

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



CABINET

Agenda

TUESDAY, 4 NOVEMBER 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, 4 NOVEMBER 2014

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

TIME: 5.30 pm

As required by Regulations 5 (4) and (5) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 - Items 11 (8 & 9) below will be considered in private.

Should you wish to make any representations in relation to the meeting being held in private for the consideration of the above item, you should contact Democratic Services

1. SUSPENSION OF STANDING ORDER 36 – RECORDING OR BROADCASTING OF MEETINGS

In order to comply with Statutory Instrument 2014 no 2095, The Openness of Local Government Bodies Regulations 2011, Standing Order 36 be suspended for the duration of the meeting.

2. MINUTES

To approve the Minutes of the Meeting held on 7 October 2014 (previously circulated pages 326 - 336).

3. APOLOGIES

To receive apologies for absence.

4. 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.

5. 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.

6. CHAIRMAN'S CORRESPONDENCE

To receive any Chairman's correspondence.

7. MEMBERS PRESENT PURSUANT TO STANDING ORDER 34

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

8. CALLED IN MATTERS

To report on any Cabinet decisions called in.

Cabinet Scrutiny Committee at its meeting on 23 October 2014 gave consideration to the "Called In" matter of Free 20 Minute Parking Bays, a delegated decision taken by Councillor Pope, Cabinet Member for ICT, Leisure and Public Space. The response to that Call In will be reported to the meeting.

9. FORWARD DECISIONS LIST

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

10. 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 – 28 October 2014
- Regeneration, Environment and Community Panel – 29 October 2014

11. **REPORTS**

1) **Site Allocations and Development Management Policies** (page 9 and enclosed documents)

The Borough Council has reached a very significant stage in the preparation of the Site Allocations and Development Management Policies Plan as we move forward to the formal Examination of the document.

The proposals in the Plan have been developed following extensive public consultation and represent the Council's proposed response to the views expressed in that overall process.

As the Plan is presenting a policy and site allocations approach which is different from that in the current 1998 Local Plan (the current formal development plan) the decision to proceed to Pre- Submission consultation needs to be via a formal resolution of Council.

One of the key elements to the Plan is the choice of sites to fulfil the housing requirement in the period to 2026. Given the large number of potential sites we have had to make difficult judgements between them. The process is described in the Sustainability Appraisal Report. The Borough Council has used the Sustainability Appraisal process to assess and then demonstrate the outcomes.

2) **Community Infrastructure Levy – Consultation on a Preliminary Draft Charging Schedule** (page 41)

The Community Infrastructure Levy (CIL) came into force in April 2010. It allows local authorities in England and Wales to raise funds from developers undertaking new building projects. The money can be used to contribute to; 'pump prime'; or help lever in investment for a wide range of infrastructure that is needed to support new development. In order to be considered capable of being implemented a CIL must not have a detrimental effect on development (taken as a whole) in the Borough area. Preliminary consultation took place with the development industry and other interested parties in January 2013, and the consultant used this information and comment as inputs to the Viability Assessment. The next stage is to draw up a Preliminary Draft Charging Schedule and consult on this. This document needs to outline the possible rates of CIL. This does not commit the Borough Council to having a CIL or a particular rate at this stage, but allows the Borough Council to collect the views of the community and development professionals operating in the Borough.

3) **King's Lynn Transport Interchange** (page 52)

This report outlines the work to date on development of the King's Lynn Transport Interchange (KLTi) Project. The scheme is funded mainly by Section 106 contributions received from Tesco Stores Ltd, Sainsbury's PLC and additional funding from Norfolk County Council.

Following extensive public consultation a final scheme has been developed. This report recommends the Council proceeds with implementation of a comprehensive scheme. In order to do so it will be necessary for the Council to make a financial contribution to the costs of the project.

4) **Council Tax Discounts For Second Homes And Empty Properties** (Page 66)

The Local Government Acts of 2003 and 2012 give the Council powers to determine the discounts for second homes and long term empty properties. The Council is obliged to approve its determination afresh for each class of dwelling for each financial year. This report puts forward proposals for no change to the current level of discounts and empty property levy for the financial year 2015/2016.

5) **Mid Year Treasury Management Report** (page 71)

The Council has formally adopted the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management (2011) and remains fully compliant with its requirements.

One of the primary requirements of the Code is:

Receipt by Council of an annual strategy report (including the annual investment strategy report) for the year ahead, a mid year review report and an annual review report of the previous year.

The Mid -Year Review Report has been prepared in compliance with CIPFA's Code of Practice, and covers the following:

- An economic update for the first six months of 2014/2015
- A review of the Treasury Management Strategy Statement and Annual Investment Strategy 2014/2015
- The Council's capital expenditure (prudential indicators)
- A review of the Council's investment portfolio for 2014/2015
- A review of the Council's borrowing strategy for 2014/2015
- A review of any debt rescheduling undertaken during 2014/2015
- A review of compliance with Treasury and Prudential Limits for 2014/2015

6) **Norfolk Coast Project AONB** (page 88)

The Norfolk Coast Area of Outstanding Natural Beauty (AONB) was designated in 1968. The current 5-year Norfolk Coast AONB management plan, published in 2009, is being reviewed and updated to produce the next 5-year plan, as required by the Countryside and Rights of Way (CRoW) Act. The draft management plan 2014-19 sets out background information together with a 20-year vision and 5-year objectives and policies for the management of the area. It is

recommended by the Management Group for the AONB which includes representatives of the local authorities covering the Project Area.

7) Update to Standing Orders and Working Protocol to comply with the Openness Regulations (page 100)

The report recommends an updated set of Standing Orders and Protocol to take account of the new Openness Regulations which came into force on 6 August 2014.

EXCLUSION OF PUBLIC

The Cabinet is asked to consider excluding the public from the meeting under section 100A of the Local Government Act 1972 for consideration of the items below on the grounds that they involve the likely disclosure of exempt information as defined by Paragraph 3 of Part 1 of Schedule 12A to the Act, and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

PRIVATE ITEM

Details of any representations received about why the following reports should be considered in public will be reported at the meeting.

8) Material Works Update - Black Bin Recycling Contract Update (page 135)

9) King's Lynn Innovation Centre Land Agreements (Page 142)

To: Members of the Cabinet

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

Cabinet Scrutiny Committee

For further information, please contact:

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FORWARD DECISIONS LIST

Date of meeting	Report title	Description of report	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
4 November 2014	Site Allocations & Development Management Policies	Latest stage in the process	Key	Council	Development Exec Dir – G Hall	Previous reports published	Public
	Community Infrastructure Levy decision (CIL)	Consideration for consultation purposes a CIL	Key	Council	Leader Exec Dir – G Hall		Public
	King's Lynn Transport Interchange	Scheme to improve the bus station and pedestrian link to the train station using S106 funding	Key	Cabinet	Regeneration & Industrial Assets Chief Executive		Public
	Norfolk Coast Project AONB Management Plan	Review of the Plan	Non	Cabinet	Environment Exec Dir – G Hall		Public
	Material Works		Non	Cabinet	Environment Chief Executive		Exempt Private - Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority)
	Mid-Year Treasury Report	Review of the Policy	Key	Cabinet	Leader Deputy Chief Executive		Public
	Update to Standing Orders and Protocol following Openness Regulations		Non	Council	Leader Deputy Chief Executive		Public
	Council Tax Discounts For Second Homes And Empty Properties	Review of the Policy	Key	Council	Leader Deputy Chief Executive		Public
	King's Lynn Innovation	Progress report	Key	Council	Regeneration& Industrial		Exempt

	Infrastructure	and Heads of Terms			Assets Chief Executive		Private - Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority)
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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
2 December 2014	Council Tax Support Scheme	Review of the Scheme	Key	Council	Leader Deputy Chief Executive		Public
	Wash East Coastal Management Strategy	Consideration of the Strategy	Key	Council	Deputy Leader Exec Dir – G Hall		Public
	Update to Freedom of Information and Data Protection Policies	Update of the Council's Freedom of Information and Data Protection Policies	Non	Council	Leader Chief Executive		Public
	Homelessness Strategy – Update	Update to the strategy following consultation exercise	Key	Council	Housing and Community Chief Executive		Public
	Hackney Carriage Stands – Bus Station	Appointment of stands	Non	Cabinet	Housing and Community Exec Dir – G Hall		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
13 January 2015	Budget Monitoring Report 2014	Monitoring Report	Non	Cabinet	Leader Deputy Chief Executive		Public

Date of	Report title	Description of	Key or	Decision Maker	Cabinet Member and Lead	List of Background	Public or Private
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meeting		report	Non Key Decision		Officer	Papers	Meeting
3 February 2015	Financial Plan 2014/2018	Setting the plan	Key	Council	Leader Deputy Chief Executive		Public
	Capital Programme 2014/18		Key	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
3 March 2015	Treasury Management Strategy 2015/16		Key	Council	Leader Deputy Chief Executive		Public

REPORT TO CABINET

Open/Exempt		Would any decisions proposed :		
Any especially affected Wards None, Borough wide coverage	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 V Spikings E-mail: <i>cllr.Vivienne.Spikings@West-Norfolk.gov.uk</i>		Other Cabinet Members consulted: All		
		Other Members consulted: LDF Task Group		
Lead Officer: Alan Gomm E-mail: <i>alan.gomm@west-norfolk.gov.uk</i> Direct Dial:01553 616237		Other Officers consulted: Management Team		
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: 04 November 2014

1 King's Lynn and West Norfolk Local Plan - Site Allocations and Development Management Policies – Proposed Submission Document

Summary

The Borough Council has reached a very significant stage in the preparation of the Site Allocations and Development Management Policies Plan as we move forward to the formal Examination of the document.

The proposals in the Plan have been developed following extensive public consultation and represent the Council's proposed response to the views expressed in that overall process.

As the Plan is presenting a policy and site allocations approach which is different from that in the current 1998 Local Plan (the current formal development plan) the decision to proceed to Pre- Submission consultation needs to be via a formal resolution of Council.

One of the key elements to the Plan is the choice of sites to fulfil the housing requirement in the period to 2026. Given the large number of potential sites we have had to make difficult judgements between them. The process is described in the Sustainability Appraisal Report. The Borough Council has used the Sustainability Appraisal process to assess and then demonstrate the outcomes.

The Borough Council has been conscious of the alternative strategies and sites which could have been used and these have been assessed and

judgements taken as to the most appropriate choices having regard to the overall circumstances.

The Site Allocations and Development Management Policies – Proposed Submission Document is detailed and wide ranging, covering 134 settlements and 22 policy areas. In broad summary the main areas it covers are:

- Deciding the most appropriate **detailed distribution of housing between individual settlements and locations** (within the overall structure specified in the Core Strategy)
- **allocation of specific sites** for housing and other uses;
- defining **development boundaries for settlements** where general development is likely to be acceptable;
- **development management policies for particular topics or locations** to guide and set standards for planning applications and appeals
- minor adjustments and corrections to the Core Strategy.
- A **Policies Map** – this displays, in a visual way on an Ordnance Survey base, the proposals in the Plan.

A large amount of supporting information has been prepared and will be used during the Examination.

Recommendation

That Cabinet and Council be invited to :

- a) Consider and approve the content of the draft Site Allocations and Development Management Policies – Proposed Submission Document and the relevant supporting material apart from Gayton; Upwell / Outwell and; Terrington St. Clement, for it to be placed on deposit for representations and subsequently be submitted to the Planning Inspectorate for Examination.
- b) Consider and approve the content of the draft Site Allocations and Development Management Policies – Proposed Submission Document and the relevant supporting material for Gayton, for it to be placed on deposit for representations and subsequently be submitted to the Planning Inspectorate for Examination
- c) Consider and approve the content of the draft Site Allocations and Development Management Policies – Proposed Submission Document and the relevant supporting material for Upwell and Outwell and Terrington St. Clement, for it to be placed on deposit for representations and subsequently be submitted to the Planning Inspectorate for Examination

- d) Recommends to Council that the Local Development Scheme be updated in the form presented at Appendix 5
- e) Agrees to the Executive Director Planning and Environment in consultation with the Portfolio Holder making minor amendments to the content of the documents and supporting material before it is placed on deposit for representations.

Reason for Decision

To enable the next stage in the preparation of the statutory development plan for the Borough to be undertaken, in that the Borough Council takes the Plan to the Submission stages culminating in a public Examination of the document.

1. Background

1.1 The Core Strategy was adopted in July 2011, and gives strategic level guidance as to growth and significant issues across the Borough in the period to 2026. A document called the Site Allocations and Development Management Policies – Proposed Submission Document has been prepared to give the spatial detail below these higher level aspirations and include specific development management policies. The Borough Council has been engaged in a long and complex process to prepare the document, and we have now reached a significant stage where officers are recommending that we move to the Submission stages culminating in a public Examination of the document.

1.2 The Site Allocations and Development Management Policies – Proposed Submission Document is intended to give effect to and complement the already adopted Core Strategy. Once completed and adopted the Site Allocations and Development Management Policies will sit alongside the already adopted Core Strategy to form the Local Plan for the Borough. Its policies will guide development in the Borough for the period up to 2026. (Formally speaking, the Site Allocations and Development Management Policies will be a 'development plan document' under the Planning Acts.)

1.3 The development plan (which also includes any neighbourhood plans which become adopted) has a special status, in that it is the starting point for the determination of all planning applications and appeals. These must be decided in accordance with the development plan unless there are good planning reasons not to do so (e.g. other planning considerations, or changed circumstances including newer national policies).

1.4 The Core Strategy sets out the scale of growth and broad distribution for the Borough. The Site Allocations and Development Management Policies – Proposed Submission Document will help achieve this through the measures described in the section below.

2. The content of the Plan

2.1 Summary of main contents

2.1.1 The Site Allocations and Development Management Policies – Proposed Submission Document (copy attached with the Proposals Map as a separate document marked as Appendix 1) is detailed and wide ranging, covering 134 settlements and 22 policy areas. In broad summary the main topics it covers are:

- Deciding the most appropriate **detailed distribution of housing between individual settlements and locations** (within the overall structure specified in the Core Strategy)
- **allocation of specific sites** for housing and other uses;
- defining **development boundaries for settlements** where general development is likely to be acceptable;
- **development management policies for particular topics or locations** to guide and set standards for planning applications and appeals
- minor adjustments and corrections to the Core Strategy.
- A **Policies Map** – this displays, in a visual way, on an Ordnance Survey base the proposals in the Plan.

In summary for the sections in bold above the content is described below.

2.2 Distribution of housing

2.2.1 Overall we are seeking to find 16500 houses in the Plan period from 2001 to 2026 (as per the adopted Core Strategy and subsequent research). However as of March 2013 completions (since 2001) and commitments at that date amounted to 10000 houses. Therefore in net terms allocations are being made for approximately 6500 houses. Within that overall amount are figures for different categories of place, e.g. Kings Lynn, Key Rural Service Centres etc. The Plan sets the figures, and allocations are made to meet them. The figures for rural settlements are defined according to population size, and facilities present. Adjustments are made according to site availability and local aspirations.

2.3 Site specific allocations

2.3.1 Over 1300 housing sites were put forward originally and these have been assessed over the plan preparation process and the set of sites put forward in the current plan are considered to be the most appropriate set having regard to technical issues and Sustainability Appraisal.

2.4 Development Boundaries

2.4.1 As well as making allocations the Plan delineates the development boundaries of settlements including the main towns, Key Rural Service Centres and Rural Villages. In principle windfall sites within these boundaries are likely to be acceptable. No boundaries are defined for Smaller Villages and Hamlets although proposed Policy DM3 outlines the circumstances where plots in these locations could be acceptable.

2.5 Development Management policies

2.5.1 Three sets of policies have been developed covering **sustainable development** (such as development boundaries, enlargement of dwellings, infill development, and other community related issues.); **the economy** (such as holiday sites, retailing, CITB and RAF Marham); and **conservation and the natural environment** (covering such issues as flood risk, green infrastructure and renewable energy).

2.6 Supporting documentation

2.6.1 In preparing the Plan there are a number of formal requirements to be met including: Sustainability Appraisal and Strategic Environmental Assessment; Habitats Regulation Assessment; Consultation Report; Local Development Scheme; and the 'Duty to Co-operate'. (These aspects are considered at paragraphs 3.3, 3.4, 3.5, 3.6 and 4.1 respectively below).

2.6.2 In addition to the specific documents outlined above the following documents will be made available when the Plan is placed on deposit for representations should Council agree to the formal Submission of the Plan:

- Strategic Housing Land Availability Study (SHLAA)
- Housing numbers paper (5 year supply / trajectory /revisions / plan period etc) as a summary, but also to be supported by a full Topic Paper for the Examination.
- Soundness checklist
- Affordable Housing Rate Review
- Gypsy and Traveller Accommodation Needs Assessment update (GTANA)
- Strategic Housing Market Assessment (includes commentary on Objectively Assessed Housing Need) (SHMA)
- Strategic Flood Risk Assessment (SFRA) and update for strategic settlements
- Approach to flood risk (Also as a Topic Paper for the Examination)
- Infrastructure Study
- Annual Monitoring Report (AMR)
- A Potential Sites - Technical Assessment document
- Analysis of compatibility with the National Planning Policy Framework (NPPF) – our Plan needs to show how it relates to national policy
- Local Plan Viability Study - this covers the potential deliverability of the Plan
- 'Duty to Co-operate' Statement.

3. The Process

3.1 Previous and current stages in the preparation of the Plan

3.1.1 The content of the Site Allocations and Development Management Policies – Proposed Submission Document has been developed and presented as a draft for consideration here, in the light of earlier consultation. The key public stages of the preparation of the Detailed Policies and Sites Document are as follows. (Note that in the earlier stages the Plan was referred to as the *Site Specific Allocations and Policies Development Plan Document*.)

3.1.2 Previous

1. **Consultation on the scope of the Plan and a call for suggestions of development sites.** (May / June 2009) (Note that at this stage the plan was called the '*Site Specific Allocations and Policies Development Plan Document*'.) Comments received have helped the Council identify plan content and possible locations.
2. **Consultation on emerging 'Issues and Options'.** (September to December 2011) The comments received helped refine the approach and identify its provisional choices for sites and policies.
3. **Consultation on 'Preferred Options' for the Detailed Policies and Sites Plan** (July to October 2013) The Council's provisional choice of policies and sites. Comments received helped the Council decide whether to confirm or amend its provisional choice of sites and policies.

3.1.3. Current

4. **Publication of the Council's Site Allocations and Development Management Policies – Proposed Submission Document for formal representations.** The comments received at this stage will be forwarded to the Inspector conducting the Examination – see next stage.
5. **Examination hearings** (anticipated summer 2015) of the 'soundness' and legal compliance of the Proposed Plan Document, undertaken by an independent planning inspector. The inspector will consider the comments received at Stage 4, and will hold a public hearing to enable detailed discussion of particular issues.

3.1.4 Stage 4 outlined above involves a number of elements.

- Council resolution to proceed to Pre-Submission consultation and subsequent Submission of the Plan for formal examination
- Plan is placed on deposit for representations for 6 weeks.(approximately January - February)
- Plan and representations are submitted to the Planning Inspectorate to initiate the Examination process. (Likely March - April)
- The Inspector decides on the subjects to be discussed at the Examination (Likely May - June)

3.2 Considerations at the Examination

3.2.1. In preparing the Site Allocations and Development Management Policies – Proposed Submission Document a wide range of considerations and complex procedures must be integrated. Key elements are set out below, followed by an account of the process by which such integration has been approached. Before the Plan can be adopted the Council must satisfy an independent planning inspector that the Plan and its policies are:

1. **Legally compliant** (i.e. all legal requirements have been met);
2. **'Sound'**, i.e:
 - a) **Positively prepared** – *“the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure*

requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development”.

- b) **Justified** – *“the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence”.*
- c) **Effective** – *“the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities”.*
- d) **Consistent with national policy** – *“the plan should enable the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework”.*

3.2.2. Following the Examination, the Inspector will decide whether the Council may adopt the Plan, with or without any further changes, and explain his or her reasoning in an Inspector’s Report which will be publicly available. In the event that significant changes are required there may be a need for a further round of consultation specifically about such proposed changes.

3.2.3. Assuming the inspector’s report is favourable; the Council would anticipate adopting the finalised Detailed Policies and Sites Plan around December 2015.

In preparing the Plan there are a number of formal requirements to be met:

3.3 Sustainability Appraisal

3.3.1 Legislation requires plans to go through processes of both strategic environmental assessments and sustainability appraisal. These two requirements, although slightly different, overlap considerably and have been carried out together in the preparation of the Site Allocations and Development Management Policies – Proposed Submission Document. These processes consider the likely social, economic and environmental effects of a plan’s proposals, and show how these have informed the plan’s contents. In principle these processes simply make explicit the careful consideration of a comprehensive range of factors which inform all good plan making, but in practice the resulting documentation can be lengthy. The importance of the processes, in addition to meeting statutory requirements, is in ensuring that the decisions that are made explicitly consider the principles of sustainable development and that any potential adverse impacts are minimised and beneficial impacts maximised. We have used the process to identify the most suitable sites incorporating the technical merits of sites into the factors used in the Sustainability Appraisal (SA). The Sustainability Appraisal Report accompanies this report marked as Appendix 2 – a separate document.

3.3.2 The SA process, incorporating the Strategic Environmental Assessment (SEA), has been fully integrated into the plan making process to date, as is shown in the Draft Sustainability Appraisal Report.

3.4. Habitats Regulation Assessment

3.4.1 Legislation requires an assessment to ensure that the potential effects of a proposed plan will not have an adverse effect on certain types of designated sites of exceptional importance to nature conservation (including those outside the plan area). Such sites include Special Areas of Conservation (SACs), Special

Protection Areas (SPAs) and Ramsar sites. A summary of the Habitats Regulations Assessment accompanies the report as Appendix 3.

3.5 Consultation Report

3.5.1 Consultation with the public and relevant organisations is both a statutory requirement in plan-making and something the Borough Council is keen to do. This is carried out in accordance with its adopted Statement of Community Involvement (available on the Council's website). The Consultation Statement is a supporting document showing how the Borough Council carried out consultation on the emerging plan. A Consultation Report accompanies the report as Appendix 4 – a separate document.

3.5.2 All of the individual representations made at the various stages in the preparation of the Plan are available on our Consultation website; broad summaries are given in the Consultation Report. The link to the consultation responses is: <http://consult.west-norfolk.gov.uk/portal/>

3.6 Strategic Cooperation – the 'Duty to Co-operate'

3.6.1 It is essential that the Policies pay appropriate regard to the plans and programmes for the wider area within which the Borough sits – both the plans of neighbouring authorities, and the wider programmes for transport infrastructure, health, education provision, etc. covering a wider area. This was formerly achieved primarily through the recently abolished regional spatial strategy, the East of England Plan (and prior to this the Norfolk Structure Plan). The Government has replaced these formal strategic plans with a looser, but perhaps more challenging, 'duty to cooperate' placed on local planning authorities and a host of other statutory organisations and agencies. The Borough Council has worked closely with the relevant planning authorities in Norfolk, Cambridgeshire, Suffolk and Lincolnshire, and undertaken detailed consultation with a relevant range of statutory bodies such as the Environment Agency, water companies, health trusts, etc. Examples of this can be seen in the justification for the inclusion, exclusion or particular details of individual policies, and the Council will publish a statement of its activities under the 'duty to cooperate' when submitting its Plan for Examination.

3.7 Other subjects to be addressed

3.7.1 In addition to the above formal subjects / documents there are a number of background studies. These further documents support particular elements of the Plan and will be sought by an Inspector carrying out the Examination. These are listed at paragraph 2.6.

4. Other related matters

4.1 Local Development Scheme update

4.1.1 The Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) required the local planning authorities to prepare and maintain a Local Development Scheme (LDS). The LDS is a timetable for production of a local planning authority's Local Plan, and any other Development Plan Documents. King's Lynn and West Norfolk's first LDS was published in March 2007, and then revised and updated in May 2009.

4.1.2 The proposed new scheme provides an updated timetable for the completion of the Site Allocations and Development Management Policies document which on adoption will sit alongside the Core Strategy to form the Local Plan for the borough. It also sets out the commitment of the Council to commence a review of the Local Plan within a year of adoption. The timings reflect those summarised in paragraph 3.1.4 above.

4.1.3 The Local Development Scheme document for King's Lynn and West Norfolk sets out:

- Information on the Development Plan
- Timetables for Local Plan production and the Local Plan review
- Details of what policies currently apply in the borough
- The delivery and implementation of the documents, including resources, risk management and monitoring and review.

4.1.4 As we move to take the Plan to Examination it is important that an Inspector sees the LDS as per the requirement in the Act. A copy of the proposed LDS is attached at Appendix 5.

5. CIL

5.1 The Borough Council is considering the introduction of Community Infrastructure Levy (CIL) as a mechanism to fund, at least in part, the infrastructure required to deliver the Development Plan. As part of that process, specialist consultants HDH Planning and Development was appointed to advise the Council in three regards:

- To ensure that at a strategic level the Detailed Policies and Sites Plan, (and the sites identified within it), is deliverable, bearing in mind the level of affordable housing and other policy requirements set out in the adopted KL&WN Core Strategy, as required by paragraphs 173 and 174 of the National Planning Policy Framework (NPPF).
- Related to the above, a review of the current affordable housing target.
- Assessing the effect the introduction of Community Infrastructure Levy (CIL) may have on development viability – particularly in the context of CIL Regulation 14.

5.2 The 'King's Lynn and West Norfolk Borough Council Detailed Policies and Sites Plan and CIL Viability Study - November 2013' considers these aspects and explores a range of potential CIL levies, and will be used to support the Pre-Submission consultation stage. The Council has not formally decided to pursue a CIL, but Officers will present a report (together with the viability study report) recommending the process is started. In the context of the Local Plan the viability report relates to the cost of infrastructure and policy costs. This is not directly related to the choice / setting of a CIL rate.

6. Conclusion

6.1 The Borough Council have reached a very significant stage in the preparation of the Site Allocations and Development Management Policies Plan as we move forward to the formal Examination of the document.

6.2 The proposals in the Plan have been developed following extensive public consultation and represent the Council's proposed response to the views expressed in that overall process.

6.3 As the Plan is presenting a policy and site allocations approach which is different from that in the current 1998 Local Plan (the current formal development plan) the decision to proceed to Pre- Submission consultation needs to be via a formal resolution of Council.

6.4 One of the key elements of the Plan is the choice of sites to fulfil the housing requirement in the period to 2026. Given the large number of potential sites we have had to make difficult judgements between them. The process is described in some detail in the Sustainability Appraisal Report, and will also be included in the introduction to the Site Technical Assessments (to be published when the Plan is placed on deposit). The key point is that the Borough Council has used the Sustainability Appraisal process to assess and then demonstrate the outcomes.

6.5 The Borough Council has been conscious of the alternative strategies and sites which could have been used and these have been assessed and judgements taken as to the most appropriate choices having regard to the overall circumstances.

6.6 A large amount of supporting information has been prepared and will be used during the Examination. The particular documents referred to above and attached to this report are:

- Site Allocations and Development Management Policies – Proposed Submission Document
- Sustainability Appraisal Report
- Habitats Regulation Assessment
- Consultation Report
- Local Development Scheme

(The last four support the content of the main Plan document in terms of Cabinet consideration and agreeing to move to the Pre- Submission consultation. The other documents referred to in paragraph 2.6.2 will be published when the Plan is put on deposit).

7. Options Considered

7.1 The Borough Council has considered alternative strategies and sites which could have been used and these have been assessed and judgements taken as to the most appropriate choices having regard to the overall circumstances. The situation of reasonable alternatives has been considered in the Sustainability Appraisal Report.

8. Policy Implications

8.1 The Site Allocations and Development Management Policies – Proposed Submission Document is intended to give effect to and complement the already adopted Core Strategy. Once completed and adopted the Site Allocations and Development Management Policies will sit alongside the already adopted Core Strategy to form the Local Plan for the Borough. Its policies will guide development in the Borough for the period up to 2026. (Formally speaking, the Site Allocations and Development Management Policies will be a 'development plan document' under the Planning Acts.)

8.2 The development plan (which also includes any adopted neighbourhood plans) has a special status, in that it is the starting point for the determination of all planning applications and appeals. These must be decided in accordance with the development plan unless there are good planning reasons not to do so (e.g. other planning considerations, or changed circumstances including newer national policies).

9. Financial Implications

There are none directly arising from the report. There is budget provision to enable the Plan to be taken through the next stages.

10. Personnel Implications

There are none directly arising from this report or the Plan document.

11. Statutory Considerations

See above for the 'Policy Implications'.

12. Equality Impact Assessment (EIA)

It shows no relevant impacts. The Plan does not have policies which are designed to impact differently on different groups through their protected characteristics as outlined in the list at Question 1. (Assessment is attached).

13. Risk Management Implications

13.1 The Site Allocations and Development Management Policies – Proposed Submission Document is guiding development to particular sites or to be undertaken in a particular way. The Local Planning Authority is not undertaking the development itself (the Borough Council in the wider sense is a landowner and may bring sites forward) and so must rely on other parties to implement the Plan.

13.2 Planning is very closely regulated and governments do change national policy guidance, often reflecting the national economic situation, for example trying to stimulate housing delivery.

13.3 In addition to the general risks above the following factors should be considered as risks:

- **Larger sites viability issues** – We have checked the broad viability and deliverability of sites in the Plan. However the very local circumstances pertaining to the site or developers can affect viability when proposals come forward for permission. This is often more apparent with larger sites where

we seek significant infrastructure. Careful attention will need to be given to any representations where this issue is raised.

- **Housing land supply** – We need to maintain a 5 year supply, but are reliant on developers to obtain permissions and actually complete houses. If for whatever reason our supply dips we will be faced with extreme pressure to approve sites which may not be allocated. It is therefore important to ensure planned / allocated sites come forward as soon as practicable.
- **Delays** – Plan making is a long process, but having got to this stage we need to avoid delays in the process of Submission and Examination. Uncertainty as to the timing or suitability of sites would impact on the above factors.

Declarations of Interest / Dispensations Granted

- Councillor Vivienne Spikings has declared a pecuniary interest in sites in the Upwell, Outwell and Terrington St. Clement areas.
- Councillor Alistair Beales has indicated he has a pecuniary interest in sites in the Gayton area.

In view of these declared interests, on legal advice, the recommendations above have been structured to enable all Members to take part in the discussion on the generalised elements of the Plan and settlements apart from the geographical area pertaining to the declarations.

Background Papers

LDF Task Group reports and notes post Preferred Options consultation.

LIST OF APPENDICES

Appendix 1

The Site Allocations and Development Management Policies – Proposed Submission Document

(As a *separate document* with Policies Map)

Appendix 2

Sustainability Appraisal Report

(As a *separate document*)

Appendix 3

Habitat Regulations Assessment Executive Summary

(Attached)

Appendix 4

Consultation Report

(As a *separate document*)

Appendix 5

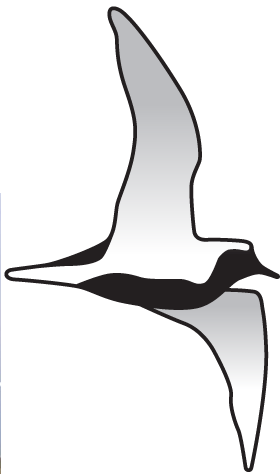
Local Development Scheme update

(Attached)

Appendix 3
Habitat Regulations Assessment Executive Summary

WILD FRONTIER ECOLOGY

ough Council of King's Lynn and
West Norfolk



Habitats Regulations Assessment of
Detailed Policies and Sites Plan: Site
Allocations and Development
Management Policies - Proposed
Submission Document

September 2014

Wild Frontier Ecology Ltd	Client details
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The data which we have prepared and provided is accurate, and has been prepared and provided in accordance with the CIEEM's Code of Professional Conduct. We confirm that any opinions expressed are our best and professional bona fide opinions.

This report conforms to the British Standard 42020:2013 Biodiversity - Code of practice for planning and development.

Executive Summary

This document has been produced to inform the Site Allocations and Development Management Policies - Proposed Submission Document (formerly known as the Site Specific Proposals Development Plan Document). This Habitats Regulations Assessment (HRA) takes into account comments received from Natural England and the RSPB on the previous HRA undertaken for the Preferred Options stage. The Detailed Policies and Sites Plan forms part of a hierarchical process and adds detail to the policies from the Core Strategy (adopted in July 2011) and once adopted will form part of the Local Plan, along with the existing Core Strategy) for the Borough. The Core Strategy was subject to a Habitats Regulations Assessment to ensure no adverse effect of the policies on European Sites.

The document has considered potential effects on designated sites of European importance of the site-specific preferred options document for the Borough of King's Lynn and West Norfolk. The potential effects were considered to arise from loss of supporting habitats, habitat fragmentation, non-specific proximity impacts, increased recreation and leisure pressures, increased use of roads, and the cumulative impacts on sites arising from multiple housing allocations.

By far the most important of these, in a borough-wide context, was considered to be the multi-faceted and complex impacts arising from increased recreation and leisure pressures on European sites. These were considered in some detail, and the best available evidence was used to inform the assessment. This indicated that visitors likely to cause greatest impacts were local site users, in particular those exercising dogs. This visitor group are most likely to be frequent site visitors. Impacts were predicted to be greatest where local users were within comfortable walking distance of European sites (estimated to be 1km), and would also occur where sites were in a reasonable range of driving, estimated to be around 8km or 5 miles.

Likely significant effects from individual settlements and allocations were effectively removed by significant policy modifications subsequent to the Preferred Options document and HRA.

A more substantial effect was predicted when the in-combination effects of groups of new housing allocations within range of the European sites were considered. Sites where potential in-combination effects were identified were Roydon Common and Dersingham Bog SAC, North Norfolk Coast SPA, Wash SPSA, and the Wash and North Norfolk Coast SAC.

This was especially severe for the combined heath/ bog SAC of Roydon Common and Dersingham Bog where visitor numbers are already considered to be at their upper limit. With large housing allocations proposed for King's Lynn at Knight's Hill, South Wootton and West Winch, the challenge is to accommodate the recreational needs of the extra population while demonstrating no adverse effect on the SAC, and its bird interest, which is considered to be of SPA importance, though not yet designated as such.

Effects are greatest for these areas during the long bird breeding season, the main species affected being nightjar and woodlark. People exercising dogs are predicted to have the greatest disturbance impact.

For the sites around Roydon Common, a dialogue is currently open between stakeholders, but it is considered that the approach taken is workable and is likely to succeed.

While absolute certainty of combined effects cannot be predicted, a series of avoidance measures are proposed to alleviate the current recreational pressure away from these sites, and to reduce the effects from developments within range of local users.

Enhanced informal recreational provision on (or in close proximity to) the allocated site, to limit the likelihood of additional recreational pressure (particularly in relation to exercising dogs) on nearby relevant nature conservation sites. This provision will be likely to consist of an integrated combination of:

a. Informal open space (over and above the Council's normal standards for play space); the spaces provided will need to demonstrate their suitability for a variety of uses, including linear/ circular routes for dog exercising.

b. Landscaping, including landscape planting and maintenance; landscaping in itself will make little difference to alleviate recreational pressure on Roydon or Dersingham. However it may help to make the new housing areas more attractive to residents and dissuade them from travelling a greater distance.

c. A network of attractive pedestrian routes, and car access to these, which provide a variety of terrain, routes and links to the wider public footpath network.

d. Contribution to enhanced management of nearby designated nature conservation sites and/or alternative green space; this could come in the form of a Community Infrastructure Levy (CIL) which could support any changes to the infrastructure on the European sites.

e. An ongoing programme of publicity to raise awareness of relevant environmental sensitivities and of alternative recreational opportunities away from the sensitive sites.

f. The new developments should be subject to screening for HRA. This does not replace those measures specified above, nor does it abdicate the duties of this HRA; rather it provides an additional safeguard that, at the point of delivery, a likely significant effect has been avoided.

g. Use of the European sites should be subject to ongoing monitoring for the years before, during and say 3 years after construction is complete.

h. There should be an ongoing dialogue, most likely organised by the Borough Council, and involving all relevant stakeholders, with the specific aim of reducing effects on these sites, examining the results of site monitoring and acting on any findings.

i. The Borough and other stakeholders should continue to explore options for obtaining long-term access or acquiring further recreational greenspace on an opportunistic basis.

j. As the potential effects on the European site come from a number of sources, some of which are outside the scope of this plan (for example existing settlements), the site managers should continue to innovate and explore ways of reducing on-site impacts of recreational disturbance. This could also be assisted by developer contributions.

For the coastal sites, avoidance of adverse effects in combination with other proposals outside the Borough has already been considered at Core Strategy level, but that the Preferred Options HRA specified that further work is needed to develop an agreed package of habitat protection measures. Baseline visitor pressure data, monitoring and management measures will be developed and demonstrated to be deliverable. The Borough will continue to work with its partners in pursuit of this.

With regard to the combined effect of housing proposals specific to the submission document (Heacham, Hunstanton, Docking, Burnham Market, Snettisham, Ingoldisthorpe, Dersingham), a parallel strategy of green infrastructure provision, plus a programme of permanent public information, should be sufficient to ensure reduction of likely impacts to an insignificant level, and no adverse effect on integrity. This should be tested for larger proposals by submission to HRA screening.

On this basis, no adverse effects on the conservation objectives of these sites are predicted.

Appendix 5
Local Development Scheme update

**King's Lynn & West Norfolk
Local Development Scheme**

November 2014 to 2016

1. Introduction

The Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011, required the local planning authorities to prepare and maintain a Local Development Scheme (LDS). The LDS is a timetable for production of a local planning authority's Local Plan, and any other Development Plan Documents. King's Lynn and West Norfolk's first LDS was published in March 2007, and then revised and updated in May 2009.

The scheme provides an updated timetable for the completion of the Site Allocations and Development Management Policies document which on adoption will sit alongside the Core Strategy to form the Local Plan for the borough. It also sets out the commitment of the Council to commence a review of the Local Plan within a year of adoption.

The Local Development Scheme document for King's Lynn and West Norfolk sets out:

- Information on the Development Plan
- Timetables for Local Plan production and the Local Plan review
- Details of what policies currently apply in the borough
- The delivery and implementation of the documents, including resources, risk management, and monitoring and review.

2. King's Lynn & West Norfolk Development Plan

The development plans system is the basis upon which planning applications are determined.

The Development Plan for King's Lynn and West Norfolk is made up of a series of documents which collectively form planning policy for the borough-

- Local Plan – made up of
 - Core Strategy
 - Site Allocations and Development Management Policies
 - Proposals Maps
- Norfolk Minerals and Waste Development Framework Core Strategy & Site Allocations documents (produced by Norfolk County Council)
- Saved Local Plan policies

The **Core Strategy** sets out the spatial planning framework for the development of the borough up to 2016, and provides guidance on the scale and location of future development in the borough. It contains strategic policies on a range of topics that include: the environment, employment, infrastructure, and housing. The Core Strategy was adopted by the Council in 2011.

The **Site Allocations and Development Management Policies** document complements and facilitates the implementation of the Core Strategy by providing detailed policies and guidance. This includes development boundaries, site allocations across the borough and area-wide development management policies on specific issues such as Houses in Multiple Occupation, for example. This document is in the latter stages of production.

The **Proposals Maps** visually illustrate the policies proposed in the Planning Policy documents detailed above.

The **Minerals and Waste Core Strategy and Site Allocations** document are produced by Norfolk County Council and were adopted in September 2011 and October 2013 respectively.

The adopted Local Plan (1998) has a number of 'saved policies' retained. These currently form part of the Development Plan but will be superseded and cease to have effect on adoption of the Site Allocations and Development Management Policies document.

Process of Local Plan production

The process of document preparation involves evidence gathering, many opportunities for public involvement and comment and an independent examination as stated below-

- i. Evidence gathering – forms the basis of information for the Plan.
- ii. Development of options – in consultation with the community and stakeholders. Often called the Issues and Options stage.
- iii. Draft Local Plan – published for consultation. Sometimes referred to as the Preferred Options stage.
- iv. Submission Local Plan – Plan is submitted to the Secretary of State.
- v. Independent Examination – held by a Planning Inspector into objections.
- vi. Inspectors Report – setting out any recommended changes.
- vii. Adoption of Local Plan – by the local planning authority.

Other documents -

Supplementary Planning Documents (SPDs) – these are non-statutory documents which will supplement policies and proposals in the Local Plan. They will need to be in conformity with the Local Plan.

Neighbourhood Plans – The Localism Act 2011 introduced provision to allow communities to set out their own policies in relation to use and development of land in their areas through Neighbourhood Plans. The Council are required to provide support to these communities, however they are produced by the community themselves and so it is not appropriate for this document to specify when they will be produced.

Community Infrastructure Levy Schedule – The Community Infrastructure Levy is a new mechanism for raising funds from new development to contribute towards essential infrastructure. The Council intends to commence work on the CIL Schedule in 2014.

Statement of Community Involvement - sets out how the public will be consulted as part of the Local Plan review process.

Monitoring Framework (previously Annual Monitoring Report) considers how the authority is implementing their planning policies and the progress in terms of producing the planning documents.

Local Development Scheme (this document).

There may be a need for additional documents to be produced, and any new documents or amendments to the current programme will require a change to the LDS.

Sustainability Appraisal and Habitats Regulations Assessments

In preparing the Local Plan and the Local Plan review the documents will be subjected to a Sustainability Appraisal (which will also incorporate the requirements of the EU Directive 2001/42/EC on Strategic Environmental Assessments). The Sustainability Appraisal will help identify and evaluate what effects the document/ proposed plans are likely to have on social, economic and environmental conditions of an area, and help ensure the plan takes account of sustainable development objectives.

The Sustainability Appraisal Scoping Report is the first step in this process and is followed by the sustainability appraisal of options as they develop. The document guides and informs the choices made as the document evolves and so forms an integral part of the preparation. A final Sustainability Report will be prepared and published alongside the submitted Local Plan. The various iterations of the Sustainability Appraisal can be viewed on the Council's website, at each stage of the plan process.

Amendments were introduced in the UK Conservation (Habitats & etc) Regulations 1994 in September 2006. These result in Appropriate Assessment under Article 6(3) and (4) of the Habitats Directive 92/43/EEC being required for all plans likely to have a significant effect on a European site. Habitats Regulations Assessments, including Appropriate Assessment as necessary, will be undertaken prior to submission of the Local Plan and Local Plan Review.

3. The King's Lynn & West Norfolk Local Plan, and the Local Plan review

The timetables for the production of the Local Plan (specifically the Site Allocations and Development Management Policies document) and for the review of the Local Plan are set out overleaf in Table 3.1. Table 3.2 outlines the process and the timetable of the Local Plan and the role and content of each element.

Local Plan - production underway

The King's Lynn & West Norfolk Core Strategy was adopted in July 2011. This document forms part of the Local Plan, alongside the Site Allocations and Development Management Policies document.

Work on the Site Allocations document started in February 2009. The 'Call for sites' was held in May 2009, and these sites fed into the Issues and Options document which was out for consultation in September 2011. The Preferred Options document narrowed down the options to those the Council suggested were the more suitable and sustainable alternatives, and the Council consulted on this from July to October 2013.

This programme of work for the Local Plan covers the submission, examination and adoption stages of the Site Allocations document up to Dec 2015. At the submission and examination stages the document will be presented to the Cabinet and Full Council, and so the timetable takes account of these requirements.

Local Plan Review Programme

The council has decided that it should start a review of the Local Plan within a year of its adoption. This is likely to be a broad review of the plan reviewing the longer term strategy for the borough and bringing forward additional allocations. The evidence base for the document will need to be revised and updated to inform the process and this will begin in January 2016 with work on the Sustainability Appraisal Scoping Report.

The programme anticipates the review will run through to 2017/2018.

Figure 3.1: Proposed Local Development Framework work programme – 2014 to 2016

	2014		2015												2016												
	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	
Local Plan – Site Allocations and Development			4		5	5			6			7	8		9												
Local Plan Review															2		1						3				
Supplementary Planning Document -											2/3				4			9									

Stages in the production of Development Plan Documents

1	Consultation on the Sustainability Appraisal Scoping Report
2	Development of options – on-going engagement on issues and emerging options (Reg 18)
3	Publish and consult on draft Local Plan (Reg 18)
4	Pre-Submission publication and consultation (Regs 19 & 20)
5	Submission of document to Secretary of State (Reg 22)
6	Hearing sessions
7	Receipt of Inspectors Fact Check Report
8	Receipt of final Inspector’s Report (Reg 25)
9	Adoption (Reg 26)

NB-

- Please note that the work programme detailed above for the ‘Local Plan – Site Allocations and Development Management Policies’ may be subject to change dependent upon the Planning Inspectorate. They may, or may not, require a Pre-Hearing Meeting and also the length of the Hearing Sessions is for them to determine. The programme above gives an indicative timetable based on The Planning Inspectorate document ‘Examining Local Plans Procedural Practice’ (Dec 2013 3rd edition v.1).
- As of November 2015 we have already moved through stages 1-3 of the Local Plan – Site Allocations and Development Management Policies document.

Figure 3.2: Local Development Scheme – Indicative schedule of Proposed Local Development Documents

Development Plan Documents (Title)	Role and Content	Chain of conformity	Geographical coverage	Timetable Milestones				
				Consult on Sustainability Appraisal Scoping Report	Publication of DPD	Submission of DPD	Hearing Sessions (indicative estimate)	Adoption
EXISTING Core Strategy	Sets out the vision, objectives and spatial strategy for development up to 2025, and the framework for the control of development		Whole authority area	2005	Jan / Feb 2010 Schedule of Changes Sept 2010	Nov 2010	Feb 2011	Jul 2011
EXISTING Proposals Map	Illustrates the policies and proposals in the DPDs on a geographical basis	To conform with Core Strategy	Whole authority area	-	Jan/ Feb 2010	Nov 2010	Feb 2011	Jul 2011
PROPOSED Site Allocations and Development Management Policies	Complements the Core Strategy by providing the detailed policies and guidance. Includes development boundaries, site allocations and area wide development management policies.	To conform with National Planning Policy Framework	Whole authority area	-	Jan 2014/ Dec 2015	Mar / Apr 2015	Jul 2015	Dec 2015

PROPOSED Local Plan Review	Partial review of the Local Plan to review longer term growth provision and allocate additional sites. Also to review the Development Management policies.	To conform with National Planning Policy Framework	Partial review focussed on selected settlements / policies. Could include whole authority area.	Mar 2016	To be confirmed	To be confirmed	To be confirmed	To be confirmed
PROPOSED Supplementary Planning Document – Provision of Open Space	This SPD will expand upon policy DM15: Provision of recreational open space for residential developments, and detail open space contributions. It will include the detailed implementation of the policy and the operational aspects.	To conform with the Core Strategy and the Site Allocations and Development Management Policies document.	Whole authority area	-	Jan 2016	-	-	Apr 2016

4. Risk Management and Resources

The team consists of 5.5 full-time equivalent posts (two of which are temporary posts) including a Manager and six planning officers (four of which work part-time). Assistance is also provided by a number of teams elsewhere in the Council including Regeneration, Housing, Planning Technical support, Environmental Health and Leisure. Consultants may also be used where there is insufficient resource / expertise within the authority. Advice will also be sought and guidance provided from Norfolk County Council, the Environment Agency etc, where necessary.

The budget for Forward Planning makes allowance for the anticipated costs of development plan production, including examination. However the timing set out in this document is indicative and based on assumptions. It may therefore be necessary to make further amendments to the timetable.

The table below considers potential areas of risk which could cause the programme to slip, and details their impact and likelihood of occurrence alongside contingency and mitigation measures.

Figure 4.1: Risk Assessment Matrix

Risk	Likelihood	Impact	Contingency	Mitigation
A team member may leave / Long term sickness absence	<i>Medium</i>	<i>High</i>	Spread knowledge throughout the team to minimise impact.	Re-appoint as soon as possible if budget restrictions permit. Alternatively, seek to re-deploy staff from the Planning department or use consultants / agency staff if necessary.
New national legislation	<i>Medium</i>	<i>Medium</i>	The National Planning Policy Framework and the Localism Act have reformed the planning system. Delays in the delivery of plans may occur in terms of compliance with the NPPF as a result of challenges on local interpretation.	Some flexibility has been included in the timescales for Local Plan production, although these may need to be revised.
Legal challenge	<i>Medium</i>	<i>High</i>	Post adoption of a Local Plan, there is a six week challenge period.	To reduce risk of challenge, ensure the Local Plan legally compliant, is based on robust evidence and been subject to extensive consultation.
Problems arising from joint working; compliance with the duty to co-operate.	<i>Medium</i>	<i>Medium</i>	Close working with other authorities and Council Members to detect issues early in the process	Some flexibility is included in the Local Plan timescales. Continuing discussions with neighbouring authorities.
Programme slippage	<i>Medium</i>	<i>Medium</i>	Contingency time is built into the LDS programmes, which includes sufficient time to deal with a large number of representations.	Sufficient flexibility is included in the Local Plan timescales. Revise LDS where necessary. Ensure sufficient resources available to complete future stages.

Local Plan found not to be 'sound'	<i>Low</i>	<i>High</i>	Seek advice from PINS at key stages (e.g. advisory visits) and be prepared to make modifications. Develop and take account of sound evidence.	Develop sound technical evidence base. If necessary, go back to an earlier stage, revise the plan and re-submit.
Timely provision of infrastructure	<i>High</i>	<i>High</i>	Discussions with infrastructure providers have been focused through the Infrastructure Study, as the development strategy and impact on infrastructure has become clearer.	Continuing engagement with infrastructure providers and development of the Study will ensure timely provision.
Failure to secure agreement of full Council to Local Plan	<i>Low</i>	<i>High</i>	It is important to work closely with all elected Members and to raise awareness of the Local Plan, and to secure an up to date development plan that complies with the NPPF.	Build sufficient flexibility into the strategy and timescales. The impact of elections cannot be predicted and mitigation is limited.
Inspector's report includes recommendations that the Council finds difficult to accept	<i>Medium</i>	<i>Medium</i>	Although the Inspector's recommendations are no longer binding (except for any modifications proposed by the Council), the Plan may not be 'sound' unless it is modified. The Council will need to consider all recommendations if it wishes to have an up to date development plan in place as required by the NPPF.	Keep Council Members up to date on issues arising and likely recommendations.

5. Monitoring and Review

The Local Development Scheme will be monitored on an ongoing basis through the Monitoring Report. The latest version is available on the Council's website. The Monitoring Report will also monitor the delivery and effectiveness of policies in line with the Monitoring Framework outlined in the Core Strategy and Site Allocations and Development Management Policies document.

Pre-Screening Equality Impact Assessment

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



Name of policy/service/function	Site Allocations and Development Management Policies – Proposed Submission Document
Is this a new or existing policy/ service/function?	New Existing (delete as appropriate)
<p>Brief summary/description of the main aims of the policy/service/function being screened.</p> <p>Please state if this policy/service rigidly constrained by statutory obligations</p>	<ul style="list-style-type: none"> • Deciding the most appropriate detailed distribution of housing between individual settlements and locations (within the overall structure specified in the Core Strategy) • allocation of specific sites for housing and other uses; • defining development boundaries for settlements where general development is likely to be acceptable; • development management policies for particular topics or locations to guide and set standards for planning applications and appeals <p>The Plan preparation process and subsequent operation is closely governed by legal procedures.</p>
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?	Yes/ No				
3. Could this policy/service be perceived as impacting on communities differently?	Yes/ No				
4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?	Yes/ No				
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	Yes/ No	Actions:			
		Actions agreed by EWG member: 			
Assessment completed by: Name Alan Gomm					
Job title LDF Manager	Date 13 August 2014				

REPORT TO CABINET

Open/Exempt		Would any decisions proposed :		
Any especially affected Wards None, Borough wide coverage	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 Adrian Lawrence E-mail: <i>cllr.Adrian.Lawrence@west-norfolk.gov.uk</i>		Other Cabinet Members consulted: All		
		Other Members consulted: None directly		
Lead Officer: Alan Gomm E-mail: <i>alan.gomm@west-norfolk.gov.uk</i> Direct Dial: 01553 616237		Other Officers consulted: Management Team		
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: 4 November 2014

2 COMMUNITY INFRASTRUCTURE LEVY – CONSULTATION ON A PRELIMINARY DRAFT CHARGING SCHEDULE

Summary

The Community Infrastructure Levy (CIL) came into force in April 2010. It allows local authorities in England and Wales to raise funds from developers undertaking new building projects. The money can be used to contribute to; 'pump prime'; or help lever in investment for a wide range of infrastructure that is needed to support new development. In order to be considered capable of being implemented a CIL must not have a detrimental effect on development (taken as a whole) in the Borough area. Preliminary consultation took place with the development industry and other interested parties in January 2013, and the consultant used this information and comment as inputs to the Viability Assessment. The next stage is to draw up a Preliminary Draft Charging Schedule and consult on this. This document needs to outline the possible rates of CIL. This does not commit the Borough Council to having a CIL or a particular rate at this stage, but allows the Borough Council to collect the views of the community and development professionals operating in the Borough.

Recommendation

1. That Cabinet agrees to move forward and carry out consultation on a Preliminary Draft Community Infrastructure Levy (CIL) Charging Schedule.
2. For the purposes of the consultation the draft CIL rates will be those outlined in Table 12.11 of the accompanying Viability Report.
3. The Director of Planning and Environment in consultation with the Portfolio Holder for Housing and Community be authorised to prepare the specific consultation documentation as required, based on the information in Appendices 1 and 2.
4. That a report is prepared following the consultation and the findings are brought to a subsequent meeting of the Cabinet.

Reason for Decision

Moving to a Preliminary Draft Charging Schedule allows the Borough Council to collect the views of the community and development professionals operating in the Borough, and allows further consideration of bringing in a CIL and setting particular rates.

1. Background

1.1 What is the Community Infrastructure Levy?

1.1.1 The Community Infrastructure Levy (CIL) came into force in April 2010. It allows local authorities in England and Wales to raise funds from developers undertaking new building projects. The money can be used to contribute to; 'pump prime'; or help lever in investment for a wide range of infrastructure that is needed to support new development. It cannot be used to remedy existing deficiencies unless a new scheme will make it worse. Councils must spend the income on infrastructure – but each Council can decide which specific projects to spend CIL on (and that can change over time). It is focussed on achieving a contribution to the infrastructure needed to facilitate growth, directly relating to the amount of development being proposed.

1.1.2 The Borough Council has a choice whether to have CIL or not. However after April 2015 the Council will be unable to pool S106 payments where there have been 5 or more contributions since April 2010. In practice this means S106 will continue to apply to onsite facilities (open space, affordable housing, play areas etc.) and site specific mitigation measures, but S106 will not be collected for pooled contributions – schools, libraries, etc

1.2 Who would pay?

1.2.1 The charge would apply to all development containing over 100 square metres (internal) floorspace, or a new dwelling of any size. However, it only relates to net additional floorspace (to avoid discouraging redevelopment). There are some exemptions e.g. charities; social housing and self-builds (3 year residence mandatory). It is paid as £ per square metre on net additional (internal) floorspace. Rates can vary by geographic area or use (or both) based on viability. It becomes due when the development starts. The landowner is responsible for paying it to the local planning authority who are called the '*charging authority*' and who set the CIL.

1.3 How would it be spent?

1.3.1 Local authorities are required to spend the levy's revenue on the infrastructure needed to support the development of their area and they will decide what infrastructure is needed. The Government require charging authorities to allocate a meaningful proportion of levy revenues raised in each neighbourhood (mainly the Parish in this area) back to that neighbourhood. The rates are 25% to those with a neighbourhood plan and 15% to those without a neighbourhood plan

2. Setting the Charge

2.0.1 Charging authorities need to strike an appropriate balance between the desirability of funding infrastructure from the levy and the potential effects of the imposition of the levy upon the economic viability of development across their area. There is a defined process for preparing the charge and an independent examination to test the rates and robustness of the evidence.

2.0.2 The Borough Council needs to identify a selection of indicative infrastructure projects or types of infrastructure that are likely to be funded by the levy. It also needs to show through an example set of sites the impact on a limited number of sites.

2.1 What we need in order to set a CIL

2.1.1 The simple requirements are:

- Up to date development plan
- Evidence on the infrastructure funding gap (usually provided as a list of projects necessary to support the growth of an area, a 'Regulation 123' list)
- Evidence on viability

2.2 Development plan status

2.2.1 Our adopted Core Strategy means that we meet this test and can proceed to prepare a CIL.

2.3 Infrastructure evidence

2.3.1 An infrastructure Study accompanied the Core Strategy in 2010. This is being updated to support the Detailed Policies and Sites Plan currently in preparation. Attached at Appendix 1 is a draft summary of work to date. It clearly shows that a funding gap exists between what is needed and the currently identified funding. As such this requirement is satisfied. A review of the infrastructure list / Regulation 123 list is likely to be needed (probably annually) as priorities in the area change. CIL rates should typically be revisited every 3 years or if significant changes in the market occur.

2.4 Viability evidence

2.4.1 We have engaged specialist consultants (HDH Planning and Development Ltd) to carry out a 'viability assessment'. It contains three elements and is attached at Appendix 2.

2.4.2 The three elements cover assessments of:

- Viability of the emerging sites and policies plan document
- The current rate of affordable housing sought from developers
- Potential viability of differing CIL rates in the context of the above two elements

Discussion is given in the document about the maximum levels and then at Table 12.11 a series of 'recommended' rates is outlined. These represent the consultants suggestions based on the evidence collected.

2.5 Evidence generally

2.5.1 All evidence is expected to be 'appropriate available evidence'. It will be tested at Examination.

2.5.2 The process is similar to the production of a development plan, it involves:

- Evidence base (viability study & infrastructure study)
- Public Consultation
- Inquiry by independent examiner

Charging authorities (CAs) decide how to present their appropriate available evidence on the potential effect of CIL on economic viability and show how that has informed the charge rate(s). This is not required to be exhaustive, but a reasonable and pragmatic approach is necessary.

2.5.3 There is no requirement to use any of the specific valuation and viability models available, but it may assist in defending CIL rates. The consultant has taken a strategic approach and has not been focussed on specific development sites. Regulation 14 recognises that the CIL rate set may put some development at risk. A CA must look at the potential effects of charges "taken as a whole" on the viability of development "across its area". Evidence may show that proposed rates may make a particular development on any given site unviable. But, unless that development threatens the delivery of the plan as a whole (Para. 29 CIL Guidance) the duty (to achieve an *appropriate balance*) in Regulation 14 is still likely to be met.

3. Relationship of the Local Plan to CIL

3.1 To be considered capable of being implemented a CIL must not have a detrimental effect on development (taken as a whole) in the Borough area. Equally sites proposed in the Local Plan have to be viable and deliverable and are tested through a viability assessment at whole Borough level. Both the CIL and the Local Plan viability assessments use the same background material / statistics. The Inspector at the Local Plan Examination will want to know whether our Plan is deliverable and viable, and what the impact on deliverability would be if S106s were unavailable or with / without CIL. Can the relevant infrastructure be delivered in either case? If a piece of key infrastructure is not delivered does it threaten that growth location, and in turn does that threaten overall plan deliverability?

4. Infrastructure requirements and the potential revenue from CIL

4.1 **Infrastructure** - In order to support the draft Site Allocations and Development Management Policies plan a study has been undertaken of the infrastructure needed to ensure adequate provision of supporting services. The items listed have been supplied or verified, by the relevant operators or responsible organisations.

4.1.1 Under the CIL Regulations the Borough Council is required to estimate the total package required to address the growth anticipated. It will be usual (based on experience in other areas) for this package to amount to a very large sum. The fact that the total far outweighs the amount likely to be generated from CIL is a procedural requirement. The choice as to which projects proceed will be dependent on individual providers, or local authority political decisions.

4.1.2 An assessment of the total amount of essential infrastructure required to cater for growth in the Borough in the plan period to 2026 is given in the two tables at Appendix 1. It should be noted that these tables do not represent an exhaustive or definitive list, the

content of the list for the suggested consultation exercise is still to be finalised.

4.1.3 The projects listed in the Tables as '*Specific item*', derive from responsible organisations themselves and /or studies previously undertaken and reflect the fact that additional capacity is required to cater for the anticipated level of growth in the area. Additional pressure is likely to arise from a higher population e.g for transport, recreation provision etc. Not all projects are fully worked up or costed at this stage. There is no guarantee that all items will ultimately be provided, but they reflect the anticipation that a further 16500 houses and some 67 ha of new employment land (and the associated implications of these) will be in place by 2026.

4.1.4 The fact of whether a project receives a contribution from CIL is again a political judgement. In Table A - '*Potential infrastructure projects that could be priorities for a part CIL contribution*' officers have suggested those individual areas where a project is critical to the delivery of growth across the Borough, and therefore *could* be a priority candidate for a CIL contribution. A cross in this column should therefore be taken to show where the Borough Council *may* wish to ensure that viability of a project could be enhanced through judicious use of a contribution from CIL funding. But, this is not any form of commitment at this stage, merely an indication of a funding gap.

4.1.5 In Table B '*Additional potential infrastructure requirements*' a list is given of items which may also be required because of the growth in population. However some items such as health, electricity, water, police etc are subject to funding regimes / sources outside of normal local authority spending responsibilities. So too are larger road schemes (such as the East Winch / Middleton bypass, or the A47 upgrades further afield) which would normally be a Highway Agency responsibility. It is fully anticipated that direct on-site private developer funding would be involved as it is at the moment. CIL could contribute to some of these projects also, but is not a usually a substitute for the principle of 'normal' Government agency funding responsibilities.

4.1.5 Ultimately, should a CIL be adopted, the Borough Council would need to set up a governance structure to decide on priorities and funding streams.

4.2 **Potential revenue** - Assuming an average Plan requirement of 660 houses p.a. but less; affordable housing at 20% (based on a sample of amounts of affordable housing coming forward each year) - 130 units; and an allowance for potential 'self-build', exempt housing at 130 houses p.a. gives a net figure of about 400 houses p.a. which could actually provide CIL receipts. Annual CIL receipts (if based on the consultants recommended rates in Table 12.11) could amount to £1.2m. However a further deduction also needs to be made for payments to parishes (a broad assumption of 15% of receipts, c. £0.2m). Over the 15 year plan period receipts to the Borough could total £15m, about 20% of the overall indicative infrastructure bill. (This compares to a national average figure of 5 – 10% anticipated contribution). We can recoup up to 5% for administration of the CIL.

5. Current position and suggested next steps

5.1 Preliminary consultation took place with the development industry and other interested parties in January 2013, and the consultant used this information and comment as inputs to the Viability Assessment as attached.

5.2 The next stage is to draw up a Preliminary Draft Charging Schedule and consult on this. This document needs to outline the possible rates of CIL. Section 12.78 of the document gives the consultants 'recommended rates' for CIL for the Borough. These are based on the evidence about viability contained in the report. They are not necessarily those which the Borough Council might ultimately choose, but do reflect the evidence. **Given the thorough work undertaken by the consultant it is recommended that the rates set out in section 12.78 and Table 12.11, are those that are the subject of the**

initial consultation. Members can then consider adjustments in the light of the views expressed.

5.3 Following a consultation it is for the Borough Council to consider the views expressed and then put forward another version of the charging schedule called the Draft Charging Schedule. This will need to be drawn up to strike an appropriate balance between the desirability of funding infrastructure from the levy and the potential effects of the imposition of the levy upon the economic viability of development across their area. This document is then subject to consultation and representations.

5.4 Representations are then placed before the independent Inspector who will hold an Examination, and produce a report recommending adoption or changes.

6. Conclusions

- The Community Infrastructure Levy (CIL) is the Government's mechanism for achieving contributions towards funding necessary facilities to support growth
- We are not able to continue with the current system of S106 agreements and contributions post April 2015
- We will be seriously hampered in obtaining any funds to go towards community infrastructure to support growth aspirations if there is no CIL in place once the pooling arrangements change.
- We have done some background work and now need to move to the next stage of presenting a draft charging schedule for consultation.
- This does not commit the Borough Council to having a CIL or a particular rate at this stage, but allows the Borough Council to collect the views of the community and development professionals operating in the Borough.

7. Options Considered

7.1 The Council could choose to either:

- Implement a CIL, or;
- Maintain a version of the current system of S106 (as might be allowed by the latest Regulations), but necessarily restricting the terms of the S106 solely to the specific site

(It could possibly have a hybrid system where the CIL applies generally, except on major, more self-contained allocations).

In general terms the **implications of the approaches** are:

7.1 Adopting a CIL

Advantages

- Gives certainty to developers about costs
- More money for infrastructure than raised under S106. Not by charging more but having more contributing development
- Depending on the scale of development some developers may benefit from a CIL system
- Local communities (mainly Parish Councils) receive a proportion of CIL
- Flexibility-The Borough Council has greater control over how CIL is spent as compared to S106
- Mechanism for supporting growth (and be seen to be supporting growth)
- Ability to predict income stream

Disadvantages

- May discourage *some* sites from coming forward
- In terms of Allocated sites still to come there are 6,400 new dwellings allocated in the plan, and approximately 3,000 existing commitments yet to be developed
- It is not negotiable

7.2 A mainly S106 based approach (as far as allowed by Regulations)

Advantages

- More value may accrue to the landowner
- May encourage more planning applications to come forward (particularly where there is a risk the measure may be temporary)

Disadvantages

- Much less money is available for pooled infrastructure (schools and libraries etc) £0.7 million pa through S106 (based on estimates from *current* S106, although there would be a future pooling bar) as compared to £1.2 million pa that could be available through CIL
- No money to Parish Councils (Currently this would be 15% for all Parish Councils, but 25% for those embarked on neighbourhood plans. (Those currently in preparation are Brancaster, Hunstanton, South Wootton, Walpole, Bircham, West Winch / North Runcton)
- May act as a brake on development between now and April 2015
- Likely to encourage renegotiation of existing consented S106 agreements post April 2015 to remove payments.

7.3 It is worth noting that there are other factors which would have implications for CIL viability:

- There is likely to be a general Government exemption from providing affordable housing on any scheme under 10 units, thus improving the financial return on such schemes, potentially making any CIL less of a burden.
- The Viability Study (Appendix 1) was prepared at November 2013, but utilising information collected earlier that year or in 2012. The economic climate has changed considerably for the better in that period. Therefore some of the assumptions contained in it will be very cautious. The balance of advantage will therefore be with the landowner.

8. Policy Implications

8.1 The Borough Council has a choice whether to have CIL or not. However after April 2015 the Council will be unable to pool S106 payments where there have been 5 or more contributions since April 2010. In practice this means S106 will continue to apply to onsite facilities (open space, affordable housing, play areas etc.) and site specific mitigation measures, but S106 will not be collected for pooled contributions – schools, libraries, etc. Our current policy of collecting money to support local infrastructure through S106 will be seriously compromised.

9. Financial Implications

9.1 Currently some £0.7 million pa is collected through S106 (based on estimates from

current S106, although there would be a future pooling bar so much less money would be available for pooled infrastructure (schools and libraries etc) in the future. This compares to potentially £1.2 million pa being available through CIL if implemented at the illustrative rates above.

9.2 Parish Councils are set to receive a proportion of CIL receipts. The level will depend on whether they have a neighbourhood plan. (Currently this would be 15% for all Parish Councils, but 25% for those embarked on a plan). (Those currently in preparation are Brancaster, Hunstanton, South Wootton, Walpole, Bircham, West Winch / North Runcton). By way of example 10 houses (assuming 100m² units – a larger 3 bed house) built in a parish (beyond King's Lynn) post adoption of CIL could give 15% x £6000 x 10 = £9000 for the parish, or £15000 with a neighbourhood plan. Clearly in areas likely to experience high growth this would increase significantly, but there is a cap in non-neighbourhood plan areas.

10. Personnel Implications

10.1 CIL is a completely new mechanism and the implementation regime is complex. There is clearly a need for resources to collect and administer it. There is significant experience in other authorities as to efficient operation. The Regulations provide for local authorities to use up to 5% of the CIL to administer the system.

11. Statutory Considerations

The Borough Council needs to work within the CIL Regulations, the implications of which are discussed in the main report.

12. Equality Impact Assessment (EIA)

(Pre-screening report attached as background paper)

13. Risk Management Implications

(See section 7 above)

14. Declarations of Interest / Dispensations Granted

Councillor Vivienne Spikings has declared a pecuniary interest in the light of the implications arising from the Council pursuing a CIL.

Background Papers

None

APPENDIX 1

A. Potential infrastructure projects that could be priorities for a part CIL contribution

Infrastructure Service	Specific Item	Estimated Costing	Priority for a CIL part contribution
Transport	King's Lynn Town Centre Gyratory - remodelling of the one-way system to tackle air quality issues, provide better sustainable transport links & improve conditions for businesses & adjacent retail areas (SEP)	£5m	x
	West Winch A10/A47 Link Road to release 1600 homes in the plan period	£5m (unfunded cost)	x
	A47 Hardwick Junction improvements	£20m	x
Flood defences	South Hunstanton - Snettisham sea defences recharge/recycling operations	£1.2m	x
	King's Lynn Waterfront sea defences	£1 million (2015 - 2016)	x
Education	Extension of primary and secondary schools/new primary schools and extensions of high schools. (Standard charge £6956 per house where no capacity)	£30.8 million	x
Green Infrastructure	Hardwick Industrial Estate Link, King's Lynn	£not yet costed	x
Open space and public realm		£not yet costed	x
Leisure & sport	Based on KLWN Sports Facilities Strategy Dec 2011/Sport England Facilities Planning Model Report Aug. 13	£13.71m	x
Total		£76.7	To a total of approx. £15m over the period to 2026

B. Additional potential infrastructure requirements

Infrastructure Service	Specific Item	Estimated Costing
Transport	King's Lynn Sustainable Transport Package - measures targeted at tackling congestion, promoting sustainable transport & maintenance of the primary and principal road network (NASEP)	£6.6m
	A47 Thorney to Walton Highway improvement (dualling) (GCGPSEP)	Costs to be confirmed
	A47 Wisbech bypass junction improvements (GCGP SEP)	Costs to be confirmed
	A47 Middleton/E Winch Bypass	£75m
Water	Hunstanton Promenade replacement	£15m
	Islington Pumping Station replacement	£6m
Electricity	Reinforcement work to the network.	£not yet costed
Green Infrastructure	Nar Riverside Park as part of King's Lynn Waterfront Regeneration Area.	Costs to be confirmed
	King's Lynn/Wash/Norfolk Coast Path Link.	£150k
	Bawsey/Leziate Countryside Sports and Recreation Zone.	£50k
	SUDS	£not yet costed
Police	Additional Police services	£433k
	Relocated/rebuilt King's Lynn Police Station	£2.5m
Health	Primary Care Facilities	£not yet costed
Community	King's Lynn: Care homes 111 places; dementia care homes 25 places; care home with nursing 15 places; dementia care home with nursing 89 places; housing with care 127 places	£not yet costed
	Hunstanton: dementia care homes 5 places; care homes with nursing 90 places; dementia care homes with nursing 43 places; housing with care 104 places	£not yet costed
	Downham Market: Dementia care homes 71 places; care home with nursing 112 places; dementia care homes with nursing 10 places; housing with care 55 places	£not yet costed
	Extended or new King's Lynn central library/archive centre	£323-500k
	Additional community meeting space in identified growth locations	£2.6m
	Allotments	£not yet costed
Play facilities		£not yet costed
Total		£108.8m

APPENDIX 2

Viability Assessment prepared by HDH Planning and Development
Ltd

November 2013

(As a separate document)

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Discretionary	Be entirely within Cabinet's powers to decide	YES	
		Need to be recommendations to Council	NO	
		Is it a Key Decision	YES	
Lead Member: Cllr Alistair Beales E-mail: cllr.alistair.beales@west-norfolk.gov.uk		Other Cabinet Members consulted: Cllr Nick Daubney, Cllr David Pope, Cllr Greville Howard		
		Other Members consulted: REC Panel, King's Lynn Consultative Committee		
Lead Officers: Ostap Paparega & Jemma Curtis E-mail: Ostap.paparega@west-norfolk.gov.uk Email: jemma.curtis@west-norfolk.gov.uk Direct Dial: 01553 616716		Other Officers consulted: Ray Harding, Chris Bamfield, Martin Chisholm, Licensing, Lorraine Gore		
Financial Implications YES	Policy/Personnel Implications NO	Statutory Implications NO	Equal Impact Assessment YES If YES: Full Assessment	Risk Management Implications NO

Date of meeting: 4th November 2014

3 KING'S LYNN TRANSPORT INTERCHANGE

Summary

This report outlines the work to date on development of the King's Lynn Transport Interchange (KLTI) Project. The scheme is funded mainly by Section 106 contributions received from Tesco Stores Ltd, Sainsbury's PLC and additional funding from Norfolk County Council. Following extensive public consultation a final scheme has been developed. This report recommends the Council proceeds with implementation of a comprehensive scheme. In order to do so it will be necessary for the Council to make a financial contribution to the costs of the project.

Recommendation

1. Cabinet approves the scheme (as attached in appendix 1 and detailed in 2.3 of the report) and delegate authority to the Chief Executive in consultation with the Portfolio holder for Regeneration & Industrial Assets to oversee implementation of the scheme.
2. Delegate authority to the Chief Executive in consultation with the Leader and Portfolio Holder for Regeneration & Industrial Assets to agree the level of additional funding of up to £300k to complete the full scheme.

3. Delegated authority granted to the Legal Services Manager to complete the necessary legal documentation required in order to implement the scheme.
4. Delegated authority granted to the Executive Director for Commercial Services in consultation with the Portfolio holder for ICT, Leisure & Public Space to agree the operational arrangements for the bus station area.

Reason for Decision

Contribute to the corporate objective to maintain a vibrant town centre by utilising Section 106 funding secured from developers to mitigate the impact of out of town developments by enhancing the attractiveness and accessibility of the key gateways into the town centre.

1. Background

1.1 The Borough Council received section 106 capital funding from Sainsbury's PLC and Tesco Stores Ltd (totaling £1m) to improve the bus station and pedestrian links to King's Lynn Train Station (including revised layout, public realm improvements and improved train station pedestrian link). The purpose of the funding is to mitigate the impact of the out of town retail development on King's Lynn's Town Centre. Under the terms of the Section 106 Agreement, the funding must be contractually committed, underway or completed by 2017/18 or risk being reclaimed by the supermarket companies. It is desirable to complete the planned improvements to realise the benefits and enhance the attractiveness of this area of town sooner rather than later in order to support the vitality of the town centre. The project also aligns with the King's Lynn Town Centre Action Plan and with other key town centre projects such as the Townscape Heritage Initiative, which the borders the KLTI and starts in 2014.

1.2 The project aims to deliver the following outcomes:

- Improved, linkage, public realm and gateway to King's Lynn's town centre at the key arrival points of the Rail Station and Bus Station.
- Improved passenger experience.
- Sustained or increased passenger and visitor numbers through the rail and bus station to the town centre.

2. Options Considered

2.1. A Bus Station User Survey was undertaken in December 2013 to ascertain the views of the users of the bus station and pedestrians from the rail station on how the funding should be spent. The results of the survey along with consultation with key stakeholders, informed the development of a design brief and project objectives to;

- Improve the public realm and appearance at these key points of arrival.
- Strengthen the pedestrian links from the rail station, through to the bus station and Vancouver Quarter.
- Improve bus station facilities and travel information.

2.2 A number of key stakeholders were consulted to inform the development of the scheme including NCC Transport & Travel Services Dept, Bus and Coach

Operators, First Capital Connect/Network Rail, WN Guide Dogs for the Blind Association, West Norfolk Community Transport, Norfolk Police, Taxi Operators, Lynn Museum, Sainsbury's town centre Store Manager, Vancouver Quarter and WN Bicycle Users Group.

2.3 The scheme layout (as shown in appendix 1) has been developed and refined in consultation with key stakeholders to achieve the project objectives and stakeholder requirements and is broken down into 3 component parts;

- **Pedestrian link between Rail and Bus Station**

- Widened bus lay by at rail station (funded by Norfolk County Council)
- Widened and shared use footpaths along Old Market Street and Waterloo Street.
- Changing Waterloo Street to 'access only' to reduce the dominance of the car along this key route between the rail and bus station.
- Improved pedestrian crossing at the Rail station.

- **Revised bus station layout and feature canopy**

- New 'Herringbone' layout for 7 bus departure bays to improve access to buses
- New bus station exit onto Albion Street and Railway Road for north bound bus services (with account for approx. 35% of all services).
- Reduction in the number of layover bays for buses and coaches to improve the efficiency and use of the bus station.
- New 'feature' canopy to provide extended area of shelter for bus passengers and provide a distinctive and attractive focal point at this gateway to the town centre
- West Norfolk Community Transport to be relocated to a 'hub' at the St James Multi story, to complement existing facilities for disabled users of the service.
- Number of arrival bays increased from 1 to 2
- Taxi rank relocation from Albion Street to inside the Vancouver Car Park (Old Cattle Market).
- Increase in cycle parking provision in Vancouver car park

- **Internal and external refurbishment of the bus station toilets and travel information office**

- Refurbished bus station toilets and information office to improve facilities for passengers.
- A 'facelift' to the external façade of the building to modernize this prominent building and create 'sense of arrival' to the bus station.
- Enhanced travel and visitor information using interactive digital displays and real time signage.

2.4 Discussions with Norfolk County Council (NCC) on potential alterations to the entrance / exit to the bus station prompted consideration to changes of the wider one way system. However, NCC as highways authority advised that detailed modelling of the impact on potential changes would be advisable as it is an important part of the highway network. The timescales and costs associated with this work made it unfeasible to be incorporated in this project. It was therefore agreed that the KLTl project should only focus on changes which could be delivered with the existing one way system layout but 'future proofed' in a way that would not compromise any possible changes in the future.

2.5 The final scheme as detailed in appendix 1 is estimated to cost £1.606m against a

project budget of £1.306m (see section 5 for further details). In order to bring the scheme within the available funding, the following options have been considered and assessed;

2.5.1 Remove elements from the scheme to bring the costs within budget. There are two elements of the scheme which could be removed to bring the overall scheme cost down to the budget figure.

a) Remove the highway works connecting the rail and bus station. This was discounted for two reasons: firstly it would not achieve the objective as NCC Highways contributions are in part predicated on this element of the scheme proceedings and secondly the scheme would no longer meet the objective of enhancing the linkages between the two key arrival points.

b) Delete the bus station office and toilet refurbishment from the scheme. This is not recommended as it would be necessary to undertake the works to the toilets in any event within the next 5 years. These elements of the scheme were also supported during the consultation phase of the scheme development as both are at present tired and in need of upgrading.

2.5.2 Seek alternative funding to contribute to meeting the shortfall and meet the balance from Council reserves: Officers are currently exploring potential funding sources and this is the option recommended to Members however it is unlikely that transport related funding will be secured for the period which it is envisaged the project will be implemented.

3 Public Consultation

3.1 Public consultation of the scheme took place for 4 weeks from 23rd June – 21st July 2014. Information was made available in key locations in the town centre (bus station Office, Sainsbury's town centre store and King's Court Council offices) and on line. The results of the public consultation showed that 80% of respondents were in support of the proposals. A Consultation Report has been produced and available on the Council's website. The consultation concluded that no fundamental changes would be required to the proposal. Some of the issues coming out of the consultation that have been investigated further and will be incorporated into the scheme include:

- Investigating whether the bus station area could be designated as a smoke free zone.
- Giving consideration to the appropriate location for cycle parking
- Choice of materials to ensure the surface is smooth and makes access easier for people with pushchairs, wheelchairs or luggage.
- Including residents' parking permit scheme to Waterloo Street, Portland Street & Wellesley Street into the traffic regulation order consultation that will be undertaken by Norfolk County Council to change the highway regulations necessary to implement the project.

4 Programme & Next Steps

4.1 The outline programme to implement the scheme is as follows;

October – December 2014 Consultation on Traffic Regulation Orders

January 2015

Internal refurbishment of bus station toilets and office

March 2015

External refurbishment works to bus station building

January – May 2015	(subject to planning consent) Highway works to Waterloo Street, Old Market Street, Albion Street and layout changes to the bus station.
February-March 2015	Feature canopy installation
May – June 2015	Alterations to the Rail Station bus lay by
June 2015	Scheme completion

- 4.2 Part of the scheme proposes a widened bus layby at the Rail Station which Norfolk County Council is funding. This requires land in the ownership of Network Rail. NCC is in the process of negotiating the land acquisition mechanism for this. If this cannot be concluded within a reasonable timeframe, this element of the scheme may have to be constructed at a later date.
- 4.3 Careful consideration will be given to the construction programme and method to minimise disruption to the bus station as far as possible. Close liaison and consultation with the bus, coach and taxi operators will take place and a detailed communications plan will be developed between the stakeholders to provide public information during the works.
- 4.4 The Albion Street, Waterloo Street and Old Market Street element of the scheme incorporates highway and will be constructed by Norfolk County Council's Strategic Partnership with Lafarge Tarmac. Works to implement the bus station layout changes will also be completed by the Partnership to minimise disruption and provide cost efficiencies. Early Contractor Involvement with the Partnership is underway to agree a 'target cost' for the works based on the final design but may vary following detailed design; a verbal update on the costs will be provided at the Cabinet meeting. To reduce the total cost removal of a large element of the scheme would be required which would compromise the overall impact and quality of what the council wishes to achieve for this important gateway and facility for the town.
- 4.5 Elements of the scheme including the bus station office & toilet refurbishment, street furniture and feature canopy elements of the scheme have been procured in accordance with the Council's Contract Standing Orders.

5. Financial Implications

- 5.1 In addition to the £1m received from Tesco & Sainsbury's Section 106 contributions, other funding has been secured from Norfolk County Council to contribute to the highways related elements of the project:

Section 106 funding (Hardwick Tesco & Sainsbury)	£1,000,000
Section 106 funding (Gaywood Tesco)	£7,000
NCC – Train Station Bus Layby	£70,000
NCC – Highway Maintenance	£80,000
NCC – Norfolk Parking Partnership	£100,000
NCC – Signal and crossing upgrade	£50,000
Total	£1,307,000

- 5.2 The scheme will be implemented through tendering for specialist contractors/suppliers where required and the NCC Strategic Partnership arrangement with Lafarge Tarmac for the highway and civils works. The current estimated costs are;

Scheme Item	£
Rail Station Bus Layby (funded by NCC)	£ 70,000
Highways works (Old Market Street, Waterloo Street, Albion Street, Railway Road)	£ 215,960
Bus Station Layout & Passenger Waiting Improvements (inc canopy)	£ 829,110
Bus Station Office & Toilet Refurbishment	£ 223,118
Visitor & Travel Information Signage	£ 12,000
Professional Fees (Design, Engineering, Consents, Site supervision)	£ 118,752
Preliminaries	£ 105,338
Communications	£ 2,000
Contingency	£ 30,000
Total	£ 1,606,279

5.3 At present there is an estimated shortfall of £300k to deliver the full scheme. Officers are currently awaiting the outcome of alternative funding sources to meet the shortfall. If this is not successful, it is proposed that the funding gap of up to £300k is initially met from the current car parking repair reserve and is replenished from in year contributions from car parking operations. The reserve must at some stage be restored to current levels to ensure that programmed capital works over a period of time can be funded.

5.4 Revenue: Ongoing maintenance and management of the bus station (including the feature canopy) can be covered within the overall bus station estimates.

6. Operational Arrangements

6.1 The bus station is owned by the Council and operated by Commercial Services directorate. It is recommended that delegated authority is granted to the Executive Director for Commercial Services, in consultation with the Portfolio holder for ICT, Leisure & Public Space, to finalise and make any necessary changes to the operational arrangements to ensure the new facilities work effectively.

7. Policy

7.1 The King's Lynn draft Town Centre Action Plan sets out the priorities and key actions to create a holistic approach to strengthening the town centre 'offer' to residents, businesses and visitors. Two of the six themes from the Action Plan pertinent to this project are to create;

- 1 *High quality public realm and spaces: Creating variety and enhancing the quality and distinctiveness of the public realm to improve the perception of the town;*
- 2 *A town that is easily accessible: Creating a pedestrian friendly town centre environment by reducing the dominance of the car in the town centre and enhancing public transport access and facilities.*

8. Personnel Implications

None

9. Statutory Considerations

- 9.1 Elements of the scheme will require statutory consent to implement. A Traffic Regulation Order (TRO) is required to Albion Street, Waterloo Street and Old Market Street to amend the traffic regulations in the area including making Waterloo Street 'access only' for residents/businesses. Norfolk County Council as Highways Authority will progress the consultation and completion for the Traffic Regulation Orders. Planning consent for the external refurbishment of the bus station office and toilets and proposed new feature canopy was approved in October 2014.
- 9.2 The bus station's existing exit and entrance onto Railway Road is within the designated Air Quality Management Area. The proposal for this project is to create a new bus station exit from Albion Street onto Railway Road for northbound bus services (an estimated 35% of bus services are north bound). Environmental Health section advised that by the removal of a proportion of buses from the section of Railway Road between Old Market Street and Albion Street could have a beneficial effect on air quality where an exceedance has been recorded.

10. Equality Impact Assessment (EIA)

- 10.1 Pre-screening assessment completed and resulted in the need for a full assessment to be completed (appendix 2). Assessment concludes overall positive impact on disability and age groups.

11. Risk Management Implications

- 11.1 The proposal includes changes to parking restrictions and access arrangements for Albion Street, Waterloo Street and Old Market Street. These will require completion of revised Traffic Regulation Orders by Norfolk County Council. Consultation on the proposed Draft orders will commenced October 2014 and is anticipated to take 16 weeks to complete. Responses received during the public consultation in June-July have been taken into consideration, particularly around the request for parking permits which should mitigate any objections to this TRO consultation.
- 11.2 Project costs – The budget cost (5.2) has been developed through a combination of procurement exercises to secure fixed costs for specialist contracts like the bus station office refurbishment and feature canopy. For the highways and civils element of the work, the County Councils Partnership arrangements with Lafarge Tarmac has been utilised to develop a 'target cost'. Normal risks such as weather delays, late delivery, under performance of contractors are allowed for in the target cost. Risks beyond the contractors control such as extreme weather, unplanned utilities work or unforeseen problems below ground level would be a 'compensation event' cost to be met through the contingency budget. To mitigate the risk Borough Council officers with specialist support will work closely with County Highways design and Lafarge Tarmac to identify and resolve issues at an early stage in construction. A construction risk register will also be developed for the project with the contractor to identify and potential risks which may be identified during construction and mitigation measures that may be required. A contingency of £30,000 in addition to the target cost has been allocated.
- 11.3 Legal – The £1m funding is strictly limited to the terms outlined in the section 106 agreement or at risk of being repaid back to the supermarket companies.

Background Papers

Appendix 1: KLTI Final Layout Plan PB3065-MP-056D

Appendix 2: EIA Full Assessment.

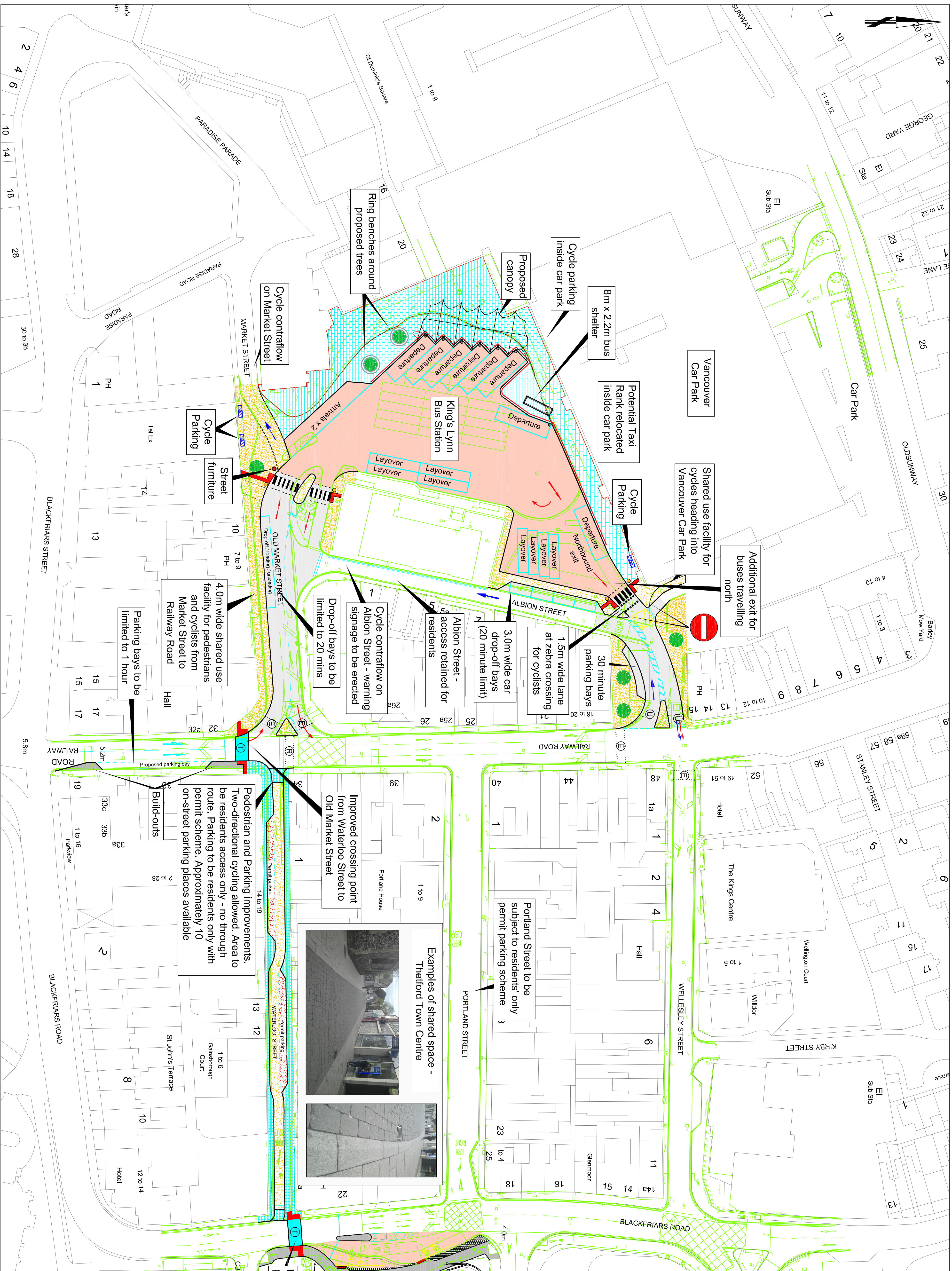
Planning application reference 14/01132/F – available on the planning portal

King's Lynn Transport Interchange Public Consultation report, July 2014. Available to view on <http://www.west-norfolk.gov.uk/default.aspx?page=22657>

REC Panel Report, 23rd April 2014

King's Lynn Bus Station User Survey, December 2013

Section 106 Agreements



KEY -

- Proposed area of paved footway
- Footway / carriageway to be resurfaced / widened in Golden Gravel
- Mastertfield surfacing at bus areas
- Carriageway treatment
- Footway treatment
- New kerb line
- New road markings
- Direction of bus traffic
- Direction of car traffic
- Proposed Toucan crossing
- Existing crossing to be retained
- Proposed unsignalised crossing
- Existing crossing to be removed
- Pedestrian guardrail
- Existing tree
- Proposed tree
- Cycle parking
- Tactile paving
- Barrierc paving
- Cobbled pedestrian deterrent surfacing
- Permit parking bays surfaced in HRA with red aggregate
- Spillier island
- Ordnance Survey data
- Topographical Survey data

NOTES

- All shared use facilities are shown by annotations. Any footways without such annotations are not intended for shared use.
- Location of street furniture to be agreed.



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 Survey 100019340

REV.	DESCRIPTION	CHECKED	DATE
A	Revised alignment to northern exit and other various changes.	DW	01/09/14

INITIALS	DATE	DRAWING NO.
OS	2014	PS3065-MP-056A
KJB	08/14	PROJECT TITLE
KJB	08/14	King's Lynn Transport Interchange
DW	08/14	SCALE
DW	08/14	1:250 @ A1
DW	08/14	FILE NO.
DW	08/14	PS3065



Equality Impact Assessments

Full Impact Assessment Form

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

Service Area: Regeneration & Economic Development
Executive Director: Ray Harding
Service Manager: Ostap Paparega, Regeneration & Economic Development Manager
Lead Officer: Jemma Curtis, Regeneration Programmes Manager

The bus station is operated by the Commercial Services dept. The project has been developed by Regeneration & Economic Development section in partnership with Norfolk County Council, other relevant council depts and key stakeholders in the area.

2. What change are you proposing?

The key objective is to improve the gateway and accessibility into the town centre and to strengthen the pedestrian link between the rail and the bus station. This will be done by making the following improvements to the area:

- New layout of the bus station
- Improvements to passenger waiting facilities (shelters, seating etc)
- Improvements to Waterloo street surface and parking arrangements
- Refurbishment to the bus station information office and public toilets
- Increase in the public realm area to reduce congestion at peak times
- Improvements in the visitor and travel information

The project is as a result of receiving £1m of section 106 funding from Tesco Stores Ltd and Sainsbury's plc to enhance the King's Lynn bus station and pedestrian link to the rail station. Cabinet approval for the final version of the scheme is awaited (10th September 2014).

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

The Project is in line with the Directorate service objective R3 to 'Improve vibrancy of borough's town centres.'

The King's Lynn draft Town Centre Action Plan sets out the priorities and key actions to create a holistic approach to strengthening the town centre 'offer' to residents, businesses and visitors. Two of the six themes from the Action Plan pertinent to this project are to create;

- 1 *High quality public realm and spaces: Creating variety and enhancing the quality and distinctiveness of the public realm to improve the perception of the town;*
- 2 *A town that is easily accessible: Creating a pedestrian friendly town centre environment by reducing the dominance of the car in the town centre and enhancing public transport access and facilities.*

4. What is your evidence of need for change?

This is a discretionary project as a result of receiving of £1m of section 106 funding from supermarkets for out of town developments. The purpose of the section 106 funding is to mitigate the impact of the out of town developments on the town centre. The area is one of the main gateways for visitors to the town centre and it is recognised that the area is in need of enhancement to maintain the attractiveness and accessibility to the town centre.

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

The quality of the experience from a user will be improved by the new and refurbished facilities.

The cost of maintenance for the area can be met from existing revenue budgets.

The funding for the scheme is from section 106 and contribution from Norfolk County Council.

Under the terms of the Section 106 Agreement, the funding must be contractually committed, underway or completed by 2017/18 or risk being reclaimed by the supermarket companies.

6. What geographical area does this proposal cover?

This project covers the King's Lynn bus station, Albion Street, Old Market Street, Waterloo Street, Vancouver Car Park and the front of the rail station.

This is within the St Margaret's with St Nicholas Ward.

7. What is the impact of your proposal?

What outputs will be achieved as a result?

- Improved public realm and gateway to King's Lynn at the Rail Station and Bus Station
- Improved passenger experience
- Sustained or increased passenger and visitor numbers through the bus and train station to the town centre.

What will change?

- The layout of the bus station will change so all departure points are together.
- There will also be 2 arrivals bays which should allow passengers to alight quicker than at present.
- An exit for north bound buses will remove buses from a section of Railway Road and could have a beneficial effect on air quality where an exceedance has been recorded.
- Installation of interactive digital travel information and real time travel information

How will service users experience the change?

- The experience of user of the bus station will improved with easier access to bus departures bays, quality of environment and waiting facilities and real time signage.

Have you considered the needs / barriers of those currently using / not using the service?

- A user survey was carried out in December 2013, the results of which informed the design brief for the project.
- Consultation undertaken with WN Community Transport, WN Disability Forum and Guide Dogs for the Blind Association.

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

The design of the area has been in consultation with a wide range of stakeholders and public consultation in June – July 2014.

We have looked at the location and accessibility of services and tried to improve these as a result of this project.

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?

A user survey was carried out in December 2013 which informed the design brief.

Stakeholders have been involved during the design of the project. These have included: NCC Transport & Travel Services Department, Bus and Coach Operators, First Capital Connect/Network Rail, WN Guide Dogs for the Blind Association, WN Disability Forum, West Norfolk Community Transport, Norfolk Police, Taxi Operators, Lynn Museum, Sainsbury's town centre Store Manager, Vancouver Quarter and WN Bicycle Users Group.

A further public consultation was carried out over a 4 week period on the final design of the area which resulted in some minor changes to the scheme.

10. Are there any implications for other service areas?

Yes, Commercial Services will be responsible for the maintenance of the area.

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: Positive impacts
- Age: Positive Impacts

For all of these consider issues of:

- access: the improvements will be of a benefit for both of the groups detailed above

Protected groups where a positive or negative impact was identified on the pre-screening form:

- The access for all will be improved; this will have a specific benefit for elderly users and those with a disability. The relocation of West Norfolk Community Transport to closer to the shop mobility office will benefit the users of this service.
- The more concentrated area for departure bays will make it easier for those with mobility issues to move between bays should this be necessary.

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

There are no adverse impacts

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

Footfall counters are available to monitor the number who is entering the town centre.

Passenger numbers on services can be monitored. This will demonstrate if there has been an increase in passenger numbers which could be attributed to the improvements to the area.

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

Claire Dorgan & Allison Bingham

Assessment Completed By: Jemma Curtis
Job Title: Regeneration Programmes Manager
Date: 6th August 2014

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Mandatory/ Operational	Be entirely within Cabinet's powers to decide	NO	
		Need to be recommendations to Council	YES	
		Is it a Key Decision	YES	
Lead Member: Cllr N Daubney E-mail:		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: David Thomason E-mail: david.thomason@west-norfolk.gov.uk Direct Dial:01553 616246		Other Officers consulted:		
Financial Implications YES	Policy/Personnel Implications NO	Statutory Implications YES	Equal Impact Assessment NO	Risk Management Implications NO

Date of meeting: 4 November 2014

4 COUNCIL TAX DISCOUNTS FOR SECOND HOMES AND EMPTY PROPERTIES

<p>Summary</p> <p>The Local Government Acts of 2003 and 2012 give the Council powers to determine the discounts for second homes and long term empty properties. The Council is obliged to approve its determination afresh for each class of dwelling for each financial year. This report puts forward proposals for no change to the current level of discounts and empty property levy for the financial year 2015/2016.</p> <p>Recommendation</p> <p>Council resolves that, under Section 11A of the Local Government Finance Act 1992, as enacted by Section 75 of the Local Government Act 2003, Section 11B of the Local Government Finance Act 1992, as enacted by Section 11 and Section 12 of the Local Government Finance Act 2012 and in accordance with the provisions of the Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003 and the Council Tax (Prescribed Classes of Dwellings) (England) (Amendment) Regulations 2012 the Council determines:</p> <ol style="list-style-type: none"> 1. That the council tax discount for second homes defined as being within Class A of the Regulations is set at 5% for 2015/2016; 2. That the council tax discount for second homes as defined by Class B of the Regulations is set at 5% for 2015/2016; <p>A.</p>
--

3. That the council tax discount for empty dwellings defined as being within Class C of the Regulations is set at the following for 2015/2016:
 - a. 100% for three months starting on the day the property becomes unfurnished
 - b. 0% once the three month period has expired;
4. That the council tax discount for uninhabitable dwellings defined as being within Class D of the Regulations is set at the following for 2015/2016:
 - a. 50% for 12 months starting on the day the property becomes uninhabitable
 - b. 0% once the 12 month period has expired;
5. That the levy rate for Long Term Empty Properties as defined in the Regulations is set at 50% for 2015/2016;
6. That any period of occupation of less than six weeks shall be disregarded when calculating the maximum period of a reduction or the start date of the levy; and
7. That delegated authority be given to the Portfolio Holder for Resources in consultation with the Ward Member and the Chairman of the Resources and Performance Panel to consider individual applications to the Discretionary Hardship Fund
8. In accordance with Section 11A(6) of the Local Government Finance Act 1992, as enacted by Section 75 of the Local Government Act 2003 and the Local Government Finance Act 2012, these determinations shall be published in at least one newspaper circulating in West Norfolk before the end of the period of 21 days beginning with the date of the determinations.

Reason for Decision

To ensure that the levels of Council Tax Discounts for Second Homes and Empty Properties are agreed for 2015/2016 by 31 January 2015.

1 Background

- 1.1 Section 75 of the Local Government Act 2003 gives billing authorities the power to determine the discounts for second homes and long-term empty dwellings. Section 11 of the Local Government Finance Act 2012 gives billing authorities powers to determine discounts for further classes of empty dwellings. Section 12 of the Local Government Finance Act 2012 gives billing authorities powers to set a higher amount of council tax for long term empty dwellings. The Council has to approve its determination afresh for each Class of dwelling for each financial year.

2 **Classes of Properties and Current Discounts 2014/2015**

- 2.1 The Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003 and the Council Tax (Prescribed Classes of Dwellings) (England) (Amendment) Regulations 2012 prescribe the following classes of dwelling:

Class A – a chargeable dwelling:

- (a) which is not the sole or main residence of an individual
- (b) which is furnished; and
- (c) the occupation of which is prohibited by law for a continuous period of at least 28 days in the relevant year.

Class A dwellings are commonly known as **Second Homes with an Occupancy Restriction**.

The reduction for Class A dwellings for 2014/2015 is 5% with an exemption for the period of the occupancy restriction.

Class B – a chargeable dwelling

- (a) which is not the sole or main residence of an individual;
- (b) which is furnished; and
- (c) the occupation of which is not prohibited by law for a continuous period of at least 28 days in the relevant year.

Class B dwellings are commonly known as **Second Homes**.

The reduction for Class B dwellings for 2014/2015 is 5%.

Class C – a chargeable dwelling which is:

- (a) which is unoccupied; and
- (b) which is substantially unfurnished

Class C dwellings are commonly known as **Empty Properties**

The reduction for a Class C dwelling for 2014/2015 is 100% for three months from the first day the property becomes unfurnished. Once the three months expire a reduction of 0% applies.

Class D – a chargeable dwelling

- (a) which has satisfied the requirements of (b) for less than 12 months
- (b) which is vacant; and
 - i. requires or is undergoing major repair work to render it habitable
 - ii. is undergoing structural alteration
 - iii. has undergone major repair work to render it habitable if less than six months have elapsed since the date on which the alteration was substantially completed and the dwelling has continuously remained vacant since that date
- (c) for the purpose of (b) 'major repair work' includes structural repair work

NB once the 12 month time limit has expired properties in Class D fall to be

treated as properties in Class C

Class D dwellings are commonly known as **Uninhabitable Properties**.

The reduction for a Class D dwelling for 2014/2015 is 50% for the 12 month maximum period. Once the 12 months expire a reduction of 0% applies.

- 2.2 Class A and Class B properties do not include any dwelling which consists of a pitch occupied by a caravan or a mooring occupied by a boat. Neither do they include any dwelling where a qualifying person in relation to that dwelling is a qualifying person in relation to another dwelling which for him/her is job-related

3 Long Term Empty Property Levy

- 3.1 The Local Government Finance Act 2012 allows billing authorities to increase the amount of council tax payable in respect of a long term empty dwelling by a specified percentage of not more than 50%.
- 3.2 The Act defines a Long Term Empty Dwelling as 'a dwelling that is unoccupied and substantially unfurnished for a continuous period of at least two years'. Any period of occupation of less than six weeks is discounted when establishing the continuous two year period.
- 3.3 The Act also allows Central Government to prescribe classes of dwelling exempt from the Long Term Empty Property levy. The Council Tax (Prescribed Classes of Dwellings) (England) (Amendment) Regulations 2012 prescribe the following classes of dwelling to which the levy will not apply:
- 3.4 **Class E** – a chargeable dwelling which would be the sole or main residence of a person but is empty because that person is resident in Ministry of Defence accommodation by reason of their employment.
- 3.5 **Class F** – a chargeable dwelling which is an annexe of a main property but is being used as a part of that property.
- 3.6 **The additional levy for long term empty properties for 2014/2015 is 50%. Dwellings falling into Class E and Class F are exempt from the Long Term Empty Property Levy.**
- 3.7 In accordance with the statutory council tax reductions any period of occupation of less than six weeks will be disregarded when calculating the maximum time a reduction can be awarded for, and when calculating the start date of any levy payment. The occupier will still be charged the occupied council tax rate for the time they live in the property, but the clock will not be reset when they leave if they have been in occupation for less than six weeks.

4 Options Considered

- 4.1 The Council could consider making changes to the current levels of discounts and levies which would have an impact on the level of council tax base used for budget purposes. Any reduction in discount would increase the tax base and any increase in discount would reduce the tax base. For example, in reducing the discount on second homes from 50% to 5% the council tax base increases by 1,400 Band D equivalents equal to £2m additional council tax income in each year. Of this

income the Borough Council benefits directly by £156,750 and at present also gains access to 50% of the additional £1.6m tax income of the County Council.

- 4.2 The Council could elect not to apply the 50% levy on empty properties. There are far fewer properties in this category and the financial impact is far less. In 2014/2015 the numbers are around 270 properties, mainly A Band and the income raised by the levy is approximately £150,000 pa with the Borough Council benefiting by £14,000.
- 4.3 The proposal is to make no changes to the current level of discounts and levy for 2015/2016. The benefits in additional income remain in place and the levy on empty properties remains an incentive to owners to bring them back into use.

5 Policy Implications

- 5.1 The decision is a continuation of Council policy from 2014/2015.

6 Financial Implications

- 6.1 The Council has previously determined the level of discounts as proposed in this report. There will be no change to the Council Tax Base due to the confirmation of the policy. If however there are changes to the numbers of second homes or empty properties then the Tax Base will also change accordingly.
- 6.2 A Discretionary Hardship fund of £10,000 was established in 2014/2015 and continues to part of the Financial Plan. The Council has delegated authority 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.

7 Statutory Considerations

- 7.1 The regulations stipulate these determinations must be published in at least one local newspaper within 21 days of Council agreement.

8 Equality Impact Assessment (EIA)

- 8.1 A pre-Screening Equality Impact Assessment was completed in 2014/2015 as part of the Cabinet report. There will be no change to the Assessment on the refresh of the discount and levy determinations.

Background Papers

Council and Cabinet reports

Open	Would any decisions proposed :			
Any especially affected Wards	(a) Be entirely within Cabinet's powers to decide YES			
None	(b) Need to be recommendations to Council NO			
	(c) Be partly for recommendations to Council NO and partly within Cabinets powers –			
Lead Member: Nick Daubney E-mail: cldr.nick.daubney@west-norfolk.gov.uk		Other Cabinet Members consulted: None		
		Other Members consulted: None		
Lead Officer: Toby Cowper E-mail: toby.cowper@west-norfolk.gov.uk Direct Dial: 01553 616523		Other Officers consulted: Chief Financial Officer and Management Team		
Financial Implications YES	Policy/Personnel Implications NO	Statutory Implications (incl S.17) YES	Equal Opportunities Implications NO	Risk Management Implications YES

Date of meeting: 4 November 2014

5 MID YEAR REVIEW TREASURY REPORT 2014/2015

Summary

The Council has formally adopted the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management (2011) and remains fully compliant with its requirements.

One of the primary requirements of the Code is:

Receipt by Council of an annual strategy report (including the annual investment strategy report) for the year ahead, a mid year review report and an annual review report of the previous year.

The Mid -Year Review Report has been prepared in compliance with CIPFA's Code of Practice, and covers the following:

- An economic update for the first six months of 2014/2015
- A review of the Treasury Management Strategy Statement and Annual Investment Strategy 2014/2015
- The Council's capital expenditure (prudential indicators)
- A review of the Council's investment portfolio for 2014/2015
- A review of the Council's borrowing strategy for 2014/2015
- A review of any debt rescheduling undertaken during 2014/2015
- A review of compliance with Treasury and Prudential Limits for 2014/2015

Recommendations

1. Cabinet is asked to note the report and the treasury activity.
2. As part of the budget process and setting of the Treasury Management Strategy for 2015/2016 it is suggested that Cabinet ask officers to bring forward schemes that could generate higher levels of return

Reason for the Decision

The Council must make a Mid -Year Review of its Treasury operation, as part of the CIPFA code of Practice.

1. Background

- 1.1 The Council operates a balanced budget, which broadly means cash raised during the year and the use of reserves and balances will meet its cash expenditure. Part of the treasury management operations ensure this cash flow is adequately planned, with surplus monies being invested in low risk counterparties, providing adequate liquidity initially before considering maximising investment return.
- 1.2 The second main function of the treasury management service is the funding of the Council's capital plans. These capital plans provide a guide to the borrowing need of the Council, essentially the longer term cash flow planning to ensure the Council can meet its capital spending operations. This management of longer term cash may involve arranging long or short term loans, or using longer term cash flow surpluses and investing, and on occasion any debt previously drawn may be restructured to meet Council risk or cost objectives.
- 1.3 As a consequence treasury management is defined as:

“The management of the local authority's investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks.”

2. Introduction

- 2.1 The Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management 2011 as adopted by this Council in April 2013.

The primary requirements of the Code are as follows:

1. Creation and maintenance of a Treasury Management Policy Statement which sets out the policies and objectives of the Council's treasury management activities.
2. Creation and maintenance of Treasury Management Practices which set out the manner in which the Council will seek to achieve those policies and objectives.
3. Receipt by the full council of an annual Treasury Management Strategy Statement - including the Annual Investment Strategy and Minimum Revenue Provision Policy - for the year ahead, a **Mid-year Review Report** and an Annual Report (stewardship report) covering activities during the previous year.
4. Delegation by the Council of responsibilities for implementing and monitoring treasury management policies and practices and for the execution and administration of treasury management decisions.
5. Delegation by the Council of the role of scrutiny of Treasury Management strategy and policies to a specific named body. For the Council the delegated body is the Audit Committee.

2.2 This mid-year report has been prepared in compliance with CIPFA's Code of Practice, and covers the following:

- An economic update for the first six months of 2014/15;
- A review of the Treasury Management Strategy Statement and Annual Investment Strategy;
- The Council's capital expenditure (prudential indicators);
- A review of the Council's investment portfolio for 2014/15;
- A review of the Council's borrowing strategy for 2014/15;
- A review of any debt rescheduling undertaken during 2014/15;
- A review of compliance with Treasury and Prudential Limits for 2014/15.

3 Economic update

3.1 Economic performance to date and outlook

After strong UK GDP quarterly growth of 0.7%, 0.8% and 0.7% in quarters 2, 3 and 4 respectively in 2013, (2013 annual rate 2.7%), and 0.8% in Q1 and Q2 2014 (annual rate 3.2% in Q2), it appears very likely that strong growth will continue into 2014 as forward surveys for the services and construction sectors, are very encouraging and business investment is also strongly recovering. However, for this recovery to become more balanced and sustainable in the longer term, the recovery needs to move away from dependence on consumer expenditure and the housing market to the manufacturing sector and exporting, both of which need to substantially improve on their recent lacklustre performance. This strong growth has resulted in unemployment falling much faster through the initial threshold of 7%, set by the Monetary Policy Committee (MPC) last August, before it said it would consider any increases in Bank Rate. The MPC has, therefore, subsequently broadened its forward guidance by adopting five qualitative principles and looking at a much wider range of about eighteen indicators in order to form a view on how much slack there is in the economy and how quickly slack is being used up. The MPC is particularly concerned that the current squeeze on the disposable incomes of consumers should be reversed by wage inflation rising back above the level of inflation in order to ensure that the recovery will be sustainable. This in turn, means that there needs to be a major improvement in labour productivity which has languished at dismal levels since 2008. Most economic forecasters are expecting growth to peak in 2014 and then to ease off a little, though still remaining strong, in 2015 and 2016.

Also encouraging has been the sharp fall in inflation (CPI), reaching 1.5% in May, the lowest rate since 2009 (1.6% in July). Forward indications are that inflation is likely to fall further in 2014 to possibly near to 1%. Overall, markets are expecting that the MPC will be cautious in raising Bank Rate as it will want to protect heavily indebted consumers from too early an increase in Bank Rate at a time when inflationary pressures are also weak. A first increase in Bank Rate is therefore expected in Q1 or Q2 2015 and they expect increases after that to be at a slow pace to lower levels than prevailed before 2008 as

increases in Bank Rate will have a much bigger effect on heavily indebted consumers than they did before 2008.

The return to strong growth has also helped lower forecasts for the increase in Government debt by £73bn over the next five years, as announced in the 2013 Autumn Statement, and by an additional £24bn, as announced in the March 2014 Budget - which also forecast a return to a significant budget surplus, (of £5bn), in 2018-19. However, monthly public sector deficit figures have disappointed so far in 2014/15.

3.4 Capita Asset Services interest rate forecast (August 2014)

	Sep-14	Dec-14	Mar-15	Jun-15	Sep-15	Dec-15	Mar-16	Jun-16	Sep-16	Dec-16	Mar-17	Jun-17
Bank rate	0.50%	0.50%	0.75%	0.75%	1.00%	1.00%	1.25%	1.25%	1.50%	1.75%	2.00%	2.00%
5yr PWLB rate	2.70%	2.70%	2.80%	2.90%	3.00%	3.00%	3.10%	3.20%	3.30%	3.40%	3.50%	3.50%
10yr PWLB rate	3.40%	3.50%	3.60%	3.70%	3.80%	3.90%	4.00%	4.10%	4.10%	4.20%	4.30%	4.30%
25yr PWLB rate	4.00%	4.10%	4.20%	4.30%	4.40%	4.50%	4.60%	4.70%	4.80%	4.80%	4.90%	4.90%
50yr PWLB rate	4.00%	4.10%	4.20%	4.30%	4.40%	4.50%	4.60%	4.70%	4.80%	4.80%	4.90%	4.90%

Capita Asset Services undertook a review of its interest rate forecasts in mid August, after the Bank of England's Inflation Report. By the beginning of September, a further rise in geopolitical concerns, principally over Ukraine but also over the Middle East, had caused a further flight into safe havens like gilts and depressed PWLB rates further. However, there is much volatility in rates as news ebbs and flows in negative or positive ways. This latest forecast includes a first increase in Bank Rate in quarter 1 of 2015.

4 Treasury Management Strategy Statement and Annual Investment Strategy update

- 4.1 The Treasury Management Strategy Statement (TMSS) for 2014/2015 was approved by this Council on 4 March 2014. The Council's Annual Investment Strategy, which is incorporated in the TMSS, outlines the Council's investment priorities as follows:
- Security of capital
 - Liquidity

- 4.2 The Council will also aim to achieve the optimum return (yield) on investments commensurate with the proper levels of security and liquidity. In the current economic climate it is considered appropriate to only invest with highly credit rated financial institutions, using Capita Asset Services suggested creditworthiness approach, including sovereign credit rating and credit default swap (CDS) overlay information provided by Capita Asset Services.
- 4.3 A breakdown of the Council's investment portfolio is shown in Section 6 and Appendix 1 of this report.
- 4.4 Borrowing during the first six months of the year has been in line with the strategy, and there have been no deviations from the strategy.
- 4.5 As outlined in Section 3 above, there is still considerable uncertainty in the financial and banking market, both globally and in the UK. In this context, it is considered that the strategy approved on 4 March 2014 is still fit for purpose in the current economic climate.

5 The Council's Capital Position (Prudential Indicators)

This part of the report is structured to update:

- The Council's capital expenditure plans;
- How these plans are being financed;
- The impact of the changes in the capital expenditure plans on the prudential indicators and the underlying need to borrow; and
- Compliance with the limits in place for borrowing activity.

5.1 Prudential Indicator for Capital Expenditure

The capital programme approved by Council on 5 February 2014 was updated for rephrasing and amendments as part of the closedown of the accounts 2013/2014. The updated estimates were approved by Council on 11 June 2014 and are shown in Table 1 below. The capital programme 2014/2017 has been revised as reported in the Monthly Monitoring reports.

Table 1

Service Head	Capital Programme 2014/2015 (Council 5 February 2014)	Revised Capital Programme 2014/2015 (September Monitoring)	Expenditure as at 30 September 2014
	£'000	£'000	£'000
Major Projects	11,131	12,619	2,825
Central and Community Services	1,296	1,618	553
Chief Executive	95	81	9
Commercial Services	1,270	2,195	366
Environment and Planning	43	43	0
Resources	625	860	157
Total Capital Programme	14,460	17,416	3,910

5.2 Changes to the Financing of the Capital Programme

Table 2 below shows the expected financing arrangements of the capital expenditure detailed above. The borrowing element of the table increases the underlying indebtedness of the Council by way of the Capital Financing Requirement (CFR), although this will be reduced in part by revenue charges for the repayment of debt (the Minimum Revenue Provision). This direct borrowing need will also be supplemented by maturing temporary debt and other treasury cash flow requirements.

Table 2

Capital Expenditure Financed by	Capital Programme 2014/2015 (Council 5 February 2014)	Revised Capital Programme 2014/2015 (September Monitoring)
	£'000	£'000
Total spend	14,460	17,416
Financed by:		
Capital receipts	(11,483)	(11,754)
Capital grants and Contributions	(2,150)	(2,149)
Capital reserves	(1,152)	(1,985)
Total resource	(14,785)	(15,888)
Borrowing need	325	(1,528)
Total Financing	(14,460)	(17,416)

5.3 Changes to the Prudential Indicators for the Capital Financing Requirement (CFR), External Debt and the Operational Boundary

Table 3 shows the CFR, which is the underlying external need to incur borrowing for a capital purpose. It also shows the expected debt position over the period. This is termed the Operational Boundary.

Prudential Indicator – Capital Financing Requirement

The original estimated CFR for 2014/2015 included in the Treasury Management Strategy Statement 2014/2015 was based on an estimated outturn CFR for 2013/2014 of £16.9m, the actual outturn was £14.8m. The revised CFR for 2014/2015 after rephasing from 2013/2014 and revised capital resources, is £16.3m. The 2014/2015 CFR incorporates the impact of borrowing to finance the Housing Joint Venture.

Prudential Indicator – External Debt / the Operational Boundary

Section 3 of the Local Government Act 2003 requires the Council to determine and keep under review how much it can afford to borrow. The amount so determined is termed the “Affordable Borrowing Limit”. The Limit is in fact two sets of figures:

- the Authorised Limit for External Debt is the maximum borrowing that the Council can incur in a set period further prudential indicator controls the overall level of borrowing. The Authorised Limit represents the limit beyond which borrowing is prohibited, and needs to be set and revised by Members. It reflects the level of borrowing which, while not desired, could be afforded in the short term, but is not sustainable in the longer term. It is the expected maximum borrowing need with some headroom for unexpected movements.
- the Operational Boundary for External Debt is a working practice limit that is set slightly lower than the Authorised Limit. In effect the authorised limit includes a degree of contingency in case of circumstances arising that take the limit above the operational limit. It allows business to continue giving time for Council to be advised in case of the need for more permanent changes to the limits.

Table 3

	2014/15 Original Estimate £m	Current Position £m	2014/15 Revised Estimate £m
Prudential Indicator – Capital Financing Requirement			
CFR	15.0	14.8	16.3
Prudential Indicator – External Debt / the Operational Boundary			
Authorised Limit for external debt	30.0	30.0	30.0
Operational Boundary for external debt	25.0	25.0	25.0
Borrowing	20.4	14.6	20.4

These borrowing limits will have to be revised should the 'Major Housing' project be given approval by Cabinet in the new year.

5.4 Limits to Borrowing Activity

The first key control over the treasury activity is a prudential indicator to ensure that over the medium term, net borrowing (borrowings less investments) will only be for a capital purpose. Net external borrowing should not, except in the short term, exceed the total of CFR in the preceding year plus the estimates of any additional CFR for 2013/14 and the next two financial years. This allows some flexibility for limited early borrowing for future years. The Council has approved a policy for borrowing in advance of need which will be adhered to if this proves prudent. The Chief Financial Officer reports that no difficulties are envisaged for the current year in complying with this prudential indicator as detailed in Table 4 below.

Table 4

	2014/15 Original Estimate £'000s	Current Position 30 September 2014 £'000s	2014/15 Revised Estimate £'000s
Gross borrowing	20,414	14,600	20,414
Less investments	(27,375)	(27,952)	(27,375)
Net borrowing	(6,961)	(13,352)	(6,961)
CFR (year end position)	15,010	14.783	16.311

- 5.5 The revised 2014/15 borrowing figure takes into account borrowing in relation to the joint venture project (houses which are to be built on the Nora Site). The cashflow forecast for the project recognises that the amount of borrowing will be dependent upon how quickly the houses will sell. If the houses do not sell as forecast, additional short term borrowing will be required to fund the project through 2014/15.
- 5.6 Nar Valley Park Phase 1 sales as at 19 September 2014, 20 units out of the 54 total have been reserved. 8 of these have been sold to Freebridge Community Housing. The other 12 are private sale units, 7 of these buyers have taken advantage of the Help To Buy Scheme. Current total sales: £2.5m.

6 Investment Portfolio 2014/2015

- 6.1 In accordance with the Code, it is the Council's priority to ensure security of capital and liquidity, and to obtain an appropriate level of return which is consistent with the Council's risk appetite. As set out in Section 3, it is a very difficult investment market in terms of earning the level of interest rates commonly seen in previous decades as rates are very low and in line with the 0.5% Bank Rate. Indeed, the introduction of the Funding for Lending scheme has reduced market investment rates even further. The potential for a prolonging of the Eurozone sovereign debt crisis, and its impact on banks, prompts a low risk and short term strategy. Given this risk environment, investment returns are likely to remain low.
- 6.2 The Council held £27.95m of investments as at 30 September 2014 (£31.33m at 31 March 2014) and the investment portfolio yield for the first six months of the year is 0.92% against a benchmark 0.36% (7 day LIBID – London Interbank Bid Rate).
- 6.3 A full list of investments held by the Council as at 30th September 2014, is shown in Appendix 1, and summarised in Table 5 below:

Table 5

Institution	Principal	Start Date	End Date	Rate %
Bank of Scotland	2,000,000	22/11/2013	01/12/2014	1.00
Bank of Scotland	3,000,000	26/11/2013	03/12/2014	1.00
Bank of Scotland	2,000,000	11/04/14	13/04/2015	0.98
Barclays	2,400,000	12/11/2012		0.65
Barclays	2,600,000	20/12/2012		0.65
Glasgow City Council	3,000,000	12/11/2013	12/11/2015	0.95
Cheshire West and Chester Council	2,000,000	20/01/2014	20/01/2016	1.10
Goldman Sachs International Bank	2,000,000	22/09/2014	22/01/2015	0.59
Norfolk & Waveney Enterprise Services Ltd	500,000	27/03/2014		1.80
Wyre Forest District Council	2,000,000	14/07/2014	14/07/2016	0.95
King & Shaxson - RBS	2,000,000	28/08/2014	30/08/2016	1.68
Newcastle City Council	2,000,000	04/08/2014	04/08/2016	1.00
Roydon Parish Council	2,667	19/02/2013	01/04/2016	1.50
BNP Parabis	2,450,000	01/09/2014		0.44
Total	27,952,667			0.92

6.4 The average level of funds available for investment purposes in the first six months of 2014/15 was £2million (per week). These funds were available on a temporary basis, and the level of funds available was mainly dependent on the timing of precept payments, receipt of grants and progress on the capital programme. The Council holds £25.7million core cash balances for investment purposes.

6.5 The Council would receive annual interest of £236,000 based on holding all the £25.7m core cash balances in traditional investments at an average interest rate of 0.92% per annum. The Council could consider other options for investment including property investments as an alternative to the traditional investments. These would be assessed in conjunction with the Council's treasury advisors and require separate reports to Cabinet but could achieve higher rates of return. If a quarter of the funds were invested in this way it is estimated that a return of at least 4% could be achieved, which would together with the 0.92% return on the remaining traditional investments generate revenue income of around £436,000 per annum, an additional £600,000 over the medium term financial plan.

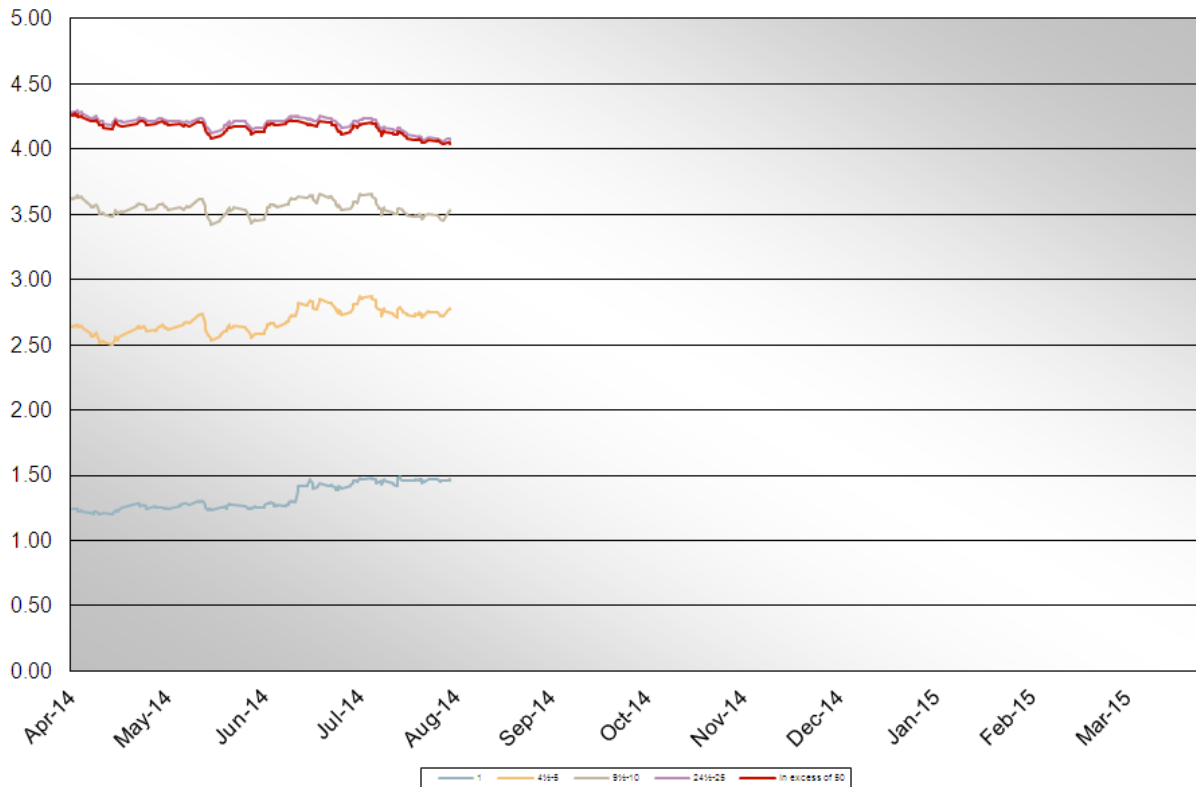
As part of the budget process and setting of the Treasury Management Strategy for 2015/2016 it is suggested that Cabinet ask officers to bring forward schemes that could generate higher levels of return.

- 6.6 The Chief Financial Officer confirms that the approved limits within the Annual Investment Strategy were not breached during the first six months of 2014/15.
- 6.7 The Council's budgeted investment return for 2014/15 is £171,000 and the projected performance for the year is £224,400 which is above expectations. The Council's budgeted borrowing costs for 2014/2015 are £510,000 and projected outturn for the year is £461,900. Overall it is anticipated there is net impact of £101,500 on the Council's budget. The cost of borrowing and investment returns are included in the financing adjustment element of the Council's budget, which is monitored and variances reported in the overall Budget Monitoring Report.
- 6.8 Investment Counterparty criteria
- The current investment counterparty criteria selection approved in the Treasury Management Strategy Statement 2014/2015 is meeting the requirement of the treasury management function.

7 External Borrowing 2013/2014

- 7.1 The Council's capital financing requirement (CFR) for 2014/15 is estimated to be £16.6m. The CFR denotes the Council's underlying need to borrow for capital purposes. If the CFR is positive the Council may borrow from the PWLB or the market (external borrowing) or from internal balances on a temporary basis (internal borrowing). The balance of external and internal borrowing is generally driven by market conditions. The use of cash flow funds in lieu of borrowing is a prudent and cost effective approach in the current economic climate. A full list of borrowings made by the Council as at 30th September 2014 is shown in Appendix 2.
- 7.2 As outlined below, the general trend has been a decrease in interest rates during the six months, across longer dated maturity bands, but a rise in the shorter maturities, reflecting in part the expected rise in the Bank rate.
- 7.3 The graph and table below show the movement in PWLB rates for the first six months of the year and provide benchmarking data showing high and low points etc:

PWLB Certainty Rates 2014-15



8 Debt Rescheduling

8.1 During the first six months of the year, no debt rescheduling was undertaken.

9 Compliance with Treasury and Prudential Limits

9.1 It is a statutory duty for the Council to determine and keep under review the “Affordable Borrowing Limits”. Council’s approved Treasury and Prudential Indicators (affordability limits) are outlined in the approved Treasury Management Strategy Statement.

9.2 During the financial year to date the Council has operated within the treasury limits and Prudential Indicators set out in the Council’s Treasury Management Strategy Statement and in compliance with the Council’s Treasury Management Practices. The Prudential and Treasury Indicators are shown in Appendix 3.

10. Financial Implications

10.1 The financial implications of the borrowing and investment strategy are reflected in the financing adjustment figure included in the Financial Plan 2014/2018 approved at Cabinet on 27 February 2014 and updated as reported in the Budget Monitoring report.

11. Risk Management Implications

- 11.1 There are elements of risk in dealing with the treasury management function although the production and monitoring of such controls as prudential indicators and the treasury management strategy help to reduce the exposure of the Council to the market. The costs and returns on borrowing and investment are in themselves a reflection of risk that is seen by the market forces.

12 Policy Implications

- 12.1 There are no changes in the Treasury Management policy at present.

13 Statutory Considerations

- 13.1 The Council must set prudential indicators and adopt a Treasury Management Strategy and Annual Investment Strategy.

14 Access to Information

The Budget 2014/2018 – A Financial Plan
Capital Programme 2013/2017
Treasury Management Strategy and Annual Investment Strategy 2014
Budget Monitoring reports 2014/2015
Sector Monthly Investment Analysis Review
Treasury Monthly Monitoring reports

Appendix 1

Investment Portfolio as at 30 September 2014

Institution	Principal	Start Date	End Date	Rate %	Ratings
Bank of Scotland	2,000,000	22/11/2013	01/12/2014	1.00	A
Bank of Scotland	3,000,000	26/11/2013	03/12/2014	1.00	A
Bank of Scotland	2,000,000	11/04/14	13/04/2015	0.98	A
Barclays	2,400,000	12/11/2012		0.65	A
Barclays	2,600,000	20/12/2012		0.65	A
Glasgow City Council	3,000,000	12/11/2013	12/11/2015	0.95	AAA
Cheshire West and Chester Council	2,000,000	20/01/2014	20/01/2016	1.10	AAA
Goldman Sachs International Bank	2,000,000	22/09/2014	22/01/2015	0.59	A
Norfolk & Waveney Enterprise Services Ltd	500,000	27/03/2014		1.80	A
Wyre Forest District Council	2,000,000	14/07/2014	14/07/2016	0.95	AAA
King & Shaxson - RBS	2,000,000	28/08/2014	30/08/2016	1.68	A
Newcastle City Council	2,000,000	04/08/2014	04/08/2016	1.00	AAA
Roydon Parish Council	2,667	19/02/2013	01/04/2016	1.50	AAA
BNP Parabis	2,450,000	01/09/2014		0.44	AAA
Total	27,952,667			0.92	

Borrowing Portfolio as at 30 September 2014

Institution	Principal	Start Date	End Date	Rate
Suffolk County Council (LEP)	2,500,000	27/03/2014	30/11/2018	1.80%
Manchester Pension Fund	1,000,000	18/08/2014	18/02/2015	0.50%
Barclays	5,000,000	22/03/2007	21/03/2077	3.81%
Barclays	5,000,000	12/04/2007	14/04/2077	3.81%
Public Works Loan Board	1,100,000	15/09/2009	14/09/2019	2.92%
Total	14,600,000			3.17%

Revised Prudential and Treasury Indicators

PRUDENTIAL INDICATOR	2014/15 revised estimate	2015/16 estimate	2016/17 estimate
BUDGET RELATED PRUDENTIAL INDICATORS	£'000	£'000	£'000
Capital Expenditure Approved at Cabinet 11 June 2014	17,154	4,295	5,183
Ratio of financing costs to net revenue stream (Equals net treasury cost ie cost of borrowing less the income from investments divided by the total of Government grant and total council tax). The ratios take into account the announced reduction in grant of 7.25% per year from 2011/2012 as part of the Comprehensive Spending Review.	4.19%	4.18%	3.72%
Increase/(decrease) in Borrowing required each year	1,528	712	587
Capital Financing Requirement (CFR) as at 31 March this reflects the Council's underlying need to borrow for capital purposes	£16,311	£14,722	14,309

PRUDENTIAL INDICATOR	2014/15 estimate	2015/16 estimate	2016/17 estimate
TREASURY MANAGEMENT PRUDENTIAL INDICATORS	£'000	£'000	£'000
Authorised Limit for external debt	30,000	25,000	25,000
Operational Boundary for external debt	25,000	20,000	20,000

These borrowing limits will have to be revised should the 'Major Housing' project be given approval by Cabinet in the new year.

	2014/15	2015/16	2016/17
Interest rate Exposures			
	Upper	Upper	Upper
Limits on fixed interest rates based on net debt	25,000	25,000	25,000
Limits on variable interest rates based on net debt	25,000	20,000	20,000

Maturity Structure of fixed interest rate borrowing		
	Lower	Upper
Under 12 months	0%	100%
12 months to 2 years	0%	100%
2 years to 5 years	0%	100%
5 years to 10 years	0%	100%
10 years and above	0%	100%

Open/Exempt		Would any decisions proposed :		
Any especially affected Wards None, Borough wide coverage	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: <i>cllr.brian.long@West-Norfolk.gov.uk</i>		Other Cabinet Members consulted: All		
		Other Members consulted: None		
Lead Officer: Alan Gomm E-mail: <i>alan.gomm@west-norfolk.gov.uk</i> Direct Dial:01553 616237		Other Officers consulted: Management Team		
Financial Implications YES/	Policy/Personnel Implications YES /NO	Statutory Implications YES/ NO	Equal Impact Assessment #NO If YES: Pre-screening/ Full Assessment	Risk Management Implications NO

Date of meeting : 4 November 2014

6 Norfolk Coast AONB Management Plan – Revision to 2019

Summary

The Norfolk Coast Area of Outstanding Natural Beauty (AONB) was designated in 1968. The current 5-year Norfolk Coast AONB management plan, published in 2009, is being reviewed and updated to produce the next 5-year plan, as required by the Countryside and Rights of Way (CRoW) Act. The draft management plan 2014-19 sets out background information together with a 20-year vision and 5-year objectives and policies for the management of the area. It is recommended by the Management Group for the AONB which includes representatives of the local authorities covering the Project Area.

Recommendation

That:

1. The Borough Council welcomes the updating of the AONB Management Plan to 2019 and supports the Vision, Objectives and Policies (the content of these is outlined in Appendix 1).
2. The Executive Director Planning and Environment be authorised in consultation with the Deputy Leader to conclude amendments to the Memorandum of Agreement.

1. Background

1.1 The Norfolk Coast Area of Outstanding Natural Beauty (AONB) was designated in 1968 and covers an area of over 450 square kilometres. The western outlier, coming within two miles of King's Lynn, takes in part of the Sandringham Estate including Sandringham House, and also about six miles of the south-eastern corner of the Wash. The holiday resort of Hunstanton and the coast immediately to the south of it, is not included, but from nearby Old Hunstanton a continuous coastal strip, varying in depth between three to five miles, extends eastwards to a point near Bacton, excluding the built-up areas of the resorts of Sheringham, Cromer and Mundesley. The eastern outlier stretches from Sea Palling to Winterton, including the magnificent dune system of Winterton Dunes. As can be seen it incorporates a diverse and unique mixture of landscapes, wildlife habitats and species, and cultural heritage. It is used, loved and enjoyed by local people and its many visitors.

2. The AONB Management Plan

2.1 The current 5-year Norfolk Coast AONB management plan, published in 2009, is being reviewed and updated to produce the next 5-year plan, as required by the Countryside and Rights of Way (CRoW) Act.

2.2 The Management Plan is the framework for all organisations with a role in management of the AONB. All Partners have worked together to produce and agree the contents of this Management Plan and are committed to its delivery.

2.3 The relevant local authorities (Norfolk County Council, North Norfolk District Council, Borough Council of King's Lynn and West Norfolk, Great Yarmouth Borough Council, Broads Authority) have previously agreed that the Norfolk Coast Partnership should undertake the requirement of Section 89 of the Countryside and Rights of Way Act 2000 on their behalf. Although the legislation requires these local authorities 'to act jointly to prepare and publish a plan which formulates their policy for the management of the AONB and for carrying out their functions in relation to it' in practice, the plan extends to a much wider group of partners who also have important management functions. The Partners act through the mechanism of a 'Memorandum of Agreement' (MOA).

3. Statutory duties for the Borough Council in relation to the AONB Management Plan

3.1 Section 89 of the CRoW Act gives relevant local authorities (i.e. those whose area wholly or partly includes an AONB) a duty to:

"...prepare and publish a plan which formulates their policy for the management of the area of outstanding natural beauty and for the carrying out of their functions in relation to it"

and to review the plan at

"...intervals of not more than five years".

A later paragraph stipulates that where the AONB is not entirely within one local authority area the plan should be prepared by:

"...the local authorities for all the principal areas wholly or partly comprised in the

area of outstanding natural beauty, acting jointly”

4. Content of the new document

4.1 The 2014 -19 Norfolk Coast Area of Outstanding Natural Beauty Management Plan is a working document which sets out the approach of the Norfolk Coast Partnership to the management of the area. The strategy has a lifetime of five years and aims to:

- Highlight the special qualities and enduring significance of the area and identify those that are vulnerable to change;
- Identify the key pressures for change on these special qualities
- Present an integrated vision for the future of the AONB as a whole, in the light of national, regional and local priorities;
- Set out agreed objectives and policies which will help secure that vision; and
- Identify the means by which objectives, actions and overall management will be monitored and reviewed.

4.2 This revised document is the third Management Plan produced by the Norfolk Coast Partnership for management of the Norfolk Coast AONB under the CRoW Act. It builds on the previous 2009 -14 Management Plan and has undergone a thorough review to update it, but in the event there are relatively minor changes from the previous strategy plan in terms of structure and content. The draft management plan 2014-19 sets out background information together with a 20-year vision and 5-year objectives and policies for the management of the area. In order to implement the Plan there will need to be amendments to the MOA. These are not significant in regard to the Borough Council’s responsibilities and it is suggested that the Executive Director - Planning and Environment be delegated authority to conclude the final wording in consultation with the Deputy Leader.

(A summary of the visions, objectives and policies in the revised draft is attached as Appendix1).

4.3 The draft Plan and its associated Action Plan were subject to a round of consultation earlier this year. All comments were considered carefully in finalising the plan. A record of this consideration and the changes made to the draft to produce the final plan is available on the Norfolk Coast Project website at:

<http://www.norfolkcoastaonb.org.uk/pages/pspage.php?PageID=1000>

4.4 The Management Plan is primarily for use by the members of the Norfolk Coast Partnership to inform, guide and influence their activities within the area, although it is hoped that other individuals and organisations may also find it of interest and use. A separate action plan, to be reviewed annually, will detail specific actions that the Partnership will take forward.

5. Options Considered

5.1 There is no option but to have a Management Plan (as outlined above), however the current document (of which the policies essentially summarise the content) has been through a round of consultation and the joint management group for the Project has considered alternative suggestions.

6. Policy Implications

6.1 The Management Plan and the policies within it are a consideration in preparing

our Local Plan and when responding to planning applications. Whilst they are written from the wider Coast Project / AONB perspective they are complementary to the environmental policies we operate. They are not significantly different in this version of the Management Plan. However they are presented so as to give balance between the social / community and environmental and economic aspects. There are not considered to any conflicts likely to arise.

7. Financial Implications

7.1 Core funding for the operation of the Norfolk Coast Partnership is provided from central and local Government, in recognition of both the national status and value of AONBs and local management arrangements. Central government funding is provided via the Department for Environment, Food and Rural Affairs (Defra); the relevant local authorities (*see above*) are also core funders. The Borough Council makes a contribution of £14032 per annum to the Project (out of a total contributions received per annum of some £200,000). It is anticipated that this level of contribution will be required for the duration of this revised Management Plan. Core funds alone are not sufficient to undertake many of the actions in the AONB Action Plan. One of the functions of the Staff Team is to generate additional funding to implement priority actions. At any particular time during the lifetime of the plan, there are likely to be a number of projects involving different partner organisations and coordinated by the Staff Team, utilising funding from public, private and charitable sources to achieve the objectives of the management plan. Details of current 'external' funding and projects are available on the Norfolk Coast Partnership web site.

8. Personnel Implications

8.1 None directly arising from the Report.

9. Statutory Considerations

9.1 The relevant local authorities (Norfolk County Council, North Norfolk District Council, Borough Council of King's Lynn and West Norfolk, Great Yarmouth Borough Council, Broads Authority) have previously agreed that the Norfolk Coast Partnership should undertake the requirement of Section 89 of the Countryside and Rights of Way Act 2000 on their behalf.

10. Equality Impact Assessment (EIA)

10.1 (Pre screening report attached)

11. Risk Management Implications

11.1 Given the statutory considerations discussed above, should the Borough Council decide not to continue the present arrangement for managing the AONB there would be a risk that we fail in our responsibility.

12. Declarations of Interest / Dispensations Granted

12.1 None.

13. Background Papers

13.1 None

Appendix 1

INTRODUCTION AND SUMMARY OF THE STRUCTURE AND KEY FEATURES OF THE PLAN

1.0.1 The Norfolk Coast Area of Outstanding Natural Beauty covers inter-tidal, coastal and agricultural land with a total area of over 450 square kilometres. Stretching from the silt expanses of the Wash in the west through the coastal marshes, soft cliffs and hinterland of north Norfolk, to the dune system at Winterton in the east, it is an area of remarkable beauty, diversity and scientific importance.

1.0.2 Although 'Area of Outstanding Natural Beauty' is essentially a landscape designation, natural beauty includes wildlife and historic and cultural heritage as well as scenery, and all of these are closely linked.

1.0.3 The Norfolk Coast today is the result of a complex interaction between people and their environment. The basic shape and contours of the land and the coast are the product of natural processes, linked to long term climate changes acting influence on the underlying geology, particularly the action of ice sheets and water.

1.0.4 The action of the sea, both eroding and building, produces an ever-changing coastline.

Geology and landforms influence land use, and many of the smaller scale features which give the area its unique character are the result of the actions of people, who have lived in and used the area for thousands of years. The action of the sea, both eroding and building, produces an ever changing coastline. Geology and landforms influence land use, and many much of the larger scale landscape character as well as smaller scale features which give the area its unique character are the result of have been influenced by the actions of people, who have lived in and used the area for thousands of years.

1.0.5 Even the present 'wild' coastline is a product of a combination of natural processes and human activities, in that enclosure of saltmarsh by protective banks to provide agricultural land has influenced coastal processes over a much wider area. Connections between people and the landscape remain important. Employment in 'traditional' industries such as agriculture and fishing has declined but these still have a key role to play in the area's character. This special character makes the area a unique regional and national landscape resource.

1.0.6 The Norfolk Coast Partnership aims to ensure that the natural beauty and special character of the Norfolk Coast are conserved and enhanced through the work of the Partnership; a group of stakeholders, including the community, who manage a range of issues affecting the natural beauty of the area.

1.0.7 The Management Plan is **primarily for use by the members of the Norfolk Coast Partnership to inform, guide and influence their activities within the area**, though it is hoped that other individuals and organisations may also find it of interest and use.

1.0.8 This, the Strategy Plan for the 2014 -19 Norfolk Coast AONB Management Plan, presents the background and the approach of the Norfolk Coast Partnership to management of the area. A separate action plan, to be reviewed annually, details specific actions that the partnership will take forward.

Table 1: Norfolk Coast AONB - some facts and figures

Statistics

Date of designation confirmation: 8th April 1968

Total area; 453 square kilometres

Local Authorities:

- Norfolk County Council (AONB is entirely within the county)
- North Norfolk District Council (245.5 sq km in AONB)
- Borough Council of King's Lynn and West Norfolk (203.6 sq km in AONB)
- Great Yarmouth Borough Council (6.9 sq. km in AONB)
- Broads Authority (7.2 sq. km in AONB) – the only example of an AONB overlapping with a national park / equivalent designation

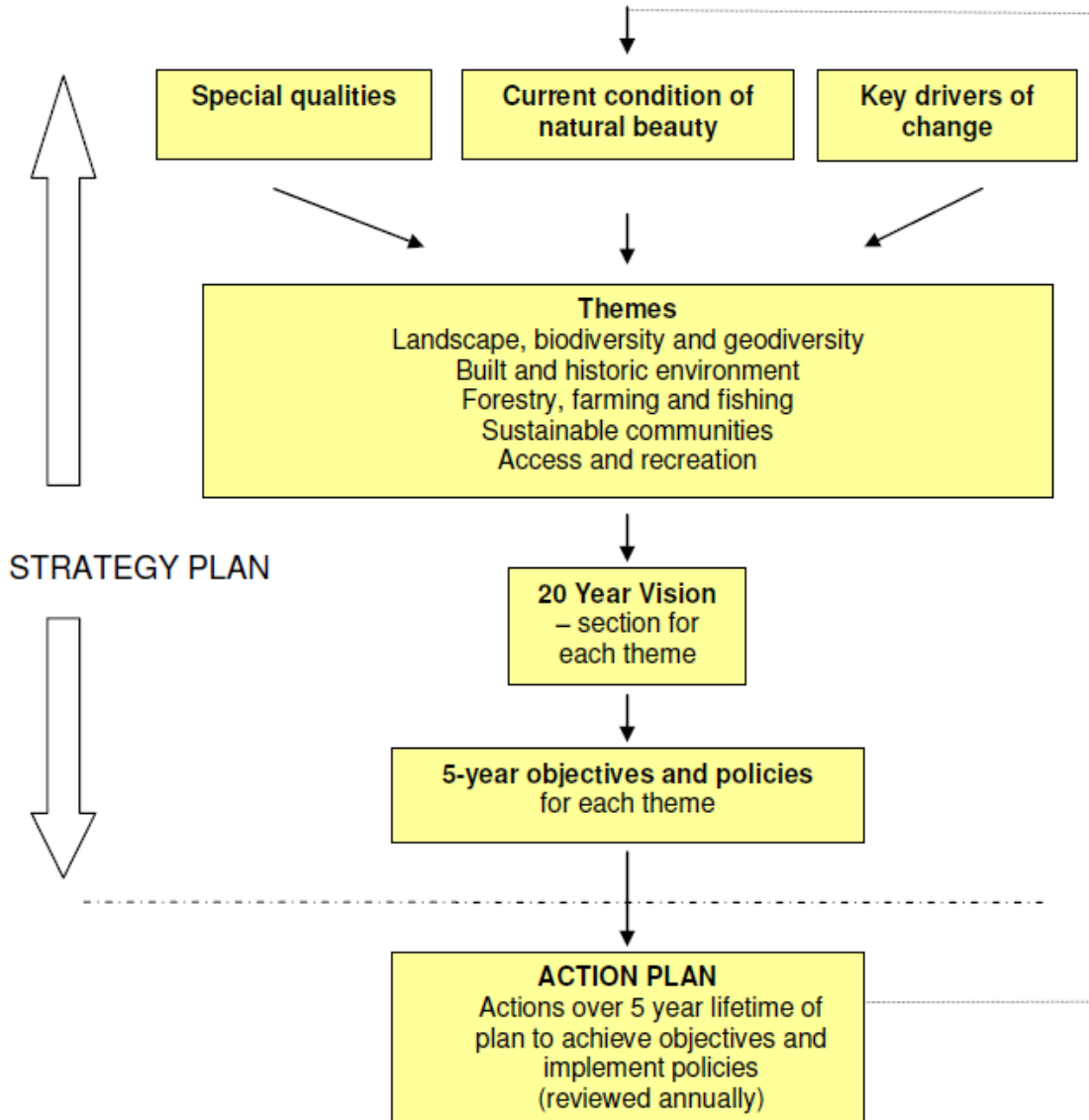
No of parishes partly or wholly in the area: 69

Length of coastline for AONB – 90.8 km

- 44.8 km in NNDC
- 42.8 km in BCKLWN
- 3.2 km in GYBC

Highest point 102 metres above sea level at Roman Camp, on the Cromer Ridge between Sheringham and Cromer (also the highest point in Norfolk)
 Length of Public Rights of Way 287 kms

Figure 1: Norfolk Coast AONB Management Plan Structure



Vision, objectives and policies:

(combined from section 4 of the full document – reflected in paragraph numbering)

Landscape, biodiversity and geodiversity

Vision for the Norfolk Coast in 2034:

(4.1.17) The Norfolk Coast will be richly diverse, with distinctive landscapes, wildlife, settlements, geological features, building styles and materials, communities, history and culture.

(4.1.18) Necessary development, including outside the area and in the marine environment, will have been managed so that the area will still be essentially unspoilt with a strong feeling of remoteness, peace and tranquillity, with wide sky-scapes, seascapes and dark night skies that show the richness and detail of constellations. The marine environment will be sustainably

managed in a way that takes full account of the area's important links with the sea.

(4.1.19) The coast will retain a strong feeling of wilderness and of being exposed to and shaped by the elements. In general, there will have been a managed approach to achieving a more naturally functioning coastline, which will be increasingly valuable for its habitats and the species they support, including breeding, migrating and wintering birds. Where it has been deemed necessary to maintain coastal defences, this will have been done in the most sensitive way possible in terms of sustainability and visual and wildlife impacts.

(4.1.20) Habitats will have been improved, increased and linked to enable adaptation of the area's biodiversity to climate change. The area's rivers and estuaries will be in good ecological condition, providing a passage for migratory species. All parts of the area, not just designated sites, will support a rich diversity of characteristic wildlife and habitats associated with local environmental variations and management, including species and habitats of national and international importance, although these will not necessarily be exactly the same as in 2014. Where coastal habitats have been lost through realignment they will have been replaced elsewhere, and plans for managing future loss will have been developed.

(4.1.21) The landscape will show many links with history, with features and patterns created by past cultures and land use, and with its geological past through large scale features and individual sites. The value of the landscape and the story it tells will be widely understood.

5-Year Objectives - by 2019:

Landscape:

OL1 The integrity and diversity of the area's landscapes and seascapes will have been maintained and preferably enhanced, assessed with reference to the Integrated Landscape Guidance for the AONB

Biodiversity:

OL2 Internationally and nationally designated sites for wildlife will be in favourable condition and under effective management

OL3 Locally designated sites for wildlife will be under positive management

OL4 A local expression of Biodiversity 2020 targets for the area will have been developed and a programme for their achievement nearing completion

OL5 The area's rivers and estuaries will be approaching in good ecological condition or approaching this state

Geodiversity:

OL6 Large scale geodiversity features, including dynamic coastal features will have been conserved so that their integrity and their influence on the landscape remains apparent

OL7 Significant local geodiversity sites will be in positive management

OL8 The area's geodiversity will be better understood and appreciated by decision-makers and the public, and public access and information for a range of sites will be available

Policies - members of the Norfolk Coast Partnership, including the staff team will, cooperating where necessary:

PL1 Refer to and use the Integrated Landscape Character Guidance for the AONB to guide decision making and delivery of conservation objectives across the area

PL2 Continue to promote understanding of the area's key qualities of natural beauty, particularly those less understood and valued at present and including seascapes and the marine environment, and take account of these in decision-making

PL3 Continue to improve understanding of changes to landscape and biodiversity arising from climate change (including sea level rise and other effects) and other drivers, and plan to adapt to and mitigate these changes

PL4 Work together on a landscape scale to improve resilience to change for key habitats and species through development of ecological networks that increase, extend, link and buffer key habitat areas

PL5 Be proactive to reduce and manage adverse impacts on the key qualities of natural beauty from past development and activities, as well as resist and mitigate damaging new impacts and influence decisions by organisations outside the Partnership

PL6 Protect the area's distinctive native biodiversity from the impacts of invasive non-native species where possible by restricting pathways of introduction and carrying out targeted eradications

PL7 Plan and prepare for implementation of coastal realignment where necessary to allow

maximum ability to adapt and maintain active coastal geomorphology, landscape and seascape character including ecological links between land and sea, taking into account conservation objectives for coastal sites and the interests of coastal communities (*see also policy PC7*)

PL8 Identify and implement opportunities for the relocation of key habitats that are threatened by coastal change

PL9 Take into account in plans and decision-making the services to society that habitats in the AONB provide (eco-systems services)

PL10 Work with landowners to bring Sites of Special Scientific Interest, County Wildlife Sites and other Biodiversity Action Plan habitats and non-statutory geodiversity sites into positive management where this is required

Built and historic environment

Vision for the Norfolk Coast in 2034:

(4.2.7) The quality and locally distinct character of the historic environment, including settlement form, character and patterns and in the marine environment, will be evident and valued. It will be understood, recorded, maintained and conserved as far as possible.

(4.2.8) Archaeology and historic ruins will have been well conserved and managed, or where this is not feasible will have been recorded. Traditional buildings that contribute to the character of the area will have been well maintained and conserved, including through appropriate productive use where possible. New buildings will have been located and designed to conserve and enhance landscape and settlement character.

(4.2.9) Buildings will have been sensitively adapted where necessary to incorporate features that enhance their performance in terms of both local and global environmental sustainability. New buildings, including those using innovative design, will also have these features as well as complementing their surroundings.

(4.2.10) Within the constraints of rising sea levels and storm activity the area will retain characteristic coastal settlements and road networks. Coastal settlements will be adapting to change, with new buildings and roads located where they are sustainable in the long term in respect of coastal erosion and flood risk from rivers and the sea while retaining local distinctiveness.

5-Year Objectives - by 2019:

OB1 The area's designated heritage assets will be under positive management

OB2 Measures to improve understanding and conservation of the area's historic and archaeological heritage amongst partners and public will have been implemented

OB3 The area's key historic environment sites most at risk from climate change-related and other impacts will be known and where appropriate mitigating measures investigated and in progress

Policies - members of the Norfolk Coast Partnership, including the staff team will, cooperating where necessary:

PB1 Ensure that historic and archaeological heritage assets within their responsibility ownership or powers of regulation, particularly heritage assets at risk, are recorded, conserved and enhanced

PB2 Provide opportunities for public understanding and appropriate access to historic environment sites within their responsibility ownership and promote this elsewhere, where consistent with conservation objectives

PB3 Ensure that new development, including changes to existing buildings and infrastructure, within their responsibility ownership or powers of regulation are consistent with the special qualities and of the area and relevant conservation objectives

PB4 Demonstrate good practice and provide examples of how to incorporate measures for energy, water use, and resource reduction and biodiversity enhancements sensitively into new, vernacular and historic buildings and structures

PB5 Support new development and conversion that is consistent with local and national planning policy and the principles above, in order to retain and develop residential and employment opportunities that support natural beauty

Farming, forestry and fishing

Vision for the Norfolk Coast in 2034:

(4.3.6) Agriculture will still be the prime means of maintaining the natural beauty of the majority of the area's countryside. Farming and forestry will provide an economically sustainable livelihood through producing crops for a wide range of uses including food and biofuels as well as providing recreational opportunities and habitats for wildlife. Economic sustainability will be assisted where necessary through environmental grants to enable farmers and land managers to maintain and enhance specific landscape features, habitats and species and heritage assets, and use of this support will be actively encouraged.

(4.3.7) Farming, the management of woodland and food production in general, including some new crops that are being grown in response to climate change and market demand, will be in tune with the local climate and soil characteristics.

(4.3.8) Crop and animal production methods will not impact adversely on water resources and quality, soil structure and local eco-systems and at least maintain, and often enhance, landscape character, local distinctiveness, and biodiversity and heritage assets through a mixture of smaller tenant and family owned farms sitting alongside larger estate-based businesses. Farm businesses in the area will be considered to demonstrate good practice and to be at the vanguard of sustainable agricultural management.

(4.3.9) Fishing will be an environmentally sustainable and economically viable economic activity, at least in combination with other economic activities, and will continue to contribute positively to the distinctive character of the area.

5-Year Objectives - by 2019:

OF1 High take-up of a revised agri-environment scheme, which is appropriate to the area and supports AONB objectives, delivering landscape, and biodiversity and historic environment enhancements and supporting sustainable agricultural enterprises, will be in place in the area

OF2 Improved efficiency of water use and storage, and management of soil and nutrient run-off by agriculture in the area will be in development, reducing impacts on ground water, rivers and other water dependent features, and respecting landscape character and contributing to Water Framework Directive and biodiversity objectives

OF3 Changes to new types of crops, such as energy crops, will have taken landscape and ecological character and the historic environment into account

OF4 There will be increased and improved management of woodland in the area with benefits for biodiversity, businesses and recreation, and development of local supply chains for woodland products

OF5 The local fishing industry will have remained viable economically and as a way of life and measures / initiatives to support adaptation, if necessary, and sustainability of the local fishing industry will have been continued

Policies - members of the Norfolk Coast Partnership, including the staff team will, cooperating where necessary:

PF1 Aim to develop and maintain understanding of the key issues affecting local farming, farmland habitats and wildlife under changing circumstances within the framework of the new Common Agricultural Policy and influence the new agri-environment schemes and proposed "greening" measures development and implementation of the new Environmental Land Management Scheme in the area to benefit farming in the AONB and farmland landscapes, habitats and wildlife and its historic environment features

PF2 Continue to develop support for grazing infrastructure and local grazing networks as a means of maintaining specific areas of distinctive agricultural landscapes and habitats, including historic environment features, and meeting conservation objectives

PF3 Support development and diversification associated with farming, forestry, fishing and other marine industries which respects, and ideally contributes to, conserving the special qualities of the area, including their enjoyment and understanding

PF4 Promote and support the development of sustainable practice in farming, forestry and fishing, including through promotion of appropriate grant schemes and advice, and support for cooperation to develop local initiatives and marketing of sustainable local products

PF5 Promote and implement an integrated catchment-based approach to all aspects of water management throughout the area to achieve benefits for landscape, biodiversity, the historic

Sustainable communities

Vision for the Norfolk Coast in 2034:

(4.4.8) The Norfolk Coast will be a living, working area with individuals and communities working together where necessary for the benefit of the whole community or a wider area.

(4.4.9) The economy will be broadly based, with a range of environmentally sustainable economic activities, including opportunities to earn a living through 'traditional' activities for the area as well as activities based on new technology and communications, and others that draw on and support the area's distinctive and special features. Tourism will remain an important part of the local economy, generating money that benefits a wide section of the local community.

(4.4.10) Appropriate tenures of housing, including affordable housing will be available for people working locally. Although diverse in terms of age, income and occupation, communities will include people with family ties to the area and people will share an understanding and appreciation of the area's special qualities.

(4.4.11) The area will be widely recognised as leading in environmentally sustainable practice, including mitigating climate change. While adapting to climate and coastal change, the area will be maintaining characteristic and viable coastal settlements and infrastructure. Various forms of renewable energy will be produced and used in locations and in ways that are consistent with the key qualities that give the area its special character. Effective local food and products networks will be in operation, with local producers working together to promote their products and the links to the area. Networks and services providing alternative low-impact forms of transport to the car, reducing congestion and the need for additional car parking, will be available and widely used by both visitors and residents.

(4.4.12) All forms of pollution will be low. Pollution from all local sources will be avoided or its impacts minimised. Water quality will be high and water will be used and managed efficiently with maximum benefits to the local environment. Generation of waste will have been minimised and waste will be used as a resource wherever possible.

5-Year Objectives - by 2019:

OC1 The area will be improving as an environment for local businesses and availability of local jobs, assessed against regional averages

OC2 Public transport and other alternatives to car travel in the area will have been maintained and improved as a service for both local residents and visitors

OC3 Pupils in all schools in the area will have been involved in learning about its special qualities

OC4 Further understanding and means of supporting coastal communities in adapting to coastal change will have been developed

Policies - members of the Norfolk Coast Partnership, including the staff team will, cooperating where necessary:

PC1 Support opportunities for economic growth that this invests in the natural capital and sustainable management of the special qualities of the AONB

PC2 Promote and support services and products from the local area and use these whenever possible, especially those that are sustainable and high quality, and which contribute to maintaining natural beauty in some way, in order to support the local economy and jobs and to reduce 'supply miles'

PC3 Continue to develop understanding amongst second home owners to enable them to contribute to maintaining sustainable local communities and natural beauty

PC4 Continue to involve and develop communication and cooperation with local people and communities in the work of the Norfolk Coast Partnership

PC5 Support the development of renewable energy in the area in ways and locations that contribute to the area's local economy and jobs and maintain its natural beauty

PC6 Continue to investigate and develop ways of securing a mix of different housing tenures which will enable local people or those with local connections to live and work in the AONB, in ways that maintain the area's natural beauty

PC7 Manage traffic and transport issues, including car parking and provision and promotion of effective public transport and other non-car means of travel, to reduce traffic congestion at peak times, conserve tranquillity and manage pressures on sensitive sites in the area

(transferred from PR8 in section 4.5)

PC8 Involve local communities in the development of plans and projects that may affect them, for example Shoreline Management Plans, and inform them of progress on plans and programmes

PC9 Support the provision of necessary facilities and new development to meet proven needs of local communities and businesses, in ways that maintain the area's natural beauty, including the provision of fast broadband throughout the area

PC10 Seek to maintain support for community projects in the area that contribute to AONB objectives and sustainable development, including through availability of grants

Access and recreation

Vision for the Norfolk Coast in 2034:

(4.5.8) The Norfolk Coast will be a place where people can refresh both body and soul. Tourism, recreation and enjoyment of the area will provide benefits to both its communities and landscape.

(4.5.9) Tourism businesses, visitors and residents will understand the area's special qualities of landscape, wildlife and cultural and historic heritage and their and wildlife sensitivities and support their conservation through how they use, and promote use of, the area. Tourism businesses will understand the value of the natural capital that underpins their businesses and be actively contributing to initiatives that conserve and enhance natural beauty and support local communities.

(4.5.10) Recreation by both visitors and local residents, including long-standing traditional activities for the area, will be managed in a way that provides opportunities for all users to experience and enjoy the special qualities of the area without conflicting with those qualities or with other people's enjoyment of them.

(4.5.11) Public access routes and areas, both statutory and discretionary, together with non-car forms of transport, will form an integrated network which is widely used by both local residents and visitors. Information on these, and on areas suitable for a variety of recreational activities, will be easily and freely available to the public.

5-Year Objectives - by 2019:

OR1 Information on current and future visitor site user numbers, behaviours, visit profiles and recreational activities, particularly those that may affect coastal Natura 2000 sites, will have been further improved and used to develop information for the tourism sector, visitors and recreational users, and management of pressures on sensitive sites

OR2 Cooperation will have been further developed between the tourism sector, conservation organisations and local communities to develop understanding and more sustainable enjoyment of the area by visitors and local residents, and to manage pressures on key species and habitats sites, particularly for coastal Natura 2000 sites, by providing clear and consistent information and guidance

Policies - members of the Norfolk Coast Partnership, including the staff team will cooperate and share information to:

PR1 Continue to develop improve communication of the area's special qualities, including seascapes

PR2 Continue to develop improve understanding about current and future visitor numbers, behaviours, visit profiles and recreational activities, particularly for coastal Natura 2000 sites

PR3 Investigate and seek to develop secure funding contributions from new housing development, both within and outside the area, that are likely to provideing sources of visitor recreational pressures on Natura 2000 sites, to enable their mitigation

PR4 Develop consistent messages with the tourism sector and local communities about promotion of the area that takes into account sensitivity to visitor and recreational pressures and capacity to manage these

PR5 Work with tourism businesses to develop and promote ways for visitors to contribute to conserving and enhancing the features and qualities that bring them to the area, and to maximise benefits and minimise impacts from visitors to communities and maintaining its services

PR6 Develop integrated and holistic management of recreation activities along the area's coast to provide opportunities that do not impact on sensitive habitats and wildlife sites, including especially coastal Natura 2000 sites

PR7 Ensure that opportunities, information and incentives for visitors to enjoy the area without

using the car, including new public access links, are easily available and developed as increased where appropriate

PR8 Manage traffic and transport issues, including car parking and provision and promotion of effective public transport and other non-car means of travel, to reduce traffic congestion at peak times, conserve tranquillity and manage pressures on sensitive sites in the area (*transferred to section 4.4 as policy PC7*)

PR9 Provide appropriate levels and types of visitor facilities and information at key sites, including public lavatories and facilities for visitors with restricted mobility, together with information that promotes the aims of the AONB management plan in a coordinated way, including for visitors with restricted mobility, and ensure that opportunities and information are easily available for all actual and potential users to enable enjoyment of the range of the area's natural beauty sensitively and encourage suitable activities away from sensitive areas

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Mandatory	(a) Be entirely within cabinet's powers to decide NO		
	Operational	(b) Need to be recommendations to Council	YES	
		(c) Is it a Key Decision		NO
Lead Member: Cllr Nick Daubney E-mail: cllr.nick.daubney@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted: Broadcasting Task Group		
Lead Officer: Samantha Winter E-mail: sam.winter@west-norfolk.gov.uk Direct Dial: 616327		Other Officers consulted: Legal Services Manager, Deputy Chief Executive		
Financial Implications NO	Policy/Personnel Implications NO	Statutory Implications (incl S.17) NO	Equal Impact Assessment NO	Risk Management Implications YES

Date of meeting: 4 November 2014

7 UPDATE TO STANDING ORDERS TO ACCOMMODATE THE OPENNESS REGULATIONS

<p>Summary The report recommends an updated set of Standing Orders and Protocol to take account of the new Openness Regulations which came into force on 6 August 2014.</p> <p>Recommendation 1) That Council approve the amended Standing Orders 2) That Council approve the Protocol for working arrangements for the Openness Regulations.</p> <p>Reason for Decision To ensure that Standing Orders mirror the requirements of the Openness Regulations.</p>

1 Background

1.1 The report sets out suggested amendments to the Council's Standing Orders in order to ensure they comply with the Openness of Local Government Bodies Regulations 2014 (Appendix 1). A protocol has also been prepared and is enclosed for consideration and adoption for the working arrangements around the new Regulations (Appendix 2).

The summary of the requirements of the Regulations are as follows:

(a). By virtue of the Openness of Local Government Bodies Regulations 2014 ("the Openness Regulations"), members of the public are entitled to report on meetings of the Council, the Executive and all other Committees and meetings to which the public have access.

(b). Reporting is not permitted where the public have been excluded from a particular meeting, or part of a meeting as permitted by law (for example to protect confidential information) and other restrictions apply to protect those individuals who do not wish to be recorded.

(c). For the purposes of the Openness Regulations, “reporting” means:

- filming, photographing or making an audio recording of the proceedings of the meeting.

- using any other means for enabling persons not present at the meeting to see or hear proceedings at a meeting as it takes place

- reporting or providing commentary on proceedings at a meeting orally or in writing, so that a report or commentary is available as the meeting takes place or later if the person is not present (note however that in accordance with paragraph 2.(d)(iii) below there is to be no oral reporting or commentary on a meeting as it takes place by a person present at the meeting).

(d). Any person attending a meeting (including Councillors) must, so far as is practicable, be afforded reasonable facilities for reporting and may use any communication method (eg the Internet), including social media sites such as Facebook or Twitter , to publish, post or otherwise share the results of their reporting activities. Subject to this Protocol, publication and dissemination may take place in the meeting or afterwards.

For clarification the following Standing Orders (2, 15.29 15.30 and 28.3 b) have been updated to make reference to the Regulations. Standing Order 36 has been completely re-written to permit the recording of meetings, which previously had only permitted it with the permission of the Chairman and Vice-Chairman.

The Broadcasting of Meetings Task Group gave their support to the documents at its recent meeting.

2 Policy Implications

2.1 The alterations to the scheme are within current policies.

3 Financial Implications

3.1 There are no financial implications arising directly out of this report.

4 Statutory Consideration

4.1 The amendments to the scheme and the adoption of the Protocol ensure that the Council complies with the Openness Regulations.

5 Risk Assessment

5.1 Updating the Scheme ensures the Council will not be at risk of legal challenge by not complying with the Regulations.

6 Access To Information

6.1 Previous Scheme of Delegation.

**CONSTITUTION OF THE BOROUGH COUNCIL
OF KING'S LYNN & WEST NORFOLK**

Part 4

STANDING ORDERS

RULES OF PROCEDURE

FOR THE CONDUCT OF THE COUNCIL'S BUSINESS

Adopted 25 November 2010
Panel amendments agreed 28 July 2011
Standards Amendments by Monitoring Officer Feb 2013
Amendments agreed 270314

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STANDING ORDERS

PROCEDURAL RULES

FOR THE CONDUCT OF THE COUNCIL'S BUSINESS

STANDING ORDER: DEFINITIONS

1. The Interpretation Act, 1978 shall apply to the interpretation of these standing orders as it applies to the interpretation of an Act or Parliament.
2. In these Standing Orders, unless the context otherwise demands, the following terms have the meaning assigned to them:

“Access Regulations” means the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000.

“Appropriate Executive Member” means one or more Executive Member(s) acting under powers delegated to him/her/them or who appear(s) most nearly to have responsibility for the services or policy areas to which the matter in hand relates.

“Call in period” means the period of five clear working days after the day that the Record of Decisions of the Executive or of an Executive Member is sent to Members of the Council within which a Member can ask for a decision of the Executive or the Executive Member to be reviewed in accordance with Standing Order 12.

“Chairman” means the Chairman of the Appropriate Committee or in his/her absence the Vice-chairman.

“Chief Executive” means the Chief Executive or any officer authorised by him/her to act in his/her capacity in relation these Standing Orders.

“Chief Finance Officer” means the officer responsible for the proper administration of the Council's financial affairs under Section 151 of the 1972 Act.

“Chief Officer” means:

(a) For the purpose of Part 5 of the Standing Orders (Appointment and Discipline of Staff):

- (i) The Chief Executive
- (ii) The Head of Paid Service
- (iii) The Chief Finance Officer
- (iv) The Monitoring Officer
- (v) A statutory chief officer and a non statutory chief officer as mentioned in Section 2 of the 1989 Act.

Any reference to the appointment or purported appointment of a Chief Officer includes a reference to the engagement or purported engagement of an officer under a contract of employment; and

(b) In any other case, a statutory or non-statutory Chief Officer as mentioned in Section 2 of the 1989 act.

“Consultation Procedure” means the procedure by which Chief Officers may consult with one or more specified members before exercising a delegated power or duty, in accordance with the Scheme of delegation.

“Council” means The Borough Council of King's Lynn and West Norfolk and unless the context otherwise states shall apply equally to the Cabinet, any Portfolio members or Committee or Board of the Council.

“Disciplinary Action” means any action occasioned by alleged misconduct which, if proved, would according to the usual practice of the Council be recorded on the officers personal file and includes

any proposal for dismissal of an officer for any reason other than early retirement, redundancy or ill health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the authority has undertaken to renew such a contract.

“Employee” means an employee of the authority or a paid officer of the authority.

“EU” means European Union.

“Cabinet” means the Leader of the Council and members of the Council appointed by the Leader to be its Executive under Section 15 of the 2000 Act and, except where the context otherwise admits, includes:

- (i) any Committee of the Cabinet; and
- (ii) the appropriate Portfolio Holder

“Executive Functions” means all of the function and duties of the Council other than those specifically reserved to the Council for approval or specifically delegated to a Committee (whether by resolution of the council or operation of law) or to an Officer.

“Portfolio Holder” means any member of the Cabinet including the Leader of the Council.

“Forward Plan” means the plan maintained by the Council under Regulations 13 and 14 of the Access Regulations, which contains details of key decisions (within the meaning of those Regulations) to be made over the ensuing four months.

“Head of the Authority’s Paid Service” means the person designated as such under section 4 of the 1989 Act..

“Leader of a Political Group” means the leader of a political group as defined in the Local Government (Committees etc) Regulations 1990.

“Leader of the Council” means the Executive Leader of the Council for the purposes of the Local Government Act 2000 and includes the Deputy Leader, if appointed, where the Leader of the Council is for any reason unable to act.

“Mayor” includes a reference to the Deputy Mayor where for any reason the Mayor is unable to act and, where applicable, to the Person Presiding.

“Meeting” means a meeting of the Council, Cabinet, Committee, Sub-Committee Board as the case may be.

“Member” means in relation to the Council, a member of the Council; and in relation to any Committee or Sub-Committee, a person appointed as a Member of that Committee or Sub-Committee, whether or not entitled to vote; but shall not include any person who is a member of the Council only by virtue of Section 3(3) or Section 5(2) of the 1972 Act (Mayor and Deputy Mayor to remain members until replaced).

“Monitoring Officer” means the officer designated under Section 5(1) of the 1989 Act.

“Number of Members” means, in relation to the Council, the number of persons who may act at the time in question as Members of the Council; and in relation to a committee or the executive, the number of persons who may act at the time in question as voting members of that body.

“Openness Regulations” means The Openness of Local Government Bodies Regulations 2014

“Scrutiny and Overview Committee” means a Committee appointed by Council under Section 21 of the 2000 Act

“Person Presiding” means the Mayor or Chairman, as the case may be, or other person entitled, or appointed, to take the chair at any meeting,

“Petition” means a formal request to the Council signed by not less than 250 persons relating to a matter within the jurisdiction or sphere of influence of the Council.

Political Group” means a political group as defined in the Local Government (Committees etc.) Regulations 1990.

“Portfolio Holder” means the Cabinet Member where delegated responsibilities cover the matter under consideration

“Standards Committee” is the Committee appointed by the Council for the purposes of Sections 53 and 54 of the 2000 Act.

“Supervising Chief Officer” means the Chief Officer or any other officer nominated by him/her in writing who has the responsibility for the performance of a particular Contract.

“The 1972 Act” means the Local Government Act 1972.

“The 1989 Act” means the Local Government and Housing Act 1989.

“The 2000 Act” means the Local Government Act 2000.

“Without Comment” means in relation to the moving, seconding or putting of a motion, without any person speaking except to indicate the wording of the motion, the fact that it is being moved, seconded or put, or (in the case of the Person Presiding) the effect of adopting the motion.

3. Where any notice or other papers are to be sent or otherwise addressed to a Member, they shall be sent to his/her usual place of residence as shall have been notified by the Member in writing to the Chief Executive.

1 Application of Standing Orders

Extracts from the statutes

*Subject to the provisions of the 1972 Act, a local authority may make Standing Orders for the regulation of their proceedings and business and may vary or revoke any such orders.
(Local Government Act 1972, Sch 12, par 42)*

*Standing Orders may be made as respects any committee of a local authority by that authority or as respects a joint committee of two or more local authorities by those authorities with respect to the quorum, proceedings and place of meeting of the committee or joint committee (including a sub-committee)
(Local Government Act 1972 s 106)*

The Secretary of State may by regulations require relevant authorities subject to such variation as may be authorised by the regulations

- (a) *to incorporate such provision as may be prescribed in the regulations in Standing Orders for regulating their proceedings and business; and*
- (b) *to make or refrain from making such other modifications of such Standing Orders as may be so prescribed.
(Local Government and Housing Act 1989 s 20 (1)).*

1.1 These Standing Orders shall be used to regulate the conduct of any meeting of the Council (Cabinet, Committees, Sub Committees, Panels, Boards, delegated decisions of Cabinet)

1.2 The ruling of the Person Presiding at any meeting as to the construction or application of any of these Standing Orders shall not be challenged at that meeting.

1.3 Where any of these Standing Orders provides for, or requires, the giving of notice in writing to any person, such notice may be given by e-mail or by facsimile.

2 Suspension of Standing Orders

2.1 The ruling of the Person Presiding at any meeting as to the construction or application of any of these Standing Orders shall not be challenged at that meeting.

- 2.2 Subject to paragraph 2.3 of this Standing Order, and to the extent permitted by any Act of Parliament, Standing Orders other than this one may be suspended.
- 2.3 Standing Orders shall only be suspended in exceptional circumstances if a motion to suspend is moved and supported by a majority of the members who are present at any meeting of the Council or a meeting at which the motion is moved.
- 2.4 If any motion to suspend any Standing Orders is passed then, unless Council expressly determines otherwise, those Standing Orders shall remain suspended only until the completion of the item of business that immediately follows the motion to suspend.
- 2.5 The proposer and seconder of any motion to suspend any Standing Orders shall be minuted and the Standards Committee may require them to explain their reasons.

3 Amendment to Standing Orders

- 3.1 Standing Orders may be amended only by a meeting of the Council and to the extent permitted by any Act of Parliament.
- 3.2 Every Member of the Council shall be provided with a printed copy of these Standing Orders when members first declare acceptance of office or whenever they are amended.

4 Meetings of the Council

Extracts from the Statute

A principal council shall in every year hold an annual meeting.

The annual meeting of a principal council.....shall be held

- (a) *in a year of ordinary elections of councillors to the Council on the eighth day after the retirement of Councillors or such other day within twenty-one days immediately following the retirement as the Council may fix,*
- (b) *in any other year, on such day in the month of March, April or May as the Council may fix.*

An annual meeting of a principal council shall be held at such hour as the Council may fix or if no Hour is so fixed at twelve noon.

A principal council may in every year hold, in addition to the annual meeting, such other meetings as they may determine. Those other meetings shall be held at such hour and on such days as the council may determine.

Meetings of a principal council shall be held at such place, either within or without their area as they may direct. (Local Government Act 1972, sch 12, para, 1, 2, 4)

A member of the executive.....may not be elected as the chairman or vice-chairman of the Council. (Local Government Act 1972, ss 3 and 5)

- 4.1 Meetings of the full Council ("the Council") shall be conducted in accordance with these Standing Orders except to the extent that they are suspended under the procedure that is set out by Standing Order 2.
- 4.2 An Annual Meeting of the Council shall be held every year on a Thursday in April or May on a date to be decided by the Council. That meeting shall transact the following business only.
 - (a) The election of the Mayor and the Deputy Mayor, who shall be respectively Chairman and Vice Chairman of the Council.
 - (b) Conveying the Council's appreciation of the work carried out by the retiring Mayor and Deputy Mayor and their consorts.
 - (c) Appointing Members to Council Bodies (other than the Cabinet).

- (d) Appointing the Chairman of the Cabinet (who shall be Leader of the Council) and the Chairmen and Vice Chairmen of other Council Bodies.
 - (e) Considering such other urgent business as the Chief Executive has to report.
- 4.3 The Council will also hold Ordinary Meetings to carry out its general business on such dates as the Council shall fix.
- 4.4 Extraordinary Meetings of the Council may also be called at any time by the Mayor (or deputy mayor in his/her absence) and shall be held, within two weeks, whenever the Chief Executive receives requests for one to be held from five or more Members of the Council.
- 4.5 All meetings of the Council shall be held in the Trinity Guildhall in King's Lynn, or any other venue that the Council considers more satisfactory, at such times as shall be fixed and notified to Members.
- 4.6 If an election or emergency occurs the Chief Executive may, after consulting with such of the Mayor, the Leader of the Council and Leaders of the Political Groups as can conveniently be contacted, vary any arrangement agreed by the Council under this Standing Order.
- 4.7 No extraordinary Meeting shall be called unless it is proposed to transact business at the Meeting that, in accordance with the relevant enactment's and these Standing Orders, may be transacted at that meeting.

5 The chairing of meetings

Extracts from Statutes

At a meeting of a principal council the chairman, if present, shall preside.

If the Chairman is absent from a meeting of a principal council, then

- (a) *except in Greater London, the vice-chairman of the council, if present, shall preside.....If,*
- (b) *in the case of a principal council outside Greater London, both the chairman and vice-chairman of the council are absent from a meeting of the council;....*

*Another Member of the Council, chosen by the members of the Council present shall preside.
(Local Government Act 1972, Sch 12, para. 5)*

- 5.1 If the Mayor is absent from a meeting of the Council, the Deputy Mayor shall chair the meeting.
- 5.2 If it is necessary to choose a Member of the Council to preside in the absence of the Mayor and Deputy Mayor, the Chief Executive shall call for a motion that a Member of the Council, who is not a member of the Cabinet, to be named shall take the Chair.
- 5.3 Any power or duty of the Mayor in relation to the conduct of the meeting may be exercised by the person presiding at the meeting.
- 5.4 If either or both of the Chairman and Vice Chairman of a Meeting or a Task Group are absent from a meeting of such a Body, the members of that Body who are present at the meeting shall elect a member to act as Chairman and/or a Vice Chairman for that meeting before any other business is transacted.
- 5.5 The Chairman and Vice Chairman of a Task Group may be appointed by the meeting which established it, in default of which they will be appointed at the first meeting of the Task Group by its members.

6 Quorum

Extracts from the Statute

*(Subject to the following provision), no business shall be transacted at a meeting of a principal council unless at least one quarter of the whole number of members of the council are present.
(Local Government Act 1972, Sch 12, para 6)*

*Where more than one third of the members of a local authority become disqualified at the same time, then, until the number of members in office is increased to not less than two-thirds of the whole number of members of the authority, the quorum of the authority shall be determined by reference to the number of members of the authority remaining qualified instead of by reference to the whole number of members of the authority,
(Local Government Act 1972, Sch 12, para 45)*

- 6.1 If, during any Meeting of the Council or a Task Group, the Chairman, after causing the Number of Members present to be counted, declares that there is not a quorum present (1/4 of the number of members of the meeting) and/or not less than 3 members in any event, the Meeting shall stand adjourned for fifteen minutes.
- 6.2 If, after fifteen minutes, the Chairman after again causing the Number of Members Present to be counted, declares that there is still no quorum and/or not less than 3 members present, the Meeting shall end.
- 6.3 Notwithstanding any provision in these standing orders that notices of questions or motions shall lapse, the consideration of all business which is on the agenda of a Meeting brought to an end under the previous paragraph, and which has not been completed before the Meeting is brought to an end, shall be postponed to the next meeting of the Council, whether ordinary or extraordinary, insofar as allowed by law.

7 Business which may be transacted at any meeting

- 7.1 Except as provided by paragraph 7.2 of this Standing Order, notice of the business to be transacted at a meeting shall be given to all Members of the Council at least five days before the date of the meeting (not including the day on which the notice is sent to each Member and the day of the meeting).
- 7.2 Items of business may be considered at a meeting notwithstanding that five clear days' notice of that business has not been given if, in the opinion of the Chairman of the meeting, special circumstances exist which require that the item should be considered as a matter of urgency and the meeting, without debate, consents.
- 7.3 Whenever business is transacted in accordance with Standing Order 7.2, the Chairman of the Meeting shall be required to specify the special circumstances that require the item to be considered as a matter of urgency, and those matters shall be recorded in full in the minutes of the meeting.

8 Order of Council business

Extract from the Statutes

Five clear days at least before a meeting of a principal council.

- (a) *notice of the time and place of the intended meeting shall be published at the Council's offices, and where the meeting is called by Members of the Council the notice shall be signed by those members and shall specify the business to be transacted thereat.*
- (b) *a summons to attend the meeting, specifying the business proposed to be transacted thereat, and signed by the proper officer of the council, shall....be left at or sent by post to the usual place of resident of every member of the council.*

(Local Government Act 1972, Sch 12, para 4(2))

An item of business may not be considered at a meeting of a principal council unless either

- (a) *a copy of the agenda including the item (or a copy of the item) is open to inspection by members of the public....for at least five clear days before the meeting or, where the meeting is convened at shorter notice, from the time the meeting is convened; or*
- (b) *by the reason of special circumstances, which shall be specified in the minutes, the chairman of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.*

(Local Government Act 1972, s 100B(4))

Want of service of a summons on any member of the Council shall not affect the validity of the Meeting.

(Local Government Act 1972, Sch 12, para 4(4)).

Except in the case of business required by statute to be transacted at the Annual Meeting of the Council and other business brought before that meeting as a matter of urgency in accordance with Standing Order 6, no business shall be transacted at a meeting of the Council other than that specified in the summons.

(Local Government Act 1972, Sch 12 para 4(5)).

- 8.1 The first item of business shall be to consider whether to approve as a correct record, and sign, the minutes of the preceding meeting(s) of the Council.
- 8.2 Unless any resolution is passed to vary it, the remaining business shall be dealt with in the following order:-
 - (a) Declarations of interest
 - (b) Any formal communications written or received by the Mayor.
 - (c) Any business expressly required by statute to be done.
 - (d) Urgent matters as defined by Standing Order 7.
 - (e) Any business that remains from the previous meeting.
 - (f) Questions and petitions submitted by members of the public under Standing Order 9.
 - (g) Questions from Members of the Council under Standing Order 11.
 - (h) Business referred to the Council under the “call-in” procedures of Standing Order 12.
 - (i) Reports and recommendations from Council Bodies.
 - (j) Any other matters considered by the Chief Executive in consultation with the Mayor needing immediate consideration.
 - (k) Notices of motion made in accordance with Standing Order 14.

9 Please see Petition Scheme (agreed at full Council June 2010) which supersedes this Standing Order. Public question time and petitions at meetings of the Council

9.1 Public question time

9.1.1 At each meeting of the Council, a period not exceeding thirty minutes shall be allowed for persons not being members of the council having an interest in the Borough to ask questions about:-

- (a) the Council’s policies; or
- (b) the work of the Council in respect of any matter or issue affecting the Borough.

9.1.2 The Chief Executive shall not allow any questions that, in his opinion:-

- (a) relate solely to the questioner or their family;
 - (b) contain any defamatory, confidential or exempt material or would require a response that might be defamatory or require the disclosure of confidential or exempt material;
 - (c) relate to specific applications for planning permission or for licences; or
 - (d) relate to individual Members or Officers of the Council or an individual member of the public.
- 9.1.3 Electors who wish to ask questions under this standing order must submit them in writing to the Chief Executive before 5pm of the third day before the day of the meeting at which they are to be put or presented.
- 9.1.4 The receipt of questions under this Standing Order shall be recorded in a register in the order in which they are received and they will be presented to the Council in that order. The register shall be open to inspection by members of the public.
- 9.1.5 The Chief Executive shall write to each person whose question is entered into the register kept in accordance with paragraph 9.1.4 and confirm:-
- (a) whether their question may be asked;
 - (b) the date, time and place of the meeting at which the question may be asked;
 - (c) the procedure for asking their question and receiving an answer; and
 - (d) their position in a list of the persons whose questions have been accepted.
- 9.1.6 The questions that may be asked under this Standing Order shall not appear on the agenda of the meeting at which they are to be asked, but will be notified separately to each Member of the Council, the press and members of the public who attend that meeting.
- 9.1.7 The person who submits a question under this Standing Order shall normally ask it. However, the Mayor may allow that person to be accompanied by a friend and allow the friend to ask the question.
- 9.1.8 A question that is asked under this Standing Order shall be addressed to the Mayor and shall be answered by any Member or Officer of the Council nominated by them. An answer may take the form of:-
- (a) a direct oral response; or,
 - (b) in exceptional cases, where an oral reply cannot be given conveniently, by a written answer, which shall be given to the questioner within 7 days of the date of the meeting or such longer period as the Mayor may allow. In every case where an oral response is not given, the Mayor will state that an oral response would be inconvenient and the reasons for this, which will be minuted.
- 9.1.9 Every questioner may ask a supplementary question once their first question has been answered but no exchange (including the time taken to ask and answer a supplementary question) shall be permitted to exceed a total of 5 minutes.
- 9.1.10 Any question that is accepted under paragraph 9.1.5 of this Standing Order, but cannot be asked at the meeting because of lack of time, shall be answered in writing by a Member or Officer of the Council within 7 days of the meeting. The person responsible for answering the question shall be announced by the Mayor at the end of each Public Question Time.
- 9.1.11 Every question shall be asked and answered without there being any debate of that matter by the Council.

9.2 **Petitions**

9.2.1 The Council will accept paper petitions either sent or presented to us. The Council will also accept online petitions, using our petition tool on our website. The Council can accept petitions which are emailed to us, or created using other petition software, but only if the names, addresses and the email addresses of the people who have signed the petition are attached.

9.2.2 In order to meet the requirements of the Council's Petition Scheme, a petition must contain a minimum of 250 signatures.

9.2.3 The Council will not deal with petitions that:

- (a) Include a matter which in our opinion is vexatious, abusive or contains otherwise inappropriate comments eg containing swearing or other insults or anything that is false or potentially defamatory.
- (b) Do not comply with data protection, libel, equalities and anti-discrimination legislation.
- (c) Concern employment matters for Borough Council staff.
- (d) For issues, such as planning and licensing decisions or council tax banding and non-domestic rates, there is already an established way for communities to have their say, so these are not included in our petition scheme.
- (e) Are substantially the same as a similar petition considered by the Council in the preceding 12 months.

9.2.4 The Council reserves the right not to take action on:

- (a) Party political material.
- (b) Information which may be protected by an injunction or court order.
- (c) Material which is potentially confidential, commercially sensitive, or which may cause personal distress or loss.
- (d) Any commercial endorsement, promotion of any product, service or publication.
- (e) The names of individual officials of public bodies, unless they are part of the senior management of those organisations.
- (f) The names of family members of elected representatives.
- (g) The names of individuals, or information where they may be identified, in relation to criminal accusations.
- (h) Language which is intemperate, provocative, racist, sexist, homophobic etc.
- (i) Petitions that are similar to and/or overlap with an existing petition or petitions.
- (j) Has previously been dealt with as a petition within the last 12 months.
- (k) Statements that don't actually request any action.
- (l) Working that is impossible to understand.
- (m) Statements that amount to advertisements.
- (n) Petitions which are solely intended to be humorous.
- (o) Issues for which a petition is not the appropriate channel (eg correspondence about a personal issue).

- (p) Freedom of Information or Environment Information requests.
 - (q) During politically sensitive periods, such as just before an election, if it is considered that a petition contains politically controversial material, the Council may decide not to accept a petition, or defer its consideration until after the election. If this is the case, the Council will explain the reasons and the revised timescale which will apply.
- 9.2.5 Where the number of signatures exceeds 2,500, a petitioner may request that a relevant Executive Director attends a meeting of an Overview and Scrutiny Panel to give evidence and answer questions. Panel members will ask the questions at the meeting, but the petitioner will be able to suggest questions to the Chairman of the Panel by contacting the relevant Democratic Services Officer at least 2 working days before the meeting.
- 9.2.6 If a petition is presented to the Council containing the signatures of 5,000 or more persons, it will trigger a debate by full Council. This will usually take place at the next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting.
- 9.2.7 If the petition organiser wants to present their petition to a meeting of the Council, or would like their Councillor or someone else to present it on their behalf, they should contact the Democratic Services Office at least 10 working days before the meeting to arrange this.
- 9.2.8 When the petition is presented to the Council, the elector who submitted it (or their nominee) shall be entitled to speak in support of the petition, for up to 5 minutes. The petition will then be discussed by Councillors for a maximum of 15 minutes. A decision will be made on how to respond to the petition at this meeting. This could be:
- (a) To take the action the petition requests.
 - (b) Not to take the action requested for reasons put forward in the debate.
 - (c) To commission further investigation into the matter, for example by a relevant panel or committee.
 - (d) Where the issue is one on which the Cabinet is required to make the final decision, the Council will decide whether to make recommendations to inform that decision.
- 9.2.9 The petition organiser will receive written confirmation of this decision. This confirmation will also be published on the Council's website.

(Local Government, Economic Development and Construction Act 2009. Scheme approved by Council 24 June 2010)

10 Debates involving interested organisations on matters of interest to the wider community of the Borough

- 10.1 The Council may promote a debate on a matter of interest to the wider community of the Borough involving the participation of representatives of other organisations under a procedure that will be determined by the Council from time to time.

11 Questioning of the Chairmen of Council bodies and members of the Cabinet

- 11.1 Every Member of the Cabinet shall present a report to each Ordinary Meeting of the Council on matters of interest for which they have responsibility that have arisen since the last Ordinary Meeting of the Council.

- 11.2 A Member of the Council may then, without first giving notice, ask:-

- (a) any Member of the Cabinet questions about:
 - i) each separate item in the minutes of meetings of the Cabinet being presented to

- ii) the meeting in question; and
any other matter within their remit.

- (b) and thereafter the Chairman of any Committee, Sub-Committee, Board, Panel but not Task Group (other than the Cabinet) questions about each separate item in the minutes being presented to the meeting in question.

11.3 The Mayor may disallow, re-direct or postpone any question asked under this Standing Order.

11.4 A Member who is asked a question under this Standing Order may decline to answer it, make a written answer (which shall be provided to every Member within 7 days of the meeting) or may refer the question to another appropriate Member.

11.5 Every question arising under Standing Order 11 shall be asked and answered without debate but any Member who receives an oral answer may ask a supplementary question of the Member who answered provided, in the opinion of the Mayor, it does not introduce a new matter.

12 The calling-in of Cabinet recommendations and executive decisions

12.1 Any Cabinet decision, delegated portfolio holder decision or Cabinet recommendation to the Council, may be presented for call-in to the Cabinet Scrutiny Committee.

12.2 In this Standing Order, what applies to a recommendation or decision applies to a part of one.

12.3 No recommendation or decision shall be called-in unless: (i) at least four members of the Council give notice in writing to the Chief Executive of their desire to effect a call-in; and (ii) such notice:

- (a) is supported by each Member who desires to call-in a recommendation or decision; and
- (b) is delivered to the Chief Executive before twelve noon of the fifth working day after the one on which the recommendation or decision was published; and
- (c) specifies the recommendation or decision, or part thereof, which it is intended should be the matter of a call-in; and
- (d) specifies the ground(s) upon which it is desired to call-in any matter under this Standing Order.

12.4 Provided the Chief Executive is satisfied that a notice of call-in complies with paragraph 12.3, he/she will then determine whether or not the call-in is sufficiently valid to pass to the Cabinet Scrutiny Committee for consideration (in the absence of the Chief Executive this responsibility will fall to the Council's Monitoring Officer). In assessing the validity of the call-in, regard shall be had to the following:

- (a) Is the decision against a declared policy or budget provision of the Council?
- (b) Is the decision contrary to the views of a key partner authority to the Borough?
- (c) Has a relevant, material matter not been considered in reaching the decision or has a relevant, material matter been overlooked in reaching the decision?
- (d) Have the views of Members requesting the call-in been fairly taken into account in arriving at the decision, so making a call-in unnecessary?
- (e) Is the decision likely to cause distress, harm or significant concern to a local community or to prejudice individuals within it?
- (f) Is the matter one which has already been subject to consultation or debate with relevant interested parties so making further debate through Scrutiny unnecessary?
- (g) Is the advice contrary to the advice of the relevant professional institution?

- (h) Is there clear evidence of a breach of procedure?
- 12.5 If the Chief Executive (or Monitoring Officer) subsequently determines not to advance the call-in, he/she will promptly inform the proposer and supporters of the call-in of his/her decision and the reasons for it.
- 12.6 If it is determined that the call-in is sufficiently valid (in accordance with paragraph 12.4 above) then the Chief Executive (or Monitoring Officer) will direct the Scrutiny Officer to promptly e-mail a summary of the call-in to the Chairman of the Cabinet Scrutiny Committee.
- 12.7 Once formal notification of a valid call-in has been received, the Chairman of the Cabinet Scrutiny Committee shall request that any additional information, if required beyond that contained within the report supporting the recommendation(s) / decision(s), be suitably collated to facilitate meaningful consideration of the matter by the Cabinet Scrutiny Committee. This information should be appropriately distributed in advance of the Committee meeting at which the call-in is to be considered and debated in accordance with Standing Order 15.
- 12.8 Upon conclusion of the debate the Cabinet Scrutiny Committee will decide upon one of the following two courses of action:
- (a) support the Cabinet/portfolio-holder's recommendation(s) or decision(s). In this case the recommendation(s) or decision(s) will, respectively, be free to pass to Council as they originally stood, or, be available for immediate implementation; or,
 - (b) uphold the call-in.
- 12.9 If the Committee upholds the call-in it may then take one of three courses of action:
- (a) report to Council, Cabinet or the relevant Portfolio Holder requesting that the Cabinet/portfolio-holder/officer amend or substitute the recommendation(s) or decision(s); or,
 - (b) if the issue is considered urgent or straightforward, formulate a counter-recommendation or amendment; or,
 - (c) investigate the matter further at another meeting within thirty working days (beginning with the day after the issue of the notification of the call-in) and then follow the same process as set out above (12.8-12.10)
- 12.10 The Cabinet/portfolio holder may amend, substitute or withdraw any recommendation or decision in respect of any matter that has been called-in under paragraph 12.3 of this Standing Order.
- 12.11 Decisions or recommendations that are amended or substituted in advance of the call-in being considered will then be subject to a renewed call-in period as if the decision/recommendation had been made for the first time. However, if the original proposers of the call-in still wish to call-in the recommendation or decision, after amendment or substitution by the Cabinet/portfolio-holder/officer, the Chief Executive will make a decision as to whether the matter may be considered/debated at the originally scheduled meeting or whether a new call-in process/schedule will need to be instigated.
- 12.12 No decision of the Cabinet/portfolio-holder that is called in under paragraph 12.3 of this Standing Order shall be acted upon (even if it is amended, substituted or withdrawn) until the call-in is either ended by the Cabinet Scrutiny Committee or approved by the Council.
- 12.13 When the Cabinet Scrutiny Committee resolves that a call-in shall be ended, the recommendation or decision (as amended or substituted) shall proceed as if no call-in had been made.
- 12.14 If the Cabinet Scrutiny Committee:-
- (a) does not end a call-in within 30 days from the date of the decision which has been called in (and the recommendation or decision remains in dispute); or

- (b) refers a call-in directly to Council under paragraph 12, the Council shall determine whether to approve the recommendation or decision that has been called-in or to revoke, vary, amend and/or remit it back to the Cabinet/portfolio holder for further consideration.

12.15 **Urgent Decisions**

If the Cabinet is proposing to take a Key Decision as an Urgent Decision – and therefore not subject to call in – No such recommendation or decision shall be called-in if the Leader of the Council, after first obtaining notice in writing that the recommendation or decision proposed must be acted on urgently; and that failure to do so would substantially prejudice the interests of the residents of the Borough or the Borough itself; obtains agreement from the Chairman of the Cabinet Scrutiny Committee, or in his absence the Vice Chairman of Cabinet Scrutiny Committee or in their absence the Mayor and in the absence of the Mayor, the Deputy Mayor, that the matter must be acted on urgently without the availability of call in. The Leader of the Council shall report quarterly to Council details of any decisions acted on urgently in the preceding quarter. NB: Non Key Decision Urgent Decisions may be taken without this process providing the reasons for it are given by the Chairman or decision maker. (S 15 & 16(Access to Information) (England) Regulations 2000.

- 12.16 Any matter which is a function of the Cabinet and has been exercised by one or more Cabinet Members, may, subject to clause 12.3, be called in provided that the matter, once determined, may not subsequently be called in once the initial decision has been made and the call-in process has expired (regardless of whether or not the matter was called-in) unless in the opinion of the Chief Executive on the advice of the Monitoring Officer, the matter has substantially changed since it was first decided.

- 12.17 Subject to Standing Order 12.16 no key decision may be taken unless:-

- (a) notice of the decision has been published in the Forward Decision List
- (b) At least 5 clear days have elapsed since the publication of the forward decision list
- (c) Notice of the meeting or intended decision making has been given
- (d) Five working days following the making of the decision have elapsed and no call-in has been received in accordance with standing order 12.3 above

13 **Motions and amendments that may be moved without notice**

- 13.1 Motions and amendments may be moved and applications made without notice provided that they relate to:-

- (a) the appointment of a temporary Chairman of a meeting which has none present.
- (b) the accuracy of a minute.
- (c) the order of item(s) of business.
- (d) the referral of any matter to another meeting for consideration and/or determination..
- (e) the appointment of members that arises from any item of business at a meeting.
- (f) a recommendation to Council.
- (g) permission to withdraw a motion or amendment.
- (h) permission to extend the length of a speech.
- (i) the amendment of a motion.
- (j) any procedural motion under Standing Order 15.
- (k) a motion to suspend any Standing Orders under Standing Order 2.
- (l) a motion to exclude the press and public under section 100A and Schedule 12A of the Local Government Act 1972.

- (m) a motion proposing that a Member, whom it names for disorderly conduct under Standing Order 25, be not further heard or do leave the meeting.
- (n) a motion that authorises the exercise of any statutory duty or power which in the opinion of the Council ought to be exercised as a matter of urgency.
- (o) a motion to obtain any consent of the Council that may be required under these Standing Orders.

14 Notices of motions which may not be moved without notice

- 14.1 A Member may propose a motion for debate by Council provided it is relevant to some matter in relation to which this Council has powers or duties or which affects the Borough.
- 14.2 A Member who wishes to move a motion which may only be moved with notice shall give notice in writing to the Chief Executive. The notice shall:-
- (a) state the motion that the Member desires to move in such a way that it is clear what the member is proposing.
 - (b) be delivered to the Chief Executive at least seven clear days before the date of the meeting of the Council at which it is proposed to debate the motion.
 - (c) state the date of the meeting at which Council is to be invited to debate the motion if it is not the next ordinary meeting for which it is eligible.
- 14.3 Upon the receipt of such a notice, it shall be stamped with the date and time of its receipt and, provided the Chief Executive is satisfied that it complies with paragraphs 14.1 and 14.2, the full text of the motion shall be entered in a register of motions, which shall be open to inspection by any Member of the Council.
- 14.4 Motions shall be entered in the register specified in paragraph 14.3 in the order in which they are received by the Chief Executive.
- 14.5 The Chief Executive shall advise a Member, who sent in a notice that does not comply with this Standing Order, in what way it fails to do so.
- 14.6 After a formal seconding, and before the debate of any motion notified under this Standing Order, the Council shall decide whether it will be debated immediately or by Council at a later date and, if the meeting decides the motion will not be debated then, which Council Body it shall be referred to for consideration and/or determination.
- 14.7 A Member, shall be permitted to speak in support of the motion at the meeting of the Council Body at which it is debated, but shall not vote on the matter unless they are a member of that Meeting.
- 14.8 If a Motion is referred, under Standing Order 14.6 to a Council body, and if that body is empowered by the constitution to make a decision, it will in any event return the motion to Council for further consideration, should Council so decide at the time of referral

SEE APPENDIX 1

15 Rules of debate

A - Moving and disposing of motions and amendments

- 15.1 In these Standing Orders “the substantive motion” means any motion under debate that appears on the agenda or arises from it.
- 15.2 The debate of a motion shall begin by the substantive motion being proposed and seconded and no motion shall be debated unless and until it has been proposed and seconded.

- 15.3 However, when a report contains more than one recommendation, members of the reporting body shall move and second the adoption of all of them. The Member proposing the adoption of the report may assign any of their rights of reply to other members of that Body nominated by them. Otherwise it will be debated normally.
- 15.4 Any Member who desires to propose an amendment to a substantive motion which has been seconded shall then propose their amendment, but no amendment to a motion shall be debated further until it has been proposed and seconded.
- 15.5 An amendment to a substantive motion, including one that has been amended, shall not introduce a new issue and shall be limited to omitting words from, adding words to, or substituting words in the substantive motion; and it shall not have the effect of negating the substantive motion.
- 15.6 If an amendment under paragraph 15.5 of this Standing Order is seconded, the amendment shall be debated until no other Member wishes to speak or a procedural motion curtailing debate is passed. No amendment shall be moved to an amendment.
- 15.7 If an amendment is passed the motion (as amended) shall become the substantive motion.
- 15.8 The Person Presiding shall not permit a further amendment to be moved or debated until a preceding amendment has been dealt with.
- 15.9 After all amendments have been dealt with, the substantive motion (incorporating any amendments which have been passed) shall be debated until no other Member wishes to speak or a procedural motion curtailing debate is passed.
- 15.10 A motion or amendment may be withdrawn by the mover with the consent of their seconder and of the Council (which shall be given without debate) and no member may speak upon it after the mover has asked permission for its withdrawal, unless such permission has been refused.

B-The conduct of Members during debate

- 15.11 If two or more members wish to speak at once, the Mayor shall call on one to speak.
- 15.12 Members shall speak only once about the motion or the amendment which is then under debate with the exception of the Development Control Board where a Member seeks to raise a new point
- 15.13 No speech shall exceed five minutes except with the consent of the Council.
- 15.14 A Member who moves a motion may make the following speeches:-
- (a) to open the debate on the substantive motion; and,
 - (b) to exercise a right of reply at the close of the debate on the substantive motion; and,
 - (c) to exercise a right of reply at the close of any debate on any amendment to the substantive motion.
- 15.15 A person other than the mover of a motion may make the following speeches:-
- (a) to second, or speak on, the substantive motion; and
 - (b) to speak on any amendment (including proposing or seconding an amendment).
- A Member, who seconds a motion or an amendment by stating that they are doing so formally, remains eligible to speak later in the debate.
- 15.16 A Member who moves an amendment (including any amendment which becomes part of a substantive motion) has no right of reply at the end of the debate on that amendment (or at the end of the debate on the substantive motion).
- 15.17 The Mayor shall call the attention of the Council to continued irrelevance, tedious repetition, or

where a question is being asked, failure to put the question expediently and may rule such matters to be disorderly conduct.

C- Special procedural motions for ending a debate or meeting

- 15.18 While a motion is being debated, no other motion (other than an amendment) shall be proposed except for any of the following motions which vary normal procedure:-
- (a) a motion “that the question now be put”, which, if passed, will curtail the debate and cause a vote to be held on the motion or amendment under consideration;
 - (b) a motion “that the Council proceed to next business”, which, if passed, will cause the meeting to proceed to the next item of business without completing the item under debate;
 - (c) a motion to “adjourn the debate”, which, if passed, postpones further debate on the motion under consideration to a later date as the Mayor or Chairman shall direct.
 - (d) a motion “that the meeting be adjourned”, which, if passed, will result in the meeting being adjourned and any matter that is being debated, but has not been voted on when this motion is passed, being considered at a later date as the Mayor or Chairman shall direct.
- 15.19 Any of the procedural motions listed in paragraph 15.18 of these Standing Orders:-
- (a) shall be voted on without debate.
 - (b) may be disallowed by the Chairman if they consider the motion to have been moved prematurely so that, if passed, it would operate to curtail proper debate.
- 15.20 A motion “that the question now be put” may only be moved by a Member who has not spoken previously on the item of business that would be affected. If such a motion is passed, before any “question” is put to the vote as a consequence, the Chairman shall invite the member whose substantive motion would be affected to reply to the debate before their motion is put to the vote.
- 15.21 A motion “that the Council proceeds to next business” may only be moved by a Member who has not spoken previously on the item of business that would be affected. Before that procedural motion is put to the vote, the Chairman shall invite only the Member whose motion or amendment would be left undecided to speak on the procedural motion.
- 15.22 A Member may raise a point of order if they become aware of any breach of these Standing Orders, the Council’s Constitution or the law. This must specify which Standing Order, or provision in the Council’s Constitution has been breached or the point of law that has arisen. The ruling of the Chairman of a meeting on a point of order, or as to the conduct of the meeting of the Council or a Council Body or subsidiary body, shall not be challenged during that meeting.
- 15.23 A Member may raise and pursue a point of personal explanation if, and only so far as, it is necessary to remedy any manifest misunderstanding by a speaker of any part of a statement they have made on the matter under debate.

D- Disorderly conduct by Members of the Council

- 15.24 A Member who persistently disregards the ruling of the Chairman of any Meeting, or who behaves irregularly, improperly, or offensively, or who willfully obstructs the business of any such Meeting, shall be guilty of disorderly conduct.
- 15.25 If a motion under paragraph 13.1(m) of these Standing Orders is put and passed in a meeting, any Member who is so named shall not be heard further in any debate during the remainder of that meeting.
- 15.26 If a Member does not comply with a motion that is passed under paragraph 15.25 of this Standing Order, the Chairman of the meeting shall:-
- (a) if the motion was for the Member not to be further heard, move “that the Member do leave the meeting” and that motion shall be put and determined without being seconded and

without debate; or,

- (b) ask the member to leave the meeting room for the remainder of the meeting, or
- (c) adjourn the meeting for such period as they think fit.

15.27 If a Member does not comply with any motion that is passed under paragraph 15.26(a) or (b) of this Standing Order, or continues to disrupt a meeting that reconvenes after a motion under paragraph 15.26(c) has been passed, the Chairman may order such action as is necessary to be taken to secure the removal of that Member from the meeting and prevent their re-entry.

15.28 The Chairman of the meeting shall report to the Standards Committee any motion that is passed under paragraphs 13.1(m) or 15.26 and any action occurring under paragraph 15.27 of these Standing Orders.

E- Disorderly conduct in meetings by members of the public

15.29 No Member of the public shall interrupt proceedings, behave in a disorderly manner *or breach the Protocol relating to the Openness Regulations* during a meeting.

15.30 Any member of the public who interrupts a meeting behaves in a disorderly manner *or breaches the Protocol relating to the Openness Regulations* shall be warned by the Chairman of the meeting to stop that behaviour and, if they do not, the Chairman may, without any motion being put or seconded or debated:-

- (a) Adjourn the meeting for as long as they consider necessary; and/or,
- (b) Order such action as is necessary to be taken to remove the offending person from the meeting and prevent their re-entry.

F- General disturbance of any meeting

15.31 The Chairman of any meeting may adjourn that meeting, for as long as they consider necessary, without any motion being put or seconded and without debate if, in their opinion, the behaviour of persons who are present (whether Members of the Council or not) makes it impossible to carry on business in an orderly manner.

15.32 Where the Chairman of any meeting invokes this Standing Order because of the conduct of any Member of the Council, they shall report the matter to the Standards Committee.

G - Call-in debating procedure

15.33 On receiving valid notice of a call-in under Standing Order 12, the Cabinet Scrutiny Committee should follow the steps outlined below (a-f) in debating the subject matter:

- (a) The Proposer of the call-in and his/her supporters address the Cabinet Scrutiny Committee about the call-in and why it should be upheld;
- (b) The Committee Members receive a submission from the relevant Portfolio Holder;
- (c) The Committee Members receive submissions from Officers;
- (d) The Committee Members receive submissions from members and, at the discretion of the Chairman, other interested parties.
- (e) The Committee debates the call-in (in accordance with this Standing Order) during which they may question or seek further information from any of the four parties referred to in (a), (b), (c) and (d) above.
- (f) The Proposer shall exercise a right of reply after the debate.

- 15.34 Following the debate, the Committee will decide (in Accordance with Standing Order 12) either to support the Cabinet/Officer's/Portfolio Holder's recommendation(s)/decision(s), or, to uphold the call-in.

16 The minuting of meetings

Extracts from the Statutes

Minutes of the proceedings of a meeting of a local authority shall....be drawn up....and signed at the same or next suitable meeting of the authority by the Chairman, and any minute purporting to be so signed shall be received in evidence without further proof.

Until the contrary is proved, a meeting of a local authority a minute of whose proceedings has been made and signed in accordance with (these provisions) shall be deemed to have been duly qualified.

For the purposes of (the foregoing provisions) the next suitable meeting of a local authority is their next following meeting or, where standing orders made by the authority in accordance with regulations under Section 29 of the Local Government and Housing Act 1989 provide for another meeting of the authority to be regarded as suitable, either the next following meeting or that other meeting.

(Local Government Act, 1972, sch 12 para 41(1), (3) and (4))

Until the contrary is proved, where a minute of any meeting of [a committee of local authority (including a joint committee) or a sub-committee of any such committee] has been made and signed in accordance with these provisions, the committee or sub-committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute, the meeting shall be deemed to have been duly convened and held and the members present at the meeting shall be deemed to have been duly qualified.

(Local Government Act, 1972 sch 12 para 44(2))

(Note: see also Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000)

- 16.1 In accordance with paragraph 8.2 of these Standing Orders, the Mayor or the Chairman of any meeting shall put the question, "do Members agree that the minutes of the previous meeting be approved as a correct record"
- 16.2 There shall be no discussion about the minutes, except on a motion under paragraph 13.1(b) of these Standing Orders, which shall be confined solely to the question of whether the minute has been recorded accurately.
- 16.3 In the absence of any motion under Standing Order 13.1(b), or as soon as any such motion has been decided, the Mayor or the Chairman of any Meeting shall sign the minutes as a true record of the business transacted at the previous meeting.
- 16.4 The minutes of an Extraordinary Meeting of the Council shall be approved and signed at the next Ordinary Meeting of the Council.
- 16.5 The minutes of all meetings shall be made available to every Member of the Council, and the signed copies of all such minutes shall be bound together in a book and retained by the Chief Executive as a public record.

17 Voting

Extracts from the statutes

Subject to the provisions of any enactmentall questions coming or arising before a local authority shall be decided by a majority of the members of the authority present and voting thereon at a meeting of the authority.

Subject to those provisions, in the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote.

(Local Government Act 1972, Sch 12 para 39)

[The foregoing provisions] shall apply in relation to a committee of a local authority (including a joint committee) or a sub committee of such a committee as they apply in relation to a local authority.

(Local Government Act 1972, sch 12, para 44)

- 17.1 All matters on which a vote is taken shall be decided by the majority of the Members present at the meeting and voting on them except that, where there is an equality of votes, the Chairman may give a casting vote irrespective of whether or not they voted in the first instance,
- 17.2 Except as provided by paragraph 17.3 of this Standing Order any vote shall be determined by a show of hands.
- 17.3 With the support of at least 3 other Members, and by indicating to the Chairman of a meeting immediately before a vote on any matter is taken, a Member of the Council may require that the vote be recorded to show whether each Member present voted for or against the motion or abstained from voting - provided that when, in the opinion of the Chairman of that meeting, a recorded vote under this Standing Order is demanded frivolously or vexatiously, the Chairman may put the question of whether the vote should be recorded to the meeting without it being seconded or debated; and this Standing Order may not be invoked on such a vote.
- 17.4 **Council Tax and Budget Setting meeting**
Immediately after any vote is taken at a budget decision meeting of the authority there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.
- 17.5 Immediately after a vote on any matter, a Member may require that the way in which they voted on that matter is recorded in the minutes of the meeting.
- 17.6 Where a vote is required on a motion to appoint or elect to a position and there are more candidates than positions, then for each position the clerk shall announce the name of the candidates and shall then invite each member present to indicate their chosen candidate. At the end of the process the Clerk shall announce the number of voters for each candidate and the one with the most votes shall be appointed.

18 Signing of the attendance book

Extracts from the statutes

The names of members present at a meeting of a local authority shall be recorded.

(Local Government Act 1972, Sch 12, para 40)

(The foregoing provision) shall apply in relation to a committee of a local authority (including a joint committee) or a sub-committee of any such committee as [it applies] in relation to a local authority.

(Local Government Act 1972, Sch 12, para 44(1))

- 18.1 Every Member of the Council attending any Meeting of the Council or a Council Body of which they are a member shall sign their name in the attendance book or on a sheet provided for that purpose.

19 Rescinding a preceding resolution

- 19.1 No motion to or which would have the effect to rescind or reverse a resolution of the Council shall be considered by the Council, within a period of six months from the date of that resolution, unless it is moved in accordance with Standing Order 14 and the notice of motion is supported in writing by at least twenty Members of the Council or one third of the members of the meeting who made the resolution.
- 19.2 The "resolutions" covered by paragraph 19.1 of this Standing Order include decisions in respect of any notice of motion, or any amendment of a notice of motion (whether or not such motion or amendment was passed), as well as any other decision taken in exercise of the Council's

functions.

- 19.3 Once a motion has been moved with the support required in 19.1, no further motion shall be introduced by that means, in respect of substantially the same subject matter, for a period of six months from the day when the motion was moved.
- 19.4 This Standing Order shall not apply to matters that are called in under Standing Order 12 Interest of Members and Officers in contracts and other matters

20 Interests of Members and Officers in contracts and other matters

Extracts from the Statutes

s.117(1) Local Government Act 1972 – Disclosures by Officers of interest in contracts

(1) If it comes to the knowledge of an officer employed, whether under this Act or any other enactment, by a local authority that a contract in which he has any pecuniary interest, whether direct or indirect (not being a contract to which he is himself a party), has been , or is proposed to be, entered into by the authority or any committee thereof, he shall as soon as practicable give notice in writing to the authority of the fact that he is interested therein.

For the purposes of this section an officer shall be treated as having indirectly a pecuniary interest in a contract or proposed contract if he would have been so treated by virtue of section 95 above had he been a member of the authority.

- 20.1 A Member of the Council who is present at any meeting and has any interest pursuant to the Council's code of conduct in any matter that is the subject of consideration by the meeting shall declare the nature of that interest with an explanation at the start of the meeting or at the earliest available opportunity and if that interest is a disclosable pecuniary interest shall withdraw from the meeting room including from the public gallery while the matter is under consideration unless a dispensation has been granted to that member by the Council's Standards Committee. For the avoidance of doubt, it is the responsibility of individual members to determine whether or not they have an interest. Failure to declare is a breach of the Council's Code of Conduct and may result in a referral to the Councils Standards Committee
- 20.2 The Monitoring Officer shall maintain a Register of Member's Disclosable Pecuniary Interests. This shall be open to inspection by any member of the public and published on the Council's website.
- 20.3 The Monitoring Officer shall record in a book to be kept for the purpose particulars of any notice of interest given by an employee of the Council under section 117 of the 1972 Act or paragraph (1). The book shall, during ordinary office hours of the authority, be open for inspection by any member.
- 20.4 Where an officer submits a report to a meeting on a matter in which he/she has declared an interest under section 117 of the 1972 Act or Paragraph (1), he/she shall state that such declaration has been, made and give brief details of it, in a separate paragraph at the commencement of the report.
- 20.5 Where any officer advises orally a meeting on a contract, grant, proposed contract or other matter and has declared an interest in the matter, whether under the requirements on section 117 of the 1972 Act, or of paragraph (1), he/she shall remind the meeting orally of that interest, and the reminder shall be recorded in the minutes of the meeting.

21 Canvassing of and recommendations by Members

- 21.1 Canvassing of Members of the Council, directly or indirectly, with regard to any appointment by the Council, shall disqualify the candidate concerned from that appointment; and it shall be the duty of any Member of the Council so canvassed to report that fact to the Chief Executive. The essence of this paragraph of this Standing Order shall be included in every advertisement inviting application for appointments and in every form of application.
- 21.2 A Member of the Council shall not solicit, for any person, any appointment to the Council's employment, but this shall not preclude a Member from giving a written testimonial of a candidate's

ability, experience, or character for submission to the Council with an application for appointment.

22 Relatives of Members or Officers

- 22.1 An applicant for any appointment by the Council, who knows that they are related to any Member or senior Officer of the Council, shall inform the Chief Executive of such a relationship when making their application.
- 22.2 An applicant who fails to disclose such a relationship shall be disqualified from appointment and, if appointed, shall be liable to dismissal without notice. Every Member and senior Officer of the Council shall disclose any relationship, known to them to exist between them and any person they know is an applicant for an appointment by the Council, to the Chief Executive.
- 22.3 The essence of this Standing Order shall be included in every form of application.
- 22.4 For the purposes of this Standing Order, "senior Officer" means an Officer graded on Performance Grades SM1-4 and 5 and 6; and "relationship" means being their partner or their own or their partner's parents, grandparents, children, grandchildren, brothers, sisters, uncles or aunts, nephews or nieces.

23 Staff establishment and the filling of vacancies

- 23.1 All vacancies, unless they are to be filled by promotion or transfer from within the Council, or unless the Council determines otherwise, shall be publicly advertised and filled by open competition arising from that advertisement.
- 23.2 No step shall be taken to advertise or fill a vacancy for any post designated as that of a chief officer (as defined in the Local Authority (Standing Orders) Regulations 1993) until such time as the Cabinet has determined whether that post is necessary and the terms and conditions upon which it should be held.
- 23.3 When the Council proposes to appoint such a chief officer, and it is not proposed to appoint that person from a pool limited to officers who are employed by the Council, the Council shall:-
- (a) cause to be prepared, for its approval, a statement specifying the duties attaching to that post and any qualification or qualities required of any person who desires to be appointed to it;
 - (b) cause arrangements to be made for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
 - (c) cause arrangements to be made for a copy of the statement mentioned in paragraph 23.3(a) of this Standing Order to be sent to any person who requests a copy of it.
- 23.4 When a post has been advertised in accordance with this Standing Order, the authority shall invite all qualified applicants for the post to attend for interview, or select a short list of such qualified applicants and invite all those included on the short list to attend for interview.
- 23.5 When no qualified person has applied to fill a vacancy in the opinion of the Executive Director in which a vacancy has been advertised (or, if a vacancy is for an Executive Director or more senior officer, in the opinion of the Appointments Board), the Council shall make further arrangements for the advertisement of the post in accordance with this Standing Order.
- 23.6 Every appointment to a second tier officer post or one more shall be made by the Appointments Board or a panel of the Board, except the Head of Paid Service which shall be made by the whole Board and shall then be immediately notified to all Members of the Cabinet, each of whom shall have a time limited opportunity to object which if exercised shall halt the appointment procedure where upon a special meeting of the Cabinet shall be convened to determine the next steps.
- 23.7 The Officer Employment Rules (required by Article 12.10) are those parts of Standing Orders 20 – 24 which relate to employees.

23.8 The posts designated as chief officers (as required by Article 12.02) shall be those indicated in Part 7 of the Constitution.

24 Disciplinary action against Statutory Appointees

24.1 No disciplinary action, as defined by relevant Statutory Regulations, shall be taken in respect of Statutory Appointees (as defined in Standing Order 35) except in accordance with such Regulations.

25 Custody of the Seal

25.1 The Common Seal of the Council shall be kept in a safe place in the custody of the Legal Services Manager or such other Officer designated for the purpose by them.

26 Sealing of documents

26.1 The Common Seal of the Council shall not be affixed to any document unless either [i] the sealing has been expressly authorised by a decision of the Council (Cabinet, Portfolio Holder or Officer to whom, the Council has delegated that power) - or [ii] it is necessary to give effect to such a decision of the Council or one made by its delegated authority.

26.2 The Common Seal shall be attested by the Legal Services Manager or an officer authorised by them, except that the Mayor or Deputy and the Chief Executive may additionally attest any document that is executed for special civic or ceremonial occasions.

26.3 A record of every sealing of a document shall be made and consecutively numbered in a book kept for the purpose and shall be signed or initialed by the Officer sealing the document.

27 Authentication of documents for legal proceedings

27.1 Where production of any document will be a necessary step in legal proceedings on behalf of the Council, it shall be signed by the Head of Legal and Democratic Services unless any enactment otherwise requires or authorises, or the Council gives the necessary authority to some other person for the purpose of such proceedings.

28 Inspection of documents

The Access to Information rules which apply to Council meetings and committees of the Council in executive and alternative arrangement constitutions are set out in section 100A-H and schedule 12A of the Local Government Act 1972

28.1 Every Report will set out a list of those documents (called background Papers) relating to the subject matter of the report which in the opinion of the author:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information and in respect of executive reports, the advice of a political advisor.

28.2 Subject to paragraph 30.3 of these Standing Orders, a Member of the Council may inspect any document that is within the possession, power or control of the Council provided it is reasonably necessary for the discharge of their duty; and they shall, if they so request, be provided with a copy of any document that they are entitled to inspect.

- (a) Members shall be entitled to see all documents relied on by the Cabinet acting together or as Portfolio Holders, once a decision has been made, unless the monitoring officer is satisfied that the disclosure of a document would disclose exempt information of a type which may be excluded at law.
- (b) Members of the Scrutiny and Overview Committee may, in addition to rights contained in

(a) above be entitled to a copy of any document in the possession or control of the Cabinet that contain material relating to business transacted at a private meeting, a public meeting, a decision made or a key decision made by an officer under delegated powers.

- 28.3 (a) Public inspection of background papers:
The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.
- (b) Summary of Public's Rights:
A written summary of the public's rights to attend meetings, *report on proceedings and publish results (all in accordance with the Openness Regulations)* and to inspect and copy documents must be kept and available to the public at the Council Offices.
- (c) Exclusion of access by the public to reports:
If the Monitoring Officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, the meeting is not likely to be open to the public. Such reports will be marked "not for publication" together with the category of information likely to be disclosed.

29 Membership and constitution of Council bodies

- 29.1 The Annual Meeting of the Council shall appoint the Chairman and Vice Chairman and each member of the following Bodies with the exception of :
- It shall appoint the Leader of the Council and Chairman of Cabinet for a four year period at the first Annual meeting following the Borough Council elections. The Leader of the Council will then appoint the Cabinet on an annual basis.
 - Chairman and Vice Chairman of the Cabinet Scrutiny Committee who are appointed by the Committee at its first meeting
 - Scrutiny and Overview Liaison Committee which has a rolling Chairmanship as set out below.

Scrutiny Bodies Cabinet Scrutiny Committee

Up to 9 members.
Chaired by a member from the major Opposition group and vice-chaired by a member of an Opposition group. Subject to the waiving political proportionality via a *nem con* vote at Council the ruling political party are to be in a minority This committee shall appoint its own Chairman and Vice Chairman from within the constraints set out above.

Policy Review and Development Panels Resources and Performance Regeneration Environment and Community

Up to 15 members
Politically proportional with Chairman/Vice-Chairman appointed by Council

Scrutiny and Overview Liaison Committee

Made up from the Chairmen of the Policy Review and Development Panels and the Chairman of the Cabinet Scrutiny Committee.
Chaired on a rotating arrangement by the Chairmen of the Policy Review and development Panels.
To facilitate this arrangement a *nem con* vote is required to waive political proportionality. This committee shall appoint its own Chairman and Vice Chairman from within the constraints set out above.

Cabinet and Boards

Appointments Board	9 Members
Cabinet	up to 10 Members (Leader of the Council is appointed for a four year period at the first Annual Council meeting following the Borough Council elections) (<i>Local Government and Public Involvement in Health Act 2007</i>)
Development Control Board	18 Members
Licensing and Appeals Committee	15 Members
Licensing Committee	15 Members
Standards Committee	7 Members (plus up to 3 non-voting Parish reps)

- 29.2 No Member of the Council shall retain any appointment beyond the next Annual Meeting of the Council unless re-appointed to that Body at the next Annual Meeting (with the exception of the Leader of the Council as set out above).

Task Groups

- 29.3 The Council, Cabinet and any Scrutiny and Overview Committee or Panel may establish temporary Task Groups to undertake, and report back on, work within the remit of the body that established them.
- 29.4 (a) Members of Task Groups will be appointed having regard to political balance unless the leaders of each registered political group agree that this rule be disapplied.
- (b) Group nominations for Task Groups membership will be made to the Chief Executive who is authorised to appoint them.
- 29.5 A Task Group shall remain constituted until the body which established it, or the Council, resolves that it has completed its task.
- 29.6 If a Task Group appointed by the Council or Cabinet or a Scrutiny and Overview Committee is to do any of the following things, these may be specified in its terms of reference:-
- (a) meet in public,
- (b) hold public hearings,
- (c) have a Councillor membership other than five or not complying with proportionality,
- (d) have non-members of the Council as non-voting members,
- (e) commission research,
- (f) complete its work by a certain date, or
- (g) be able to define the scope of its own work.
- 29.7 When any scrutiny and overview body is considering the performance or proposals of a person, or of a body which included any of its members; such person or members shall not take part in that consideration in the capacity of members of the scrutiny body.

29.8 Informal Working Groups (scrutiny and overview function)

For the avoidance of doubt, Informal Working Groups are not formal Council Bodies or Task Groups. They are solely chosen, controlled by, and report directly back to their respective Policy Review and Development Panels. Political proportionality or issues of vacancies and substitutions should not be an issue.

Any work undertaken through Informal Working Groups should be regarded as approved duties, with respect to traveling expenses, only with the prior approval of the respective Panel's Chairman.

30 Access to Information and Meetings

- 30.1 Business shall be transacted by the Council and Council Bodies in public unless they resolve to consider in private any matter that is confidential or any information which is exempt within the meaning of Schedule 12A of Part I of the Local Government Act 1972. Officers holding statutory

appointments as set out in Standing Order 35 are entitled to attend any meeting of the Cabinet.

30.2 Agenda, reports and other documents of Council bodies shall be held in confidence by Members and Officers of the Council until they are published by the authority of the Chief Executive. Notice shall be given at least five clear days in advance of any meeting by posting details of the meeting at King's Court, Chapel Street, King's Lynn and wherever possible on the Council's website www.west-norfolk.gov.uk. Late or additional reports which are available for public inspection shall be available to the press and public at the same time it becomes available to members.

30.3 No Member or Officer shall ever disclose documents or the contents of documents that are "exempt" or contain confidential information, as defined by paragraph 30.1 of this Standing Order, to any person who is not a Member or an Officer of the Council other than with the permission in writing of the Monitoring Officer

30.4 If any matter that is raised at a meeting of the Council or a Council Body or subsidiary body when meeting in public, involves the appointment, promotion, dismissal, salary, superannuation, conditions of service or conduct of any identifiable person currently or formerly employed by the Council; that matter shall not be further discussed until the meeting has determined whether the public should be excluded.

30.5 General Exception

If a matter which is likely to be a key decision has not been included in the Forward Plan, the decision may still be taken if:

- (a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next Forward Plan and until the start of the first month to which the next forward plan relates;
- (b) the Chief Executive has informed the Chairman of a relevant Scrutiny and Overview Committee, in writing, by notice, of the matter upon which the decision is to be made;
- (c) the Chief Executive has made copies of that notice available to the public at the offices of the Council; and
- (d) at least five clear days have elapsed since the Chief Officer complied with (a) and (b)

30.6 Record of individual decision

As soon as reasonably practicable after an Executive decision has been taken by an individual member of the Executive or a key decision has been taken by an officer, he/she will prepare, or instruct the proper officer to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected.

31 Special Meetings

31.1 A special meeting:-

- (a) may be called by the Chairman of that meeting at any time; and
- (b) shall be called on notice being given in writing to the Chief Executive by a quarter of the members of that meeting stating that they desire a meeting.

31.2 The Chief Executive shall summon each Member to a Special Meeting, under paragraph 31.1 of this Standing Order, with a notice which shall set out the business to be considered, and no business other than that mentioned in the notice shall be considered at that meeting.

32 Vacancies and substitutions on Council bodies and task groups

32.1 The Chief Executive shall appoint a Member, nominated by a political group to fill a casual vacancy that falls to be filled by that particular political group, provided the leader of that group has:-

- (a) consulted with the Members of the group; and,
- (b) communicated the name of the person nominated to the Chief Executive; and,
- (c) the Member nominated under paragraph 32.1(b) is not precluded from being by any rule of law or of the Council.

32.2 Subject to the following conditions, when a Member is unable to attend any meeting, a substitute registered in the same political group may attend in their place.

- (a) The substitutes will be temporary members, appointed by the Chief Executive on the authority of the Council, and the member substituted for will be suspended from the relevant membership for the period of substitution. Once commenced, the substitution shall continue throughout the meeting and throughout consideration of any item of its business which is adjourned.
- (b) The Chief Executive must be notified in writing by the Member who will be absent or by the Leader of their political group. Unless the reason for the absence arises too late to permit this (in which case the maximum notice possible must be given), this notification shall be given at least 24 hours before the meeting.

32.3 Whenever appointments of Members are not made on the first occasion when they might be, the Chief Executive shall make such appointments on the basis of balloting members of the body entitled to make the appointment. If the vacancy falls within the proportion of places due to a particular political group, balloting shall initially be restricted to the members of that political group. Only if that fails to fill a vacancy, will a further ballot be conducted open to relevant Members of all political groups or none.

33 Duration of Council meetings

33.1 A Meeting including a Meeting of a Task Group which has sat continuously for three hours shall be adjourned automatically unless the majority of members present vote to continue to sit.

34 Rights of non-members to attend meetings of Council bodies

34.1 Every Member of the Council shall have the right to attend any meeting including Task Groups, and also the right to speak subject to the provisions as to declarations of interest, provided that they shall, inform the Chairman of the meeting of their intention to do so before the Meeting on what items they wish to be heard before the meeting commences, and in any event prior to any decision being made on the matter.

34.2 The minutes of the Meeting shall record the name of any Member of the Council who is present at the meeting under this Standing Order, any item on which they spoke, and shall include a summary of what they said.

35 Statutory appointments

35.1 The following posts shall be designated for the purposes of Article 12.02 of this Constitution, sections 113 to 115 of the Local Government Finance Act 1988 and sections 4, 5 and 6 of the Local Government and Housing Act 1989 and shall be held by separate individual officers.

- (a) The Head of the Paid Service
- (b) The Monitoring Officer.
- (c) The Chief Financial Officer

36 Recording or broadcasting meetings

36.1 *The Openness Regulations require that any person attending a meeting open to the public (including Councillors) must, as far as is practicable, be afforded reasonable facilities for reporting (whether by filming, photographing or audio recording) and may use any communication method (including social network methods) to publish or otherwise share the results of their reporting activities.*

36.2 *“Reporting” means*

- filming, photographing or making an audio recording of proceedings

- using any other means for enabling a person who is not present to see or hear proceedings at a meeting as it takes place or later

- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

36.3 The Council is not required to permit oral reporting or commentary at a meeting as it takes place if the person reporting or providing the commentary is present at the meeting.

36.4 The Council has published and adopted a Protocol relating to the adoption and operation of the Openness Regulations and this can be viewed at the end of this Constitution

37 Approval of draft plans, strategies, estimates and amounts submitted to the Council by the Cabinet

37.1 Where the Cabinet submits a:-

(a) plan or strategy prescribed by the Local Authorities (Standing Orders) (England) Regulations 2001 ("the regulations") to the Council for approval by the Council; or

(b) any estimate or amount prescribed under Paragraph 6 of Part II of the regulations

and the Council wishes to amend, approve or adopt the plan or strategy, or object to any estimate or amount, it must inform the Leader of the Council of any objections to the plan or strategy or estimate or amount.

37.2 Where an objection is received under this standing order the Cabinet must consider the objection within such period as shall be specified by the Council (being not less than 5 working days beginning with the date that the Leader received the objection) and the Leader of the Council may either amend the plan or strategy or a revision of the estimates or amounts or inform the Council of the reasons why the Cabinet disagrees with the Council's objections.

37.3 The Council must take account of the amendments made by the Cabinet to a plan or strategy and any reasons why the Cabinet disagrees with the Council's objections when it amends, approves or adopts a plan or strategy or before it makes a calculation in accordance with sections 32 to 37 or 43 to 49 of the Local Government Finance Act 1992 or issues a precept under Chapter IV of Part 1 of that Act.

38 Decisions by Portfolio Holders

38.1 Wherever a decision is to be made by a Portfolio Holder, a report must be produced in writing setting out all of the required information before any decision can be taken.

38.2 A copy of the report with a note must be sent to the Democratic Services Manager, Management Team and The Monitoring Officer, 5 clear days before the date on which the decisions is to be taken. The report will then be placed on the intranet/internet or otherwise made available to members of the Council and unless confidential or exempt to members of the public.

38.3 The Cabinet Member can either attend the Council Offices and make the decision on the given day, or may return the completed form, signed off, to the Head of Service responsible via the e-mail system, a copy should also be sent to the Democratic Services Manager.

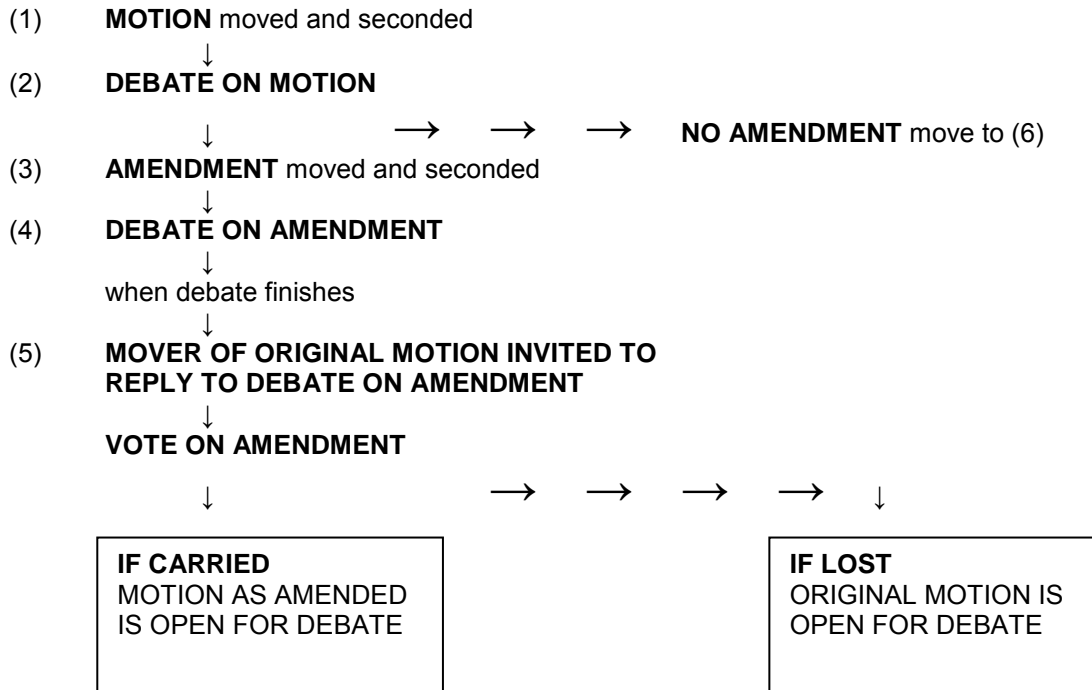
38.4 The decision may be wholly within the Cabinet Members decision making powers, or part of all may be a recommendation to Council. This must be made clear in the report. Recommendations

to Council will then be placed on the next Council Agenda and moved by the Leader at Council.

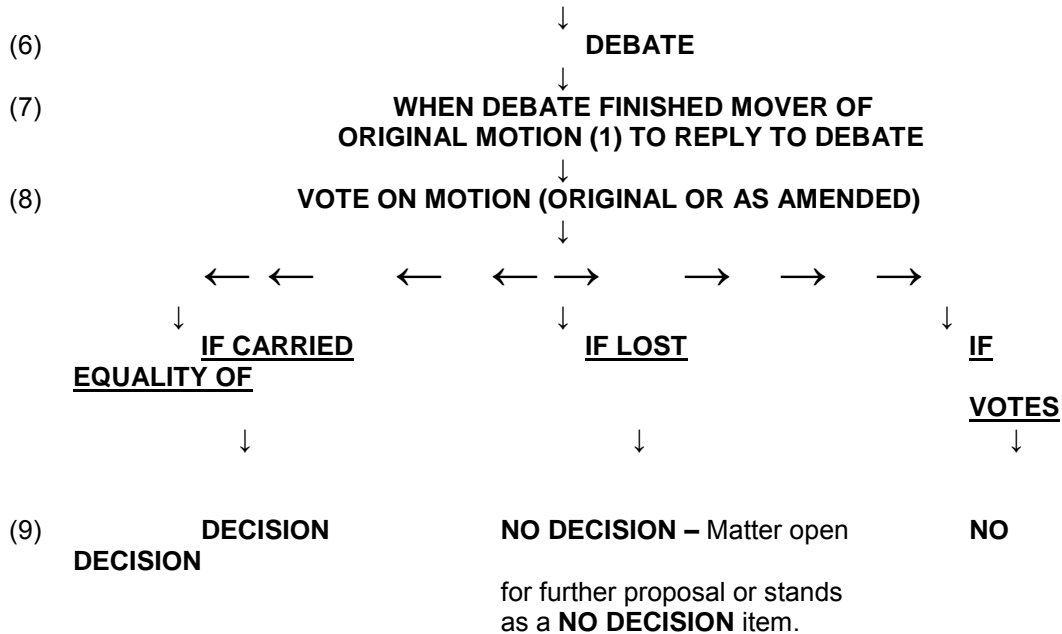
- 38.5 A Cabinet Member may decide to refer the matter to a full meeting of Cabinet for decision. In which case the matter will be placed on the agenda of the next ordinary meeting of Cabinet.
- 38.6 Once a Cabinet Member has made a decision it will be placed on the intranet and made available for call-in in accordance with Standing Order 12. Members will be notified that a decision has been taken.

APPENDIX 1

DIAGRAM TO SHOW THE STAGES OF MOTION, AMENDMENT AND DECISION



(Any number of amendments can be moved and dispensed with in the way **ONE AT A TIME**)



An amendment will not be valid if it is a direct negative or if it introduces a new issue unrelated to the terms of the motion.

Protocol for Reporting and Commentating on public Council Meetings

I. Introduction.

(a). By virtue of the Openness of Local Government Bodies Regulations 2014 (“the Openness Regulations”), members of the public are entitled to report on meetings of the Council, the Executive and all other Committees and meetings to which the public have access.

(b). Reporting is not permitted where the public have been excluded from a particular meeting, or part of a meeting as permitted by law (for example to protect confidential information) and other restrictions apply to protect those individuals who do not wish to be recorded.

(c). For the purposes of the Openness Regulations, “reporting” means:

- filming, photographing or making an audio recording of the proceedings of the meeting.

- using any other means for enabling persons not present at the meeting to see or hear proceedings at a meeting as it takes place

- reporting or providing commentary on proceedings at a meeting orally or in writing, so that a report or commentary is available as the meeting takes place or later if the person is not present (note however that in accordance with paragraph 2.(d)(iii) below there is to be no **oral** reporting or commentary on a meeting as it takes place by a person present at the meeting).

(d). Any person attending a meeting (including Councillors) must, so far as is practicable, be afforded reasonable facilities for reporting and may use any communication method (eg the Internet), including social media sites such as Facebook or Twitter , to publish, post or otherwise share the results of their reporting activities. Subject to this Protocol, publication and dissemination may take place in the meeting or afterwards.

2. The Protocol.

The following Protocol sets out how reporting and commentating will be managed by the Borough Council of Kings Lynn and West Norfolk (“the Council”).

(a). Although there is no requirement so to do, it would be very helpful to the Council if persons wishing to record proceedings (or any part thereof) would notify the Councils Democratic Services Team (telephone number) in advance of the meeting. That will assist the Council to make reasonable arrangements to accommodate the requirements of those wishing to record.

(b). At the start of the meeting, the Chairman will remind all present that recordings may be made in accordance with the Openness Regulations.

(c). The Chairman will make it clear that whilst the Council respects the right to record and communicate, the right must be exercised reasonably and having regard to the need for the orderly conduct of business at the meeting.

(d). To ensure that this objective is achieved, the following criteria will be adopted:

(i). Persons should remain seated whilst they are recording. Walking around the meeting room whilst recording will not be permitted.

(ii). If other members of the public present express a wish not to be filmed or photographed whilst they are speaking, this request should be respected.

(iii) **No oral reporting or commentary of the meeting be permitted on the meeting as it takes place by any person who is present at the meeting.** This restriction is imposed to avoid noise which could otherwise disrupt the meeting.

(iv) If in the opinion of the Chairman, any other behavior or activity is taking place which in his/her opinion is preventing the orderly conduct of business at the meeting (for example, the use of flash photography), the Chairman will exercise his/her discretion to adjourn the meeting.

(v) To avoid the possibility of accidents, the Council will not permit the use of electric sockets for electronic equipment

(e). Persons recording are reminded that the right to record whole (or part) of a meeting, extends only to those meetings (or part thereof) that the public are entitled to attend. If the public is lawfully excluded from the meeting at any stage (for example because confidential information is being discussed), the right to record immediately comes to an end for the whole of the period that the meeting is in “private” session.