction in noise, dust and other pollutants
- An improved environment, making the town centre more attractive
- A smoother flow of traffic making the town centre a more appealing place to live work or visit
- A more holistic view of related issues such as traffic congestion, parking availability and appeal of urban areas

Rather than bringing more restrictions to traffic and transport there are positive benefits to be gained. The actions have the potential to have a positive effect on the wider road network around the urban area. The Council also recognises the importance of car usage in a rural area.

Actions

The air quality action plan contains 20 actions that will help to improve air quality. These are listed below.

Road traffic plays a major part in creating air pollution, but pollution comes from other sources too. So this action plan includes actions for transport, homes, business and industry as well as policy actions that set out how the Council will make decisions that can affect air quality.

A separate Air Quality Action Plan document explains in more technical detail how the Borough Council has monitored air quality and how we decided what action to take. We are working with people across the Borough Council and with Norfolk County Council's transport planners to achieve the actions in the plan. The Air Quality Action Plan sets out in detail how and when the actions will happen and who is responsible.

Policy Actions

1. Air Quality Management Areas

When the Borough Council monitored air pollution near busy roads it was found that levels of nitrogen dioxide were above the air quality objective. In these areas: Kings Lynn town centre and Gaywood Clock, air quality management areas were declared to show where action needed to be taken. The air quality management areas are along Railway Road, St James Road, Blackfriars Road, Austin Street and London Road in Kings Lynn town centre and parts of Gaywood Road, Lynn Road and Wootton Road in the Gaywood Clock area.

Each time the Environmental Quality Team are asked to comment on a new application for planning permission that could have an effect on an air quality management area officers ask the developer to consider and take action on any air quality impacts of the development.

2. Development Management Policy

The Borough Council looked at the Government's advice on planning and development control and wrote a development management policy in the Local Plan. This sets out what will need to be considered when developers want to build new houses, businesses or services that could be affected by poor air quality or where the new development could cause air pollution. The council want to see development happen but also to protect the local environment.

3. Planning advice

The Council's Environmental Quality Team provide advice to the officers in the planning department to make sure that air quality is considered, especially when a new development is in an air quality management area or where a new air quality management area could be created if levels of air pollution are too high. We want to ensure that development does not expose people to unacceptable levels of air pollution.

4. Parking Management Plan

The Borough Council will develop a plan which will consider how changes to the current car parking operations could help smooth out car journeys and help reduce congestion and consequently improve air quality.

Road Traffic Actions

5. Bus lane

Norfolk County Council received special funding from government to build a 'bus only' lane from Wisbech Road, through the Friars to Boal Street. This removes some of the traffic from London Road . The Borough Council is monitoring the impact of this new road and we are also considering with Norfolk County Council if taxis and private hire vehicles could use this new route.

6. Public transport

The Borough Council with Norfolk County Council and other stakeholders are looking at ways that public transport could be made more attractive. If more people used the bus services then this could remove some cars from the road and reduce pollution.

7. Traffic control

Norfolk County Council have installed an urban traffic control system at main junctions in or near to the air quality management area. This reduces stop/start driving, improves traffic flow and reduces congestion and car emissions. The system will be actively managed to keep traffic moving and in response to changes in the network.

8. Selective Vehicle Detection

This system detects when a bus is approaching traffic lights and changes the lights so that public transport vehicles can move smoothly through traffic. This reduces stop/start driving by buses and improves journey times. The impact of this action on traffic and air quality will be monitored.

9. Parking control

The use of parking controls and enforcement is being reviewed so that there is some control over where and when people park. Parking controls have been

decriminalised so that the Borough Council control parking enforcement. By controlling parking, traffic flow through the air quality management area can be managed and congestion reduced.

10. Car Parking charges

Ways of varying car parking charges will be investigated so that long and short term parking are charged differently. The aim is to even out traffic at peak times but also make short term trips easy. If traffic flow is smoothed out throughout the day this can help to reduce car emissions.

11. Parking messages

Message signs are being provided to direct drivers to available parking spaces. This should help to prevent extra journeys by drivers hunting for a somewhere to park. The impact of this action on traffic and air quality will be monitored.

12. Residents only parking

On-street parking can add to congestion. The Borough Council is investigating if residents only parking could be provided in the town centre to encourage visitors and workers to use public car-parks and free up roads to allow easier movement of traffic.

13. West Lynn Ferry

The ferry at West Lynn provides a car-free route straight into the town centre with parking provided at Ferry Square, West Lynn. 'Park and sail' accounts for over 90,000 return journeys in a year. The Borough Council will continue to support the ferry as it helps to reduce car journeys from the west of the borough.

14. Road Layout

Together with Norfolk County Council, the Borough Council are looking at ways that the road layout can be changed around the town centre to reduce congestion within the air quality management area.

15. Traffic management at London Road & Southgate

Ways to reduce queuing traffic into and out of town along London Road and through Southgate are being investigated. This may include alteration of traffic signals or priority at junctions.

16. Traffic Management at Gaywood

Together with Norfolk County Council, the council are looking at how traffic queues at Gaywood clock and the south of Wootton Road could be reduced. This may include changes to the position or timing of traffic signals.

17. Travel Plans

A green travel plan is a way that businesses or services can manage how users and employees travel. The plan is a package of actions that promote public transport, cycling, walking, and car-sharing. Alternatives to car use and to single car

occupancy are encouraged together with measures that reduce need to travel for work. By reducing car journeys, travel plans can cut the contribution to air pollution made by large organisations.

18. Cycling and walking

Walking is an activity that most members of the community can do and cycling is also growing in popularity. They are healthy activities and a great form of exercise. Encouraging people to switch from a car to walking or cycling can also help to reduce air pollution. Together with Norfolk County Council the Borough Council aim to improve spaces for walking and cycling such as cycle lanes and pavements. Sustrans maps and bicycle user groups will be promoted.

Emissions Actions

19. Electric vehicle charging

Electric vehicles do not produce the same air pollution as petrol or diesel vehicles. However, promoting alternative fuels relies on charging points being available. The Borough Council will investigate the feasibility of providing electric vehicle charging points in car parks and in new developments.

20. Quality bus partnerships

A quality bus partnership is a contract between the County Council and bus operators. The contract includes the types of buses that should be used, the level of service and vehicle emissions. The partnership should help to provide an attractive and low emission bus service.

How we will do it

Individuals, communities, industry, business and governments all contribute to pollution — so we can all be part of the solution. The Borough Council have set up an Air Quality Steering Group to agree and implement the measures in the Action Plan.

Stakeholders opinions are being sought. The Air Quality Action Plan will be made available for an 8 week period giving consultees the opportunity to comment on the draft plan. This document will be published on the Borough Council's website and we will consult with stakeholders such as:

- Members of the public
- Cabinet
- Borough & County councillors
- Norfolk County Council Planning & Transportation
- Borough Council Commercial Services
- Borough Council Development Services
- Management team
- Bus operators
- Taxi operators
- Chamber of Commerce
- Vancouver Quarter management
- King's Lynn Town Centre Partnership
- King's Lynn Area Consultative Committee
- Business Improvement District
- Other stakeholders

All comments and opinions will be considered and the final action plan measures will be drawn up. The final air quality action plan will have to be approved by the Borough Council of King's Lynn & West Norfolk Cabinet and by the Secretary of State before it becomes a fully adopted policy. The Environmental Quality Team will monitor the action taken and report annually to the Secretary of State.

How we will know if its worked

The effectiveness of the Air Quality Action Plan will be carefully monitored by measuring nitrogen dioxide levels at relevant places in the air quality management areas. Traffic flow changes on key routes will be assessed as air quality is reviewed and assessed each year.

There will be regular review of the Action Plan measures to check progress. This will be reported annually in an Action Plan Progress Report which will be made widely available.

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Mandatory	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: <i>cllr.nick.daubney@west-norfolk.gov.uk</i>		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Ray Harding E-mail: <i>ray.harding@west-norfolk.gov.uk</i> Direct Dial:01553 616245		Other Officers consulted: Management Team		
Financial Implications	Policy/Personnel Implications	Statutory Implications	Equal Impact Assessment YES If YES: Pre-screening/ Full Assessment	Risk Management Implications
YES	YES	YES		YES

Date of meeting: 29 July 2014

4 PROVISION OF LEGAL SERVICES

Summary

This report makes recommendations to Cabinet and Council concerning the future provision of legal services to the Borough Council. The report recommends that the current interim arrangements which are working well are confirmed on a longer term basis.

Recommendation

Cabinet is recommended to:-

1. Agree in principle that a delegation agreement is established for the provision of legal services with North Norfolk District Council.
2. That Council be recommended to appoint Emma Duncan as its Monitoring Officer.
3. That the Chief Executive, in consultation with the Leader of the Council, be given delegated authority to draft and finalise the necessary formal documentation to give effect to recommendations 1 and 2.

Reason for Decision

To provide for the continued provision of resilient and quality legal services to the Borough Council.

1 Background

1.1 The Borough Council has operated a commissioning model for the provision of legal services for the past two years or so. This model has proved to be successful in terms of reducing costs and broadening the range of professional expertise available to the Council.

1.2 The Council had retained the post of Monitoring Officer/Legal Services Manager (part time) in a small legal team, but the majority of the legal services required were commissioned from third party organisations including:-

- Property related matters – NP Law
- Prosecutions – various locally based private firms
- Standards – NNDC/East Law
- Licensing – NNDC/East Law

1.3 The one area of concern which had arisen concerning this model was the lack of resilience on occasions when the Legal Services Manager was unavailable. In order to address this, a decision had been taken to recruit an additional Lawyer post. The recruitment to this post was halted when the Legal Services Manager resigned her post. This provided an opportunity to take stock and consider the most appropriate options for the future. In the interim, Emma Duncan of NNDC was appointed as temporary Monitoring Officer and East Law, the in-house NNDC legal team, have extended the arrangement for the provision of standards and licensing legal work to incorporate the management of the section, provision of general legal advice and to oversee the commissioning of work. This arrangement has worked extremely well and Service Managers and Management Team have been very pleased with the service provided.

2 Proposal

2.1 That the Borough Council delegates to NNDC the provision of the legal services set out below on the following basis:

2.2 Services to be provided

- General advice on contentious/non contentious matters
- FOI/Data Protection framework and high level advice (day to day FOI advice)
- Licensing
- Monitoring Officer (standards and attendance at Full Council)
- Management of remaining staff (2) at BCKLWN and section management
- Client role for commissioned legal services

3 Provision of Service

- Monitoring Officer/Legal Services Manager, Emma Duncan (East Law/NNDC, variable hours)

- 1 FTE Assistant Solicitor based predominantly at King's Court (new post employed by NNDC)
- 1 Trainee Solicitor based across NNDC and BCKLWN (new post employed by NNDC)
- Legal Executive (BCKLWN employee)
- FOI Officer (BCKLWN employee)
- Supplemented as and when needed by additional East Law legal staff

4 Delegation Arrangements

- Rolling annual agreement
- Cost £111,178 per annum (CPI linked)

5 Practical Arrangements

5.1 Staffing

It is understood by BCKLWN that all staff will be expected to be available to undertake work for other customers of East Law, as well as undertaking Borough Council work.

6 Additional Savings

- 6.1 It is anticipated that this arrangement will also enable additional savings to be generated, for example, ICT and publications costs. Any such savings achieved will be split on a 50/50 basis between East Law and BCKLWN.

7 Options Considered

- 7.1 The principle alternative option considered was to retain the service in house and seek to recruit to the vacant posts. This option was discounted as the cost would have been higher, and the level of resilience lower, when set against the recommended option.

8 Financial Implications

- 8.1 This proposal can be accommodated within the current budget for 2014/15 and should result in a saving being achieved. Actual savings will be reported via the monthly budget monitoring reports.

9 Policy and Personnel Implications

- 9.1 The existing posts of Legal Services Manager and Assistant Solicitor will be deleted from the establishment. The posts of Legal Executive and FOI officer will be line managed by North Norfolk's Legal Services Manager but will remain on the Council's payroll, terms and conditions etc.
- 9.2 In policy terms, the Borough Council has arrangements currently in place whereby Borough Council Service Managers manage services on behalf of neighbouring councils (Strategic Housing Manager, who

manages the housing services of Breckland and South Holland for example). These arrangements work well and reduce net costs for both parties. This will be another instance whereby a neighbouring Council manages a Borough Council service. However, the interim arrangement has, in effect, allowed us to trial this arrangement and it has worked well in practice.

10 Statutory Considerations

- 10.1 In accordance with the Local Government and Housing Act 1989, the Borough Council is required to employ a Monitoring Officer, which is one of the Council's designated statutory posts. The arrangements described above will ensure that this requirement is met.

11 Equality Impact Assessment (EIA)

Pre screening report template completed

12 Risk Management Implications

- 12.1 There is always the potential for new ways of working to run into difficulties, however, the risks of this occurring have been mitigated by the Council's extended relationship with the Legal Services team at NNDC through the commissioning of legal services in respect of licensing and standards issues, and the current interim arrangements for the provision of the role of Monitoring Officer and Legal Services Manager.

13 Declarations of Interest / Dispensations Granted

None

14 Background Papers

EIA

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Discretionary	(a) Be entirely within cabinet's powers to decide YES		
	Operational	(b) Need to be recommendations to Council		NO
		(c) Be partly for recommendations to Council and partly within Cabinets powers –		NO
Lead Member: Cllr Lawrence E-mail: cllr.adrian.lawrence@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Sheila Farley E-mail: sheila.farley@west-norfolk.gov.uk Direct Dial: 01553 616174		Other Officers consulted: Duncan Hall Ross Hefford		
Financial Implications NO	Policy/Personnel Implications NO	Statutory Implications No	Equal Impact Assessment YES/ If YES: Pre-screening	Risk Management Implications No

Date of meeting: 29 July 2014

5 DRAFT HOMELESSNESS STRATEGY

Purpose of report:

To seek approval to consult on the draft Homelessness Strategy Consultation Document 2014-19

Recommendation

That the draft Homelessness Strategy Consultation Document 2014 to 19 as attached at Appendix 1 is approved for public consultation.

Reason for Decision

It is a statutory requirement for the Council to adopt a Homelessness Strategy following a review and consultation involving partners and public.

Report

1. BCKLWN as the statutory housing authority for the area has a duty to carry out a review of homelessness in the area and to publish a specific Homelessness Strategy to meet needs identified including
 - Addressing the causes of homelessness
 - Introducing initiatives to prevent homelessness wherever possible
 - Securing sufficient accommodation for homeless people or those who may become homeless

- Ensuring appropriate support to prevent repeat homelessness
2. The existing Homelessness Strategy comes to an end in 2014. It is a statutory duty for housing authorities such as BCKLWN to have a Homelessness Strategy.
 3. Between April and May 2014 a review of data and statistics was undertaken which has informed the development of the draft Homelessness Strategy. This includes analysis of housing needs, wider causes and trends in statutory homelessness over the last 3 years.
 4. A review has also been undertaken with partners and service providers. This has included views on past performance, gaps analysis, current and future issues and, again, has supported the development of the Homelessness Strategy. The document has also taken account of Government guidance on homelessness, housing needs and allocations policies which may influence the Homelessness Strategy.
 5. This report brings forward a draft Homelessness Strategy as a Consultation Document for approval which is attached as Appendix 1.
 6. Much has been achieved since the last Homelessness Strategy was produced in 2012 – particularly more work preventing homelessness and less rough sleeping. This is detailed in the draft Homelessness Strategy.
 7. The Council's approach outlined in the draft Homelessness Strategy are:
 - *Early intervention to prevent homelessness whenever possible*
 - *Ensuring appropriate advice, accommodation and support by direct provision and in partnership with others*
 - *Working to ensure an appropriate supply of good quality affordable accommodation in both private and social sectors*
 8. If the draft Homelessness Strategy Document is approved for consultation, public consultation this will begin as soon as possible after approval. Groups to be consulted include Housing Associations, Norfolk County Council (specifically Children's and Adult Services), other agencies and partners, Voluntary Sector, residents and elected members.
 9. The consultation period will end in Autumn 2014. The final Homelessness Strategy will be developed having regard to responses and an Action Plan will be produced to deliver solutions and improvements. The revised Homelessness Strategy and Action Plan will be presented to Cabinet by end of 2014. If Cabinet approve the final draft Homelessness Strategy, then a recommendation for its adoption will be made to the meeting of Full Council.

10 Financial Implications

11 There are no adverse financial implications arising from this report. Homelessness has the potential to have significant financial implications for the council. Whilst this particular report does not initially have any financial implications the strategic priorities and options that emanate from the consultation will potentially have a bearing on the Council's future budgetary provision in this area. The aims of the Homelessness Strategy are to prevent homelessness and thus help minimise the costs of temporary accommodation.

12 Staffing Implications

13 Managing the process of consultation will be met within existing staffing resources

14 Statutory Considerations

15 The Local Government Act 2003 requires local housing authorities to have in place a Homelessness Strategy.

16 Equality Impact Assessments (EIA's)

17 An initial equality impact assessment is attached at appendix 2. The Homelessness Strategy is very specifically targeted at meeting the housing needs of the most vulnerable people and as such no adverse impacts on any equalities group are expected as a result of this strategy.

18 No groups have been identified as being disadvantaged by this report. Statutory homelessness operates within a legal framework which identifies 'priority need' groups so specific groups such as households with children are over-represented in homelessness acceptances. The draft Strategy specifically recognises affordability issues which impact on those with insufficient resources to access or maintain private rented accommodation.

19 Risk Management

20 Failure to adopt a Homelessness Strategy in consultation with partners and public will mean that the Council does not meet its statutory duty and leave it open to challenge related to both policy and day to day decision making. The document in Appendix A sets out the current situation and potential priorities for the future

21 Background Papers

Homeless review key issues paper

Appendices to report:

Draft Homelessness Strategy Consultation Document

Initial Equality Impact Assessment

DRAFT
BCKLWN Homelessness Strategy 2014-19

Why we have developed a new Homelessness Strategy

The Borough Council has a duty to review homelessness in the area and develop a Homelessness Strategy to

- Address the causes of homelessness
- Introduce initiatives to prevent homelessness
- Secure sufficient accommodation for homeless people or those who may become homeless
- Ensure appropriate support to prevent repeat homelessness.

The current Homelessness Strategy is for the period 2012-14 and consequently a review and new Strategy is needed. It is also important given recent adverse trends in homelessness in the Borough.

This Consultation Draft Homelessness Strategy has been developed to ensure partners and residents can have their say and play a role in both shaping and delivering our future priorities. It sets out the local issues specific to West Norfolk in relation to homelessness together with potential priorities for future action to respond to local issues.

Preventing homelessness is a high priority for the Borough Council. The Council recognise that settled housing provides the foundation on which we build our lives.

The last Homelessness Strategy covered the period 2012-14. It set out a vision to increase homelessness prevention, work in partnership to deliver high quality services and to increase the supply of accommodation in private and social sectors. We have been highly successful in delivering these changes and improvements. However, for all that we have achieved, there are continuing challenges ahead.

The Strategy sets out where we are now and considers the challenges and opportunities that are likely to come forward in the next 5 years. Many of the challenges facing us are outside the direct control of the Council and we will work in partnership with others to find local solutions

The Borough Council's approach will focus on:

- Early intervention to prevent homelessness whenever possible
- Ensuring appropriate advice, accommodation and support by direct provision and in partnership with others
- Working to ensure an appropriate supply of good quality affordable accommodation in both private and social sectors

Details about how the Council will deliver the Homelessness Strategy objectives and respond to emerging pressures will be set out within the Homelessness Strategy Action Plan which will be developed following consultation.

Homelessness

Contrary to popular perceptions, most homeless people do not live on the street. People may have access to some form of shelter, some of the time but lack a stable, long term, settled home

Rough sleeping is the starkest form of homelessness and is a harmful and risky lifestyle. It is linked to wider social and health issues and living on the streets is likely to increase these problems. However, at the present time it is comparatively rare in West Norfolk.

Some people who can't access housing live in improvised dwellings – tents, sheds. This can happen in residential areas, on other land including car parks. There have been several instances of this identified in Kings Lynn but it can also occur in rural areas.

More often, people are forced with frequent moves from one temporary accommodation to another – people with no settled home. There are also many households that share accommodation or live in unsatisfactory housing.

Whilst it is the case that anyone can become homeless, it is possible to identify people who are most likely to become homeless. Specific groups at risk of homelessness include young people leaving the care of a local authority, those leaving prison, people suffering from domestic violence, those with a mental health or substance misuse problem, those from troubled families, people on low incomes and/or insecure employment and those who are in debt. There is a strong correlation between homelessness and deep social exclusion.

Preventing homelessness goes further than the keys to the door. Particularly for vulnerable and young people, there is a need to provide support to help build life skills and build independence. This can ensure people have the ability to attain and retain a settled home. This can reduce both repeated homelessness and admissions to institutional or residential care. For example, as a result of their complex needs, single homeless people disproportionately use acute local health services.

Housing in King's Lynn & West Norfolk

The population of West Norfolk has increased by 8.9% (over 12000 people) between 2001 and 2011, see table 1. The most marked changes are increases in those aged over 60 and those aged 15 to 29 – 15 to 29 increased by over 20% from 18,984 to 22,858; those over 60 increased by over 21% from 37,095 to 45,094. During the same time the number of dwellings increased by 17% from 63,242 to 73,962.

Table 1

Dwelling and population change in the Borough of King's Lynn and West Norfolk

	2001	2011	Change
Population	135,345	147,451	+12,106 (+9%)
Dwellings	63,242	73,962	+10,720 (+17%)
Second homes	ND	3,115	ND

The vast majority of residents are able to secure suitable accommodation without the involvement of the Borough Council. However, there is an increasing number of households approaching the council for assistance.

Housing tenure in the area is changing. There has been an increase in rented housing – especially the private rented sector. In the period 2006-2013, the number of households renting privately increased from 11.6% to 16.7% and those in social rented sector marginally from 38.6% to 39.5%. There was also a marked reduction in owner occupied households with a mortgage – 36% in 2006 compared to 29.2% in 2013

There are just over 9,000 Housing Association homes in the area. As at 31 March 2014, 2,630 households were recorded on the Housing Register and this includes 860 existing social housing tenants seeking alternative accommodation. At 31/03/14 there were 1,332 families, 802 single people and 496 singles and couples aged over 60 on the Housing Register.

702 properties were let in 2013/14 of which 323 were family type accommodation, 112 were one bedroom flats for single people, 140 were one or two-bedroom bungalows for those aged over 60 or those under 60 with medical need for ground floor accommodation and 127 were flats and bungalows in sheltered schemes for those aged over 60. 31% of all properties were let to existing social housing tenants. There is an under supply of two-bedroom houses in the social rented sector, notably in King's Lynn with only 18 being let in 2013/14 compared to 35 in 2012/13 and 63 in 2011/12. During 2013/14 an average of 127 bids (expressions of interest) were received for two-bedroom houses in King's Lynn compared to an average of 33 bids across all property types and locations in the borough.

Table 2 – lettings by accommodation type

Number let	Type of accommodation
323	Family-type accommodation
112	One-bedroom flats
140	Bungalows
127	Sheltered accommodation for over 60s
702	Total

Table 3 - two-bedroom houses in King's Lynn

Year	Number
2013/2014	18
2012/2013	35
2011/2012	63

Table 4 – household composition on Housing Register

Household type	Number
Family	1332
Single Person	802
Singles and couples over 60	496

Homelessness in King's Lynn & West Norfolk

The number of people being accepted as having a full statutory homeless duty has increased over the last year – 106 households in 2013/14 compared to 81 in 2012/13. In total 336 homeless applications were taken in 2013/14 and 287 decisions were made, compared to 213 and 185 in the previous year.

Any significant growth in homeless presentations is of concern to the Borough Council and this will be kept under close review. In all, over 1,000 households approached the Housing Options Team for advice and assistance during the last year.

Of those being accepted as statutory homeless, the main causes are loss of home due to exclusions from family or friends' homes, relationship breakdown or the loss of a private sector tenancy.

The majority of households accepted as statutory homeless are those with dependent children but there is an increasing trend for presentations and acceptances for younger and older people

(Note that definitions are included in appendix at end of this document)

Table 5 – homelessness decisions

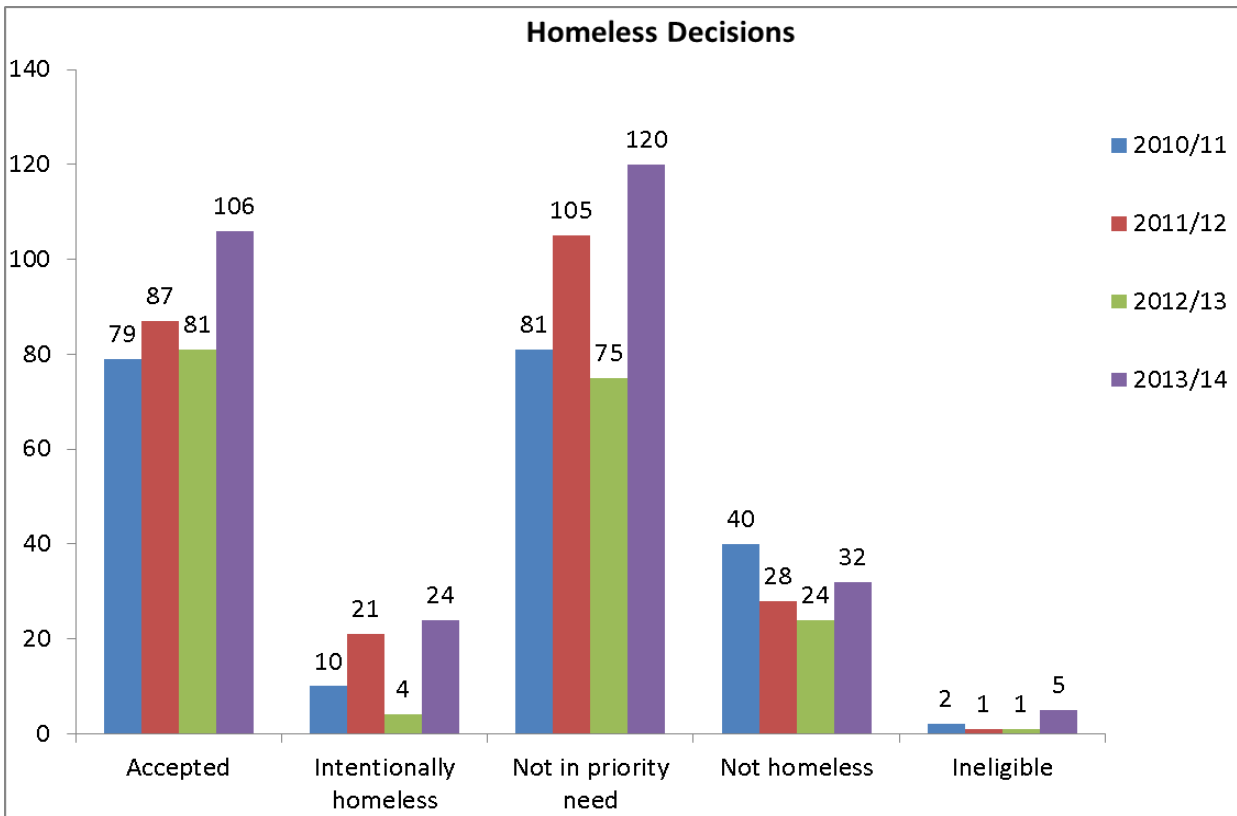


Table 6 – age of accepted homeless households

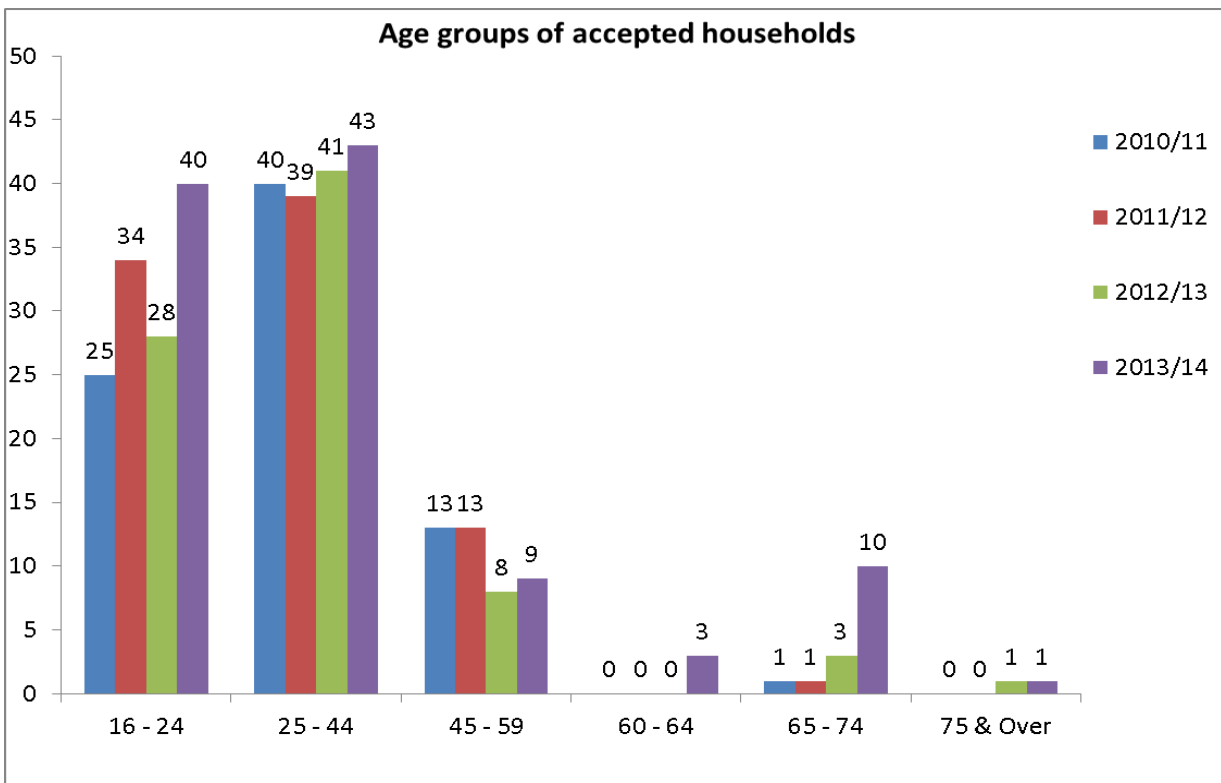


Table 7 – causes of homelessness (acceptances)

King's Lynn	2010/11	2011/12	2012/13	2013/14	Regression
Parents no longer able or willing to accommodate	9%	10%	9%	13%	1.13%
Other relatives or friends no longer able or willing to accommodate	11%	13%	16%	16%	1.73%
Non-violent relationship end	11%	9%	19%	13%	1.48%
Violent relationship end	16%	16%	20%	6%	-2.87%
Racial / other violence / harassment	1%	7%	1%	2%	-0.38%
Rent / mortgage arrears	9%	13%	9%	5%	-1.64%
Loss of private rented accom (Term of AST / Reasons other than term of AST)	33%	14%	23%	22%	-2.40%
Left institution or LA care	0%	8%	0%	8%	1.46%
Other reason*	9%	10%	4%	16%	1.49%

England	2010/11	2011/12	2012/13	2013/14	Regression
Parents no longer able or willing to accommodate	20%	20%	18%	17%	-1.1%
Other relatives or friends no longer able or willing to accommodate	13%	14%	14%	13%	0%
Non-violent relationship end	6%	6%	6%	5%	-0.3%
Violent relationship end	13%	12%	12%	12%	-0.3%
Rent / mortgage arrears	6%	6%	5%	6%	-0.1%
Loss of private rented accom (Term of AST / Reasons other than term of AST)	21%	25%	28%	30%	3%
Other reason*	21%	17%	17%	17%	-1.2%

*N.B. Left institution or LA care is combined with 'Other reason' in the England table

Local issues now and in the future

There have been many successes in tackling and minimising homelessness over the last 3 years. These have been achieved through the Council's commitment to preventing homelessness and the continuing work in delivering homelessness solutions – both directly by the Council and in partnership with others.

Looking to the future strategy period the Council will need to continue to review and adapt services and provision to prevent homelessness in the most effective way in response to the challenging needs, and circumstances of those residents who find themselves in housing need.

The next section of this Consultation Document identifies the main issues facing the Council's housing options service, current activities and potential future priorities to meet the challenges ahead.

Preventing homelessness

The Council's absolute priority is to prevent homelessness occurring by helping people resolve their housing problems and tackling barriers to obtaining accommodation. Homelessness was prevented for 426 households through the work of Housing Options Team and with partners in 2013/14. Examples include:-

- Early intention and joint working with statutory and non statutory agencies
- Assisting those at risk of homelessness access private rented sector by tenancy deposits or rent in advance
- Working with landlords at pre-eviction stage including developing repayment plans, mediation and pre-eviction protocol in social housing
- Helping those at risk of homelessness through increased priority for social housing via Insecure Accommodation Awards

The Council responds to cases of alleged harassment or eviction in the private rented sector and works with landlords and tenants to sustain tenancies in order to prevent homelessness occurring.

West Norfolk has the highest percentage of households living permanently in caravans of any council area in England. To date, no particular homelessness issues have arisen from people living in caravans or park homes but this will be kept under review.

The Council and its partners will continue to make best use of resources available including homelessness prevention funds and discretionary housing benefit subsidies as well as investment in staff through training to ensure good quality services and advice can be offered.

The growth in the private rented sector is likely to have been, at least in part, underpinned by historically low interest rates but there is a likelihood that there will be a gradual move towards more 'normal' levels of interest as the economic recovery continues. This could impact both on owner occupiers and landlords including some who may be forced to pass costs onto tenants or even to sell property and leave the sector.

Working with Orbit Housing Association, the Council has offered a mortgage rescue scheme to prevent owner occupiers facing repossession becoming homeless. 30 households who were threatened with homelessness have been assisted since 2010/11.

Potential priorities for the future

- *Reduce homelessness caused by parental exclusions*
- *Maximise homelessness preventions through Home Options approach*
- *Maximise the role of the Homechoice scheme*
- *Review best practice and seek continuous improvement*
- *Improve communications and awareness with more targeted information about homelessness and housing options*
- *Increase awareness of realistic housing options for those people working with potentially homeless clients*

- *Review lessons learnt from existing mortgage rescue schemes and keep under review future options post 2014*

Securing accommodation at crisis point

Whilst the Borough Council make strenuous efforts to prevent homelessness, inevitably this is not possible in every case, consequently, it is necessary for the Council to address the immediate housing needs of some homeless households.

The use of temporary accommodation, in particular bed and breakfast accommodation, has been successfully minimised in recent years – improving the quality of life for homeless households and reducing costs to the public purse.

49 households were in temporary accommodation on 31 March 2014. However, of these, 48 households were living in self-contained accommodation. There was just one household in bed and breakfast accommodation on 31 March 2014.

This has been achieved through support from Housing Associations and especially Freebridge Community Housing and Broadland Housing Association in providing temporary accommodation offers to homeless households in appropriate cases and the provision of hostel accommodation for up to 20 households

Potential priorities for the future

- *Secure sufficient, appropriate temporary accommodation to meet the immediate needs of homeless families who reach a crisis point.*
- *Minimise use of costly temporary accommodation, particularly bed and breakfast.*
- *Avoid the use of bed and breakfast accommodation – especially for families and 16-17 year olds*

Increasing supply and making best use of existing housing

New Homes

The global banking crisis had an impact on the mortgage availability throughout the UK and reduced confidence in the housing market. Inevitably the impact was felt in West Norfolk.

As a direct consequence there was a downturn in new homes built in the area– including social housing. Whilst there are clear indications that the housing market is now recovering with a more active mortgage market and a pick-up in the construction sector, this is only now beginning to feed through to an increase in the activity levels in the local housing market. There were 160 new affordable homes available in 2010-11 compared to just 30 in 2013-14.

The downturn in the number of new affordable homes built was driven by two main factors. Firstly as the overall numbers of new private homes built for sale reduced, consequently, the number of affordable homes that would have been required through the planning system also reduced.

Secondly the capital funding changes introduced through the Homes and Communities Agency from 2010 included reduced grant levels to Housing Associations. These changes have impacted upon the investment decision of some social housing providers. Whilst

delivery has been more challenging, the downturn did provide some new investment opportunities as sites became available that would have previously been too expensive for social sector providers. It is evident that things will continue to change such as more competition for sites as confidence in housing improves.

On a more positive note there are clear indications that the number of new affordable homes built will begin to rise in 2014/15.

Existing Homes

Working with partners there have been a number of successful initiatives that have seen vacant sites and empty properties brought back into use as affordable rented accommodation. Opportunities have been taken to lever in investment from Central Government to deliver housing to meet local needs.

A major regeneration scheme at Hillington Square, Kings Lynn is being undertaken by Freebridge Community Housing to invest in existing housing, the scale and extent of this work has required the 'decanting' of a significant number of properties in order to allow the works to proceed. The current year will see the reoccupation of the first phase of this programme.

The Future

The Council uses its planning and housing powers to work with partner organisations to ensure there is an appropriate supply of good quality affordable housing distributed throughout the Borough

In the context of changes to the Affordable Housing Investment regime there are likely to be more challenges ahead and it is unlikely there will be a return to approaches that rely on significant levels of capital grant funding from central government.

The Council will lead and work with partners to be more innovative in ways to which it can provide investment. This could include in policy terms considering alternatives tenures to help cross subsidize and co-investment in new affordable delivery.

Potential priorities for the future

- *Continue to use planning powers and housing enabling role to bring forward new affordable housing*
- *Review funding mechanism to bring forward development – including cross-subsidy, co-investment and private investment*
- *Explore opportunities to invest in housing using existing commuted sums and land holdings*
- *Work in partnership to bring forward unviable sites*
- *Encourage the development of under-occupation schemes in the social sector to free up family homes*
- *Deliver the empty homes scheme with Freebridge Community Housing to bring homes back into use*
- *Implement and review the introduction of Private Sector Offers to meet homelessness duties*
- *Ensure Social Housing Allocations Scheme review supports the aims of the Homelessness Strategy*

Access to housing – attaining and retaining a tenancy

There is increased demand on the rented sector and this will continue to dominate the homelessness and housing agenda in future years. There are signs that some private landlords may be increasingly unwilling to offer tenancies to those on benefits.

Separately, the ability to maintain a successful tenancy is an issue for some households. Feedback from partners suggests that:-

- Lifestyles were seen as one cause – involving chaotic lifestyles, substance misuse, being pressured by friends and their behaviour – such as misplaced loyalties including responsibility for a friend who is a visitor.
- Lack of basic financial capacity, money, prioritisation and debt management/ previous debt, rent arrears can also threaten the ability to retain a successful tenancy.
- Young single people, especially men, were highlighted as having special difficulties in gaining accommodation. The question as to whether younger people under 25 should be able to access social housing has also been raised.

In order to address some of these issues three shared houses have been developed with Freebridge Community Housing and Broadland Housing Association – all of which were previously empty thus making best use of existing housing. The shared houses meet good housing standards and offer a range of support and a focus on training towards employment. The aim is to help people gain independence in the longer term, thus preventing them going through a ‘revolving door’ and back to homelessness again.

Potential priorities for the future

- *Review the outcomes and opportunities arising from the Shared Housing Schemes*
- *Review money and debt advice services*
- *Respond to any funding opportunities that come forward to develop accommodation or services and support appropriate bids*
- *Explore opportunities to maximise tenancy sustainment*

Meeting needs of households with more complex needs

In reviewing homelessness issues with partners, certain people and household types were identified as having limited access to housing and associated services

These include people on low incomes, without regular work, who lack a proven track record, or have previous failed tenancies, or who experience mental health or engage in substance misuse are unlikely to meet lettings agents/landlords vetting procedures and so cannot obtain a private tenancy.

Those with complex needs, mental health and undiagnosed learning difficulties, addiction, negative behaviour, poor parenting and life skills face particular problems in accessing and retaining stable homes.

There is a range of services and accommodation for vulnerable people and those with complex needs – provided by a number of organisations with different funding streams

including the Pathways to Investment Project through the Council working in partnership with the Purfleet Trust.

A fundamental review of services supported through the former Supporting People programme is under way at County level. This continues to develop options and solutions to deliver savings. This may result in the loss of funding and hence housing and support solutions for homeless people in the future. Should this outcome occur, this will inevitably result in increased pressure on Borough Council housing services.

On a more positive front a strong network of partnerships and services is in place to support homeless people and those threatened with homelessness. This includes Norfolk County Council, Probation Service, Queen Elizabeth Hospital, Norfolk Constabulary and immigration as well as Housing Associations and voluntary organisations.

There is joint work between Children's Social Care and the Council to ensure that young people are appropriately supported if they are homeless; families are supported if they are homeless or families are supported to look after children at home.

Potential priorities for the future

- *Improved data sharing across organisations including mental health*
- *Seek to ensure that homelessness is recognised as a priority for action within the work of Health and Well Being Board*
- *Work in partnership to develop suitable housing and support for those with complex needs*
- *Review existing and introduce new pre-crisis protocols with partner organisations*
- *Ensure housing pathways are agreed and reviewed with partners for key client groups*

Tackling rough sleeping

There have been significant reductions in the number of rough sleepers from approximately 20 in 2010 to just 3 during the rough sleeper assessment in November 2013.

There has been good partnership working around Emergency Direct Access Beds – which provide an overnight bed – and with other partner agencies to intervene when people are found to be sleeping rough. Where possible, we will help people re-connect back to areas when family and other support may help people gain accommodation and independence for the future.

A local Norfolk-wide scheme based on No Second Night Out initiative has been introduced. Fundamentally the scheme hopes to prevent a second night on the streets for those sleeping rough. The Council is the lead authority for this initiative in Norfolk

However, entrenched rough sleepers do not respond to traditional methods of re-settlement with repeat homelessness and returning back to the streets. Specific responses are needed for this client group – who often have complex problems including substance misuse and mental health issues.

Potential priorities for the future

- *Continue to work with organisations who assist with helping rough sleepers to reconnect, re-engage and leave the streets*
- *Encourage the delivery of sufficient specialist accommodation and support services to meet the needs of single homeless clients*
- *Deliver and review the impact of No Second Night Out*

Responding to household income, debt and impact of welfare reform

National welfare spending is reducing as part of the Government's deficit reduction programme and this includes housing and council tax support and other welfare benefits. This has an impact on those people on who are partially or totally dependent on benefits for their household income. . It is important to recognise that housing benefit changes affect those who claim the benefit due to low incomes and not just those on out of work benefits.

Younger people have been affected by the single room rent restrictions on benefit paid and this has been extended from those under 25 to those under 35 years old. This is likely to lead to a need for more shared accommodation. The Shared Room Rate allowance which is set by Valuation office Agency appears lower in our area than other comparable authorities and is cited as a barrier for younger single people on low incomes being able to access or retain accommodation.

Over accommodation rules within the social rented sector have impacted on over 1,000 households locally. Housing Associations are working directly with their tenants to try to resolve any issues arising such as rent arrears. The Government has made some additional funding available to enable the Council to award a Discretionary Housing Allowance following an affordability assessment of household income and expenditure to a limited number of households.

Some larger families have had benefits reduced as a result of a cap on total level of benefits paid to one household. The plans to introduce Universal Credit and payments directly to claimants, monthly in arrears is causing concern amongst many social landlords in light of the potential impact on budgeting and debt, increasing risks of homelessness amongst households with poor budgeting and financial skills. Currently social landlords receive rental payments direct. This will ultimately be extended to all working age households in receipt of benefits.

Department for Work and Pensions sanctions have also been cited as an issue affecting household income and the ability to meet rent payments.

Given the above and general constraint on incomes, budgeting, individual and household debt is likely to be a continued challenge for the future for low income households.

As a consequence of the need to minimise the impact of these factors on homelessness work between Housing Associations, Stonham Housing and the Council to support those potentially threatened with eviction in the social sector – helping people resolve household budgeting, debt and other issues has been a high priority. This prevents homelessness and has, to date, been successful. 161 households were assisted via the protocol in 2013/14 and there were no cases of homeless acceptances due to loss of a social tenancy.

Potential priorities for the future

- *Support and develop services to promote financial and social inclusion and independence*
- *Work with Housing Associations and other support agencies to support tenants affected by welfare reform*
- *Provide Discretionary Housing Benefit in appropriate cases*
- *Continue to monitor the introduction and potential impact of Universal Credit*

Responding to changes in public sector policy and finance

There are continued national reductions on local authority budgets. The Council has a firm financial footing but further reductions in grant from Government are expected throughout the period covered by this Strategy. This will inevitably impact upon the level of resources the council can devote to this area of work. Containing costs in meeting homelessness obligations is business critical to the Council.

The Homelessness Prevention Payment from the Department of Communities and Local Government is not guaranteed beyond 2015. This Fund supports expenditure on preventing homelessness in King's Lynn & West Norfolk.

The Localism Act offered flexibilities for local authorities to discharge their homelessness responsibilities by securing a good quality, well managed, affordable private rented home and the Council will make use of this where possible in meeting homelessness obligations.

The Review of Social Housing Allocations Policy in King's Lynn & West Norfolk and elsewhere will have an impact on who is being housed and hence homelessness. The reality is that the majority of people on the Housing Register may never be offered a housing association home.

Groups to whom Council's will award reasonable preference in allocating social housing are outlined within national policy but it is for each housing authority to adopt a Local Social Housing Allocations Policy in consultation with partners such as Housing Associations. The Social Housing Allocation Policy was reviewed and adopted in 2013. There will be a review of its impacts in 2014 and changes will be considered if necessary.

Changes have also taken place in social housing. New social housing is increasingly let on Affordable Rent levels (up to 80% of market value) and on Flexible (fixed term) tenancies. The Council adopted a Tenancy Strategy in 2013.

Potential priorities for the future

- *Implement discharge of duty through Private Rented Sector Offers where possible*
- *Keep Social Housing Allocations Policy under review*
- *Review different tenure opportunities and review Tenancy Strategy*
- *Develop protocols with Housing Associations to manage the final year of Flexible Tenancies to prevent homelessness*

National and statutory context

This Homelessness Strategy responds to Acts of Parliament and statutory guidance notably

Homelessness Act 2002 requires Councils to have a Homelessness Strategy and outlines a range of duties for people who are homelessness or at risk of becoming homeless. This includes advice and assistance, the provision of temporary accommodation and a main housing duty to accommodate those who are unintentionally homeless and in priority need.

The Homelessness Code of Guidance 2006 explains how duties should be implemented.

Localism Act 2011 includes measures for ensuring that social housing is made available to people in greatest need and a power to meet homelessness obligations in the private rented sector.

The Welfare Reform Act 2012 intends to increase work incentives and increase individual responsibility for money management and introduces changes to housing benefit and moving towards Universal Credit.

Making Every Contact Count 2012 details how the Government expects all local services to work together to prevent homelessness and concentrate on early intervention for groups at risk of homelessness. It sets out 10 challenges for local authorities

1. Adopt a corporate commitment to prevent homelessness which has buy in across all local authority services
2. Actively work in partnership with voluntary sector and other local partners to address support, education, employment and training needs
3. Offer a Housing Options prevention service including written advice to all clients
4. Adopt a No Second Night Out model or effective local alternative
5. Have housing pathways agreed or in development with each key partner and client group that includes appropriate accommodation and support
6. Develop a suitable private sector offer for all client group, including advice and support for both client and landlords
7. Actively engage in preventing mortgage repossessions including through the Mortgage Rescue Scheme
8. Have a Homelessness Strategy which sets out a proactive approach to preventing homelessness and is reviewed annually so that it is responsive to changing needs
9. Not place any young person aged 16 or 17 years old in bed and breakfast accommodation
10. Not place any families in bed and breakfast accommodation unless it is an emergency and then for no longer than 6 weeks

Definitions

Acceptances: households found to be eligible for assistance, unintentionally homeless and falling within a priority need group (as defined by homelessness legislation) are referred to as statutory “acceptances”. These households are consequently owed a main homelessness duty by a local housing authority. The main duty is to secure settled accommodation.

Decisions: refers to decisions taken of households that apply for assistance under the Housing and Homelessness Acts.

Priority need groups: include households with dependent children or a pregnant woman and people who are vulnerable in some way e.g. because of mental illness or physical disability. The priority need categories were extended by Order in January 2002 to include, additionally: applicants aged 16 or 17; applicants aged 18 to 20 who were previously in care; applicants vulnerable as a result of time spent in care, in custody, or in HM Forces, and applicants vulnerable as a result of having to flee their home because of violence or the threat of violence (in addition to domestic violence, which is one of the original priority need groups). It is not possible to establish precisely how much of the changed profile of acceptances is attributable to the Order. Previously, some local authorities would have accepted households that fell within the new categories as having a priority need because of "another special reason". This applies in particular to applicants such as vulnerable young people, and people fleeing domestic violence. Where applicants are accepted as homeless because of an emergency, for example fire or flood, this will always be recorded as the main priority need category.

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Mandatory/	Be entirely within Cabinet's powers to decide	NO	
	Discretionary /	Need to be recommendations to Council	YES	
	Operational	Is it a Key Decision	YES	
Lead Member: Cllr A Beales E-mail: <i>cllr.alistair.beales@west-norfolk.gov.uk</i>		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Dale Gagen E-mail: <i>dale.gagen@west-norfolk.gov.uk</i> Direct Dial:01553 616505		Other Officers consulted: R Harding ,D Thomason, L Gore		
Financial Implications YES	Policy/Personnel Implications NO	Statutory Implications YES	Equal Impact Assessment NO	Risk Management Implications YES

Date of meeting: 29 July 2014

6 NORA JOINT VENTURE – PHASE 2

Summary

This report updates Members on progress made on the NORA Housing project and requests Members to agree a trigger point of sales on the phase one development and give delegated authority to the Chief Executive and the Deputy Chief Executive (the JV board members for the Borough Council) in consultation with the Portfolio Holder for Regeneration, to authorise the signing of contracts to enable the start of works for Phase 2.

Recommendation

- 1. To agree a trigger point of 20 sales on phase 1, at which point delegated authority is given to the Chief Executive and the Deputy Chief Executive (the JV Board Members for the Borough Council), in consultation with the Portfolio Holder for Regeneration to authorise the signing of contracts and the start of works for phase two subject to the business case not requiring an additional contribution for phase 2 of more than £400,000.**
- 2. To fund additional contributions from a reduction in the overall land receipt.**
- 3. To agree to proceed with the development in the event that the trigger point is reached with or without the County Council's continued participation.**

Reason for Decision

To allow the development on Nar Valley Park (NORA) to continue.

1. Background

1.1 The Borough Council of King's Lynn and West Norfolk has led the redevelopment of the Nar Ouse Regeneration Area (NORA) since its inception in 1998. NORA aims to deliver the comprehensive regeneration of an area of around 53 hectares of underused and derelict land extending from Boal Street to the A47 adjacent to South Lynn. The Council has worked in partnership with the East of England Development Agency (EEDA), English Partnerships (now the Homes and Communities Agency), Norfolk County Council and developers Morston Assets to deliver the NORA Millennium Community on the southern site since 2002. Throughout the programme, community stakeholders have been actively engaged in the development of detailed plans through the NORA Consultative Group.

1.2 An agreement with Norfolk County Council (NCC) to create a contractual Joint Venture to deliver the first phase of residential units on the Council's land at NORA was approved by Cabinet on 3rd April 2010 and signed with the NCC on 8 October 2012. This approach gave access to NCC capital funding and housing related specialist expertise and staffing capacity.

1.3 Following a tendering process, contract negotiation took place with Morgan Sindall. Once the full price for the scheme was calculated together with their prelims, it became apparent that they were not the lowest tender. As a result contract negotiations then took place with Carter Builders whose tender proved to be the best value on offer under the procurement. Carters started on site on February 2013.

2. How the Project has Progressed

2.1 It was always known that due to the previous uses and the location of the site that this project would be difficult to deliver and during this first phase the Council has had to deal with the following major issues.

- (i) Condition of existing Pumped Foul Sewer
- (ii) Ground level and surcharging requirements
- (iii) Ground Water issues
- (iv) Residual Contamination

2.2 The existing pumped sewer that goes through the site services the 'old town' and is a combined foul and surface water sewer. As such in times of rapid inundation of rain it becomes a critical part of Anglian Water's (AW) sewage infrastructure for the town. This pipe crosses the NORA housing site on the line of the central road and is an Asbestos concrete pipe which is estimated to be in excess of 50 years old. On inspection it was clear that part of the internal wall of this pipe had eroded due to use and would probably fail if not during building work then within the next 5 to 10 years. AW refused to replace the pipe the JV Board Members authorised officers to negotiate a solution to allow the project to go ahead. These discussions resulted in a new pipe (known as a 'diversion) along the existing route being built at a cost of

£125,000 to be shared between the JV Partners. These works were completed in January 2014.

2.3 Due to the location of the site between the Rivers Nar and Ouse, coupled to the initial level of the site, flood risk has always been a concern. This resulted in the adopted strategy for the site relying on raising ground levels on the lower areas. Due to the extent of the raising of the site the only way to get the site roads adopted, once the development is built out was to agree a surcharging exercise with the Highways Authority. Again this process was agreed by the JV Board and resulted in further costs of £348,910 to be funded by the JV partners.

2.4 Heavy rain during the winter meant that large amounts of surface water were created without a means of disposal and it was necessary to reach agreement with the Environment agency for disposing of it into the River Nar. However Carters have made use of the works needed for the surcharging works mentioned above, which have resulted in no time being lost and no further additional cost to the scheme.

2.5 A small amount of residual contamination has been found and removed in accordance with the regulations governing the site. This was expected and relates to areas near the old sewer where the contamination could not previously be removed.

3. Works Required Now in Advance of Future Phases

3.1 Due to the nature of the project and to gain best value, certain works have been carried out prior to the commencement of phases 2 and 3. These costs are added to the JV Account and allocated to the relevant phase during the development stage. All outstanding sums within the JV account are subject to interest, the cost of which is shared equally by the partners. These cost include :-

- (i) Removal of Surcharge material from Phase 2
- (ii) Master Planning costs associated with Phases 2 and 3
- (iii) Planning Fees
- (iv) Services Design
- (v) Installing services in road / footpaths (as part of road building phase)

3.2 The removal of the surcharging material from phase 2 will not only allow for phase 2 to be built immediately a decision is made, but also mean that the area the material was taken from can be restored which will improve the look of the whole site and improve the selling capacity of the Phase 1 units. These works will cost £25,000 and are allocated to the Phase 2 costs.

3.3 During a 'value engineering' process for Phase one, 8 additional units were added to the Phase increasing the contribution to servicing and other costs associated with the project. Early indications are that similar increases may be obtainable on Phases 2 and 3. We are therefore proposing to carry out this work now and gain a new planning permission which will allow the project to continue without any pause should approval for the next Phase be given. The cost of the master planning exercise is £6,750 and the planning

fee will be £14,750. The effect of these works if successful will add value to the site.

3.4 Part of the Phase 1 costs relate to building the roads and footpaths for the whole scheme (Phases 1, 2 and 3) to adoptable standards. However as we are now part way through the development the utility companies have to design how all the proposed individual units should be connected to the services. To facilitate this a further £1,950 will need to be spent.

3.5 As we build the associated roads to the estate it is proposed to put in the connections necessary for the relevant services so that the new roads and pavements do not need to be dug up again at a later stage. This in total for the remaining phases will cost £391,000 and will be incurred as the road infrastructure is installed. This cost will only be incurred if the trigger point is reached and approval for Phase 2 is given.

4. Trigger Point to Allow Phase 2 to Start

4.1 Under the JV agreement, the partners need to consider whether they wish to proceed with Phase 2 of the project. To help inform this decision by Cabinet the Board Members have requested a revised Business Plan for Phase 2 and have also suggested that the decision on Phase 2 should also be linked to progress on the sale of houses during Phase 1. A trigger point of 20 house sales (minimum of exchange of contract) is recommended, with the final decision for this authority being delegated to the Chief Executive and the Deputy Chief Executive (the JV Board Members for the Borough Council), in consultation with the Portfolio Holder for Regeneration.

4.2 In making this decision the officers will take into account the final negotiated contract figure for Phase 2 and the impact this has on the current business case, the trigger point and the current state of the housing market at the time the decision is taken.

5. Policy Implications

5.1 The contents of this report are in line with the Councils policy to develop the NORA site.

6. Financial Implications

6.1 The following table at paragraph 6.2 shows the revised Business Case for Phases 1 and 2

	Phase One		Phase Two Projection	
	54 units	Costs / (income £	58 units	Costs / (income £
1. Buildings	54	6,576,414	58	6,774,800
2. Infrastructure		765,480		708,780
3. Carpets		61,000		50,000
4. Net Land Value (Net of BC £1 M contributions)		350,000		1,250,000
5. Fees		546,380		493,046
6. Sales Fees (Including Legal)	54	106,500	58	114,389
7. Total Cost		8,606,258		9,391,015
8. Affordable Sales	8	(591,300)	8	(705,000)
9. Private Sales	46	(7,481,000)	50	(8,534,580)
10. Total Income		(8,072,300)		(9,239,580)
11. Surplus from previous Phase				(626,526)
12. NCC Contribution		(1,000,000)		

13. Surcharging Works	348,910	**	25,000
14. Rising Main	125,000	**	
15. Interest	40,000		91,610
16. Additional Contributions BCKLWN & NCC ??	(473,910)	**	
17. Net Cost / (Income)	(626,526)		(358,481)

Based on 2014/2015 Values

	Phase 1			Phase 2		
		Borough Council	NCC		Borough Council	NCC
<u>Annual Revenue Income</u>		£	£		£	£
18. Council Tax (band D)	54	6,046	61,834	50	5,599	57,254
19. New homes Bonus (band D) (6 Years Only)	54	62,881	15,720	50	58,224	14,556
20. Extra for Affordable units (6 years Only)	8	2,240	560	7	1,960	490
21. Total Annual Contribution		71,167	78,114		65,783	72,300

Total revenue contribution over 6 years (assumes 3 year build programme)

		Borough Council		NCC	Total
		£		£	£
22. Council Tax (band D)	111.97	91,143	1,145.07	932,087	1,023,231
23. New homes Bonus (band D) (6 Years Only)	1164.5	947,887	291.12	236,972	1,184,858
24. Extra for Affordable units (6 years Only)	280	33,320	70.00	8,330	41,650
25.		1,072,350		1,177,389	2,249,739

Ongoing income Year 7 Onwards

		Borough Council		NCC	Total
		£		£	£
26. Council Tax (band D)	111.97	18,363	1,145.07	187,791	206,155
27. New homes Bonus (band D) (6 Years Only)		0		0	0
28. Extra for Affordable units (6 years Only)		0		0	0
29.		18,363		187,791	206,155

6.3 Under the Joint Venture agreement each party invested £1 Million into the regeneration project, the Council's being in the form of land value and the NCC's in cash. The £1 million land value has been written off in the accounts as it was viewed as a regeneration project that was unlikely to see a return from the initial investment. The £1 million contribution is shown net at line 4 and the NCC's £1 million cash is shown at line 12.

6.4 Lines 13 and 14 shows the cost of surcharging works and replacement of the rising main as mentioned in paragraphs 2.2 and 2.3 above. These costs will be shared 50-50 between the two partners as outline within the Joint Venture agreement. If no profit is made in Phases 2 and 3, this will result in the Council's land value reducing by £236,955 (50% of £473,910) to £2,613,045 over the whole development.

6.5 Once the housing units have been built and occupied, the Council's will receive 'New Homes Bonus' and Council tax. The implications based on 2014/2015 values are shown over lines 18 to 29. In general terms this should result in the Borough Council receiving £1,072,350 and the NCC receiving £1,177,389, subject to the continuation of the New Homes Bonus scheme. With line 26 showing the ongoing Council tax that would be received by the two Councils. The Borough Councils figures being additional to the net land value currently estimated to be £2,613,045 net of our original contribution and additional contributions for phase 1 as explained in paragraphs 6.4 above.

6.8 The Council as developer could also argue the case for the affordable provision to be removed due to the viability of the scheme, in the same way a private developer would. However this scheme has always been considered a regeneration scheme rather than a normal housing development and this is represented in the quality of the scheme and is one of the reasons why the scheme is expensive to deliver.

7. Personnel Implications

7.1 There are no personnel implications associated with this report.

8. Statutory Considerations

8.1 The proposed actions to be taken within this report are covered under S.1 Localism Act 2011 (general power of competence)

9. Equality Impact Assessment (EIA)

9.1 Pre-Screening Equality Impact Assessment form indicates no full EIA is required.

10. Risk Management Implications

10.1 The initial reason the Council was progressing the JV with NCC was to reduce the risks to this Council by sharing them with NCC. The main risk related to the capacity and expertise of the Council to bring forward a housing development. The NCC has contributed £1million and allowed us to utilise

NCC contracts and staff. The 'expertise' risk has been reduced and is demonstrated by Phase 1 being delivered.

10.2 The other main development risks outstanding on this site relate to issues such as :-

(i) The market drops and as a consequence the Council decides not to progress the development at this time. However the works to date will have added value to the site and the site could be sold or developed once market conditions allowed.

(ii) Some of the works may find additional cost associated to the site (further remediation works). Due to the history of the site and the work that has been undertaken there is still risk associated with this land. At the beginning of this project the Council allocated a budget provision of £120,000 to date £52,553 has been spent leaving £67,447 for Phases 2 and 3. However costs to date have in the main related to issues found in the Phase 2 and Phase 3 land. As such the remaining provision of £67,447 appears reasonable.

(iii) There is also a risk that as Phase 2 is not predicted to break even, that the NCC will not want to continue with Phase 2. However this issue is being addressed with in tandem by the NCC and a verbal update will be given at the meeting. However if Members wished they could agree to continue the development without the NCC's participation.

10.3 There are other financial risks associated with the development that relate to the building costs and the sales income associated with the project. The cost side is being mitigated by negotiating fixed price contracts for all the works and reducing development risk as far as possible. A revised business case will be made available based on the Phase 2 building cost prior to any delegated decision on the start of the Phase 2 contract. The sales income area of risk is being managed by obtaining up to date market intelligence and by developing the site in phases. This risk has been further mitigated by a recent report to Members which allows the setting up of a company, which is able to buy units from the site and let them on the private rental market. This will only happen if the sales market leaves units that are unable to be sold. At present there seems to be a strong demand for new housing in King's Lynn, with limited supply of new homes.

11. Declarations of Interest / Dispensations Granted

11.1 None.

12. Background Papers

Joint Venture Board Meeting Minutes

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Operational	(a) Be entirely within cabinet's powers to decide YES		
		(b) Need to be recommendations to Council NO		
		(c) Be partly for recommendations to Council NO and partly within Cabinets powers –		
Lead Member: Cllr A Lawrence E-mail: cllr.adrian.lawrence@west-norfolk.gov.uk		Other Cabinet Members consulted: Leader		
		Other Members consulted:		
Lead Officer: Sam Winter E-mail: sam.winter@west-norfolk.gov.uk Direct Dial: 01553 616327		Other Officers consulted: Chief Executive, Monitoring Officer		
Financial Implications NO	Policy/Personnel Implications NO	Statutory Implications YES	EIA required NO	Risk Management Implications NO

Date of meeting: 29 July 2014

7 LOCAL AUTHORITY HOUSING COMPANY : BOARD OF DIRECTORS

Summary

Cabinet at its meeting on 11 June 2014, followed by Council on 26 June 2014 approved the establishment of the Local Authority Housing Company. Cabinet is invited to consider appointing the Board of Directors of the Local Authority Company.

Recommendation

- 1) That the Portfolio Holder with responsibility for Housing plus 2 members appointed by Cabinet be nominated to the Local Authority Housing Company Shareholder Board.
- 2) That the Chief Executive and Chief Financial Officer be appointed to the Board.

Reason for Decision

To ensure the governance arrangements for the Board of Directors are in place.

1 Background

Cabinet and Council at their meetings on 11 and 26 June 2014 approved the establishment of a Local Authority Housing Company. The arrangements for the housing company including governance arrangements were that it would be a non-charitable company limited to shares and would have a Shareholder Board consisting of:

- Portfolio Holder for Housing plus 2 members appointed by Cabinet
- Chief Executive
- Chief Financial Officer

Cabinet is invited to consider appointing the remaining 2 Board Members.

3 Policy Implications

The appointment is in accordance with the decision of Council.

4 Financial Implications

None

5 Statutory Consideration

None

6 Risk Implications

None

7 Access To Information

Cabinet and Council minutes from 11 and 26 June 2014.