

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



CABINET

Agenda

**TUESDAY, 1 NOVEMBER 2011
at 5.30pm**

in

**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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21 October 2011

CABINET AGENDA

DATE: CABINET – TUESDAY, 1 NOVEMBER 2011

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

TIME: 5.30 pm

1. MINUTES

To approve the Minutes of the Meetings held on 4 October 2011.

2. APOLOGIES

To receive apologies for absence.

3. URGENT BUSINESS

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

4. DECLARATION OF INTEREST

Please indicate whether the interest is a personal one only or one which is also prejudicial. A declaration of an interest should indicate the nature of the interest and the agenda item to which it relates. In the case of a personal interest, the member may speak and vote on the matter. If a prejudicial interest is declared, the member should withdraw from the room whilst the matter is discussed.

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

5. **CHAIRMAN'S CORRESPONDENCE**

To receive any Chairman's correspondence.

6. **MEMBERS PRESENT PURSUANT TO STANDING ORDER 34**

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

7. **CALLED IN MATTERS**

To report on any Cabinet decisions called in.

8. **FORWARD DECISIONS LIST**

A copy of the Forward Decisions List is attached (Page 1)

9. **MATTERS REFERRED TO CABINET FROM OTHER COUNCIL BODIES**

To receive any comments and recommendations from other Council bodies some of 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 – 25 October 2011
- Regeneration, Environment & Community Panel – 26 October 2011

10. **REPORTS**

1) **Corporate Business Plan 2011/12 – 2014/15 (Page 3)**

This report presents to Cabinet a new corporate business plan for the period to the next local elections in 2015. It sets out the priorities of the current administration within a broader analysis of quality of life in West Norfolk.

2) **Corporate Enforcement Policy (Page 30)**

The Council has a range of duties and powers implementing legislation affecting individuals and businesses in the Borough. It is important that this role is carried out correctly and proportionately. The report outlines some of these duties/powers and proposes the adoption of a formal Enforcement Policy.

3) Update to Articles within the Constitution (Page 48)

The Council is required to review its Constitution from time to time. Elements such as the Schemes of Delegation, Standing Orders and Financial Regulations have all been reviewed recently. The report recommends minor amendments to Parts 1, 2 and 3 to bring them into line with all other parts of the Constitution.

4) Business Continuity Management and Strategy (Page 84)

It is over two years since the current version of the Business Continuity Policy Statement and Strategy was adopted, during which time responsibility for the function has moved to the Deputy Chief Executive. Work has been undertaken during 2011 to review and update the Policy Statement document, as well as wider Business Continuity Management (BCM) arrangements.

Details of the work undertaken to review and update documents and BCM arrangements are provided in the body of this report.

5) Report and Recommendations of the Recycling Task Group (Page 89)

The report considers how the Council can improve its recycling performance based on the recommendations from the Recycling Task Group.

6) Mid Year Review Treasury Report 2011/2012 (Page 103)

The Council has formally adopted the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management (2009) 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 2011/2012
- A review of the Treasury Management Strategy Statement and Annual Investment Strategy 2011/2012
- The Council's capital expenditure (prudential indicators)
- A review of the Council's investment portfolio for 2011/2012

- A review of the Council's borrowing strategy for 2011/2012
- A review of any debt rescheduling undertaken during 2011/2012
- A review of compliance with Treasury and Prudential Limits for 2011/2012

7) Awarding a Framework Agreement for Demolition Works (Page 119)

A tender exercise is being carried out aimed at creating a Framework Agreement for demolition work.

8) Polling District and Polling Place Review (Page 122)

This report presents to Cabinet a revised Polling District and Polling Place Review Schedule.

This report covers the work that has been completed on the procurement exercise up to 17 October 2011. An update will be presented to the Cabinet meeting giving details of the tenders once they are opened on the 28 October.

9) Revenues and Benefits – Shared Service (Page 130)

The report updates members on progress to date on the shared service work for Revenues and Benefits and seeks Council approval for the delegation of authority to be given to Cabinet to enter into a formal partnership with North Norfolk District Council.

10) Appointment of Honorary Aldermen (Page 134)

The report invites members to consider conferring the title of Honorary Alderman on former Councillors Ann Clery Fox and John Legg in recognition of their eminent services to the Borough.

To: Members of the Cabinet
Councillors N J Daubney (Chair), A Beales, Lord Howard, B Long, Mrs E A Nockolds, D Pope and Mrs V Spikings.

Cabinet Scrutiny Committee

For further information, please contact:

Samantha Winter

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King's Lynn PE30 1EX

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FORWARD DECISIONS LIST

Officer
Portfolio
Responsible

1 November 2011

| | | |
|---|--|-----------------------------|
| Corporate Enforcement Policy | Exec Dir Environmental Health & Housing | Dep Leader |
| Corporate Strategy Refresh | Exec Dir Central Services | Leader |
| Update to Constitution Articles | Chief Executive | Leader |
| Contract for shared service Revs & Bens system with NNDC – Holding Report | Deputy Chief Executive | Shared Services |
| Business Continuity Policy and Strategy | Dep Chief Exec | Leader |
| Report of the Recycling Task Group | Exec Dir Leisure & Public Space | Dep Leader – Environment |
| Appointment of Honorary Aldermen | Chief Executive | Leader |
| Polling District and Polling Place Review | Exec Dir Central Services | Leader |
| Mid Year Review Treasury Report 2011/2012 | Dep Chief Exec | Leader |
| Awarding of Framework Agreement for demolition works | Dep Chief Exec | Leader |

6 December 2011

| | | |
|--|--|---|
| Local Authority Leisure Company | Exec Dir Leisure and Public Space | Leader/Leisure and Operational Assets |
| Document Retention Policy | Deputy Chief Executive | Leader |
| Update to Financial Regulations | Deputy Chief Executive | Leader |
| Contract for shared service Revs & Bens system with NNDC | Deputy Chief Executive | Shared Services |
| Care and Repair Framework Agreement | Exec Dir Environmental Health & Housing | Dep Leader |
| Section 106 funding | Exec Dir Development and Regeneration | Development |
| NoM 4/11: Cllr Mack : Localism Bill | Chief Executive | Leader |

Forthcoming Items, as yet unprogrammed

| | | |
|---|---|--------------------------|
| Planning Fees | Exec Dir Regeneration & Development | Development |
| Community Governance Review | Chief Executive | Leader |
| Revised KLATS & KL Car Parking Strategy | Exec Dir Regeneration & | Regeneration / Shared |

| | | |
|-----------------------------|---|--------------|
| | Development | Services |
| Community Cohesion Strategy | Chief Executive | Community |
| Town Centre Plan | Exec Dir Regeneration & Development | Regeneration |

REPORT TO CABINET

| | | | | |
|---|--------------------------------------|--|--|------------------------------------|
| Open | | Would any decisions proposed : | | |
| Any especially affected Wards | Discretionary | (a) Be entirely within Cabinet's powers to decide NO | | |
| | | (b) Need to be recommendations to Council YES | | |
| All | | (c) Be partly for recommendations to Council NO and partly within Cabinets powers | | |
| Lead Member: Cllr Nick Daubney E-mail: cllr.nick.daubney@west-norfolk.gov.uk | | Other Cabinet Members consulted: All | | |
| | | Other Members consulted: Both Policy Review and Development Panels | | |
| Lead Officer: Ian Burbidge E-mail: ian.burbidge@west-norfolk.gov.uk Direct Dial: 01553 616722 | | Other Officers consulted: Executive Directors; Strategic Housing & Community Safety Manager; Regeneration & Economic Development Manager; Planning Policy Manager; Property Services Manager; Performance & Efficiency Manager; Communications Manager | | |
| Financial Implications NO | Policy/Personnel Implications YES | Statutory Implications NO | Equal Impact Assessment YES If YES: Pre-screening | Risk Management Implications NO |

Date of meeting: 1st November 2011

1 CORPORATE BUSINESS PLAN 2011/12 – 2014/15

Summary

This report presents to Cabinet a new corporate business plan for the period to the next local elections in 2015. It sets out the priorities of the current administration within a broader analysis of quality of life in West Norfolk.

Recommendation

That the attached corporate business plan is adopted.

Reason for Decision

To establish the Council's policy framework for the term of the current administration, showing how the Council will develop over the next four years to deliver its business plan and improve quality of life in West Norfolk.

1 Background

1.1 The attached corporate business plan has been drafted following the local elections in May 2011. It has been informed by

- discussions with Cabinet members to ensure political imperatives are reflected
- existing long-term regeneration priorities
- the council's capital programme
- the outcomes determined by the West Norfolk Partnership's strategic assessment

- a review of the changing national policy landscape following the 2010 general election
- discussions with the Council's executive directors and service managers to ensure that new and emerging changes in policy are reflected in the business plan and that it captures the issues that are of strategic importance for the Council

2 West Norfolk in Context

2.1 The West Norfolk Partnership, through which the main public sector organisations work together in West Norfolk, has completed a strategic assessment of quality of life by looking at the range and depth of budget cuts, policy changes and the key issues that impact on people's day-to-day lives. This has resulted in the partnership confirming its plans to achieve five outcomes in West Norfolk:

- people benefit from a growing economy
- people live in a quality environment
- people maximise their potential
- people lead safe and healthy lives
- people live in vibrant communities

2.2 Each outcome is tracked through four headline indicators so that the partnership can monitor changes in these important quality of life measures. These five outcomes have been used as the framework for the corporate business plan. This has the advantage that it clearly shows the Council's contribution to these outcomes – how we will fulfil our part of the plan. This strategic assessment is available separately.

3 Corporate Work Programme

3.1 The document includes a corporate work programme which sets out key actions. These key actions are based on the headlines from the bullet points above as they are strategically important due to their significant impact on:

- the outcomes for West Norfolk
- a high proportion of people in West Norfolk
- more than one service area or agency
- Cabinet's ambitions for West Norfolk
- the Council's finances

3.2 This leaves a clear distinction with other important but largely operational issues that are directorate / service priorities, and which will therefore be managed through service plans and project plans. For example:

- decriminalisation of parking (Leisure and Public Space)
- individual registration of local electors (Central Services)
- proposed national enforcement of food standards inspections (Environmental Health and Housing)
- Local Development Framework site allocations (Regeneration and Development)

- universal credit (Finance and Resources)

4 Implementation

4.1 Implementation of the strategic plan is critical for it to make a difference and focus the work of the Council in key areas and influence resource allocations. Key elements of this are the work of Management Team and service managers in ensuring progress is made against the business plan and that the service planning and budget setting process focuses resources where they are most needed. A quarterly performance and budget monitoring report will be prepared setting out progress against the work-plan incorporating the financial monitoring report and noting any completed or new work-streams. This will be reported to Cabinet accordingly.

5 Policy Implications

5.1 This document sets the Council's policy framework for the next four years and as such is the Council's primary policy document. All other documents and plans will need to take account of this new policy framework when they are being prepared or refreshed.

6 Financial Implications

6.1 There are no direct financial implications of this strategy as its implementation is through the existing services, programmes and budget provisions already in place. There is a resources section in the corporate business plan which sets out the measures underway to align the plan's delivery with the level of resources available. The accountancy team is working on presenting first the capital programme and then the revenue programme and budget book under the five outcomes within the strategy. This will help to align our resources with the work programme set out in this business plan.

7 Staffing Implications

7.1 None

8 Statutory Considerations

8.1 This document does not conflict with any of the Council's statutory functions.

9 Equality Impact Assessment (EIA)

9.1 A pre-screening assessment is attached which recommends a full EIA is not required for this policy.

10 Risk Management

10.1 There are risks that without the benefit of a coherent corporate business plan the work of the Council could lack a clear focus and sense of direction. This business plan provides clarity to our work and a rationale for our corporate activity whilst aligning the work of the council with local and national political priorities.

11 Background Papers

11. Papers referred to in this report, including those relating to national policy and the data referenced within the document, are held within the Policy and Partnerships team.

**Policy & Partnerships
Pre-Screening Equality Impact
Assessment**

| Question | Answer | Decision | Comments |
|--|--|-------------------------------------|---|
| 1. Does this policy impact on internal/external customers differently according to their different equality communities , for example, because they have particular needs, experiences or priorities? | No | No - impact assessment not required | The corporate strategy sets the framework within which service delivery decisions are made |
| 2. Is there any reason to believe that staff or customers could be affected differently by the proposed policy according to their equality community , for example in terms of access to a service, or the ability to take advantage of proposed opportunities? | No | | The corporate strategy does not favour or disadvantage any particular group as it is a framework document |
| 3. Is the proposed policy likely to affect relations between certain equality communities or to damage relations between the equality communities and the council, for example because it is seen as favouring a particular community or denying opportunities to another? | No | | |
| 4. Could this policy be perceived as impacting on communities differently? | No | | |
| 5. Is this policy rigidly constrained by statutory obligations? | No | | |
| 6. Is the policy specifically designed to tackle evidence of disadvantage or potential discrimination? | Yes | | To the extent that it seeks to tackle some of the causes of disadvantage |
| Assessment completed by: Name: Ian Burbidge Job title: Policy & Partnerships Manager | Date: 21 st September 2011 | | |





Corporate Business Plan

2011/12 to 2014/15

Title Corporate Business Plan
The council's corporate strategy 2011-2015

Date of Publication: Cabinet 1st November 2011
Council 24th November 2011

Published by Borough Council of King's Lynn & West Norfolk

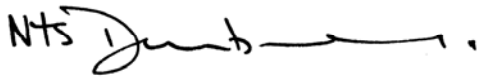
Edition 1.0 First Published November 2011

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Introduction

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Handwritten signature of Nick Daubney, starting with the initials 'NTS' and a stylized 'D'.

Cllr Nick Daubney, Leader of the Council

Handwritten signature of Ray Harding, featuring a large, looping 'R'.

Ray Harding, Chief Executive

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Timescales

This corporate business plan covers the four-year administrative term 2011/12 to 2014/15. It will be refreshed regularly with a mid-term review in the summer of 2013 to ensure the work programme still reflects what is important and relevant locally.

Data

The data in this document is available from visitdawn.com, the West Norfolk Partnership's data observatory, the Norfolk Joint Strategic Needs Assessment, available from norfolkinsight.com/jsna, and with supporting information drawn from West Norfolk's Local Development Framework (core strategy and annual monitoring report), west-norfolk.gov.uk/Default.aspx?page=24482 and the West Norfolk Local Economic Assessment available at norfolkinsight.org.uk/lea. Perception indicators are taken from our Quality of Life survey undertaken in 2007 and 2009 (with 2011 survey commissioned) and published on DAWN.

Outcomes

We track a range of issues that define the quality of people's everyday lives - even where these don't directly relate to our core services. This is because we recognise all these issues are interlinked. Improving all elements of quality of life is essential if we are to help make West Norfolk a better place for everyone that lives and works here. We have defined quality of life in terms of outcomes – or end results – that we want to achieve. Ultimately, achieving these outcomes requires a collective effort working with our partners. This business plan sets out the council's contribution towards these outcomes.

People in West Norfolk benefit from a growing economy, measured¹ by

- The growth in business rates in west Norfolk
- The number of new business start-ups
- Footfall numbers in King's Lynn town centre
- Development of employment land

People in West Norfolk live in a quality environment, measured by

- The proportion of people saying their neighbourhood has improved over the last two years
- The proportion of waste recycled, reused or composted
- The number of new homes built
- Number of empty properties

People in West Norfolk maximise their potential, measured by

- Proportion of students achieving five or more GCSE grades A*-C including English and Maths
- Proportion of young people not in employment, education or training
- Proportion of the population reaching NVQ level 3 or above
- Job seekers claimant rate

People in West Norfolk lead safe and healthy lives, measured by

- % of people who feel safe in their neighbourhood
- Number of incidences of fly tipping
- The proportion of people who think their neighbourhood is clean and green with no litter
- Proportion of people taking part in regular physical activity

People in West Norfolk live in thriving communities, measured by

- The proportion of people who think they can influence decisions in their locality
- The proportion of the population taking part in formal volunteering at least once a month
- The proportion of people who are active members of local clubs, groups and associations
- The proportion of residents who think that people from different backgrounds get on well together

¹ These twenty indicators are the means by which we track local quality of life in West Norfolk. We also monitor a range of additional indicators which provide supporting contextual information in each of these areas. These are listed at Appendix A.

People in West Norfolk benefit from a growing economy

An economy that is growing will generate more job opportunities for local people and is more likely to attract people to the area to work. All of this will put more money in people's pockets, boost spending in the area and support the provision of a full range of services. West Norfolk has proved relatively resilient to the worst of the recession due in part to the important role played by King's Lynn as a commercial centre within the region, but we must work to ensure that the area is well-positioned for growth when the economy starts to pick up.

What do we know?

The regional centres of Peterborough, Cambridge and Norwich are over 40 miles away which creates a unique role for King's Lynn as a service centre and economic driver to a sub-region serving a population of more than 200,000. As a result, King's Lynn is more than a market town – it also has a strong manufacturing base, a retail base, a college and a general hospital. The borough is now home to world-leading businesses in pharmaceuticals, precision and aerospace engineering and advanced manufacturing sectors including commercial refrigeration, robotics, electronics and specialist chemicals.

- There are approximately 5,200 businesses in West Norfolk of which 4,685 are VAT registered. The number of VAT-registered businesses has grown faster than the national average (3.6% against 1.6%), and the number of businesses per thousand people is also higher. Self employment rates are significantly above Norfolk and national averages. Between 2006 and 2008 the number of employees in West Norfolk increased by 5.9%, relatively strong and above average growth by national standards.
- From 2011 we are collecting data on the growth in business rates collected and this will be monitored as an indicator of overall business growth.
- King's Lynn town centre was bucking national trends for footfall levels during 2009; these figures continue to fluctuate seasonally and 2011 levels remain similar to 2010
- Nearly 2,000m² of employment floorspace has been added across West Norfolk since 2006/07, however 70% of that is accounted for by Palm Paper and British Sugar. Of the total floorspace, 70% is on previously developed land.

This is important to the council because...

We have been working hard to stimulate and support the economic growth of the area, not just in King's Lynn, but also in our market towns and rural areas. This is in part because we are in a unique position to convene and co-ordinate actions from across the public and private sectors that have a reasonable chance of driving economic growth.

A number of our services support this work whilst other services will see demand and income grow on the back of a growing economy. Fewer people out of work will also reduce demand on some of our core welfare and support services.

The council is also a major employer in the area with significant local spend, which is an important factor within the economy.

We want to...

- stimulate business growth and investment
- develop vibrant town centres
- remove physical barriers to growth

People in West Norfolk benefit from a growing economy

| We want to | Our work programme | Headline indicators |
|--|---|--|
| Stimulate business growth and investment | <ul style="list-style-type: none"> Support new and growing businesses and promote business successes Ensure local business need and priorities are reflected in the sub-regional economic strategies prepared by the two Local Economic Partnerships covering West Norfolk Promote West Norfolk as an area to invest in Promote and support our tourism offer | <ul style="list-style-type: none"> Growth in business rates in West Norfolk Number of new business start-ups |
| Develop vibrant town centres | <ul style="list-style-type: none"> Support events and programmes to attract people into our town centres Help our town centres adapt successfully to changing retail, cultural and leisure trends Work with partners to redevelop King's Lynn town centre | <ul style="list-style-type: none"> Footfall numbers in King's Lynn town centre |
| Remove physical barriers to growth | <ul style="list-style-type: none"> Represent West Norfolk's needs for road and rail infrastructure improvements Influence broadband provision in West Norfolk Promote greater use of technology to access our services Ensure an adequate supply of land and premises | <ul style="list-style-type: none"> Development of employment land |

Key actions started in 2011/12

- Establish a business forum to engage with local businesses
- Support a range of business start-up initiatives
- Implement a targeted marketing plan to promote tourism to the Borough
- Work with the private sector to implement proposals to redevelop King's Lynn town centre
- Support the work of the King's Lynn town centre partnership and the Chambers of Trade in Downham Market and Hunstanton
- Work with the county council and other members of the A47 alliance to promote improvements to the A47 trunk road
- Work with other partners to present a business case for improvements to the King's Lynn – Cambridge – London King's Cross rail service

Planned actions starting in 2012/13

- Review options for using the council's markets to support local enterprise and business growth
- Build an enterprise centre on the Nar Ouse Regeneration Area (NORA) site
- Infrastructure built to open-up the Hardwick and Campbell's Meadow industrial estates
- Support the Hunstanton regeneration group
- Market the availability of employment sites on NORA
- Implement the King's Lynn town centre action plan
- Develop new partnership arrangements to promote the Borough's tourism offer

Capital Programme²

- £0.7m Improvements to the Tuesday Market Place
- £0.4m Improvements to the car parking at West Lynn ferry

² Taken from financial plan 2011/12

People in West Norfolk live in a quality environment

The majority of West Norfolk is sparsely-populated across over 100 villages and communities, each with its own distinctive character and needs, where buildings of historic importance and the quality and diversity of the local environment form major attractions in the area. We need to work together to make sure that it remains that way whilst we continue to encourage sensitive development that supports economic and housing growth.

What do we know?

An increase in the population of King's Lynn in the region of 25% is needed in order to gain the critical mass necessary to underpin the wider development of West Norfolk and sustain its position as an important town in the region. It is planned that the population of the urban area of King's Lynn will grow to over 50,000 by 2026 and will accommodate 7,425 of the 16,500 new houses earmarked for the borough. The remainder of this growth is planned to take place in strategic growth locations across the borough.

The increase in house prices and rents over the past decade has pushed the price out of the reach of many local people who are dependant on local earnings, which remain low by county and national standards.

To complement this increase in population we have a programme of development to regenerate King's Lynn, focusing on the Nar Ouse Regeneration Area, the town centre and our industrial estates, and parts of Hunstanton. It is also important that the benefits of this growth and improvements to the built environment are realised across the borough including our more rural communities.

Management of flood risk and future housing development policy will have an impact on the overall sustainability of the area. Increasing public awareness of the reality of climate change and its risks is also important. In West Norfolk CO² emissions are high due to the extent of the drained fens which reveals peat; this is a carbon store which is released as the land is worked. West Norfolk is renowned for its wildlife and natural resources across a diverse landscape. This is reflected in the wealth of nationally and internationally-designated sites protecting habitats and species.

- The proportion of people saying their neighbourhood has improved over the last two years increased from 12% in 2007 to 14% in 2009. We are also developing a measure to track the quality of new development in the borough.
- The proportion of household waste collected by the local authority that was recycled was 24.29% in 2010/11, a figure that has hovered around the 24% mark since 2006.
- The number of new homes built in West Norfolk peaked at 1,100 in 2008 and by 2010 had fallen by nearly ¾ to 314. The proceeding eight years averaged 726 new homes. Residential property sales peaked in Q4 of 2006 and most recent figures for Q1 of 2011/12 show 385 completions. The lowest recorded number of completions since the first quarter of 2005 was 260 in Q1 of 2009.
- Latest figures for October 2011 show there are 1,115 empty properties with a further 1,714 that have been empty for over six months. On top of this there are 3,115 second homes across the borough.

This is important to the council because...

As a significant land-owner, the council has a core role in planning for growth, balancing the competing demands of regeneration within urban areas and the need for economic and strategic housing growth with the need to safeguard our natural environment. These are complex issues which also impact on community cohesion, the nature of service provision, health and community safety. Getting this right supports the development of West Norfolk into a better place. Creating quality environments is therefore of significant importance for the council.

We want to...

- improve our built environment
- help people minimise their impact on the environment
- help people access suitable housing

People in West Norfolk live in a quality environment

| We want to | Our work programme | Headline indicators |
|--|--|--|
| Improve our built environment | <ul style="list-style-type: none"> • Take a strategic role in co-ordinating future development in King's Lynn and across West Norfolk • Progress the Decade of Development programme • Support the preservation and enhancement of our historic and built heritage • Lead actions to improve derelict land and buildings in the Borough | <ul style="list-style-type: none"> • The proportion of people saying their neighbourhood has improved over the last two years |
| Help people minimise their impact on the environment | <ul style="list-style-type: none"> • Encourage people and businesses to deal with their waste appropriately and substantially increase recycling levels • Work with other agencies to effectively manage our shoreline and flood risks • Preserve and enhance the quality of our natural assets and biodiversity • Resist developments which will detract from the environmental character of the Borough (including plans for a mass-burn waste incinerator in King's Lynn) | <ul style="list-style-type: none"> • Proportion of household waste recycled |
| Help people access suitable housing | <ul style="list-style-type: none"> • Facilitate the provision of decent and affordable housing for current and future needs • Support activity that helps us meet our housing growth targets in King's Lynn and across West Norfolk • Support a range of initiatives to bring empty homes in the Borough back into use | <ul style="list-style-type: none"> • Number of new homes built • Number of empty properties |

Key actions started in 2011/12

- Strongly articulate the concerns of our residents have in opposition to plans for an incinerator in South Lynn
- Examine the potential for innovative options for the recycling of waste
- Prioritise work to encourage empty home re-use including use of enforcement powers
- Develop action plans for air quality management areas in King's Lynn
- Complete land remediation, demolition works, landscaping and site clearance on the NORA site
- Establish a Joint Venture Company with Norfolk County Council to build new homes
- Consider available options for improving access to housing for first time buyers
- Increase the number of sites effectively tackled by the derelict land and building group

Planned actions starting in 2012/13

- Deliver Phase 1 of the planned residential development of 40 homes on the NORA site
- Support Freebridge's work in redeveloping Hillington Square to improve the living conditions and environment of King's Lynn's only deck-access estate
- Support the provision of new housing with care schemes with the County Council
- Work with stakeholders in Snettisham, Heacham and Hunstanton areas which are affected by coastal flooding issues to draw up options for flood prevention works

Capital Programme

- £0.5m waterfront road
- £4.8m Nar Ouse Regeneration Area works
- £0.777m regeneration works in Hunstanton
- £0.5m Sea defences in King's Lynn
- £1.8m Land assembly in King's Lynn
- £4.8m on assistance to housing including disabled facility grants

People in West Norfolk maximise their potential

Aspirations, skills and attainment remain the highest priority for West Norfolk which continues to lag behind most other areas in terms of formal educational attainment. There are still substantial numbers of people with minimum or no qualifications, a key barrier to participation in employment. Higher levels of skills and qualifications in the workforce drives a virtuous cycle of investment and growth within the economy, making the area more attractive to do business in, leading to raised aspirations within families and communities, helping to reduce inequality and generate social cohesion.

What do we know?

A legacy of the agricultural economy is a low-wage, low skilled economy with generally low aspirations. This starts with educational attendance and attainment which is poor compared with Norfolk, regional and national levels. Improving the skills and knowledge base in West Norfolk is key to shaping a positive future for the area by attracting and retaining businesses in growth sectors and retaining skills.

Isolation and deprivation are real issues. Whilst they are concentrated in some estates within King's Lynn there are pockets of deprivation in some of the more isolated rural parts of the borough, and these often don't stand out in the statistics. West Norfolk ranks in the worst-performing 20% of all districts on measures of long-term unemployment and incapacity benefit claimants. As a result the area faces some of the most pronounced challenges of inequality in the country.

- 4.3% of children are persistently away from school which is a contributing factor to low attainment rates where only 42% of pupils achieved five or more A* to C GCSEs (including Maths and English) compared with the national and Norfolk average of 50%. In North Lynn this figure drops to one in five.
- 5.3% of 16-18 year olds are not in work, education or training which is above the Norfolk and national averages.
- The proportion of residents with an NVQ Level 3 or equivalent qualification has risen sharply by 6 percentage points to 48.2% in 2010 and now stands just above the Norfolk average, which it has remained below for the proceeding 5 years.
- The job-seekers claimant rate shows increasing levels of people out of work particularly in the 18-24 year age group.

This is important to the council because...

The council's plans for housing and economic growth are centred on attracting business to the area. But businesses need a skilled local workforce. In a national economy increasingly based on high skills, those workers with low skills – and the areas where they are concentrated – fall behind.

Many young people still fail to acquire any adequate level of skill and are faced with restricted employment opportunities and the prospect of a poor quality job. There is clear evidence that poorer areas with lower family incomes drive up demand for council and other public services and experience an intensification of many social issues which the council is often required to help resolve.

We want to...

- help young people succeed
- develop a skilled workforce
- help people back into work

People in West Norfolk maximise their potential

| We want to | Our work programme | Headline indicators |
|-----------------------------|---|--|
| Help young people succeed | <ul style="list-style-type: none"> Support education establishments to improve the attainment levels of young people Improve awareness of work and training opportunities for young people through education and business partnerships | <ul style="list-style-type: none"> Proportion of pupils achieving five or more A* to C GCSEs (including Maths and English) Proportion of young people not in employment, education or training |
| Develop a skilled workforce | <ul style="list-style-type: none"> Support the growth of local employment opportunities Encourage the provision of post-16 training and education Work with businesses to establish current and future skill needs Influence local training provision to meet identified business needs | <ul style="list-style-type: none"> Proportion of the population reaching NVQ level 3 or above |
| Help people back into work | <ul style="list-style-type: none"> Work with our partners to support people into work | <ul style="list-style-type: none"> Job seekers claimant rate |

Key actions started in 2011/12

- Support local efforts to drive up GCSE attainment levels above the Norfolk average in all our high schools by 2015
- Use our local business intelligence to influence local training provision that meets employer's needs (monitored through the annual business survey)
- Undertake works to Lynnsport to enable the College of West Anglia to relocate its sports and recreation teaching whilst refurbishment works are underway on the college campus
- Deliver the Opportunities West Norfolk programme working with our partners

Planned actions starting in 2012/13

- Ensure appropriate skills training and mentoring is provided to complement the provision of physical start-up facilities and help new businesses be successful
- Establish and implement a local Council Tax benefit scheme by 2013

Capital Programme

- £1.5m capital investment to support the redevelopment of the College of West Anglia and help them retain their further education provision in the town

People in West Norfolk lead safe and healthy lives

West Norfolk remains a very clean and safe place to live and this is reflected in our low crime rates. Our health is key to our quality of life. People in West Norfolk generally have good health but in some areas the negative effects of many other quality of life issues (such as a low income, poor housing, social isolation, poor diet, lack of exercise) ultimately show up as personal health issues. Preventing the onset of physical or mental ill health is preferable to treating disease at a later stage.

What do we know?

The impact of poverty on people's lives is well documented; its effects can be devastating, leading to increases in anxiety, mental health problems and overall health problems. Conditions known to cause poor health within West Norfolk include depression, diabetes, coronary heart disease, and stroke. There is much money spent on treating these conditions which could be prevented if people made positive lifestyle choices. Choosing up to four healthy behaviours such as exercising, eating healthily, not smoking and drinking alcohol sensibly, can increase survival by up to 14 years and make significant improvements to a person's health and wellbeing.

Not only is the proportion of older people above average in West Norfolk, one of the key challenges is the rate at which the older population and their needs are changing. By 2017, 10% of residents will be aged over 75 years. The ageing population places demands on services, particularly in the housing, health and social care sectors.

- Crime rates reduced by almost 23% between 2006-09, and the quality of life survey records the proportion of people who feel very safe in their neighbourhood has increased from 75% in 2007 to 86% in 2009.
- Incidences of fly-tipping in West Norfolk have averaged just over 1,800 a year since 2005/06, with 1640 recorded in 2010/11.
- The proportion of people who think their neighbourhood is clean, green with no litter has increased slightly from 70% in 2007 to 74% in 2009
- Participation rates of people undertaking regular physical sporting activity have remained just under 15% over the period 2007/08 to 2009/10 and is slightly less than the Norfolk average.

This is important to the council because...

Public health was one of the driving issues behind the formation of modern local government over 100 years ago and it remains a core function for the council. There is a high cost to the public and private sectors of ill-health and the council has a role in terms of helping people make healthy lifestyle choices and providing access to key services. It is also important that the needs of the aging population are taken into consideration as we plan our services for the future. We work with the police and other agencies locally to ensure that people can go about their daily lives safely and free from harm. Living somewhere that is clean and free from litter, graffiti and other symptoms of neglect is an important part of feeling safe. The breakdown in social cohesion seen in many parts of the country over the summer of 2011 is a sign that these issues need continuous attention from public services. This is core business for the council.

We want to...

- help people feel safe
- help people keep their neighbourhood clean
- help people make healthy lifestyle choices

People in West Norfolk lead safe and healthy lives

| We want to | Our work programme | Headline indicators |
|--|---|---|
| Help people feel safe | <ul style="list-style-type: none"> Join up our efforts with our partners to tackle anti-social behaviour and fear of crime Work with others to ensure that people can go about their daily lives safely | <ul style="list-style-type: none"> The proportion of people who feel safe in their neighbourhood |
| Help people keep their neighbourhood clean | <ul style="list-style-type: none"> Work with local communities to ensure our neighbourhoods are clean, well-maintained and attractive Promote pride of place in our neighbourhoods | <ul style="list-style-type: none"> Number of incidences of fly tipping The proportion of people who think their neighbourhood is clean and green with no litter |
| Help people make healthy lifestyle choices | <ul style="list-style-type: none"> Support local health improvement initiatives Promote a range of opportunities for people to undertake activities and be more active Join-up services that enable older people to remain active in their own homes | <ul style="list-style-type: none"> Proportion of people taking part in regular physical activity |

Key actions started in 2011/12

- Develop closer integration of police, community safety and neighbourhood teams to resolve anti-social behaviour and neighbourhood issues quickly and effectively
- Launch an integrated service for older people project that brings together local health and social services
- Work with our partners to increase the safety of those participating in, or influenced by, the night-time economy
- Run a programme of events that help more people take up physical activities linking to the 2012 Olympics and Paralympics
- Deliver the Do Something Different lifestyle change programme
- Work with schools, rural communities and sports organisations to encourage young people to take part in sport and physical activity

Planned actions starting in 2012/13

- Support local communities to run their own 'In Bloom' initiatives

Capital Programme

- £1.7m maintenance on our leisure facilities

People in West Norfolk live in thriving communities

Our population continues to change in West Norfolk with new arrivals from both outside the UK and from within it, with more people in particular choosing to retire here. It is important that we understand the needs of all members of our community and work to ensure that everyone feels they can play an active role in their community. With national priorities around community empowerment - the 'big society' and localism –we must help people to be active in their communities. It is increasingly important that new development and housing growth is sensitively planned and helps to create cohesive, vibrant communities.

What do we know?

Throughout its history the borough has benefited from the migration of different groups of people. The importance of King's Lynn's links with various towns and cities across central and northern Europe as part of the Hanseatic heritage of the area led to the development and prosperity of West Norfolk during the medieval period. Over the past decade West Norfolk has again experienced an influx of economic migrants, particularly from eastern Europe and the Baltic states in particular.

The level of housing growth planned for the period to 2025 will need to be managed so that the infrastructure needed to support sustainable neighbourhoods is put in place. It will be difficult to attract higher level, better paid jobs to the area if the cultural and leisure facilities, the schools and local services are not of a good enough standard to meet people's expectations. There is an increasing need to engage with local people to tackle the issues that can lead to people feeling isolated from the communities in which they live and which lead to a negative impact on people's quality of life.

- The proportion of people who think they can influence decisions in their locality has decreased from 49% in 2007 to 36% in 2009.
- Membership of clubs, groups and associations. It has been found that participation in community events – perhaps as active members of clubs, groups & associations – has significant benefits for people.
- Only 16% of the population take part in formal volunteering in West Norfolk, down from 20% in 2007.
- The proportion of residents who think people from different backgrounds get on well together in their neighbourhood has increased from 73% in 2007 to 86% in 2009.

This is important to the council because...

The council works to reduce inequality, to help people deal with social change and to ensure that growth plans for the area bring higher wages and an improved quality of life. We must ensure that a core infrastructure of services is provided to support our communities and that growth is seen to be more than the provision of new housing. With a population spread across such a broad, sparsely-populated and diverse area we must address the very real issues of social cohesion, rural isolation and deprivation. The accessibility of our services and consequent logistics of service delivery are important issues.

We want to...

- help people influence local decisions
- help people access a range of community amenities
- help people value their cultural heritage

People in West Norfolk live in thriving communities

| We want to | Our work programme | Headline indicators |
|---|---|--|
| Help people influence local decisions | <ul style="list-style-type: none"> • Help more people get involved in local civic and democratic life • Help people get involved in local decision-making • Help social enterprises and parish councils take on the delivery of appropriate services | <ul style="list-style-type: none"> • The proportion of people who think they can influence decisions in their locality |
| Help people access a range of community amenities | <ul style="list-style-type: none"> • Help create conditions in which community groups, clubs and associations can thrive • Ensure community amenities are planned into new developments • Help people preserve or acquire key community assets | <ul style="list-style-type: none"> • The proportion of people who are active members of local clubs, groups and associations • The proportion of the population taking part in formal volunteering at least once a month |
| Help people value their cultural heritage | <ul style="list-style-type: none"> • Deliver initiatives that support and strengthen our communities • Preserve and enhance the cultural and historical assets of the area | <ul style="list-style-type: none"> • The proportion of residents who think that people from different backgrounds get on well together |

Key actions started in 2011/12

- Complete a review of the council's financial assistance grants scheme and Service Level Agreements scheme by March 2012
- Transfer the Council's visual arts service to the new Arts Centre Trust
- Refurbish the old St Michael's school in South Lynn and re-open as a community centre run through a community stewardship scheme
- Secure the old Clackclose school and re-open as a community-based youth programme in Downham Market
- Support the St Margarets and St Nicholas Community First initiative
- Support local engagement in Safer Neighbourhood Action Panels as a means of raising and resolving local issues
- Support a range of initiatives that help improve community cohesion
- Develop our historic and cultural links with other countries within the Hanseatic league

Planned actions starting in 2012/13

- Engage local people and businesses in their community through the new Time Credits scheme
- Prepare and publish our community assets register
- Secure £3.1m of external funding for improvement works to the Town Hall

Capital Programme

- £0.702m refurbishments to the Town Hall
- £0.296m grants to rural communities
- £0.226m health and safety and access improvements to our facilities

Summary of our outcomes-based work programme

The Council has a leadership role in promoting these outcomes and a service delivery role in undertaking work programmes that contribute towards them, thus improving quality of life for the whole population.

People in West Norfolk benefit from a growing economy

Our work programme

- Support new and growing businesses and promote business successes
- Ensure local business need and priorities are reflected in the sub-regional economic strategies prepared by the two Local Economic Partnerships covering West Norfolk
- Promote West Norfolk as an area to invest in
- Promote and support our tourism offer
- Support events and programmes to attract people into our town centres
- Help our town centres adapt successfully to changing retail, cultural and leisure trends
- Work with partners to redevelop King's Lynn town centre
- Represent West Norfolk's needs for road and rail infrastructure improvements
- Influence broadband provision in West Norfolk
- Promote greater use of technology to access our services
- Ensure an adequate supply of land and premises

Key actions started in 2011/12

- Establish a business forum to engage with local businesses
- Support a range of business start-up initiatives
- Implement a targeted marketing plan to promote tourism to the Borough
- Work with the private sector to implement proposals to redevelop King's Lynn town centre
- Support the work of the King's Lynn town centre partnership and the Chambers of Trade in Downham Market and Hunstanton
- Work with the county council and other members of the A47 alliance to promote improvements to the A47 trunk road
- Work with other partners to present a business case for improvements to the King's Lynn – Cambridge – London King's Cross rail service

People in West Norfolk live in a quality environment

Our work programme

- Take a strategic role in co-ordinating future development in King's Lynn and across West Norfolk
- Progress the Decade of Development programme
- Support the preservation and enhancement of our historic and built heritage
- Lead actions to address derelict land and buildings in the borough
- Encourage people and businesses to deal with their waste appropriately and substantially increase recycling levels
- Work with other agencies to effectively manage our shoreline and flood risks
- Preserve and enhance the quality of our natural assets and biodiversity
- Resist developments which will detract from the environmental character of the Borough
- Facilitate the provision of decent and affordable housing for current and future needs
- Support activity that helps us meet our housing growth targets in King's Lynn and across West Norfolk
- Support a range of initiatives to bring empty homes in the Borough back into use

Key actions started in 2011/12

- Strongly articulate the concerns of our residents have in opposition to plans for an incinerator in South Lynn
- Examine the potential for innovative options for the recycling of waste
- Prioritise work to encourage empty home re-use including use of enforcement powers
- Develop action plans for air quality management areas in King's Lynn
- Complete land remediation, demolition works, landscaping and site clearance on the NORA site
- Establish a Joint Venture Company with Norfolk County Council to build new homes
- Consider available options for improving access to housing for first time buyers
- Increase the number of sites effectively tackled by the derelict land and building group

People in West Norfolk maximise their potential

Our work programme

- Support education establishments to improve the attainment levels of young people
- Improve awareness of work and training opportunities for young people through education and business partnerships
- Support the growth of local employment opportunities
- Influence local training provision to meet identified business needs
- Encourage the provision of post-16 training and education
- Work with businesses to establish current and future skill needs
- Work with our partners to support people into work

Key actions started in 2011/12

- Support local efforts to drive up GCSE attainment levels above the Norfolk average in all our high schools by 2015
- Use our local business intelligence to influence local training provision that meets employer's needs (monitored through the annual business survey)
- Undertake works to Lynnsport to enable the College of West Anglia to relocate its sports and recreation teaching whilst refurbishment works are underway on the college campus
- Deliver the Opportunities West Norfolk programme working with our partners

People in West Norfolk lead safe and healthy lives

Our work programme

- Join up our efforts with our partners to tackle anti-social behaviour and fear of crime
- Work with others to ensure that people can go about their daily lives safely
- Work with local communities to ensure our neighbourhoods are clean, well-maintained and attractive
- Promote pride of place in our neighbourhoods
- Support local health improvement initiatives
- Promote a range of opportunities for people to undertake activities and be more active
- Join-up services that enable older people to remain active in their own homes

Key actions started in 2011/12

- Develop closer integration of police, community safety and neighbourhood teams to resolve anti-social behaviour and neighbourhood issues quickly and effectively
- Launch an integrated service for older people that brings together health and social services
- Work with our partners to increase the safety of those participating in, or influenced by, the night-time economy
- Run a programme of events that help more people take up physical activities linked to the 2012 Olympics and Paralympics
- Deliver the Do Something Different lifestyle change programme
- Work with schools, rural communities and sports organisations to encourage young people to take part in sport and physical activity

People in West Norfolk live in thriving communities

Our work programme

- Help more people get involved in local civic and democratic life
- Help people get involved in local decision-making
- Help social enterprises and parish councils take on delivery of appropriate services
- Help create conditions in which community groups, clubs and associations can thrive
- Ensure community amenities are planned into new developments
- Help people preserve or acquire key community assets
- Deliver initiatives that support and strengthen our communities
- Preserve and enhance the cultural and historical assets of the area

Key actions started in 2011/12

- Complete a review of the council's financial assistance grants scheme and Service Level Agreements scheme by March 2012
- Transfer the Council's visual arts service to the new Arts Centre Trust
- Refurbish the old St Michael's school in South Lynn and re-open as a community centre run through a community stewardship scheme
- Secure the old Clackclose school and re-open as a community-based youth programme in Downham Market
- Support the St Margarets and St Nicholas Community First initiative
- Support local engagement in Safer Neighbourhood Action Panels as a means of raising and resolving local issues
- Support a range of initiatives that help improve community cohesion
- Develop our historic and cultural links with other countries within the Hanseatic league

Our Resources

It is more important than ever that we look for new and innovative ways of maximising our resources to deliver our work programme. We must meet local peoples' needs and ensure essential public services reach those who need them most whilst responding to unprecedented financial challenges which are exacerbated by the sheer pace of technological, social and policy change. We must meet these challenges by working more efficiently and effectively not only within our own operations but also by working with local organisations, businesses and residents in West Norfolk.

What do we know?

We undertook a thorough cost reduction exercise that started in 2003/04 and looked at efficiency, commercialisation and procurement, which helped us keep tight control over budgets and staffing levels during this period. As a result the council has been at the forefront of keeping costs low whilst continuing to provide quality services.

This organisational restructuring was followed by the Government's review of local government structures in Norfolk which provided uncertainty and a significant distraction to the council and its staff between 2007 and 2010. Whilst it ultimately resulted in no change it did mean that for over two years there was the very real prospect of the council being abolished: not a stable operating environment for staff.

Whilst we have achieved a balanced budget for the first two years of the corporate business plan we are still faced with a further challenging level of savings to be identified in years three and four. Although we do not as yet know the level of government grant settlement for the later two years we have made assumptions in order to enable us to address the likely shortfall at an early stage. The council's cabinet has therefore agreed an expenditure reduction programme which is now being progressed by Management Team. This will incorporate a combination of measures including shared services, a leisure company / trust, efficiency reviews, zero-based budgeting and procurement savings on external contracts.

- Our government grant has been reduced by 28% over the period 2011/12 to 2012/13 which represents a £3.4m cut in the first two years
- We anticipated funding cuts and started a series of fundamental service reviews in 2010/11 that would look at every service area and take out 25% of costs. This resulted in a reduction of over 90 posts
- Council tax increases have remained at or below inflation since 2003/04
- The current financial plan projects council tax increases over nine years from 2005 (to 2013/14) for a Band D property to be 9.3% - from £108.67 to £119.13. This is bettered by very few Districts across the country.

This is important to the council because...

In a period of diminishing resources it is imperative that the funding which remains is utilised to maximum effect in order to enable the council to deliver the challenging programme outlined in this corporate business plan.

We want to...

- ensure services are provided at appropriate levels of quality whilst reducing costs
- adopt new ways of working where it helps us achieve our outcomes
- ensure all staff are motivated to respond positively to new delivery models and different ways of working

Our Resources

| We want to | Our work programme | Headline indicators |
|---|--|---|
| ensure services are provided at appropriate levels of quality whilst reducing costs | <ul style="list-style-type: none"> • Continue with a comprehensive expenditure reduction programme • Actively reduce CO₂ emissions from Council operations | <ul style="list-style-type: none"> • Total level of savings achieved • Quality measure(s) |
| adopt new ways of working where it helps us achieve our outcomes | <ul style="list-style-type: none"> • Work in partnership with other councils or locally-based public sector organisations where it makes financial or operational sense to do so • Explore new public-private equity funding models • Explore opportunities presented through new public financing initiatives eg Tax Incremental Financing, Community Infrastructure Levy, New homes Bonus | <ul style="list-style-type: none"> • Savings made through new service arrangements |
| ensure all staff are motivated to respond positively to new delivery models and different ways of working | <ul style="list-style-type: none"> • Employee training and development programmes • Review of office accommodation • Workplace health and wellbeing initiatives | <ul style="list-style-type: none"> • Employee satisfaction levels • Sickness absence rates • Staff turnover levels |

Key actions 2011/12

- Establish a shared revenues and benefits service with North Norfolk District Council to secure savings by 2013/14
- Rationalise space in King's Court and other Council facilities to enable use by other public sector partners
- Examine the potential to establish a local authority controlled company to operate our leisure facilities
- Develop project plans for merging some back-office / support services with our public sector partners
- Finalise the arrangements for the new refuse and recycling contract
- Ensure staff affected by new delivery mechanisms receive appropriate training and support
- Ensure optimum use of available office space for employees, whilst maximising opportunities for revenue income from partners

Planned actions 2012/13

- Undertake at least two pilot zero-based budgeting reviews by March 2013
- Have plans in place to bridge the anticipated 2013/14 budget gap of £1.2m by March 2013
- Market and promote commercial services to reduce service subsidy and costs
- Management development programmes in place for middle managers / supervisors to run in 2012/13

Capital Programme

- £1.2m for ICT replacement across the council

Appendix A: Contextual Indicators

These provide additional supporting information for each outcome.

| Headline Indicators | Contextual Indicators |
|---|---|
| People in West Norfolk benefit from a growing economy | |
| <ul style="list-style-type: none"> • The growth in business rates in West Norfolk • The number of new business start-ups • Footfall numbers in King's Lynn town centre • Development of employment land | <ul style="list-style-type: none"> • Gross Value-Added per head • Business survival rate • Self-employment rate • Proportion of industrial and town centre units let • Total number of jobs in the local economy • Planning applications received • The proportion of the population with broadband internet access |
| People in West Norfolk live in a quality environment | |
| <ul style="list-style-type: none"> • Proportion of people who think their neighbourhood has got better over the last two years • The proportion of waste recycled, reused or composted • The number of new homes built • Number of empty properties | <ul style="list-style-type: none"> • Proportion of development meeting building for life quality standards • Reduction in derelict land and buildings • The proportion of development on previously developed land • Environmental designations • Residential property sales • House prices • Numbers of rough sleepers and people presenting as homeless • Affordable homes built • Reduce the proportion of approved buildings at risk of flooding |
| People in West Norfolk maximise their potential | |
| <ul style="list-style-type: none"> • GCSE attainment rates • Proportion of young people not in employment, education or training • Proportion of the population reaching NVQ level 3 or above • Job seekers claimant rate | <ul style="list-style-type: none"> • the rate of persistent absence of children from school • SAT scores at primary school age 7 • Number of children claiming free school meals • Under 18 conception rate • Average gross weekly earnings • Proportion of people qualified at NVQ4 and above • Proportion of people qualified at NVQ1 and below • Youth unemployment rate • Take-up of apprenticeships |

| Indicators | Contextual Indicators |
|--|---|
| People in West Norfolk lead safe and healthy lives | |
| <ul style="list-style-type: none"> • Proportion of people who feel safe in their neighbourhood • Number of incidences of fly tipping • The proportion of people who think their neighbourhood is clean and green with no litter • Proportion of people taking part in regular physical activity | <ul style="list-style-type: none"> • The number of people admitted to hospital with alcohol related injuries • Number of anti-social behaviour incidents • Number of people killed or seriously injured in road traffic accidents • The number of all types of crime per 1,000 population • Proportion of the population who smoke • The proportion of children classed as overweight and obese • The number of falls and accidents in the home amongst over 75s |
| People in West Norfolk live in thriving communities | |
| <ul style="list-style-type: none"> • The proportion of people who think they can influence decisions in their locality • The proportion of the population taking part in formal volunteering at least once a month • The proportion of people who are active members of local clubs, groups and associations • The proportion of residents who think that people from different backgrounds get on well together | <ul style="list-style-type: none"> • The proportion of people who feel like they belong to their neighbourhood • Measure of sports / arts participation • Measure of community facilities • Proportion of second homes • Proportion of parish elections contested • voter registration and turn-out |

Appendix B: National Policy

Any strategy needs to give consideration to the wider environment in which the council works. So this plan reflects the changing national policy landscape that influences what we do. The coalition government have announced a raft of policy initiatives many of which impact on the Council and the public sector locally. The following summarises the themes that underpin these changes and which will shape the future for local councils.

In January 2011 the Prime Minister set out the coalition Government's priorities for modernising public service, published in more detail in the Open Public Services white paper:

- **Free professionals from top-down control and bureaucracy.** Shown in the abolition of the audit commission, inspection regime, performance indicators, plan requirements and local area agreements
- **Give choice to service users.** Shown in establishment of free schools, use of open data / web technologies, participatory budgeting
- **Encourage competition between suppliers.** Shown in the tendering of services on a regional scale for delivery of the Work programme, certain probation services etc
- **Pay by results wherever appropriate.** Shown in the work programme, based on people being in work for a period of time, or probation service, payment on actual compared to predicted reconviction rates
- **Publish information everywhere you can.** Shown in local crime mapping initiatives www.maps.police.uk and publication of all council spend over £500: www.west-norfolk.gov.uk/default.aspx?page=25883
- **Make public service professions answerable to people.** As opposed to the government machine. Shown in the transparency agenda, locally-published data supporting 'arm-chair auditors', etc.

In this document the Government identifies three different types of services:

- **Individual services**
These are personal services – for example in education, skills training, adult social care, childcare, housing support and individual healthcare – that are used by people on an individual basis. The Government intends to put power in the hands of the people who use them.
- **Neighbourhood services**
These are services provided very locally and on a collective, rather than an individual basis – such as maintenance of the local public realm, leisure and recreation facilities, and community safety. The Government intends to put power in the hands of elected councils, at the neighbourhood level if that is what communities choose.
- **Commissioned services**
These are local and national services that cannot be devolved to individuals or communities, such as tax collection, prisons, emergency healthcare or welfare to work. The Government intends to open up and, where appropriate, decentralise commissioning to ensure greater quality and diversity.

This white paper summarises a significant shift in the national policy agenda, which is supported by a range of legislation and initiatives being taken forwards in each major policy area – from education and health to community safety and the environment. These all in turn shape our operating environment and influence our work.

The following is an extract from the Open Public Services White Paper:

Strong local government is at the heart of our reforms. Councils will need to adapt and develop new capabilities to make the most of the new opportunities, which include:

- *much greater freedom from central government control* – local authorities will have a general power of competence, fewer restrictions on funding, less regulation and performance management from Whitehall, and new opportunities to raise revenue (e.g. via tax increment financing);

- *devolution of national and regional functions* – this already includes key aspects of public health, economic development and early years. There is the potential for further devolution as set out in this White Paper;
- *funding following individual choice* – the funding for individual services (in adult care, education and housing) will follow the decisions of individuals about the service they want and its provider. This includes the majority of local authority spending. Local authorities will have a major role in the transition to individual control (e.g. in personal budgets and direct payments in adult social care). But more important still is the future role of local authorities in ensuring that individuals in their area have well-informed, fair access to a diverse range of quality providers, so that choice can be meaningful;
- *giving power and control to neighbourhoods* – this will, over time, create a new relationship between local authorities and their communities. It will require local authorities to empower, inspire and support their neighbourhoods as they do more for themselves;
- *more local democracy* – including the direct election of Police and Crime Commissioners and mayors, referenda on spending and growing requirements for transparency;
- *Community Budgets* – every place being able to use a Community Budget to pool funding at the local level in order to break open funding silos and give councils and their partners the freedom to redesign services and pool funding in order to tackle complex social problems; and
- *commissioning* – local authorities will continue their shift from self-sufficient providers to commissioners of services from a diverse range of suppliers in different sectors, including helping their own staff to set up new independent enterprises.

We will engage with local authorities to develop a shared vision about the new opportunities and possibilities for stronger local government created by this open public services agenda. As part of this engagement, we will want to explore the opportunities for local authorities to:

- be the people's champions for all public services in their area, irrespective of whether they are directly accountable for those services. This will focus on their potential to secure fair and open access to a choice of quality services in the local area;
- be empowered to shape their local area through greater local freedoms on planning, finance, regulatory powers and infrastructure;
- be as financially self-sufficient as possible;
- be able to integrate the full range of public resources to solve complex social, economic or environment issues, such as the needs of people on housing estates who have multiple disadvantages;
- benefit from the maximum possible decentralisation of central government services to the local level;
- champion direct democracy and transparency of public data;
- act as the principal representatives for their communities;
- actively decentralise power to individuals and neighbourhoods and inspire successful responses to these new opportunities;
- be excellent and open commissioners of those services which cannot be devolved to individuals and communities; and
- combine forces with neighbouring local authorities and lower-tier councils within their area to improve the success of the wider area.

REPORT TO CABINET

| | | | | |
|---|--|---|--|-------------------------------------|
| Open/ Any especially affected Wards | Would any decisions proposed : | | | |
| | (a) Be entirely within cabinet's powers to decide NO | | | |
| | (b) Need to be recommendations to Council Yes | | | |
| | (c) Be partly for recommendations to Council NO and partly within Cabinets powers – | | | |
| Lead Member: Cllr Brian Long E-mail: brian.long@west-norfolk.gov.uk | | Other Cabinet Members consulted: Cllr Mrs V Spikings | | |
| | | Other Members consulted: | | |
| Lead Officer: Andy Piper E-mail: andy.piper@west-Norfolk.gov.uk Direct Dial: 01553 616307 | | Other Officers consulted: Management Team , Departmental Enforcement Leaders | | |
| Financial Implications No | Personnel Implications No | Statutory Implications (incl S.17) YES | Equal Opportunities Implications NO | Risk Management Implications YES |

Date of meeting: 4 October 2011

2 CORPORATE ENFORCEMENT POLICY

Summary

The Council has a range of duties and powers implementing legislation affecting individuals and businesses in the Borough. It is important that this role is carried out correctly and proportionately. The report outlines some of these duties/powers and proposes the adoption of a formal Enforcement Policy.

Recommendation

That the Corporate Enforcement Policy be adopted by Cabinet and forwarded to council for approval.

Reason for Decision

To ensure that the Council is and is seen to be taking a sensible approach to regulation. To demonstrate that any enforcement action required is as a last resort and is applied in a fair and consistent manner to reduce the regulatory burden on businesses and individuals.

1. Introduction

1.1. The provision of good housing, safe food and workplaces and the protection of the environment and property are fundamental in a civilised society. Central Government legislation to regulate and promote have been passed and it is the Council's duty to ensure compliance.

1.2. The primary role of the regulatory services within the Council is to ensure the wellbeing and safety of visitors and residents within the Borough and to protect the environment and property from any adverse affects from

industries or developments achieved through business support and regulation where necessary.

1.3. This report highlights the enforcement work of the regulatory services within the Council and seeks the approval of the Corporate Enforcement Policy to demonstrate sensible and rational enforcement.

2. Enforcement Activity

2.1. The Council carries out a wide range of regulatory activity as a result of national Government legislation, for example:

- Food safety inspections and investigation of cases of food poisoning;
- Business compliance with health and safety legislation and investigating causes of workplace accidents to prevent a reoccurrence;
- Ensuring air quality in the borough is of a high standard;
- Working with landlords to improve the quality and standard of private rented housing;
- Assessing housing needs and providing advice to people who find themselves homeless or at risk of being made homeless;
- Carrying out licensing of various activities such as taxis, licensed premises, etc to make sure that they are safe for the public to use;
- Consulting with other departments and developers over the use of sites proposed for development which may have previously been contaminated;
- Investigations into neighbourhood noise complaints to try and resolve neighbour disputes and prevent anti social behaviour;
- Investigating alleged breaches of planning control (development without planning permission and the failure to comply with a conditional planning permission);
- Untidy land & buildings;
- Investigating benefit fraud
- Fly tipping
- Parking enforcement

2.2. Whilst the majority of individuals and businesses affected by regulatory activity cooperate fully with the Council and are dealt with relatively informally it is necessary and appropriate, for the protection of the public or environment, that enforcement action is taken where appropriate. It is important that all such action is governed by sensible principles in order that the Council is and is seen to be acting properly by the individuals or businesses affected and also by the courts or Local Government Ombudsman.

2.3. A wide range of formal enforcement powers exist including:

- Formal notices requiring work to be carried out to prevent risks to persons, property or the environment; e.g. Improvement Notices to require a safe system of work for asbestos removal or the provision of training for food handlers or an Abatement Notice for a noise nuisance;
- Prohibition of certain activities or use of property; e.g. Prohibition Notice preventing the use of a dwelling as a House in Multiple Occupation without

fire control measures or the closure of a food premises due to a rodent infestation;

- Seizure of items of noise equipment;
- Offering formal warnings through the use of Simple Cautions;
- Prosecution of offenders for serious or repeated breaches of legislation;
- Direct action;
- Injunctive action;
- Compulsory Purchase Orders.

2.4. An example of the number of enforcement notices served in 2009/2010 for noise nuisance and food and health and safety is shown below:

- A total of 797 complaints were received relating to noise nuisance. From these complaints 15 formal notices were issued;
- 863 premises were inspected for food and/or health and safety with 35 formal notices being served for work to be carried out.

2.5. Less than 5% of the work carried out within these two areas involves direct enforcement action with the vast majority of problems being rectified through informal means. This is a similar pattern to other sections within the Department.

2.6. In 2010 formal enforcement action taken by Development Services was as follows:

- 607 complaints were received in 2010;
- A total of 135 various notices were served;
- There were 5 prosecutions (including settlements out of court); and
- The grain silos were demolished

2.7 All these actions are subject to rigorous procedural safeguards and requirements laid down in statute and guidance. For instance the Food Standards Agency provides detailed Codes of Practice and Practice Guidance which is mandatory and very prescriptive, some might say overly prescriptive, that local authorities must have reference to before any formal action is considered.

2.8 Officers do not take formal action without consultation with their Line Manager and / or the Portfolio Holder where it is appropriate, prior to taking action and with reference to the appropriate guidance documents and Council procedural requirements.

3. Enforcement Principles

3.1. The basic principles of enforcement activity and the principles of good regulation are outlined in a statutory code of practice, the "Regulators Compliance Code", given statutory effect by the Legislative and Regulatory Reform Act 2006, which places a duty on regulators to have regard to five 'Principles of Good Regulation'. The code of practice was issued on 17th December 2007 and came into force on 6th April 2008.

3.2. These principles are:

- Transparency;
- Accountability;
- Proportionality;
- Consistency; and
- Targeted only at cases for which action is needed

3.3. Transparency

3.3.1. When carrying out formal action it is important that the people affected by the action clearly understand what action is being taken and why it being taken. Any action is discussed with those affected and a time period is given for them to put things right before action is taken.

3.4. Accountability

3.4.1. Officers need to demonstrate that they are responsible for their actions and actively work with businesses and the public to advise and to assist with compliance and complaints to ensure that they are dealt with as promptly and efficiently as possible in order to minimise time delays.

3.5. Proportionality

3.5.1. Any action required is proportionate to the seriousness of the breach and the risk to health, safety or the environment

3.5.2. The most serious formal action, including prosecution, is for serious breaches of the law where there is a significant risk to health, safety or the environment or where there has been a flagrant disregard for the requirements of the law.

3.5.3. Formal action is only taken where necessary and as a last resort where an informal approach has failed

3.6. Consistency

3.6.1. Consistency of approach does not mean uniformity. It means ensuring that all cases are treated fairly and in the same manner so that any action taken on one business/person will be the same for another for a similar type of offence.

3.6.2. All Officers undertaking enforcement duties are suitably trained, qualified and authorised to ensure that they are fully competent to undertake their enforcement duties and arrangements are in place to ensure discussion and comparison of enforcement decisions between Officers.

3.7. Targeted

3.7.1. All enforcement action is primarily targeted towards those situations that give rise to the most serious risks, where the risks are least well controlled and against deliberate or organised crime.

3.7.2. Any enforcement action is directed against duty holders responsible for a breach. This may be employers in relation to workers or others exposed to risks; the self-employed; owners of premises; suppliers of equipment; designers or clients of projects; or employees themselves.

4. **Corporate Enforcement Policy**

4.1. The existing enforcement policy was produced in conjunction with other Norfolk regulatory bodies (Norfolk Better Regulation Partnership (NBRP)), and accords with the principles of the Human Rights Act 1998, the European Convention on Human Rights, The Freedom of Information Act 2000 and Regulation of Investigatory Powers Act 2000.

4.2. Changes in the Home Office Circular 016/2008 through the introduction of Simple Cautions for low-level offences have also been included in the revised policy as well as changes in the guidance for the Proceeds of Crime Act 2002.

5. **Proposal**

5.1. That the Council approves the Enforcement Policy attached in Appendix 1

6. **Personnel**

6.1. None

7. **Financial Considerations**

7.1. None

8. **Risk Assessment**

8.1. The Council has the responsibility to ensure that any enforcement action taken is in line with the five principles of good regulation.

8.2. By not adopting an enforcement policy, which details the way in which the authority will carry out enforcement duties, the authority may be criticised where enforcement action is taken which could ultimately bias any case against the authority.

9. **Policy Implications**

9.1. The Enforcement Policy is a policy document that should be adopted by Council

10. Statutory Considerations

10.1 The Council has a duty to carry out its enforcement functions under various legislation and to comply with the obligations set out in the Enforcement Concordat and Regulators Compliance Code. Having a formally approved Enforcement Policy in place demonstrates that the Council is meeting its obligations.



Borough Council of King's Lynn & West Norfolk

Corporate Enforcement Policy

Date: August 2011

Review date: August 2012

A summary of the Policy is available in large print, on tape or in other languages on request

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| Principles of Good Regulation | 5 |
| Intelligence and Risk led Enforcement | 7 |
| Enforcement Action | 7 |
| Working with external agencies and enforcement bodies | 10 |
| Publicity | 10 |
| Contacting Council | 12 |

1. Introduction

- 1.1. In 1998 the Cabinet Office published the “Enforcement Concordat” to help promote consistency in the UK regulatory enforcement regime.
- 1.2. The Enforcement Concordat set out principles of good enforcement policy and, although a voluntary code of practice, it was adopted by 96% of all central and local government bodies with enforcement functions.
- 1.3. Following the recommendations of the Hampton Report¹, the Enforcement Concordat was supplemented by a statutory code of practice, the “Regulators Compliance Code”, to give the Hampton Principles a statutory basis.
- 1.4. This is provided by the Legislative and Regulatory Reform Act 2006, which places a duty on regulators to have regard to five Principles of Good Regulation². The code of practice was issued on 17th December 2007 and came into force on 6th April 2008.
- 1.5. This enforcement policy, which is a developed enhancement of a document originally produced by the Norfolk Better Regulation Partnership (NBRP), seeks to deliver improved regulatory outcomes, whilst reducing unnecessary burdens on compliant businesses.
- 1.6. The enforcement policy re-affirms the work originally developed by the NBRP and furthers the aim of providing consistency of approach within the Borough Council of King’s Lynn and West Norfolk’ (the Council) and with other partner regulatory services within Norfolk.
- 1.7. This enforcement policy accords with the principles of the Human Rights Act 1998, the European Convention on Human Rights, The Freedom of Information Act 2000 and Regulation of Investigatory Powers Act 2000.

This enforcement policy reiterates the basic principles of enforcement activity.

¹ “Reducing administrative burdens: effective inspection and enforcement” – Philip Hampton 2005

² Transparency, accountability, proportionality, consistency and targeted action.

2. Enforcement Activity

- 2.1 For the purpose of this document 'enforcement' includes action carried out in the exercise of, or against the background of, statutory enforcement powers. This is not limited to formal enforcement action, such as prosecution or issue of notices, and includes the inspection of premises to check compliance with legal requirements and the provision of advice to aid compliance.
- 2.2 This enforcement policy helps to promote efficient and effective approaches to regulatory inspection and enforcement, which improve regulatory outcomes without imposing unnecessary burdens. This is in accordance with the Regulator's Compliance Code.
- 2.3 In certain instances the regulator may conclude that a provision in the Code is either not relevant or is outweighed by another provision. The regulator will ensure that any decision to depart from the Code will be properly reasoned, based on material evidence and documented.

2.4 Formal Action

- 2.4.1 Whilst recognising that most businesses want to comply with the law the regulator also recognises that some elements of business and individuals will operate outside the law (both intentionally and unintentionally).
- 2.4.2 The Council will consider taking formal action for serious breaches, which may include any of the following circumstances:
- Where there is a risk to people, property, the community or the environment;
 - For matters where there has been recklessness or negligence.
 - A deliberate or persistent failure to comply with advice, warnings or legal requirements.
 - Any act likely to affect animal health or welfare, disease prevention measures, or the integrity of the food chain.
 - Obstruction or assault (including verbal assault) of an officer in the execution of their duties.

This list is not exhaustive

- 2.4.3 For the purposes of this document 'formal action' means: Prosecution, Simple Caution, Issue of Penalty Notices, Seizure, Suspension, Forfeiture, Revocation/Suspension of a licence, registration or approval, Service of various Notices, Written or Verbal Instruction, Advice or Warning, or any other criminal or civil proceedings, applied either separately or in any appropriate combination.

3 Principles of Good Regulation

3.1 The five principles of good regulation are:

- a) Transparency;
- b) Accountability;
- c) Proportionality;
- d) Consistency; and
- e) Targeted only at cases for which action is needed or where it's expedient to take action.

3.2 Transparency

3.2.1 We will communicate in plain English or in the appropriate language or method

3.2.2 In most circumstances we will ensure that people affected by formal action are informed of what is planned, and allow for discussion and time to respond before the action is taken. We will also give them a named officer's contact details. These arrangements must have regard to legal constraints and requirements.

3.2.3 When a notice is served it will say what needs to be done, why, and by when, and that in the officers opinion a breach of the law has been committed and why the notice is necessary

3.2.4 We will make a clear distinction between legal requirements and recommended works.

3.2.5 As part of our commitment to equality we will use the following:

3.2.6 Where businesses or the public do not have English as a first language we may offer translations of correspondence.

3.2.7 We also use INTRAN, the Interpretation and Translation Agency for the Public Services of Norfolk covering telephone interpreting, face to face interpreting, sign language and lip speaking service.

3.2.8 We can provide large print documents and Braille

3.2.9 We can provide taped information

3.2.10 Documents can be emailed

3.3 Accountability

- 3.3.1 The regulatory officers will actively work with businesses and the public to advise and to assist with compliance and complaints.
- 3.3.2 Out of hours contact for services will be provided for complaints or requests of an immediate high risk public health impact such as food poisoning outbreaks; serious pollution incidents; serious accidents; animal disease outbreaks; irreversible harm to the environment such as works to listed buildings and protected trees.
- 3.3.3 We will carry out evening visits and inspections when businesses are open during these times.
- 3.3.4 Regulatory Officers will show their identification (and authority if requested) at the outset of every visit and explain the reason for the visit, unless the nature of the investigation requires otherwise.
- 3.3.5 Contact points and telephone numbers will be provided for business and public use.
- 3.3.6 The whole range of enforcement activities will be dealt with as promptly and efficiently as possible in order to minimise time delays.
- 3.3.7 The Council has a complaint procedure for use by businesses, the public, employees and consumer groups. This is available on request by telephone and from reception desks.
- 3.3.8 Feedback questionnaires will be routinely used to gather and act upon information about the services we provide.
- 3.3.9 We will include information to highlight new legal requirements, with letters sent after an inspection or visit; information on the internet and direct mailing to help keep businesses up to date.

3.4 Proportionality

- 3.4.1 Any action required will be proportionate to the seriousness of the breach and the risk to people, property, the community or the environment.
- 3.4.2 The most serious formal action, including prosecution, will be for serious breaches of the law where there is a significant risk to public health, safety, amenity or the environment, or where there has been a flagrant disregard for the requirements of the law.

3.5 Consistency

- 3.5.1 Consistency of approach does not mean uniformity. It means taking a similar approach in similar circumstances to achieve similar ends.
- 3.5.2 There are arrangements in place to ensure discussion and comparison of enforcement decisions by the Regulatory Officers.
- 3.5.3 All Regulatory Officers undertaking enforcement duties will be suitably trained, qualified and authorised to ensure that they are fully competent to undertake their enforcement duties.

3.6 Targeted

- 3.6.1 All enforcement action will be primarily targeted towards those situations that give rise to the most serious risks, where the risks are least well controlled and against deliberate or organised crime. Other factors also determine priorities for enforcement activity, including Government targets and priorities, new legislation, national campaigns and public concerns.
- 3.6.2 Any enforcement action will be directed against duty holders, landowner or other legally interested parties responsible for a breach. This may be employers in relation to workers or others exposed to risks; the self-employed; owners of premises; suppliers of equipment; designers or clients of projects; or employees themselves. Where several duty holders have responsibilities, enforcing authorities may take action against more than one when it is appropriate to do so in accordance with this policy.

4 Intelligence and Risk Led Enforcement

- 4.1 By having a coherent and robust intelligence system, effective strategies can be formed to enable and co-ordinate solutions to particular problems. This enables the identification of new, current and emerging issues, allowing provision of strategic and tactical direction on how the issues can best be tackled. Activities are targeted based on general or specific risks identified via trends, history or specific incidents. Enforcement Agencies exchange information as part of their partnership work in reducing crime and disorder.

5 Enforcement Action

- 5.1 The Regulatory Officers will have regard to the guidance documents, which exist both generally, for example, the Code for Crown Prosecutors produced by the Crown Prosecution Service (CPS), as well as other guidance relevant to the individual regulator.

- 5.2 In determining the nature of enforcement action to be taken, the Regulators should ensure that any sanction or penalty should:
- Aim to change the behaviour of the offender;
 - Aim to eliminate financial gain or benefit from non-compliance;
 - Be responsive and consider what is appropriate for the particular offender and regulatory issue, which can include punishment and the public stigma that should be associated with a criminal conviction;
 - Be proportionate to the nature of the offence and the harm caused;
 - Aim to restore the harm caused by the regulatory non-compliance where appropriate;
 - Aim to deter future non-compliance.
- 5.3 A person who it is believed may have committed an offence may be formally interviewed during an investigation. These interviews will be conducted under the rules of the Police and Criminal Evidence Act 1984.

6 Conflict of Interest in Enforcement Matters

- 6.1 Where a breach is detected in where the enforcing authority is itself is the responsible operator, then except where the health and safety of an individual or the community is at risk and immediate action is required, the following protocol will be followed:-
- 6.2 Where the breach is sufficiently serious to warrant more than the provision of advice, information, assistance or a written warning, an Officer from another authority within Norfolk will assist in the decision making process as to the action required to be taken. The Chief Executive will be informed of serious breaches without delay.
- 6.3 The additional Officer's role is to assist and challenge the decision making process to ensure that appropriate, proportionate and consistent action is to be taken to remedy the breach, prevent re-occurrence and to minimise the risk of 'conflict of interest' for the enforcing authority. A record of the additional Officer's involvement will be kept such that it is auditable.

7 Prosecution

- 7.1 Regulatory Officers will follow guidance which requires two main tests to be considered in relation to instigating a prosecution:

7.2 The Evidential Sufficiency Test:

- Is there admissible, substantial and reliable evidence that an offence has been committed? i.e. Can it be used in court? Is there enough evidence? Is the evidence sound and factual? (This may include an expert opinion).
- Has the Police and Criminal Evidence Act 1984 been complied with to ensure fair and open gathering of the evidence?

7.3 The Public Interest Test:

- Is it in the public interest to prosecute?

7.3.1 The guidance gives a number of factors that may lead to a decision not to prosecute, including: -

- a) The court is likely to impose a nominal penalty;
- b) The offence was committed as a result of a genuine mistake or misunderstanding;
- c) If the loss or harm caused can be described as minor and was the result of a single incident;
- d) There has been a long delay between the offence taking place and the date of the trial, unless:
 - The offence is serious;
 - The delay has been caused in part by the defendant;
 - The offence has only recently come to light; or
 - The complexity of the offence has meant that there has been a long investigation;
- e) A prosecution is likely to have a bad effect on the victim's physical or mental health;
- f) In appropriate cases if the defendant is or was at the time of the offence, suffering from significant mental or physical ill health;
- g) The defendant has put right any loss or harm; or
- h) Details may be made public that could harm sources of information, international relations or national security.

7.3.2 The Regulatory Officers will also consider whether or not a prosecution is appropriate by consideration of the factors contained in paragraph 2.4.2 of this policy.

7.3.3 When considering formal enforcement action, the Regulatory Officer will, where appropriate, discuss the circumstances with those suspected of a breach and take these into account when deciding the best approach.

7.3.4 The Council will have an internal procedure for the authorisation of any investigations that may result in prosecution. All such cases will be regularly reviewed.

7.3.5 If formal action is taken, the Council is likely to seek to recover the costs of the investigation. The Court determines the level of fine imposed and costs awarded.

7.4 Simple Cautions

- 7.4.1 A simple caution in certain cases may be offered as an alternative to a prosecution. The purpose of a simple caution is to deal quickly with less serious offences, to divert less serious offences away from the Courts, and to reduce the chances of repeat offences.
- 7.4.2 The regulators will comply with the provisions of the Home Office Circular 016/2008. The following conditions must be fulfilled before a caution is administered:
- There must be evidence of the offender's guilt sufficient to give a realistic prospect of conviction;
 - The offender must admit the offence; and
 - The offender must understand the significance of the caution and agree to being cautioned.
- 7.4.3 If a person/Company declines the offer of a formal caution, the regulator will normally pursue the prosecution action.

8 Forfeiture

- 8.1 Where an accused has not agreed to voluntarily surrender any infringing goods then, on successful conclusion of legal proceedings, forfeiture may be applied for. This does not preclude a regulator taking forfeiture proceedings in their own right in appropriate circumstances.

9 Proceeds of Crime

- 9.1 Where appropriate, working in partnership as necessary, the regulatory authority will seek to recover the assets of convicted offenders under the Proceeds of Crime Act 2002 (as amended).

10 Directors

- 10.1 On the conviction of a Director connected with the management of a company the prosecutor will, in appropriate cases, draw to the Court's attention their powers to make a Disqualification Order under the Company Directors Disqualification Act 1986.

11 Civil Claims

- 11.1 Any enforcement action is completely separate and distinct from civil claims made by individuals for compensation or other remedy. Enforcement is not undertaken in all circumstances where civil claims may be pursued, nor is it undertaken to assist such claims.
- 11.2 The Council may, upon request, provide a factual report which details its' investigation and involvement in the case to individuals, or their solicitors, pursuing a civil claim. There may be a charge for this report.

12 Working with external agencies and enforcement bodies

- 12.1 If a business has a Primary Authority (also, if appropriate, a Lead or Home Authority scheme or informal Lead or Home Authority scheme), the regulator will contact the Primary Authority before enforcement action is taken, unless immediate action is required because of imminent danger to health, safety or the environment.
- 12.2 The Council will liaise with the other partner regulators to ensure that any proceedings instituted are for the most appropriate offence.

13 Publicity

- 13.1 Regulatory authorities have a responsibility to protect the public from detrimental trading and environmental practices. Regulators undertake a range of activities to achieve this. These include actions that are taken after the detection of an offence, as well as measures to prevent and deter their commission.
- 13.2 One such measure is the publication of convictions and information concerning significant detrimental trading or other behaviour. The publicity generated by prosecutions and other enforcement action acts as a deterrent to others. It also reassures the general public that Regulators take a serious view of such detrimental behaviour.
- 13.3 The Executive Director for the service area will therefore consider publishing the name and address of each person convicted of, or subject to, other enforcement action, together with details of the issues involved. To reach decision as to whether to publish such information, the Executive Director will consider the following factors:
- The specific details of the offence committed or detrimental activity.
 - The public interest in disclosing personal information e.g. the deterrent effect of the publication.
 - Whether the publication would be proportionate.
 - The personal circumstances of the offender.

This list is not exhaustive and other factors may be relevant in the circumstances of an individual case.

Copies of this document and other advisory leaflets are available from:

Borough Council of King's Lynn and West Norfolk

King's Court
Chapel Street
King's Lynn
Norfolk
PE30 1EX

Telephone: 01553 616200

Email: contact@west-norfolk.gov.uk

Website: www.west-norfolk.gov.uk

We will make this policy available on tape, in Braille, large type, or in another language on request,

The policy will be reviewed annually.

REPORT TO CABINET

| | | | | |
|--|-------------------------------------|---|-------------------------------------|----------------------------------|
| Open | | Would any decisions proposed : | | |
| Any especially affected Wards | Operational | (a) Be entirely within cabinet's powers to decide NO | | |
| | | (b) Need to be recommendations to Council YES | | |
| | | (c) Be partly for recommendations to Council and partly within Cabinets powers – NO | | |
| Lead Member: Cllr Nick Daubney E-mail: cllr.nick.daubney@west-norfolk.gov.uk | | Other Cabinet Members consulted: | | |
| | | Other Members consulted: | | |
| Lead Officer: Samantha Winter E-mail: sam.winter@west-norfolk.gov.uk Direct Dial: 616327 | | Other Officers consulted: Legal Services Manager, Management Team | | |
| Financial Implications NO | Policy/Personnel Implications NO | Statutory Implications (incl S.17) YES | Equal Opportunities Implications NO | Risk Management Implications YES |

Date of meeting: 1 November 2011

3 CONSTITUTION - UPDATE

Summary

The Council is required to review its Constitution from time to time. Elements such as the Schemes of Delegation, Standing Orders and Financial Regulations have all been reviewed recently. The report recommends minor amendments to Parts 1, 2 and 3 to bring them into line with all other parts of the Constitution.

Recommendation

That Council approve the following amended sections of the Constitution:

- **Part 1, Summary and Explanation,**
- **Part 2 Articles**
- **Part 3 Responsibilities for Council Functions**

Reason for Decision

To ensure that Parts 1, 2 and 3 of the Constitution are updated and in line with other areas of the Constitution.

1 Background

1.1 The Council has a responsibility to ensure its Constitution is kept up to date. The following areas of the Constitution have been regularly updated, leaving the final 3 Parts to be brought into line with those changes:

- Standing Orders,
- Scheme of Delegation
- Planning Scheme of Delegation,
- Financial Regulations,

- Portfolio Responsibility List
- Protocol for Member /Officer relations

1.2 Attached with the covering report are copies of the amended versions of the following, showing track changes so the amendments can be seen. No material changes have been made, those made are purely to bring them into line with other elements of the Constitution:

- Part 1, Summary and Explanation,
- Part 2 Articles
- Part 3 Responsibilities for Council Functions

2 Policy Implications

2.1 The amendments do not materially change any of the Council's policies and bring the remaining Parts into line with other elements of the Constitution.

3 Financial Implications

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

4 Statutory Consideration

4.1 It is a statutory requirement for the Council to review the Constitution. The amendments to the scheme ensure that content of the remaining Parts of the Constitution are in line with other areas.

5 Risk Assessment

5.1 Updating the final elements of the Constitution ensures all elements reflect one another.

6 Background Papers

6.1 Existing Copy of the Constitution.

PART 2

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

Article 1 — The Constitution

Purpose of the Constitution

- 1.01 The purpose of the Constitution is to regulate how the Borough Council operates. In particular:
- (a) to enable the Council to provide clear leadership to the Borough in partnership with local people and organisations;
 - (b) to encourage the active involvement of local people in the processes of local government decision-making;
 - (c) to help councillors represent local people more effectively;
 - (d) to create effective means for decision-makers to be held to account publicly;
 - (e) to ensure that no one directly involved in a decision will then scrutinise how that decision was reached;
 - (f) to ensure those responsible for making decisions are clearly identifiable by local people and will explain the reasons for those decisions; and Deleted: that
 - (g) to provide a means of improving the quality of services provided to the community.

Powers of the Council

- 1.02 The powers and duties of the Council must all be exercised in accordance with relevant law (which is sometimes summarised in context for convenience) and the additional rules in this Constitution.
- 1.03 The Constitution of the Borough Council of King's Lynn and West Norfolk consists of the main Articles in this document and all its appendices (called Parts 1 to 5).

Choosing Options within the Constitution

- 1.04 Where the Constitution allows the Council to choose between different courses of action, it will always be the duty of the Council to choose that option which it considers best serves the purposes listed above.

Article 2 — Members of the Council

Composition and Eligibility

- 2.01 The Council consists of 62 members, called councillors. They are elected by the voters in areas which are created as Borough Wards in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State and which is reviewed periodically. Deleted: 25.11.04

2.02 To be eligible to hold the office of councillor, a person must be registered to vote in the Borough or must live or work in it.

Deleted: 25.11.04

~~August 2011~~

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Election Time and Term of Office

2.03 The regular election of councillors will ordinarily be held on the first Thursday in May in 2003 and every fourth year after that.

Roles and Functions of Councillors

2.04 The main functions of councillors are:

- (a) together to decide on the most important policies and carry out major local government functions;
- (b) to work for the good government of the Borough and actively encourage local people and organisations to be involved in decision making;
- (c) to represent effectively the interests of their wards and of individual people;
- (d) to deal fairly with the people they represent;
- (e) to take part in the management of the Council's operations; and
- (f) to maintain the highest standards in the conduct of Council business

Rights and Duties of Councillors

2.05 Subject to legal safeguards, councillors have rights of access to documents, information, land and buildings held by the Council so far as is necessary to perform their functions properly.

- (a) Except with the permission of the Council, councillors must not give out information which is given to them in confidence to anyone not entitled to have it.
- (b) Confidential information is defined in the Access to Information Rules in Part 4 of this Constitution and is limited by law.

2.06 At all times, councillors must obey the Borough Council of King's Lynn and West Norfolk code of conduct and a code of councillor-officer relations which are set out in Part 5 of this Constitution.

2.07 Councillors are entitled only to those financial allowances set out in a scheme in Part 6 of this Constitution. The scheme must be reviewed by the Council at least annually. The published advice of an independent panel must be considered by the Council in deciding this scheme.

Article 3 — Citizens and the Council

Citizens' Rights

3.01 Citizens have the following rights.

- (i) Voting and petitions.

Citizens on the electoral register for the Borough have the right to vote and to sign a petition, including one to require a referendum to be held on having a Mayor, elected directly by local citizens, who would have the executive powers as defined in this Constitution.

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(ii) Information.

Citizens have rights to information which are explained in more detail in the Access to Information Rules in Part 4 of this Constitution. They may:

- (a) attend meetings of the Council and its committees/boards except when information is likely to be disclosed which it is lawful and desirable for the Council to treat as confidential;
- (b) attend meetings of the Cabinet when key decisions are being considered;
- (c) find out what key decisions will be taken by the Cabinet and when;
- (d) see reports which are presented to the Council and the Cabinet (and the background papers) and records of decisions made; and
- (e) inspect the Council's financial accounts and make their views known to the external auditor.

(iii) Participation.

Citizens have the right to participate in the Council's processes in a range of ways set out in the relevant parts of the Council's Rules of Procedure in Part 4 of this Constitution.

(iv) Complaints.

Citizens have the right to complain:

- (a) through a procedure of the Council itself (appended);
- (b) to the local government 'ombudsman', if not satisfied after using the Council's own complaints procedure; and
- (c) to the ~~Council's~~ Standards ~~Committee~~ about any breach of the Borough Council of King's Lynn and West Norfolk's Code of Conduct.

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Article 4— The Council

Functions of the Council

4.01 The Council itself will normally perform the following functions and only exceptionally and when it is lawful, will it delegate them to any committee or officer

- (a) adopting and changing the Constitution;
- (b) approving or adopting the Council's policy framework ~~and the budget~~;
- (c) subject to the urgency procedure in Part 4 of this Constitution, making decisions about any matter which has been delegated to others and which the decision maker is intending to make in a way which would be contrary to the policy framework or not wholly in accordance with the budget;
- (d) election of Mayor and Deputy Mayor

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- (e) deciding who shall be the Leader of the Council (for a four year period);
- (f) deciding and amending the terms of reference for Council's main committees, their composition and appointing their members;
- (g) appointing councillors to other Council bodies and ensuring that such bodies are politically balanced as required by law;
- (h) appointing representatives to outside bodies except in cases where this function has been delegated by the Council;
- (i) adopting and reviewing a members' allowances scheme under Article 2;
- (j) changing the name of the area;
- (k) conferring the title of honorary alderman or the freedom of the borough;
- (l) making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local or personal Bills in Parliament;
- (m) all the functions set out in Part 3 of this Constitution which by choice the Council has decided should be performed by itself rather than by the Cabinet; and
- (n) any other matters which, by law, must be decided by the Council.

Definitions

(i) **Policy framework** The policy framework includes the following plans, schemes and strategies (this is not an exhaustive list):-

- ~~Community Strategy;~~
- ~~Crime & Disorder Reduction Strategy;?~~
- ~~Local Development Framework~~
- ~~Corporate Strategy~~
- ~~Cultural Strategy~~
- ~~Economic Development Strategy?~~
- Treasury Management Strategy
- Risk Management Strategy
- Health and Safety Strategy
- ~~Equality Strategy~~
- ~~Asset Management Plan~~
- Procurement Strategy

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Deleted: ¶ (iii) **Housing Land Transfer** Housing Land Transfer means the key decisions about disposals of 500 or more dwellings under the Leasehold Reform, Housing and Urban Development Act, 1993 or of land used for residential purposes affected by Sections 32 or 43 of the Housing Act, 1985.¶

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(ii) **Budget** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council tax base, setting the council tax, and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of limits on flexibility within the expenditure allocations (virement).

Council Meetings

4.02 There are three types of Council meeting:

- (a) annual meetings;
- (b) ordinary meetings; and

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- (c) extraordinary ("special") meetings;

and they must be conducted in accordance with the Council's Rules of Procedure set out in Part 4 of this Constitution.

Responsibility for functions

- 4.03 Part 3 of this Constitution sets out the responsibilities for the Council's functions which are not reserved for the Council itself to perform and not delegated to the Cabinet to perform.
- 4.04 Subject to Article 13.04, the Council shall follow the Rules of Procedure set out in Part 4 of this Constitution.

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Article 5— The Mayor and the Chairing of the Council

- 5.01 The Mayor and the Deputy Mayor will be elected by the Council at its annual meeting. The Mayor or, if unavailable, the Deputy Mayor, will have the following responsibilities:
- (a) to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
 - (b) to chair meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the people of the Borough;
 - (c) to help to make Council meetings a forum for the debate of matters of concern to the people of the Borough and for members who are not in the Cabinet to be able to hold Cabinet members to account;
 - (d) to promote public involvement in the public life of the Borough;
 - (e) As the 'first citizen' of the Borough, the Mayor is accorded ceremonial precedence over everyone in the Borough (unless we have a member of the Royal Family visiting) and is seen as a symbol of authority, depicted by the robe, chains of office, sword and the mace. The Mayor attends functions throughout the Borough and, by taking the Council's message and themes into the community, greatly assists the Council's social, community and economic aims.

Article 6 - Scrutiny and Overview Committees

Structure of the scrutiny and overview function

- 6.01 The Council's Scrutiny and Overview responsibility is fulfilled through the combined functionality of the Cabinet Scrutiny Committee, ~~Policy Review and Development Panels~~ and a co-ordinating Scrutiny and Overview Liaison Committee.
- (a) The Cabinet Scrutiny Committee shall scrutinise and may directly challenge the Cabinet and delegated decision-makers.
 - (b) The Policy Review and Development Panels shall work both i.) reactively to review existing policy and its delivery and ii.) proactively to develop revised or new policy and review the forward Decisions. iii.) Scrutinise Decisions taken after 30 days have lapsed.

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(c) The Scrutiny and Overview Liaison Committee will oversee and facilitate the co-ordination of work amongst the above bodies in (a) & (b) and shall be the “Senior” scrutiny and overview body.

(d) Scrutiny and Overview ~~Panels may have any matter included for discussion on the agenda of a relevant Scrutiny and Overview Body.~~

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(e) Other non-executive members (i.e. those not sitting on the Cabinet Scrutiny Committee or any of the ~~Policy Review and Development Panels~~) may put any matter for discussion forward for inclusion on a relevant Scrutiny and Overview agenda. In such instances, inclusion of the matter is at the discretion of the relevant Scrutiny and Overview body's Chairman and Vice-Chairman, in consultation with the ~~relevant~~ officers. The decision, on whether to approve inclusion or not, then being reported under Chairman's Correspondence at the body's next meeting. The following factors would be influential in arriving at such a decision:

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- i.) the appropriateness of the item to the relevant Panel's/ Committee's remit;
- ii.) any similar items that may already be on work programmes/ schedules;
- iii.) existing workloads and priorities (these would not preclude the item from consideration but may affect the scheduling of such consideration).

6.02 Subject to Article 13.04, scrutiny and overview bodies shall follow the Rules of Procedure set out in Part 4 of this Constitution relating to overview and scrutiny.

Co-ordination of Scrutiny and Overview function

6.03 There shall be a Scrutiny and Overview Liaison Committee consisting of the chairs of ~~f~~ the Policy Review and Development Panels and the Chair of the Cabinet Scrutiny Committee. Political proportionality within this body has been waived (subject to Section 17.1b of the Local Government and Housing Act 1989). It will be chaired on a rotating arrangement by the Chairs of the Policy Review and Development Panels and shall be classed as the senior Scrutiny and Overview Body.

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Role of the Scrutiny and Overview Liaison Committee

6.04 The Scrutiny and Overview Liaison Committee shall:

- (a) make recommendations to the Policy Review and Development Panels as to items of work they may wish to schedule as a result of cabinet scrutiny activity;
- (b) determine which Policy Review and Development Panel(s) should deal with any matter in cases of doubt or dispute, or make arrangements for joint working between panels.
- (c) oversee the work of the Policy Review and Development Panels and intervene if necessary to avoid duplication and assist in managing cross-cutting policy review and development work;
- (d) ensure progress across the overview function and monitor and co-ordinate workloads of the Policy Review and Development Panels.
- (e) report annually to the full Council on the overall functioning of Policy Review and Development Panels and make recommendations on future working methods and arrangements.

6.05 For the avoidance of doubt, the Scrutiny and Overview Liaison Committee shall not have powers to review recommendations from the Policy Review and Development Panels, or to dictate what

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matters shall or shall not be considered. In their co-ordination role, however, they may choose to ensure an appropriate prioritisation of matters to be considered.

Role of Cabinet Scrutiny Committee

- 6.06 The Council will appoint a Cabinet Scrutiny Committee and describe what they will do and how they will do it in accordance with the terms of reference in its Rules of Procedure. Political proportionality within this body has been waived (subject to Section 17.1b of the Local Government and Housing Act 1989).
- 6.07 The Cabinet Scrutiny Committee shall:
 - (a) within 30 days of the decision scrutinise decisions, and recommendations to Council made by members on the delegated authority of the Council or in implementation of policy by the Cabinet provided that there shall be one opportunity only to close in respect of any decision or group of decisions; (NB after 30 days of a decision being made, any requisite review becomes the responsibility of the relevant Policy Review and Development Panels.)
 - (b) consider subject to Standing Order 12.6 all 'called in' decisions and recommendations to Council and decide whether to refer the outcome to Council or the Cabinet within 30 days.
 - (c) make reports and/or recommendations to the full Council and/or the Cabinet in connection with the discharge of any of their functions.
 - (d) report annually to the full Council on the work that they have completed during the preceding 12 months.
 - (e) be directly accountable to, and subject to the direction of, the full Council

Role of the Policy Review and Development Panels

- 6.08 The Council will appoint Policy Review and Development Panels (complying with the rules about political proportionality under sections 15-17 of the Local Government and Housing Act, 1989) and describe what they will do and how they will do it in accordance with the terms of reference in its Rules of Procedure.
- 6.09 With respect to the matters they choose to examine within their individual remits, the Policy Review and Development Panels will generally:
 - (a) consider matters affecting the Borough or local people;
 - (b) assist in advancing the development of effective policy for promoting or improving the economic, social and environmental wellbeing of the people and communities of King's Lynn and West Norfolk;
 - (c) question members of the Cabinet and senior officers about their decisions and performance, whether generally in comparison with service plans and targets over time, or in relation to particular decisions, initiatives or projects;
 - (d) review the performance of other public bodies in the area and invite reports from them by requesting them to address the relevant Policy Review and Development Panel about their activities and performance;
 - (e) question and gather evidence from any other willing person.

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(f) make reports and/or recommendations to the full Council and/or the Cabinet in connection with the discharge of any of their functions.

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(g) report annually to the full Council through the Scrutiny and Overview Liaison Committee on the work that they have completed during the preceding 12 months.

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(h) examine the Cabinets Forward Decision List of Key Decisions and request additional information as and when deemed necessary.

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Article 7 - The Cabinet

Role

7.01 The Council's executive body shall be known as the Cabinet and shall carry out all functions which are not the responsibility of any other part of the Council or are prohibited from being an Executive function at law.

Composition

7.02 The Cabinet shall consist of not more than ten members including its Chair who is Leader of the Council. The Leader shall determine the number of other Councillors to be cabinet members and appoint them, one as Vice Chairman. The Leader shall hold office for a four year period, appointed at the first annual meeting following the Borough Council Elections until the Annual meeting immediately following those elections, (Local Government and Public Interest in Health Act 2007), unless the Council resolves to remove them from the position, or until their resignation.

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Proceedings of the Cabinet

7.03 Subject to Article 13.04, the proceedings of the Cabinet shall be conducted in accordance with the Rules of Procedure set out in Part 4 of this Constitution relating to executive functions.

Responsibility for functions

7.04 Part 3 of this Constitution sets out who will be responsible for each of the Council's executive functions, which may be performed by the Cabinet as a whole, a cabinet committee, a Cabinet member, Council officers or a combination of any of these.

7.05 Other Cabinet Members shall be appointed by the Leader and shall hold office until removed from office by the Leader or until resignation or until the Cabinet Member ceases to be a member, which ever shall be the sooner. Cabinet Members each hold a Portfolio as set out in Part 3 of the Constitution and this sets out the functions delegated to each portfolio holder and the limitations on that delegation.

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Article 8 —Other Boards and Committees of the Council

Regulatory and other Boards

8.01 The Council will appoint the following Committee and Boards to perform the functions set out in Part 3 of this Constitution as being their responsibility. They will operate with the remits and terms of reference and subject to the relevant Rules of Procedure set out in Part 4 of this Constitution.

- (a) Standards Committee
- (b) ~~Planning Committee~~
- (c) Licensing and Appeals Board
- (d) ~~Licensing Committee~~
- (d) Appointments Board

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Article 9 - Task Groups

Task Groups

9.01 The Council, the Cabinet and any Council body may establish temporary Task Groups to undertake specific work within the remit of the body which establishes them and to report to that body. Policy Review and Development Panels may establish joint Task Groups. Task Groups may not be authorised to exercise the powers of the Council. Task Groups shall operate until they have completed their tasks unless they are disbanded sooner by the Bodies which established them.

Composition

- 9.02 Unless the Leader of each registered Political Group agrees to the contrary, Task Groups will be appointed in accordance with the rules on political proportionality contained in the Local Government and Housing Act 1989 and having regard to Councillors' particular interests, expertise and willingness to participate.
- 9.03 For the purpose of making appointments in compliance with Article 9.03, a register of councillors' interests, expertise and willingness to participate shall be maintained.

Policy Review and Development

- 9.04 Policy review and development work should, where possible, be carried out through the relevant Policy Review and Development Panels as part of the Scrutiny and Overview function within the Council.
- 9.05 Policy Review and Development Panels are the principal vehicle for assisting the Council and the Cabinet in the review and development of policy (including budget policy). To this end they may:
- (a) call on other councillors and senior Council officers to share their views and experience relevant to the policy under consideration;
 - (b) encourage participation by members of the public, relevant outside organisations and other local authorities; and
 - (c) within the Council's arrangements and budget, commission or conduct inquiry, research and consultation in analysing policy issues and options.

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- (d) liaise with external organisations to enhance collaborative working

9.06 Informal Working Groups (Scrutiny and Overview Function)

Instead of introducing an additional formal body to the process, through setting up a Task Group (with its accompanying demands on time and valuable resources), Policy Review and Development Panels may find it expeditious to carry out basic research (evidence gathering and preliminary analysis) through the use of what are termed Informal Working Groups:

- (a) these Working Groups are not formal Council Bodies but are simply subsets of a Policy Review and Development Panel (including other invitees as the Panel sees fit) which will work quickly and informally, within tight terms of reference defined by their respective Panel, to effect evidence gathering and preliminary analysis. The responsible Panel will then formally consider these findings and develop them (with further research as necessary) into a full report and recommendations.
- (b) The use of Informal Working Groups should simply be seen as a semi-structured means of quickly moving review-type work forward. They present Policy Review and Development Panels with an opportunity to: [i] make the most of Councillors interests and experience; [ii] draw in other interested/experienced Councillors; and, [iii] invite in external experts or possibly other members of the public with a direct stake or experience in the subject matter. Members and those outside of the authority may be more inclined to be involved in an apparently less bureaucratic approach.

Article 10 - Area Committees and Forums

- 10.01 The Council may appoint area committees and forums and delegate to, or take back authority from, an Area Committee if it considers that to do so will serve the purpose of the Constitution set out in Article 1.
- 10.02 The Council will consult with relevant local authorities when considering whether and how to establish area committees or forums.

Article 11 — Joint Arrangements

Arrangements to promote Well Being

- 11.01 In order to promote the economic, social or environmental well being of the Borough, and if it considers that to do so will serve the purposes of the Constitution in Article 1, the Council may:
 - (a) make arrangements or agreements with any person or body;
 - (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
 - (c) exercise on behalf of such a person or body any of their functions.

Joint Arrangements

- 11.02 Details of any joint arrangements, including any delegations of the Council's powers to joint committees or joint executive functions, will be included in the Council's scheme of delegation in Part 3 of this Constitution.
- 11.03 Decisions whether or not to make joint arrangements shall be reserved to the Council or the Cabinet in respect of Joint Executive Functions.

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Access to Information

- 11.04 (a) The Public Access to Information Rules in Part 4 of this Constitution apply.
- (b) If all the Members of a joint committee are Members of the Executive in each of the participating authorities then its access to information regime is the same as that applied to the Executive.
- (c) If the joint committee contains Members who are not on the Executive of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

Article 12 — Council Employees

Staffing Structure

- 12.01 The Council may engage such employees as it considers necessary to carry out its functions.
- 12.02 In Part 4 of this Constitution, the Council will designate the posts held by certain of its employees (a) as chief officers and (b) three separate posts which will be held by 3 separate individuals as including the following roles which are required by Statute:
- (a) Head of the Paid Service.
(b) Chief Finance Officer.
(c) Monitoring Officer.
- 12.03 Such posts will have the functions described in Articles 12.05 — 12.06 below and will have authority to designate appropriate fellow employees as their deputies to undertake their duties if they are not available to perform them.
- 12.04 The Head of the Paid Service will publish a description of the overall staffing structure of the Council showing the management structure and the deployment of employees. This is set out at Part 7 of this Constitution.

Functions of the Statutory Posts

- 12.05 The officer designated as the Head of the Paid Service will report to the Council on how the performance of the Council's functions is co-ordinated, the numbers and grades of employee required for this, and how they are organised.
- 12.06 The officer designated as the Monitoring Officer will have the duties of:
- (a) maintaining an up to date authoritative edition of the Constitution;
- (b) after consulting with the Head of the Paid Service and Chief Finance Officer, reporting to the Council (or to the Cabinet in relation to an executive function, or to another Board in relation to functions delegated to it) if they consider that any proposal, decision or omission would give rise to unlawfulness or has given rise to maladministration. (Such a report will have the effect of stopping the proposal or decision being implemented until this report has been considered.);
- (c) contributing to the promotion and maintenance of high standards of conduct through the provision of support to the Standards Committee;

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- (d) receiving and acting on reports made by the ethical standards officers and on decisions of case tribunals;
- (e) conducting investigations including into matters referred by ethical standards officers and making reports or recommendations in respect of them to the Standards Committee;
- (f) ensuring that executive decisions, together with the reasons for those decisions and relevant background papers, are made publicly available as soon as possible;
- (g) advising whether decisions of the Cabinet are in accordance with the budget and policy framework; and
- (h) providing advice to all councillors on the scopes of powers and authorities to take decisions, and on maladministration, financial impropriety, probity and budget and policy framework issues.

12.07 The officer designated as Chief Finance Officer will have the following duties.

- (a) after consulting with the Head of the Paid Service and the Monitoring Officer, reporting to the Council (or to the Cabinet in relation to an executive function) and to the Council's external auditor if they consider that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or shortfall in income, or if the Council is about to enter an item of account unlawfully.
- (b) responsibility for the administration of the financial affairs of the Council.
- (c) contributing to the corporate management of the Council, in particular through the provision of professional financial advice;
- (d) providing advice and support to all councillors and officers in their respective roles on the scopes of powers and authorities to take decisions, and on maladministration, financial impropriety, probity and budget and policy framework issues; and
- (e) providing financial information to the news media and members of the public.

12.08 The Council will provide the Monitoring Officer and Chief Finance Officer with such ancillary officers, accommodation and other resources as those statutory officers consider are sufficient to allow their duties to be performed.

Conduct of Employees and Councillors

12.09 Officers and Councillors shall comply with the Protocol on Relations between Officers and Members set out in Part 5 of this Constitution and the Officers' Code of Conduct.

Employment

12.10 The recruitment, promotion and dismissal of officers shall comply with the Officer Employment Rules set out in Standing Orders 20 to 24 as set out in Part 4 of this Constitution.

Article 13 - Decision making

Responsibility for decision making

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13.01 Part 3 of this Constitution sets out who is responsible under the current arrangements for taking decisions in relation to each of the Council's functions.

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Principles of Decision Making

- 13.02 All decisions on behalf of the Council shall be made in accordance with the following principles.
- (a) Any action or omission that is authorised by the Council must be intended to have an effect proportionate to the desired effect.
 - (b) Decisions should not be made on behalf of the Council without seeking, receiving and having regard to the professional advice of officers.
 - (c) Respect must be had for the human rights of all persons involved.
 - (d) There should be a presumption in favour of making decisions publicly.
 - (e) Whenever practicable, and in any event whenever it is required by law, the Council will seek to consult those having a particular interest in it before making a decision.

Process of Decision Making

- 13.03 Decisions relating to the functions listed in Article 4.01 shall be made by the Council and not delegated.
- 13.04 The Council, councillors and officers, when acting as a tribunal or in any quasi-judicial capacity or deciding or considering the civil rights and obligations or the criminal responsibility of any person, shall (rather than simply giving advice) follow a process which respects the requirements of natural justice and fair trial in accordance with Article 6 of the European Convention on Human Rights.
- 13.05 Subject to Article 13.04, all persons taking part in decision making on behalf of the Council shall comply with the relevant provisions of Part 4 and of any other relevant parts of this Constitution.
- 13.06 "Key decisions" are defined as those which are likely:
- (a) to result in the Council incurring expenditure which is significant or the making of savings which are significant - having regard to the Council's budget for the service or function to which the decision relates; or
 - (b) to be significant in terms of their effects on people living or working in an area comprising two or more wards in the Borough.

Significant under (a) above is defined within this Borough as £250,000+ and significant under (b) above is detailed as one third or more of the resident population of a ward.

Article 14 - Financial and Legal Rules

- 14.01 The Council's financial business shall be regulated by the rules set out in Part 5 of this Constitution.
- 14.02 Every contract made by the Council and all procurements negotiated for the Council shall comply with the rules set out in Part 6 of this Constitution.
- 14.03 Unless any law authorises or requires otherwise, the f Legal v Services Manager shall be authorised to

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- (a) to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where he/she considers that such action is necessary to protect the Council's interests;
- (b) to authenticate by signing any document which is necessary for any legal procedure or proceedings on behalf of the Council;
- (c) to keep custody of the Common Seal of the Council.
- (d) to provide evidence of the sealing of any document with the Common Seal of the Borough.

14.04 A decision of the Council, the Cabinet or any duly authorised representative, shall be sufficient authority for sealing any document necessary to give effect to that decision.

Article 15 - Review and Revision of the Constitution

Duty to Review the Constitution

15.01 The Council shall review the operation of this Constitution to ensure that the purposes and principles of the Constitution are given full effect. Such a review may be initiated by the Council at any time but shall be initiated at least once during the period between regular elections to the Council. In the absence of a resolution so to do by the third anniversary of a regular election, a review shall be deemed to have been initiated on the authority of this Article.

15.02 A review may be comprehensive or take the form of a programme dealing separately with particular Articles or Parts. In the latter case, the default provision in Article 15.01 will apply to any Article or Part not reviewed further to a resolution of the Council during the previous three years. Alongside or as part of this process the Monitoring Officer may make recommendations to Council on ways of improving the constitution and in so doing may:-

- Observe different meetings of the council
- Undertake audit trails of decisions
- Respond to issues raised with him/her by members, officers or others
- Compare best practice from other authorities and similar bodies

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Duty to Monitor the Constitution

15.03 The Council's designated Monitoring Officer, will offer advice to the Council on

- (a) establishing means of monitoring the operation of the Constitution, which will provide evidence when it is required of its success in giving full effect to its purposes and principles, and
- (b) the process to be followed when reviewing is undertaken. In formulating this advice, the Monitoring Officer shall take into consideration the guidance published by the relevant government department.

Changes to the Constitution

15.04 **General** Changes to the Constitution may be made only by the Council after consideration by the Cabinet. The Monitoring Officer may unilaterally approve drafting changes to the Constitution where they correct obvious errors or better give effect to the clear intention of the Constitution.

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- 15.05 **Change of form of Executive** The Council will consult local people before determining whether to change to either an elected mayor and cabinet or an elected mayor and council manager.

Article 16 - Interpretation and Publication of the Constitution

Suspension of the Constitution

- 16.01 **Limit to suspension** The Articles of this Constitution may not be suspended. Provisions within the appended Parts may be suspended to the extent, and in the manner, permitted within each Part. Where a rule reflects the law, suspension of the rule will not affect the force of the law.
- 16.02 **Procedure to suspend** A motion to suspend any rules in any Part may not be moved without notice unless at least one half of the whole number of councillor members of the body in question is present. The extent and duration of suspension must be proportionate to the intended result which must take into account the purpose of the Constitution set out in Article 1.

Interpretation of the Constitution

- 16.03 The ruling of the chair of any formal meeting as to the meaning or effect of this Constitution, or any proceedings of the Council or any part of the Council, shall not be challenged during that meeting. Chairs making rulings must have regard to the purpose of this Constitution set out in Article 1.

Publication

- 16.04 The officer designated as Head of the Paid Service shall:
- (a) Provide a printed copy of this Constitution to each councillor on receiving that person's declaration of acceptance of office on being elected to the Council.
 - (b) Ensure that copies are available for inspection at Council offices, local public libraries and can be purchased by members of the public on payment of a reasonable set fee which shall not exceed the additional cost of making (and if applicable sending) a copy.
 - (c) Ensure that the current edition of a summary of this Constitution adopted by the Council is made widely available in the Borough.

Definition of Executive Arrangements

- 16.07 The following elements of this Constitution constitute the "executive arrangements" for legal purposes, together with the arrangements in Part 3 for assigning responsibility for Council functions and the rules in Part 4 which are relevant to each.
- (a) Article 6 Scrutiny and Overview
 - (b) Article 7 The Cabinet
 - (c) Article 9 Task Groups
 - (d) Article 10 Area Committees and Forums
 - (e) Article 11 Joint Arrangements
 - (f) Article 13 Decision Making

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PART 1

SUMMARY AND EXPLANATION

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The Borough Council's Constitution

- 1 The Borough Council of King's Lynn and West Norfolk has adopted a revised Constitution which is a formal statement of how the Council operates and under what rules. It describes how decisions are made and the procedures which are followed. It aims to ensure that these procedures are efficient, transparent and that those who take them are accountable to local people for them. Many of these arrangements are required by the law but many others are ones the Council has chosen.
- 2 The Constitution is divided into 16 main sections called Articles, which set out the basic rules and some more detailed procedures and codes of practice at the end of the document.

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What is in the Constitution?

- 3 Article 1 of the Constitution sets out the basic purposes of the Constitution and commits the Council to provide clear leadership for the people of the Borough in a way which best serves the people's needs and interests and explains the reasons. Articles 15 and 16 deal with keeping the Constitution under review, bringing it up to date, settling any doubts about its meaning and providing limited loop-holes to meet exceptional circumstances.

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What are the structures by which the Council operates?

- 4 Articles 2 - 14 explain the various parts of the Council's structures and what opportunities citizens have to influence how the Council operates. The topic of each Article is as follows:-

Public Rights

- 5 Article 3 explains the main rights which members of the public have in relation to the Council.

Council Meetings and the Mayor

- 6 Article 2 describes the Council's membership of 62 Councillors, elected every four years by voters in areas called wards, who can stand, and the role and functions of elected Councillors.
- 7 Article 4 describes those Council functions which it undertakes itself and Article 5 deals with the position of Mayor who presides at Council meetings.

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- 8 The main responsibility of the Full Council is to set the budget and policy framework within which Council decisions are made. It is set out more fully in Article 3.

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The Cabinet

- 9 The Council appoints a Leader and the Leader then creates a Deputy Leader and Cabinet of not more than 10 members including the Leader and Deputy Leader. The Cabinet is chaired by the Leader of the Council. The Cabinet meets regularly to exercise all Executive functions of the Council as set out in Article 7. In addition each Cabinet Member has their own portfolio and this is set out in the Scheme of Delegation to Cabinet Members within Section 2 of Part 3 of this Constitution.

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Scrutiny and Overview – challenging decisions and developing policy

- 10 All public decisions taken across West Norfolk should be open to constructive ‘challenge’. Such a challenge should seek to ensure that the best possible outcomes are realised with regard to the wellbeing of the Borough’s population, both now and in the future.
- 11 Within the Borough Council this responsibility rests explicitly with the work of the Cabinet Scrutiny Committee in offering a discerning and constructive challenge to Cabinet and delegated executive decisions/recommendations.
- 12 Alongside this activity (within the Council’s Scrutiny and Overview function) the portfolio-based Policy Review and Development Panels (and, in a co-ordinating role, the Policy Review and Development Liaison Committee) will work creatively to review and develop Council policy in line with corporate strategy and priorities – with the intention of stretching performance rather than containing it.

Regulatory Bodies

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- 13 The Council has three bodies which, like the Cabinet and unlike the Panels, can take a range of decisions on behalf of the Council. These are listed in Article 8 and all have some roles which are regulatory. They are a Planning Committee which decides on certain planning applications and development decisions and a Licensing and Appeals Board and Licensing Committee which decide on the issuing of a range of licenses and hears appeals against a range of decisions.

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Additional Bodies

- 14 The Council has 2 additional Bodies, the Standards Committee (see 21 below) and the Appointments Board which deal with filling any vacant senior posts in the Councils staff and certain panel/member appointments.

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Task Groups

- 15 Task Groups are small groups of Councillors with no powers to finally decide matters but which, working on a cross-party basis and with Council Officers, look into a particular matter and produce well considered recommendations. They may carry out various tasks and are then wound up; but the main work they do is to help develop new and better policies. (Article 9)

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Area Bodies

- 16 The Council does not have any Area Committees or Forums. These are new kinds of bodies which may be set up by the Council, with or without the power to take certain decisions locally on behalf of the Council if that seems likely to be a better way of meeting local needs. If any are contemplated, the Council will first consult fully with any parishes in the area in question. (Article 10)

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Co-operating with Other Organisations

- 17 Article 11 covers the making of joint arrangements with other public authorities and private organisations where the Council judges that it would be likely to be a better way of meeting local people's needs.

Council Staff

- 18 Article 12 sets the ground rules for employing Council staff and deals with the three special posts every Council must have to ensure that councillors do not exceed their powers or misbehave. Many day to day decisions are the responsibility of Council staff and these are set out in the scheme of delegation.

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Good Decisions

- 19 Article 13 gives details of the rules governing how decisions generally must be taken in the best interests of local people and Article 14 does the same for financial legal decisions.

Councillors

- 20 The Council has 62 councillors who are elected every four years. Councillors are democratically accountable to residents of their ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.
- 21 Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards

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Committee trains and advises them on the code of conduct and determines matters referred to it by Standards Board for England.

Key Decisions List

- 22 Each Month the Council will publish a Forward Plan called the Key Decisions List which will list all the Key Decisions that are to be considered by the Cabinet over the next 4 months. Details relating to decisions made are set out in Article 13.

Public Participation

- 23 There are several ways in which members of the Public can make their views known on issues, influence decisions and raise issues that concern them. These include:-

- Responding to consultation exercises e.g. surveys and questionnaires
- Lobbying Councillors
- Writing to Councillors or Council Offices
- Asking questions at Council Meeting
- Public Speaking at Planning Committee
- Scrutiny and Overview Function

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PART 3

CONTENTS

1 REMITS AND TERMS OF REFERENCE OF COUNCIL BODIES

- A Appointments Board
- B Cabinet
- C **Planning Committee**
- D Licensing and Appeals Board
- D1 Licensing Committee
- E Standards Committee
- F Functions Reserved to the Council
- G Cabinet Scrutiny Committee
- H Policy Review and Development Panels
- I Scrutiny and Overview Liaison Committee

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2 FUNCTIONS DELEGATED TO CABINET MEMBERS AND OFFICERS

3 FUNCTIONS DELEGATED TO PLANNING MEMBERS AND OFFICERS

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Part 3

1 REMITS AND TERMS OF REFERENCE OF COUNCIL BODIES

Context

- 1 Further to Articles 4, 7, 8 and 10, this section of Part 3 of the Constitution provides detail of the functions which, by choice, the Council has decided to exercise itself, and those which are given by law, or by choice of the Council, to the various Council bodies or any Area Committees.
- 2 For convenience of reference, these are set out, alongside other relevant arrangements, in a separate Appendix for each Council Body.
- 3 Section 2 sets out the standing delegations made by the Cabinet of its functions to individual Cabinet members or to Council Officers.
- 4 Section 3 sets out the standing delegations made by the Council to individual Council Officers.

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Appendices

A - Appointments Board

Composition

- | A.1 The Appointments Board shall consist of up to nine members and no councillor shall be disqualified from appointment by membership of any other Council body.

- A.2 For the making of general arrangements for its operation, and for the selection of a Chief Executive, the whole Board shall be convened; but it shall not be required to involve all of its members in all parts of the selection process for a Chief Executive.

- | A.3 Panels of the Board may be used for making other appointments. The Chairman, in consultation with the Chief Executive, shall designate at least five members to form Appointments Panels which shall be authorised to perform all the functions of the Board in relation to that appointment. Deleted: Chair

- | A.4 In designating the members to form Appointments Panels, and in advising on it, the Chairman and the Chief Executive respectively shall have regard to political proportionality, to the responsibilities of members in relation to the duties attaching to the post to be filled, and to the need for any substitution of members. Deleted: Chair

Functions Referred to the Board and the Terms of their Reference

- A.5 Within the employment policies and procedures established by the Council, the Appointments Board shall make the general arrangements for selecting "chief officers" and, following a decision to operate the process of selection set out in Standing Order 23, shall conduct the process in accordance with that Standing Order.

- A.6 In consideration of the nature of a particular post falling within the legal definition for appointment purposes of "chief or deputy chief officer", the Council, when authorising the operation of the selection process, may choose for the selection to be made by the process which would apply to a post not normally fillable by the Appointments Board.

- A.7 Within the procedures established by the Council, the Appointments Board shall appoint persons to the Councillors' Independent Allowances Panel and to the non-councillor places on the Standards Committee (subject to the involvement of the Chairman/Vice Chairman). Deleted: Chair
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B - Cabinet

Cabinet

- B.1 The Cabinet shall be responsible for the detailed implementation of policies established by the Council within the budgetary framework and the determination of Key Decisions within that framework.
- B.2 The detailed duties are those prescribed by law together with any which the Council has chosen to delegate to the Cabinet where it is lawful to do so.

Terms of Reference

- B.3 The functions delegated to the Cabinet are initially delegated to the Cabinet as a body and it shall be responsible collectively for their performance whether collectively or by an individual portfolio holder.
- B.4 The Cabinet is authorised to delegate any of those functions, or any part of them, to committees of Cabinet members or individual Cabinet members or to senior officers of the Council.
- B.5 All such delegations shall be minuted and, whenever such delegation is on an on-going basis (rather than to implement a particular decision), it shall form part of the standing delegation to Cabinet Members (Section 2)
- B.6 The Cabinet shall review its general delegation arrangements annually.

Powers and Duties

The Cabinet shall have the following duties.

- B.7 Be the source of timely reports to the Council to enable it to take decisions on matters reserved to the Council to decide and which form Part 1 of the list in Appendix F.
- B.8 Exercise any function, duty or power that is not reserved by the Council to itself or delegated by the Council to any other Council Body unless it is proscribed by law.
- B.9 Deliver all Council services within the Council's approved policy and budgetary framework.
- B.10 Take any action which is not delegated to any other Council Body that is necessary to protect the Council's interests. Any such action shall be reported to the next Ordinary Meeting of the Council.
- B.11 Make recommendations to the Council on corporate, strategic and service policies and programmes.
- B.12 Operate and monitor the Council's financial resources and make recommendations to the Council on the setting of the Council's budget, the level of Council Tax and any other financial or budgetary matter.
- B.13 Make recommendations on the annual budget of each Service having regard to the Council's agreed overall budget, strategy and targets.
- B.14 Act on behalf of the Council in consulting with Council Tax and Non-domestic Rate payers about the Council's proposals for revenue and capital expenditure.
- B.15 Control, co-ordinate and review the Council's operational framework, functions and resources within the Council's overall budgetary and policy framework.
- B.16 Consult with other bodies/internal and external insofar as this may be required by law, the Council's Standing Orders or any protocol.

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- B.17 Determine applications for grants.
- B.18 Appoint representatives to outside bodies in so far as this is authorised by the Council.
- B.19 Make a compulsory purchase order under any Act of Parliament that confers this power upon the Council provided within Policy and Budget.

The Cabinet may also:-

- B.20 Vire funds in accordance with the Council's financial regulations.
- B.21 Refer any matter to the Council for its consideration.
- B.22 Commission research into any matter.
- B.23 To hold an enquiry into a particular issue or issues relating to the Borough or the Council.

NB – List of Cabinet Members Responsibilities is appended

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C - Planning Committee

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Composition

- C.1 The Planning Committee shall consist of up to eighteen members (who must undertake relevant training before taking up the position.). No councillor shall be disqualified from appointment by membership of any other Council body provided that no more than three members shall be elected from among the members of the Cabinet

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Terms of Reference

- C.2 Subject to complying with any relevant legal requirements, the Committee shall apply such policies, procedures and consultative processes as the Council shall determine.

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Functions Referred to the Committee

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The Committee shall have the following functions.

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- C.3 Determine all applications for planning permission, lawful development, advertising, listed building and conservation area and hazardous substances consent and those relating to the prior notification of telecommunications, agricultural and forestry buildings and operations, demolition, deemed applications of all kinds and hedgerow matters.
- C.4 Authorise enforcement action and other proceedings under Parts VII and VIII of the Town & Country Planning Act 1990.
- C.5 Authorise the making of diversion and stopping up of public footpath and bridleway orders arising from development control proposals.
- C.6 Consider, comment upon or make recommendations in respect of applications of any kind made by public utilities, Norfolk County Council, the Crown or the Queen acting in a private capacity.
- C.7 Hear and determine appeals against the refusal of applications for consent to fell trees that are protected by Tree Preservation Orders and to consider objections to Tree Preservation Orders.

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D - Licensing and Appeals Board

Composition

- D.1 The Licensing and Appeals Board shall consist of up to fifteen members who must undertake relevant training before taking up the position and no councillor shall be disqualified from appointment by membership of any other Council body provided that no more than three members shall be elected from among the members of the Cabinet.
- D.2 For the making of general arrangements for its operation, the whole Board shall be convened but shall not involve all of its members in hearing particular applications or appeals.

~~D.3~~ In designating the members to form Panels, and in advising on it, the ~~Chairman~~ and the ~~Executive Director~~, Central Services, or their respective nominee, shall have regard to political proportionality where appropriate, to any involvement which would appear to call a member's impartiality into question, and to the knowledge and experience of members in relation to the subject of the hearing.

Terms of Reference

~~D.4~~ Subject to complying with any relevant legal requirements, the Board shall apply such policies, procedures and consultative processes as the Council shall determine.

Functions Referred to the Board

The Board shall have the following functions.

- ~~D.5~~ Act as a review board in respect of discretionary housing benefits administered by the Council.
- ~~D.6~~ Act as a review panel in cases where an applicant calls for a review of any decision and where there is a right to such a review.
- ~~D.7~~ Hear and determine licensing applications and appeals.
- ~~D.8~~ Hear and determine applications under the Highways Act 1980 concerning bridleways and footpaths when any objection that is not withdrawn causes a hearing to be held.
- ~~D.9~~ Hear and determine appeals by Council employees where such a right is part of the relevant personnel procedure.
- ~~D.10~~ Hear and determine any other appeals that, under Council procedures or decisions, require determination by the Council.

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Deleted: For the holding of hearings, the Chair, in consultation with the Head of Central Services or their nominee, shall designate three members to form a Panel which shall be authorised to perform all the functions of the Board in relation to that hearing. In so doing, the Chair shall ensure that he/she or one of the nominated panel Chairs, who have received additional training shall be on, and Chair the Panel¶

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D1 - Licensing Committee

Composition

D1.1 The Licensing Committee shall consist of up to fifteen members who must undertake relevant training before taking up the position and no councillor shall be disqualified from appointment by membership of any other Council body provided that no more than three members shall be elected from among the members of the Cabinet.

D1.2 For the making of general arrangements for its operation, the whole Committee shall be convened but shall not involve all of its members in hearing particular applications or appeals.

D1.3 For the holding of hearings, the Chairman, in consultation with the Executive Director Central Services or their nominee, shall designate three members to form a Sub-Committee which shall be authorised to perform all the functions of the Committee in relation to that hearing. In so doing, the Chairman shall ensure that he/she shall be on, and Chairman the Sub-Committee.

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D1.4 In designating the members to form Sub-Committees, and in advising on it, the Chairman and the Executive Director Central Services, or their respective nominee, shall have regard to political proportionality where appropriate, to any involvement which would appear to call a member's impartiality into question, and to the knowledge and experience of members in relation to the subject of the hearing.

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Terms of Reference

D1.5 Subject to complying with any relevant legal requirements, the Committee shall apply such policies, procedures and consultative processes as the Council shall determine.

Functions Referred to the Committee

The Committee shall have the following functions.

D1.6 To hear and determine applications or referrals under the Licensing Act 2000.

D1.7 To hear and determine applications or referrals under the Gambling Act 2005

E - Standards Committee

Composition

- E.1 The Standards Committee shall consist of four non-councillor members, one of whom shall be appointed as its ~~Chairman~~; and five councillor members, one of whom shall be appointed as its Vice ~~Chairman~~. No councillor shall be disqualified from appointment by membership of any other Council body provided that no more than one member shall be elected from among the members of the Cabinet.
- E.2 All non-councillor members shall be appointed from among persons who have not been local authority councillors in the previous 5 years, and at least one of these shall have been nominated by either two parish or town councils within the Borough or by an organisation representative of such councils.
- E.3 For the making of general arrangements for its operation and for dealing with its functions which have a general application, the whole Committee shall be convened; but it may choose not to involve all of its members in conducting hearings affecting particular individuals.
- E.4 For the holding of any such hearings, the Committee shall be advised by the Monitoring Officer, or his nominee, and a Panel formed to conduct a hearing shall be authorised to perform all the functions of the Committee in relation to that hearing.
- E.5 In designating the members to form Panels, the Committee shall be advised by the Monitoring Officer, or their nominee, and shall have regard to political proportionality, to any involvement which would appear to call a member's impartiality into question, and to the knowledge and experience of members in relation to the subject of the hearing.

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Terms of Reference

- E.6 Hearings will be conducted according to procedural rules adopted by the Committee
- E.7 Subject to complying with any relevant legal requirements, the Committee shall apply such codes, procedures and consultative processes as the Council shall determine.
- E.8 The Committee shall provide advice, codes, procedures, consultative processes or legal requirements as are required to keep the ethical health of the Authority under review.
- E.9 The Committee shall have authorisation to grant dispensations.

Functions Referred to the Committee

The Board shall have the following functions.

- E.10 Review its members and councillors' training needs affecting their conduct from time to time.
- E.11 Promote high standards of conduct within the Council.
- E.12 Monitor the implementation and operation of the Council's codes of conduct for Councillors and Officers.
- E.13 Determine breaches of the authority's codes of conduct which have been referred to it by an Ethical Standards Officer
- E.14 Have responsibility for the operation of the confidential reporting code.
- E.15 Make recommendations to the Council on the criteria and the process for appointment of non-Council members to the Committee.
- E.16 Consider reports from the Monitoring Officer and the Standards Board for England and Wales.

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F - Functions of the Council

The functions reserved for decision by the Council under Article 4.01 are elaborated in this Appendix and are the functions which the Council is required by law, or has decided, to retain and to perform itself.

Part 1

- F.1 Adopting, changing and revoking any of the Parts of this Constitution except where those Parts permit or require otherwise.
- F.2 Determining which executive arrangements the Council will operate.
- F.3 Adopting the Council's policy framework as defined in Article 4.
- F.4 Adopting and approving the budget as defined in Article 4.
- ~~F.5~~ Making decisions about any matter which has been delegated to another Council Body or any Member of the Council or Officer which the decision maker is intending to make in a way which would be contrary to the policy framework or not wholly in accordance with the budget. Deleted: F.5 Approving any application in respect of a Housing Land Transfer involving 500 or more dwellings to the Secretary of State. ¶
¶
- ~~F.6~~ Deciding and amending the matters which are referred to all Council Bodies and the terms governing their reference. Deleted: 6
- ~~F.7~~ Determining the Council's relationship with outside bodies, appointing representatives to outside bodies (insofar as the function is not delegated to other Council Bodies) and determining which Council Body Council Members appointed to outside bodies will report to. Deleted: 7
Deleted: 8
- ~~F.8~~ Approving any final view or decision within the Council relating to the alteration of any local government boundary, electoral division or area or the number of Members of the Council. Deleted: 9
- ~~F.9~~ Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of any Private Bills in Parliament. Deleted: 10
- ~~F.10~~ Any other matters which, by law, must be decided by the Council. Deleted: 1

Part 2

- ~~F.11~~ Considering reports referred to it by any Council Bodies. Deleted: 2
- ~~F.12~~ Resolving any dispute between the Cabinet and the various Council Bodies. Deleted: 3
- ~~F.13~~ Appointing the Mayor and Deputy Mayor. Deleted: 4
- ~~F.14~~ Appointing Leader of the Council. Deleted: 5
- ~~F.15~~ Appointing the Chairmen, Vice Chairmen and members of all Council Bodies (except the Cabinet and Cabinet Scrutiny Committee). Deleted: 6
Deleted: Chair
- ~~F.16~~ Changing the name of the district. Deleted: s
Deleted: Chair
- ~~F.17~~ Appointing Honorary Aldermen. Deleted: s
- ~~F.18~~ Bestowing the Honorary Freedom of the Borough. Deleted: 17
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G - Cabinet Scrutiny Committee

Composition

- G.1 This Committee shall consist of nine members and no councillor shall be appointed who is a member of the Cabinet.
- G.2 Political proportionality for the committee has been waived to permit an opposition majority.
- G.3 The Committee shall be chaired by a Member from the major opposition group and vice-chaired by a Member from an opposition party, who shall fill the ~~Chairman~~ and Vice ~~Chairman~~ position shall be decided by the Committee

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Terms of Reference

- G.4 The Committee's primary function and terms of reference, in holding the Executive to account, are those set out in Articles 6.06-6.07 of Part 2 of the Constitution (reproduced below).
- 6.07 The Cabinet Scrutiny Committee shall:
- (a) within 30 days of the decision scrutinise decisions and recommendations to Council made by members on the delegated authority of the Council or in implementation of policy by the Cabinet provided that there shall be one opportunity only to do so in respect of any decision or group of decisions;
 - (b) consider subject to Standing Order 12.16 all 'called in' decisions and decide whether to refer the outcome to Council or the Cabinet and recommendations to Council within 30 days. ;
 - (c) make reports and/or recommendations to the full Council and/or the Cabinet in connection with the discharge of any of their functions.
 - (d) report annually to the full Council on the work that they have completed during the preceding 12 months.
 - (e) be directly accountable to, and subject to the direction of, the full Council

H - Policy Review and Development Panels

~~Resources and Performance~~ Policy Review and Development Panel
~~Regeneration Community and Environment~~ Policy Review and Development Panel

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Composition

H.1 The Panels shall each consist of up to fifteen members and no councillor shall be appointed who is a member of the Cabinet.

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H.2 ~~Council shall appoint the Chairman and Vice-Chairman.~~

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Terms of Reference

H.3 The Panels' primary function and terms of reference, in reviewing the developing Council policy, are those set out in Articles 6.08-6.09 of Part 2 of the Constitution (reproduced below).

6.09 With respect to the matters they choose to examine within their individual remits, the Policy Review and Development Panels will generally:

- (a) consider matters affecting the Borough or local people;
- (b) review the performance of the Council ~~specifically in relation to its policy objectives, performance targets or particular services.~~
- (c) assist in advancing the development of effective policy for promoting or improving the economic, social and environmental wellbeing of the people and communities of King's Lynn and West Norfolk;
- (d) question members of the Cabinet and senior officers about their decisions and performance, whether generally in comparison with Directorate plans and targets over time, or in relation to particular decisions, initiatives or projects;
- (e) review the performance of other public bodies in the area and invite reports from them by requesting them to address the relevant Policy Review and Development Panel about their activities and performance;
- (f) question and gather evidence from any other willing person.
- (g) make reports and/or recommendations to the full Council and/or the Cabinet in connection with the discharge of any of their functions.
- (h) report annually to the full Council through Policy Review and Development Liaison Committee on the work that they have completed during the preceding 12 months.
- (i) consider the Key and Forward decisions List
- (j) have responsibility to review any decisions taken after the 30 day period has passed.
- (k) The Resources and Performance Panel will perform the roles and responsibilities of the Council's Audit Committee.

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Deleted: This includes the responsibility for overseeing the management of Best Value Reviews and for ensuring they are effective and completed.¶

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I - Scrutiny and Overview Liaison Committee

Composition

- I.1 The Liaison Committee shall consist of the Chairmen of the Policy Review and Development Panels and the Chairman of the Cabinet Scrutiny Committee.
- I.2 To permit this arrangement political proportionality for the committee is waived (subject to a *nem con* vote at Full Council).
- I.3 The Liaison Committee will meet at the beginning of each calendar year and will be chaired on a rotating arrangement by the Chairmen of the Policy Review and Development Panels in alphabetical order by surname each time the Chairman of the Committee is called upon.

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Terms of Reference

- I.4 Co-ordination, performance monitoring and evaluation of the Scrutiny and Overview function as a whole.
- I.5 This Committee is the Senior Scrutiny and Overview Body

Role of the Policy Review and Development Liaison Committee

- 6.04 The Scrutiny and Overview Liaison Committee shall:
 - (a) make recommendations to the Policy Review and Development Panels as to items of work they may wish to schedule as a result of cabinet scrutiny activity;
 - (b) determine which Policy Review and Development Panel(s) should deal with any matter in cases of doubt or dispute, or make arrangements for joint working between panels.
 - (c) oversee the work of the Policy Review and Development Panels and intervene if necessary to avoid duplication and assist in managing cross-cutting policy review and development work;
 - (d) ensure progress across the overview function and monitor and co-ordinate workloads of the Policy Review and Development Panels.
 - (e) report annually to the full Council on the overall functioning of Policy Review, Cabinet Scrutiny Committee and Development Panels and make recommendations on future working methods and arrangements.
- 6.05 For the avoidance of doubt, the Scrutiny and Overview Liaison Committee shall not have powers to review recommendations from the Policy Review and Development Panels, or to dictate what matters shall or shall not be considered. In their co-ordination role, however, they may choose to ensure an appropriate prioritisation of matters to be considered.

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REPORT TO CABINET

| | | | | |
|--|-------------------------------------|---|--|-------------------------------------|
| Open | | Would any decisions proposed : | | |
| Any especially affected Wards | Mandatory | (a) Be entirely within Cabinet's powers to decide NO | | |
| | | (b) Need to be recommendations to Council YES | | |
| | | (c) Be partly for recommendations to Council and partly within Cabinets powers – NO | | |
| Lead Member: Cllr Nick Daubney E-mail: cllr.nick.daubney@west-norfolk.gov.uk | | 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: Management Team | | |
| Financial Implications NO | Policy/Personnel Implications NO | Statutory Implications YES | Equalities Impact Assessment YES If YES: Pre-screen only | Risk Management Implications YES |

Date of meeting: 1 November 2011

4 BUSINESS CONTINUITY MANAGEMENT POLICY STATEMENT & STRATEGY

Summary

The Civil Contingencies Act 2004 placed a duty on Category 1 responders (of which the Council is one) to develop and maintain plans to ensure that if an emergency occurred, the authority is able to continue to perform its critical activities and key services.

It is over two years since the current version of the Business Continuity Policy Statement and Strategy was adopted, during which time responsibility for the function has moved to the Deputy Chief Executive. Work has been undertaken during 2011 to review and update the Policy Statement document, as well as wider Business Continuity Management (BCM) arrangements.

Details of the work undertaken to review and update documents and BCM arrangements are provided in the body of this report.

Recommendation

It is recommended that Cabinet accept the new version of the Business Continuity Policy Statement and Strategy, attached, and that they recommend acceptance by full Council.

Reason for Decision

To ensure that the Council continues to meet the requirements placed upon it by the Civil Contingencies Act 2004 and is well placed to react in the event of a disruption or emergency.

1.0 Background

- 1.1 The Civil Contingencies Act 2004 placed a duty on Category 1 responders (as defined by the act and which includes all local authorities) to develop and maintain plans for the purpose of ensuring that, so far as is reasonably practicable, if an emergency occurs they are able to continue to perform their key services / critical activities. This means that, in the event of a disruption or emergency, the Council must have plans available to ensure that it can mobilise the functions it needs to:
- Deal with any emergency
 - Ensure that the impact of the emergency on the Council's day-to-day activities is kept to a minimum, and
 - Ensure that, so far as possible, vital services for the community can be maintained at appropriate levels.
- 1.2 The Business Continuity Management Policy Statement and Strategy, attached, are the framework documents around which the Council's arrangements are based.

2.0 Current Position

- 2.1 In March 2009, Council considered and endorsed a newly formulated Business Continuity Policy Statement and Strategy document, which had been devised as a result of a Business Impact Analysis undertaken in 2008, in conjunction with the Council's insurers.
- 2.2 It is considered best practice for the Policy Statement to be reviewed regularly and therefore, earlier in 2011, Management Team set up a group of five officers from across the authority, led by the Deputy Chief Executive, to review the Council's Policy and Strategy, as well as the wider Business Continuity Management arrangements.

3.0 Progress

- 3.1 The following summarises the work that has been carried out during 2011 by the Business Continuity Corporate Officer Group (BC COG) and agreed by Management Team:
- The Business Continuity Policy Statement & Strategy have been reviewed and updated
 - An overview has been produced of the suite of documentation that form the Business Continuity Management arrangements
 - An Invocation Process and Incident Checklist has been drawn up following a gap analysis of existing documentation
 - A storage and archiving protocol has been devised for documentation
 - A review of agreed Threats and Critical Activities has been undertaken and the agreed list revised
 - The format of the plans for the agreed Threats has been reviewed and updated

- A new template has been devised for team / departmental Business Continuity Plans
- Lead Officers and deputies for Critical Activities have been nominated and agreed, additional training is being arranged where appropriate
- A plan has been formulated to test aspects of the refreshed arrangements

4.0 Next Steps

4.1 Reviewing, refreshing and producing the documentation referred to above, is only one element of the Business Continuity Management Strategy, albeit a significant one. For Business Continuity Management to be effective, plans must be embedded throughout the Council.

4.2 To achieve this, the BC COG will continue and

- Assist in rolling out the new template for team / departmental Business Continuity Plans across the authority where appropriate
- Plan for further testing and validation of arrangements and plans, ensuring that learning is realised from the testing undertaken

5.0 Policy Implications

5.1 This is an update to a policy adopted by Council in March 2009.

6.0 Financial Implications

6.1 There are no financial implications associated with adoption of this policy.

6.2 In the event that the Council needs to bring Business Continuity plans into operation it will mean that an event has occurred which will threaten service provision in some way. It is highly likely that this will also bring about additional expenditure / lost income and the financial implications will need to be met from the Council's general fund balance and / or its reserves.

7.0 Personnel Implications

7.1 There are no personnel implications associated with this document.

8.0 Statutory Consideration

8.1 Adoption of this updated Policy Statement and Strategy document will ensure that the Council continues to meet the requirements placed upon it by the Civil Contingencies Act 2004 and is well placed to react in the event of a disruption or emergency.

9.0 Risk Assessment

9.1 Business Continuity planning is a statutory requirement and clearly is aimed at managing risk after the occurrence of an event / disruption. Plans are not aimed at prevention of an event, which is dealt with in other ways by Service Managers, but at mitigating the impact of any serious interruption to the business of the Council.

10.0 Equality Impact Assessments

- 10.1 An Equalities Impact Assessment pre-screening form has been completed, this is attached for information. The Business Continuity Management Policy Statement does not affect people differently according to their equality communities and therefore a full assessment is not required.

11.0 Access to information

- 11.1 Background papers are held by the Performance & Efficiency Manager.

**Business Continuity Policy
Statement & Strategy
Pre-Screening Equality Impact
Assessment**

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



| Question | Answer | Decision | Comments |
|--|--------|-------------------------------------|--|
| 1. Does this policy impact on internal/external customers differently according to their different equality communities , for example, because they have particular needs, experiences or priorities? | No | No - impact assessment not required | |
| 2. Is there any reason to believe that staff or customers could be affected differently by the proposed policy according to their equality community , for example in terms of access to a service, or the ability to take advantage of proposed opportunities? | No | No - impact assessment not required | |
| 3. Is the proposed policy likely to affect relations between certain equality communities or to damage relations between the equality communities and the council, for example because it is seen as favouring a particular community or denying opportunities to another? | No | No - impact assessment not required | |
| 4. Could this policy be perceived as impacting on communities differently? | No | No - impact assessment not required | |
| 5. Is this policy rigidly constrained by statutory obligations? | No | No - impact assessment not required | Although it is a statutory requirement to have plans in place, how the Council chooses to formulate them is not rigidly controlled |
| 6. Is the policy specifically designed to tackle evidence of disadvantage or potential discrimination? | No | No - impact assessment not required | |

Assessment completed by:

Name: Vanessa Dunmall

Job title: Performance & Efficiency Manager Date: 22.09.2011

REPORT TO CABINET

| | | | | |
|--|--------------------------------------|--|--------------------------------------|-------------------------------------|
| Open | | Would any decisions proposed : | | |
| Any especially affected Wards | Mandatory/ | (a) Be entirely within cabinet's powers to decide NO | | |
| | Discretionary / | (b) Need to be recommendations to Council YES | | |
| | Operational | (c) Be partly for recommendations to Council and partly within Cabinets powers – NO | | |
| Lead Member: Cllr Brian Long E-mail: cllr.brian.long@west-norfolk.gov.uk | | Other Cabinet Members consulted: Cllr Nick Daubney | | |
| | | Other Members consulted: Recycling Task Group L Allen, D J Collis, B Long, A Lawrence, J Loveless, C Manning, J Moriarty, M Pitcher, A White, D Whitby | | |
| Lead Officer: Chris Bamfield / Barry Brandford E-mail: chris.bamfield@west-norfolk.gov.uk barry.brandford@west-norfolk.gov.uk Direct Dial: 01553 616648 / 01553 782074 | | Other Officers consulted: Management Team | | |
| Financial Implications YES | Policy/Personnel Implications YES | Statutory Implications (incl S.17) YES | Equal Opportunities Implications YES | Risk Management Implications YES |
| If not for publication, the paragraph(s) of Schedule 12A of the 1972 Local Government Act considered to justify that is (are) paragraph(s) | | | | |

Date of meeting: 1 November 2011

5. RECYCLING TASK GROUP

Summary

This paper considers the report of the Recycling Task Group which was tasked to consider and make recommendations designed to identify ways in which the Council can improve its recycling performance within the constraints of the current financial situation.

RECOMMENDATION

The Cabinet considers the recommendations of the Recycling Task Group and recommends to Council that the recommendations as set out below be agreed:

- 1 The Council work with the Council's new refuse and recycling contractor Kier to increase and improve bring sites, particularly for glass collection when the contract starts in April 2013.
- 2 That the Council introduce an Alternate Weekly Collection (AWC) Service for general waste and recycling including the issue of new 240 litre wheelie bins for general waste to households. Households will have the option to retain their existing 140 litre bin if they wish. (The Task Group noted that those properties with a black sack collection service would continue to have a weekly, or in case of need, twice weekly collection service).

- 3 That a weekly food waste collection service be introduced with an initial provision of 50 caddy liners per property using a solid walled caddy for kitchen use and a larger sealed caddy for general collection.
- 4 The Council work with supermarkets to promote the availability of battery recycling facilities.
- 5 In the first two years of the contract from April 2013, the Council makes a provision from the financial savings of £50,000 per year for additional promotion/marketing/education work for the service changes including starter packs for residents and information both on bins and on the inside of bin lids to help increase recycling levels and reduce contamination.
- 6 That the initial contract for food waste treatment be on a timescale and terms not precluding the use of food waste within technologies that may be introduced as an alternative to incineration.
- 7 That in considering the bin capacity, the Waste Management Team be given delegated authority to adopt a flexible approach to the needs of residents for additional bin capacity if required.
- 8 That training be provided for Members prior to the service changes to enable them to assist residents.
- 9 That the Council confirms to Kier Street Scene Services Limited that it will be required to provide an Alternate Weekly Refuse Collection Service including weekly food waste. This is set out as Option 3a in the Contract Documents.

Reason for Decision

To determine the configuration of the service requirements for the new Refuse and Recycling contract due to commence on 1st April 2013 with the new contractor Kier and in so doing to deliver a significant improvement to the Council's current recycling performance.

1. BACKGROUND

- 1.1 At its meeting on 5 July 2011, Cabinet agreed to the formation of a Member Recycling Task Group to assist the Council in making well thought, thorough and informed decisions concerning the refuse and recycling service.
- 1.2 The Task Group was invited to make recommendations to Cabinet on ways in which the Council could significantly increase the rate of recycling in the borough. In order to ensure that all Groups have the opportunity to input into this matter it was agreed that the Group be made up of 10 Members, rather than 9 which is the proportional level (6 Con, 2 Lab and 1 Ind/Gr and 1 Lib Dem).

- 1.3 The Task Group has examined a range of ideas for increasing our recycling rate at an affordable cost. These have included the recycling of batteries, glass, garden waste, food waste and 'other' plastics. The Task Group examined each of these areas in some detail as can be seen in the attached report and PowerPoint presentations, this has included consideration of potential methods of collection (door step, bring sites, etc), the availability of markets for materials collected, and of course the cost implications of each.

2. CURRENT SERVICE PROVISION

- 2.1 The Council currently recycles 37.7% of its waste, of this, dry recyclates from 24.3% and brown bin garden waste 13.4%. This is the second lowest level of recycling in Norfolk and falls within the third quartile nationally. Recycling performance is not purely a question of the type of service but is also affected by demographics factors including age and education.
- 2.2 At present the Council currently collects recyclates in the green bin including paper, cardboard, plastics, plastic bottles, tin and aluminium cans. These materials are bulk transferred to the Materials Recycling Facility at Costessey to be sorted and sold. The materials go into UK markets and under the terms of the contract, the Council benefits from profit share equivalent to circa £350,000 per annum at the current time.
- 2.3 There is a significant level of contamination in the recycling collected equivalent to 14% of the gross weight at the last audit. Education and marketing are ongoing to reduce this but at a limited level.
- 2.4 However, the quality of materials bulked and sent for sale is generally very good and this is reflected in the profit share returned to the Borough Council.
- 2.5 Included within the percentage figure for dry recyclates are materials collected from Bring Sites, the main item of which is glass.
- 2.6 The Council separately operates a paid for garden waste service which produces an annual income to the Council of £639,000 per annum with over 16,000 brown bins in use.

3. TASK GROUP RECOMMENDATIONS

- 3.1 At its meeting on 13th October 2011 the Task Group agreed the following recommendations to Cabinet:

- 3.1.1 The Council work with the Council's new refuse and recycling contractor Kier to increase and improve bring sites, particularly for glass collection when the contract starts in April 2013.
- 3.1.2 That the Council introduce an Alternate Weekly Collection (AWC) Service for general waste and recycling including the issue of new 240 litre wheelie bins for general waste to households. Households will have the option to retain their existing 140 litre bin if they wish. (The Task Group noted that those properties with a black sack collection service

would continue to have a weekly, or in case of need, twice weekly collection service).

- 3.1.3 That a weekly food waste collection service be introduced with an initial provision of 50 caddy liners per property using a solid walled caddy for kitchen use and a larger sealed caddy for general collection.
- 3.1.4 The Council work with supermarkets to promote the availability of battery recycling facilities.
- 3.1.5 In the first two years of the contract from April 2013, the Council makes a provision from the financial savings of £50,000 per year for additional promotion/marketing/education work for the service changes including starter packs for residents and information both on bins and on the inside of bin lids to help increase recycling levels and reduce contamination.
- 3.1.6 That the initial contract for food waste treatment be on a timescale and terms not precluding the use of food waste within technologies that may be introduced as an alternative to incineration.
- 3.1.7 That in considering the bin capacity, the Waste Management Team be given delegated authority to adopt a flexible approach to the needs of residents for additional bin capacity if required.
- 3.1.8 That training be provided for Members prior to the service changes to enable them to assist residents.
- 3.1.9 That the Council confirms to Kier Street Scene Services Limited that it will be required to provide an Alternate Weekly Refuse Collection Service including weekly food waste. This is set out as Option 3a in the Contract Documents.

4. RECYCLING PERFORMANCE

- 4.1 In reaching their recommendations, the Task Group noted that the adoption of these recommendations would achieve:
- 4.2 An increase the percentage of waste recycled in the borough from 37.7% to 50.7% with the potential to increase this by a further 10-15% by 2015. This represents an increase in recycling from 21,248 tonnes to 28,558 tonnes and potentially 36,613 tonnes. This will achieve the European Union target of 50% of waste being diverted from landfill by 2020.
 - A reduction in the volume of material landfilled in the borough from 35,092 tonnes to 27,770 and potentially 19,714 tonnes.
- 4.3 The Task Group considered but decided not to recommend the option of alternate weekly collections only as this would only increase recycling levels by 4%.
- 4.4 The Task Group considered but decided not to recommend the option of continuing with the current service as it would have little impact on improving recycling levels, and would deliver no cost savings.

5. FINANCIAL IMPLICATIONS

- 5.1 The Task Group were mindful that improved recycling performance needed to be balanced with the Council's financial requirements.
- 5.2 The largest financial savings would be achieved by introducing alternate weekly collection on its own. This would give an annual average saving of £873,000 per annum. This option was rejected as it would not result in a significant increase in recycling levels.
- 5.3 The introduction of an alternate weekly collection service combined with a weekly food waste collection would produce an annual average saving of £553,000. The Task Group proposed that in the first two years £50,000 per year be allocated for additional advertising, marketing and education work to increase recycling levels and reduce contamination.

6. EQUALITIES IMPACT ASSESSMENT

An equalities impact assessment has been undertaken and is attached at Appendix 1.

7. RISK MANAGEMENT

- 7.1 This report recommends significant changes to the current refuse and recycling arrangements to be introduced when the new contractors take over the service in April 2013. The Refuse and Recycling Service is the one Borough service which is delivered to every home in the Borough. Members will recall the difficulties experienced when the current contract commenced in 2001. There is a risk that residents will be unclear about how the service will operate and/or concerned about the nature of the new service.

In order to mitigate this risk it will be essential for the Council and its new contractor to carry out a comprehensive and effective communications and implementation programme, both prior to and during the early stages of the change over. A sum of £50,000 per year for the first two years has been earmarked for this purpose. Cabinet may wish to reflect on whether this sum is sufficient to ensure a smooth change over process, particularly during the first year of operation.

8. BACKGROUND PAPERS

Resources & Performance Report - 25 October
Regeneration, Environment and Community – 26 October
Presentation to Refuse and Recycling Task Group – 15 September
Presentation to Refuse and Recycling Task Group – 5 October

Appendices:

Equal Opportunities Impact Assessment – Appendix 1

Recycling Task Group Minutes from 13 October 2011 – Appendix 2

Full Impact Assessment

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

Barry Brandford – Waste & Recycling Manager
Chris Bamfield – Executive Director

Collection of Waste and Recycling of Waste

2. What change are you proposing?

Adopt changes to the collection of waste and recyclable materials at kerbside for householders in the whole of the area of the Borough.

Introduce alternate weekly collections of wastes, with a collection of residual waste alternating with a collection of co-mingled dry recyclable materials. The service will be delivered using 240 ltr wheeled bins as standard.

Introduce a weekly collection of food waste using 7 litre caddy and 21-23 litre food waste collection container

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

- The proposal supports our Environmental Statement by reducing waste to landfill, increasing recycling, GHG emissions from collection and treatment of waste.
- Balancing the budget

4. What is your evidence of need for change?

- Budget gap of over £2,000,000 in year 2013/14
- The level of recycling in West Norfolk is 59th out of 89 of councils within Sparse, 12 out of 16 in family group, 3rd quartile nationally
- Dry recycling rate is 24.3%
- Composting rate is 13.4%

5. What is the impact of your proposal?

- Recycling rates will increase by up to 57% by 2015/16
- Householders will be provided with a 240ltr residual waste bin as standard, householders wishing to use a 140 ltr residual waste container, as offering sufficient capacity will be able to keep the existing container.
- The residual waste bin will be larger but collected every other week as part of an alternating service
- All householders will be provided with a 7 litre food waste caddy, and a 21-23 litre collection container. This will be collected weekly alongside the other waste container due for collection that week
- Householders will have the same overall level of waste collection capacity and will be separating out food waste within the home. Removing this element of

'smelly waste' from the contents of the residual waste bin will minimise complaint and maximise recycling.

- Issues of larger containers will be an issue for those with disability or age related frailty. The containers for both waste and recycling will be the same and therefore less easy to differentiate for the blind or partially sighted

6. How will you monitor the impact of change?

- Amount of food waste sent for composting
- Amount of waste delivered for dry recycling
- Amount of waste sent for landfilling
- Amount of waste contaminants in dry recycling containers
- Customer complaints about service design
- It is expected that service change will form part of Scrutiny Panel process and form part of partnership board review within the collection contract.

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

- Key service measure reports will be generated by in cab technology on set out rates, contamination and complaints made to both the council and the contractor
- Savings on the revenue budget of between £267,000 & £553,000 on going will be achieved

8 What geographical area does this change impact upon?

- The changes will be applied to the whole borough excluding those areas of King's Lynn (North End & South Lynn) where there are substantial areas unsuitable for bins where weekly collections of residual waste will be maintained
- Waste generated in Houses in Multiple Occupation will also be cleared weekly.

9 What impact will this change have on different groups of the population?

- The equality community most affected by the change will be people with disability, mainly elderly frail, who will find the larger bin more difficult to move. For these householders an assisted lift service entitlement will mean that the bin will be collected from where they keep the bin, its emptying and return by collection crews.
- Bin differentiation will be more difficult for those who are partially sighted or blind. Colour changing of lids to allow those who are partially sighted to identify bins by colour or shade will reduce problems and Braille or other coding of lids will enable blind householders to differentiate between bin types.
- Food collection containers will also be collected on assisted lift for those affected by disability.

- Those customers affected by disability will receive containers appropriate to their needs in terms of size, capacity, operation and security to ensure access to the service.
- Those service users who generate more waste of any of the types collected will be entitled to additional capacity according to their needs within operational parameters set by the service. (Normally six permanent household members, number of children in nappies etc)
- Information will be provided to service users in a range of languages to ensure comparable access to the service. Audio and Braille will be made available for those service users requiring this format.
- Kier will deliver a full communication plan as part of the mobilisation plan for service change
- Clinical waste collections are not affected by this change

10 Are there any implications for other service areas?

- None

Assessment Completed By: Barry Brandford

Job Title: Waste and Recycling Manager

Other Staff Involved in Assessment (including Corporate Equality Group Representative): Simon McKenna

Date:12/10/2011

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

RECYCLING TASK GROUP

**Notes of a meeting of the above Task Group held on
Wednesday, 13 October 2011 in the Committee Suite,
King's Court, Chapel Street, King's Lynn**

PRESENT:

Councillor B Long (Chair)
Councillors Lori Allen, D J Collis, A Lawrence, John Loveless,
C Manning, J Moriarty, M E Pitcher and D Whitby

Also present:

Barry Brandford - Waste & Recycling Manager
Chris Bamfield - Executive Director for Leisure & Public Space
Kathy Wagg - Democratic Services Officer

An apology for absence was received from Councillor A M White

1. INTRODUCTION

The Task Group received a report which explained that the Recycling Task Group had been formed to enable Members to make informed decisions about the Council's approach to recycling. The work of the Group was very significant in the context of the new refuse and recycling contract which would commence in April 2013 and would run for eight years with a possible extension for a further eight years.

The Task Group had visited and reviewed the key operational areas involved with waste and recycling:

- Blackborough End landfill site
- Greenworld Composting operation
- Council Depot and Transfer Station

In addition, the Task Group had viewed a video of the operation of the Materials Recycling Facility (MRF) in operation at Costessey sorting recyclables from all Norfolk districts.

At the second meeting, the Task Group had a combined presentation and discussion with regard to waste services and relevant factors.

In relation to current performance, it was explained that the current level of waste recycled in the borough was 38%, the second worst in Norfolk, of this 24.3% was from recyclates in the green bin and 13.4% from composted waste from brown bins.

The Executive Director for Leisure and Public Space reported that the financial implications of the decisions on the costs of the new contract from April 2012 would be:

- (a) Continuation of the current arrangements for a weekly bin collection of general waste for landfill and every two weeks for recycling materials would have no impact on the Council's revenue projections.
- (b) Annual savings from collecting general waste every two weeks in a 240 litre bin in an alternating service with recycling waste would produce an annual saving of £873,000 in the Council's financial projections.
- (c) Annual savings from a service as at (b) but with a weekly food waste collection for all households produced an average annual saving of £553,000 in the Council's financial projections.

The Council currently had a projected budget deficit of £2,071,000 in the 2013/14 projection.

It was highlighted that the Task Group had reviewed the items contained within the general waste being landfilled which could potentially be recycled and the current recycling arrangements. The following areas had been identified for additional information and investigation:

- Batteries
- Glass
- Garden waste
- Food waste
- Non-target plastics

(a) Batteries

It was explained that an option which could be pursued would be to improve marketing and promotion of the availability of battery recycling facilities at supermarkets and electrical stores.

In relation to a kerbside collection, the Waste and Recycling Manager explained that initial discussions had taken place with Kier who had agreed that they would be prepared to introduce a monthly battery collection service. There would be an additional cost for training of staff but no other revenue cost. However this option would need further investigation to consider the location/weight of a battery box and its installation on the refuse collection vehicles.

Councillor Loveless suggested that before further investigation was given to a kerbside collection that further publicity should be given to the use of the existing battery recycling facilities.

The Executive Director for Leisure and Public Space suggested that when considering the level of savings that could be achieved from the new contract,

an amount of money could be allocated for education and advertising, which could provide a better payback for the Council.

Councillor Lawrence also suggested that village paper shops, etc should be encouraged to have a battery collection point.

(b) Garden Waste

It was reported that in reviewing the option of a free borough wide garden waste collection service (brown bins), the Task Group had determined that this was not a feasible option in terms of costs; the increase in CO2 emissions from vehicle exhausts; the detrimental impact on home composting and that a substantial number of properties would not be able to use the service.

(c) Glass Recycling

It was reported that a kerbside collection service would have an additional cost of £291,810 to collect 400 tonnes of glass with a sale value of £3,000 and an additional 120,000kg of CO2 emissions. It was explained that other options could be progressed to improve glass recycling such as working with Kier to increase and improve Bring Sites.

(d) Non-Target Plastics

The Task Group noted that the Borough Council and other Norfolk Districts did not currently recycle all plastics. The driving force for those plastics collected was the availability of a market at an affordable price. It was highlighted that there were currently discussions taking place through the Norfolk Consortium with regard to the future contract for materials recycling and the ability to add items into the green bin would be a key consideration. This could include plastics or other materials including glass when it was viable and cost effective. It was highlighted that this service change would not have an impact on the Kier contract.

(e) Food waste collections

It was reported that at the previous meeting, the Task Group supported the principle of providing a weekly food waste service, and requested the following information:

- (1) Does the free provision of caddy liners have a substantial impact on the use of the service?
- (2) A full cost comparison of a service with or without caddy liners.
- (3) Options for different quantities of free caddy liners issued.

The Task Group was presented with the costings for the options above.

The Waste and Recycling Manager gave examples of how other Councils had provided liners. He explained that there was very little difference in the levels of participation and materials collected relating to the amount of liners issued.

It was explained that the biggest factor was prosperity where more food was brought and allowed to go out of date.

It was suggested that if the Council went along with the provision of a solid bin with a lid a sticker could be added making people aware that they should not be using supermarket bags in the caddy.

The Waste and Recycling Manager outlined the participation levels of other Councils who had introduced a weekly food waste service.

The Task Group noted the importance of village shops having access to the supply chain of the liners, which could help to increase footfall.

It was highlighted that places such as RAF Marham, the College, Queen Elizabeth hospital, restaurants, etc would have food waste collections together with schools and nurseries.

In response to a query regarding where the food waste would end up, it was explained that Kier had the opportunity to build and operate a composting system for the food waste at the Greenworld Composting Operation. However there was also alternative technology for the waste to operate anaerobic digestion the output of which would go into processes.

The Waste and Recycling Manager explained that the initial contract for food waste treatment could be on a short term contract and terms to allow the use of food within technologies that may be introduced as an alternative to incineration.

Impact of an Alternative Weekly Collection Service on Recycling Levels

The Executive Director for Leisure and Public Space explained that there had been considerable research by WRAP to show that the introduction of an Alternative Weekly Collection service would help to increase the level of recycling. Based on studies, the level of recycling was likely to increase by 4%, equal to 2,200 tonnes per annum.

It was further explained that this would create additional recycling credits of £110,000 for the Borough Council with no additional costs of collection. There would also be some additional profit share on additional materials.

Councillor Whitby referred to a recent programme shown on Channel 4 and highlighted that there appeared not to be an incentive for people to sort out their rubbish, nor any consequences. He suggested that a sticker under the lid of the green bins reminding people of what could be recycled may be helpful.

It was also suggested that in terms of educating the public, people should be told about the cost of putting non-recyclable waste in the green bin.

The Task Group also discussed the Kier contract and it was highlighted that the crews emptying bins would be well managed. The Task Group also discussed how the price of the contract over the period was arrived at. It was explained that a formula which included inflation, fuel, labour, etc had been

established and taken forward over the terms of the contract. It was acknowledged that the start-up costs for the contract would be higher in year one to take account of the provision of the new caddy's, staff training, etc. However, Officers confirmed that they were confident that the contract would produce the projected savings for the Council.

It was also highlighted that opportunities existed for schools and education to be more involved in promoting recycling.

The Task Group then voted on which type of caddy should be provided to households, and a solid caddy was the preferred option.

The Task Group then made the following recommendations to Cabinet:

RECOMMENDED:

- 1 The Council work with the Council's new refuse and recycling contractor Kier to increase and improve bring sites, particularly for glass collection when the contract starts in April 2013.
- 2 That the Council introduce an Alternate Weekly Collection (AWC) Service for general waste and recycling including the issue of new 240 litre wheelie bins for general waste to households. Households will have the option to retain their existing 140 litre bin if they wish. (The Task Group noted that those properties with a black sack collection service would continue to have a weekly, or in case of need, twice weekly collection service).
- 3 That a weekly food waste collection service be introduced with an initial provision of 50 caddy liners per property using a solid walled caddy for kitchen use and a larger sealed caddy for general collection.
- 4 The Council work with supermarkets to promote the availability of battery recycling facilities.
- 5 In the first two years of the contract from April 2013, the Council makes a provision from the financial savings of £50,000 per year for additional promotion/marketing/education work for the service changes including starter packs for residents and information both on bins and on the inside of bin lids to help increase recycling levels and reduce contamination.
- 6 That the initial contract for food waste treatment be on a timescale and terms not precluding the use of food waste within technologies that may be introduced as an alternative to incineration.
- 7 That in considering the bin capacity, the Waste Management Team be given delegated authority to adopt a flexible approach to the needs of residents for additional bin capacity if required.
- 8 That training be provided for Members prior to the service changes to enable them to assist residents.

- 9 That the Council confirms to Kier Street Scene Services Limited that it will be required to provide an Alternate Weekly Refuse Collection Service including weekly food waste. This is set out as Option 3a in the Contract Documents.

The meeting closed at 8.28 pm

| | | | | |
|--|--|---|--|-------------------------------------|
| 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: cllr.nick.daubney@west-norfolk.gov.uk | | Other Cabinet Members consulted: None | | |
| | | Other Members consulted: None | | |
| Lead Officer: Lorraine Gore E-mail: lorraine.gore@west-norfolk.gov.uk Direct Dial: 01553 616249 | | Other Officers consulted: David Thomason, 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: 1 November 2011

6 MID YEAR REVIEW TREASURY REPORT 2011/2012

Summary

The Council has formally adopted the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management (2009) 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 2011/2012
- A review of the Treasury Management Strategy Statement and Annual Investment Strategy 2011/2012
- The Council's capital expenditure (prudential indicators)
- A review of the Council's investment portfolio for 2011/2012
- A review of the Council's borrowing strategy for 2011/2012
- A review of any debt rescheduling undertaken during 2011/2012
- A review of compliance with Treasury and Prudential Limits for 2011/2012

Recommendations

Cabinet is asked to note the report and the treasury activity.

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 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 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 (revised November 2009) was adopted by this Council in March 2010.

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.

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 2011/12;
- 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 2011/12;
- A review of the Council's borrowing strategy for 2011/12;
- A review of any debt rescheduling undertaken during 2011/12;
- A review of compliance with Treasury and Prudential Limits for 2011/12.

3 Economic update

3.1 Global economy

The Euro zone sovereign debt crisis continued with Spain, and particularly Italy, being the focus of renewed market concerns that they may soon join with Greece, Ireland and Portugal in needing assistance. This uncertainty and the lack of a co-ordinated or credible Euro zone response, left commentators concerned over the potential impact of sovereign default and resulting effect on the Euro zone banking sector. The approval by various countries of the £440bn bail out fund in September has brought temporary relief to financial markets but this does not provide a credible remedy to the scale of the Greek debt problem or the sheer magnitude of the potential needs of other countries for support.

This, coupled with political difficulties in the US over their plans to address the budget deficit, the size and control over the US sovereign debt, and the subsequent loss of the AAA credit rating from Standard and Poors, has led to a much more difficult and uncertain outlook for the world economy.

Growth prospects in the US, UK and the Euro zone have been lower than expected, with future prospects similarly cut. Whilst not a central view, concerns of a double dip recession in some Western countries have increased. World stock markets fell in the second quarter of 2011/12 as a consequence.

3.2 UK economy

Following zero growth in the final half of 2010/11 the UK economy grew by a weaker than expected 0.2% in the first quarter of 2011/12, providing a knock on effect to future growth prospects. Growth prospects will be governed by UK consumer sentiment, which is currently subdued due to falling disposable income. Higher VAT, overhanging debt, high inflation and concerns over employment are likely to weigh heavily on consumers into the future.

Inflation remains stubbornly high, although the expectation of future falls, the external nature of the price increases (energy, oil, food etc.), and the negative impact a rate rise would have on the UK economy, is likely to stop the Monetary Policy Committee from raising the Bank Rate for some considerable time to come. An indicator of the worsening position arose from the Monetary Policy Committee minutes recently signalling a greater willingness to expand the quantitative easing programme

International investors continue to view UK government gilts as being a safe haven from the EU sovereign debt crisis. The consequent increase in demand for gilts has helped to add downward pressure on gilt yields and sent PWLB borrowing rates to low levels.

3.3 Sector's Outlook for the next six months of 2011/12

There remain huge uncertainties in economic forecasts due to the following major difficulties:

- the speed of economic recovery in the UK, US and EU;
- the likely political gridlock in the US preventing significant government fiscal action to boost growth ahead of the Presidential elections in November 2012
- the potential for a major EU sovereign debt crisis which could have a significant impact on financial markets and the global and UK economy
- the degree to which government austerity programmes will dampen economic growth;
- the potential for more quantitative easing, and the timing of this in both the UK and US
- the speed of recovery of banks' profitability and balance sheet imbalances

The overall balance of risks is weighted to the downside:

- We expect low and modest growth in the UK to continue, with a low Bank Rate to continue for at least 12 months, coupled with a possible extension of quantitative easing. This will keep investment returns depressed.
- The expected longer run trend for PWLB borrowing rates is for them to rise, primarily due to the need for a high volume of gilt issuance in the UK, and the high volume of debt issuance in other major western countries. However the current safe haven status of the UK may continue for some time, postponing any increases until 2012.

3.4 Sector's interest rate forecast

| Sector's Interest Rate View | | | | | | | | | | | | | |
|-----------------------------|-------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| | Now | Sep-11 | Dec-11 | Mar-12 | Jun-12 | Sep-12 | Dec-12 | Mar-13 | Jun-13 | Sep-13 | Dec-13 | Mar-14 | Jun-14 |
| Sector's Bank Rate View | 0.50% | 0.50% | 0.50% | 0.50% | 0.50% | 0.50% | 0.75% | 1.00% | 1.25% | 1.50% | 1.75% | 2.25% | 2.50% |
| 3 Month LIBID | 0.82% | 0.70% | 0.70% | 0.70% | 0.70% | 0.70% | 0.90% | 1.10% | 1.30% | 1.60% | 1.90% | 2.40% | 2.70% |
| 6 Month LIBID | 1.10% | 1.00% | 1.00% | 1.00% | 1.20% | 1.30% | 1.50% | 1.70% | 1.90% | 2.10% | 2.40% | 2.70% | 3.00% |
| 12 Month LIBID | 1.59% | 1.50% | 1.50% | 1.50% | 1.60% | 1.80% | 2.00% | 2.25% | 2.50% | 2.75% | 3.00% | 3.40% | 3.70% |
| 5yr PWLB Rate | 2.44% | 2.50% | 2.70% | 2.90% | 3.00% | 3.10% | 3.20% | 3.40% | 3.60% | 3.80% | 4.00% | 4.10% | 4.20% |
| 10yr PWLB Rate | 3.52% | 3.80% | 4.00% | 4.10% | 4.30% | 4.40% | 4.50% | 4.60% | 4.70% | 4.80% | 4.90% | 5.00% | 5.10% |
| 25yr PWLB Rate | 4.56% | 5.00% | 5.00% | 5.10% | 5.10% | 5.10% | 5.20% | 5.20% | 5.30% | 5.40% | 5.40% | 5.50% | 5.50% |
| 50yr PWLB Rate | 4.73% | 5.00% | 5.00% | 5.10% | 5.10% | 5.10% | 5.20% | 5.20% | 5.30% | 5.40% | 5.40% | 5.50% | 5.50% |

4 Treasury Management Strategy Statement and Annual Investment Strategy update

- 4.1 *The Treasury Management Strategy Statement (TMSS) for 2011/2012 was approved by this Council on 8th March 2011. 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 keep investments short term (maximum loan period of 12 months), and only invest with highly credit rated financial institutions, using Sector's suggested creditworthiness approach, including sovereign credit rating and credit default swap (CDS) overlay information provided by Sector.*
- 4.3 A breakdown of the Council's investment portfolio is shown in Section 6 and Appendix 1 of this report.
- 4.4 Borrowing rates have been at historically low rates during the first six months of the 2011/12 financial year. Investments and borrowing during the first six months of the year have 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 8th March 2011 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 27 January 2011 was updated for rephrasing and amendments as part of the closedown of the accounts 2010/2011. The updated estimates were approved by Council on 30 June 2011 and are shown in Table 1 below. The capital programme 2011/2012 has been revised as reported in the Monthly Monitoring reports.

Table 1

| Portfolio | Capital Programme 2011/2012 (Council 30 June 2011) | Expenditure as at 30 September 2011 | Revised Capital Programme 2011/2012 (September Monitoring) |
|--------------------------------|--|-------------------------------------|--|
| | £'000 | £'000 | £'000 |
| Community & Democracy | 1,975 | 607 | 2,039 |
| Environmental Imp & Protection | 673 | 222 | 673 |
| Housing | 2,644 | 601 | 2,644 |
| Performance & Resources | 2,028 | 314 | 2,028 |
| Regeneration | 4,064 | 250 | 4,064 |
| Safer & Healthy Communities | 42 | 5 | 42 |
| Total Capital Programme | 11,426 | 2,004 | 11,490 |

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 | Capital Programme 2011/2012 (Council 30 June 2011) | Revised Capital Programme 2011/2012 (September Monitoring) |
|----------------------------|---|---|
| | £'000 | £'000 |
| Total spend | 11,426 | 11,490 |
| Financed by: | | |
| Capital receipts | 1,845 | 1,845 |
| Capital grants | 577 | 577 |
| Capital reserves | 2,877 | 2,941 |
| Total resource | 5,299 | 5,363 |
| Borrowing need | 6,127 | 6,127 |
| Total Financing | 11,426 | 11,490 |

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 2011/2012 included in the Treasury Management Strategy Statement 2011/2012 was based on an estimated outturn CFR for 2010/2011 of £17.2m, the actual outturn was £14.7m as schemes were rephased to 2011/2012. The revised CFR for 2011/2012 after rephasing from 2010/2011 and revised capital resources, in particular re-profiling capital receipts to later years, is £23.6m. Expenditure on the capital programme as at 30 September 2011 is detailed above in paragraph 5.1. The capital programme will be reviewed as part of the estimates process and rephasing reported to Cabinet in January 2012. It is expected that schemes will be rephased to future years and the need for borrowing for capital purposes in 2011/2012 will be lower than estimated. The Capital Financing Requirement for 2011/2012 is therefore estimated to be £19.6m.

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

| | 2011/12 Original Estimate £m | Current Position £m | 2011/12 Revised Estimate £m |
|--|---|------------------------------------|--|
| Prudential Indicator – Capital Financing Requirement | | | |
| CFR | 19.3 | 14.6 | 19.6 |
| | | | |
| Prudential Indicator – External Debt / the Operational Boundary | | | |
| Authorised Limit for external debt | 35.0 | 35.0 | 35.0 |
| Operational Boundary for external debt | 32.0 | 32.0 | 32.0 |
| Borrowing | 22.9 | 11.6 | 19.1 |

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 2011/12 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 Deputy Chief Executive reports that no difficulties are envisaged for the current year in complying with this prudential indicator as detailed in Table 4 below.

Table 4

| | 2011/12 Original Estimate | Current Position 30 September 2011 | 2011/12 Revised Estimate |
|-------------------------|--|---|---|
| | £m | £m | £m |
| Gross borrowing | 22,900 | 11,620 | 19,100 |
| Less investments | 26,015 | 27,250 | 25,700 |
| Net borrowing | (3,115) | (15,630) | (6,600) |
| CFR (year end position) | 19,335 | 14,679 | 19,619 |

6 Investment Portfolio 2011/2012

- 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. The continuing Euro zone sovereign debt crisis, and its potential impact on banks, prompts a low risk and short term strategy. Given this risk adverse environment, investment returns are likely to remain low.
- 6.2 The Council held £27.2m of investments as at 30 September 2011 (£26.9m at 31 March 2011) and the investment portfolio yield for the first six months of the year is 1.53% against a benchmark 0.58% (7 day LIBID – London Interbank Bid Rate).
- 6.3 As agreed by Cabinet in March 2011 the Council's Discretionary Fund Management Agreement with Investec has been terminated and all funds (£13.6m) are now managed internally and are included in Table 5 below. A saving of £11,200 in management fees has been made in 2011/2012 (£22,400 per annum). Sector the Council's treasury advisors have advised that the average performance of Investec funds for the first six months of 2011/2012 is 1.02%.

- 6.4 A full list of investments held by the Council as at 30th September 2011, is shown in Appendix 1, and summarised in Table 5 below:

Table 5

| Investments | 30th September 2011 £ | Average Rate of Return % |
|--|----------------------------------|-------------------------------------|
| Bank of Scotland | 5,000,000 | 1.95 |
| Newcastle City Council | 1,500,000 | 1.70 |
| Newcastle City Council | 3,900,000 | 1.55 |
| Nottingham City Council | 2,000,000 | 1.52 |
| Natwest | 3,000,000 | 1.52 |
| Doncaster Metropolitan Borough Council | 3,300,000 | 1.53 |
| Natwest | 2,000,000 | 1.49 |
| Santander UK | 2,400,000 | 1.38 |
| Santander UK | 2,600,000 | 1.20 |
| Natwest call account | 1,000,000 | 0.90 |
| Primrate money market fund | 550,000 | 0.80 |
| Total | 27,250,000 | 1.53 |

- 6.5 As illustrated in the economic background section above, investment rates available in the market are at a historical low point. The average level of funds available for investment purposes in the first six months of 2011/12 was £3million (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.
- 6.6 The Deputy Chief Executive confirms that the approved limits within the Annual Investment Strategy were not breached during the first six months of 2011/12.
- 6.7 The Council's budgeted investment return for 2011/12 is £419,000 and the projected performance for the year is £412,000 which is slightly below budget. Overall there is no impact on the Council's budget as the cost of borrowing is will be less than budget as schemes are rephased to future years. 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 2011/2012 is meeting the requirement of the treasury management function.

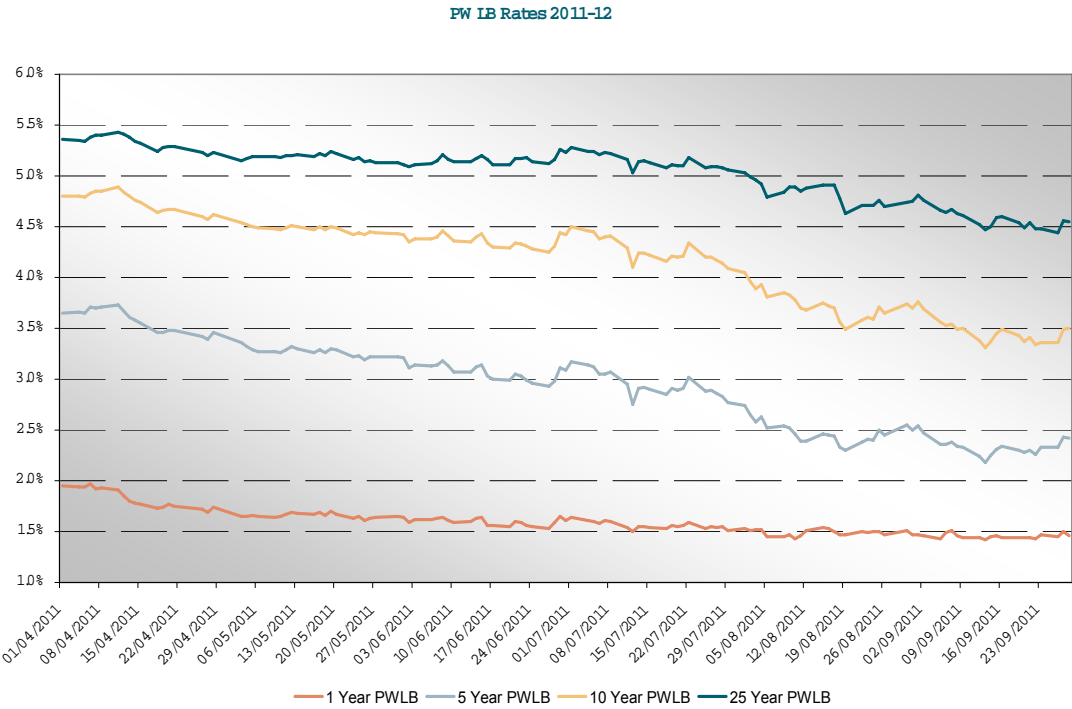
7 External Borrowing 2011/2012

7.1 The Council’s capital financing requirement (CFR for 2011/12 is £19.6m. 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. Table 3 shows the Council estimated borrowings for 2011/2012 of £19.1m and has utilised £0.5m of cash flow funds in lieu of borrowing. This 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 2011 is shown in Appendix 2.

7.2 As outlined below, the general trend has been a reduction in interest rates during the six months, across all maturity bands.

7.3 During the first six months of this financial year, less borrowing has been required due to rephasing of the capital programme. It is still anticipated that the Council will have an underlying need to borrow for capital purposes (the capital financing requirement - CFR), if new external borrowing is required this will be undertaken during the second half of this financial year.

7.4 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:



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 2010/2014 approved at Cabinet on 8 February 2011 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.

Access to Information

The Budget 2010/2014 – A Financial Plan
Capital Programme 2010/2014
Treasury Management Strategy and Annual Investment Strategy 2011
Budget Monitoring reports 2011/2012
Sector Monthly Investment Analysis Review
Treasury Monthly Monitoring reports

Appendix 1

Investment Portfolio as at 30 September 2011

| Institution | Principal | Start Date | End Date | Rate % | Ratings |
|--|-------------------|------------|------------|--------|---------|
| Bank of Scotland | 2,000,000 | 24/11/2010 | 24/11/2011 | 1.95 | AA- |
| Bank of Scotland | 3,000,000 | 26/11/2010 | 28/11/2011 | 1.95 | AA- |
| Newcastle City Council | 1,500,000 | 09/05/2011 | 08/05/2012 | 1.70 | AAA |
| Newcastle City Council | 3,900,000 | 20/06/2011 | 20/12/2012 | 1.55 | AAA |
| Nottingham City Council | 2,000,000 | 14/03/2011 | 12/03/2012 | 1.52 | AAA |
| Natwest (Fixed) | 3,000,000 | 12/05/2011 | 11/05/2012 | 1.52 | AA- |
| Doncaster Metropolitan Borough Council | 3,300,000 | 18/03/2011 | 16/03/2012 | 1.53 | AAA |
| Natwest (Fixed) | 2,000,000 | 27/07/2011 | 26/07/2012 | 1.49 | AA- |
| Santander UK | 2,400,000 | 10/08/2011 | 10/02/2012 | 1.38 | AA- |
| Santander UK | 2,600,000 | 09/09/2011 | 09/12/2011 | 1.20 | AA- |
| Natwest (Call) | 500,000 | 07/09/2011 | | 0.90 | AA- |
| Natwest (Call) | 300,000 | 09/09/2011 | | 0.90 | AA- |
| Natwest (Call) | 200,000 | 14/09/2011 | | 0.90 | AA- |
| Primerate Money Market Fund | 550,000 | 28/09/2011 | | 0.80 | AA- |
| Total | 27,250,000 | | | | |

*No change to ratings of investments within the first 6 months of 2011/2012.

Borrowing Portfolio as at 30 September 2011

| Institution | Principal | Start Date | End Date | Rate |
|-------------------------|-------------------|------------|------------|-------|
| Kings Lynn Festival | 20,000 | 11/06/2007 | - | 0.00% |
| 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 | 1,600,000 | 15/09/2009 | 14/09/2019 | 2.92% |
| Total | 11,620,000 | | | |

Revised Prudential and Treasury Indicators

| PRUDENTIAL INDICATOR | 2011/12 estimate | 2012/13 estimate | 2013/14 estimate |
|--|------------------|------------------|------------------|
| BUDGET RELATED PRUDENTIAL INDICATORS | £'000 | £'000 | £'000 |
| Capital Expenditure (includes Decade of Development) Approved at Cabinet 8 March 2011 | £11,426 | £6,820 | £5,906 |
| 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. | 3.59% | 3.99% | 3.80% |
| Increase/(decrease) in Borrowing required each year | £6,100 | £1,400 | (£4,700) |
| Capital Financing Requirement (CFR) as at 31 March this reflects the Council's underlying need to borrow for capital purposes | £19,619 | £21,000 | £16,300 |

| PRUDENTIAL INDICATOR | 2011/12 estimate | 2012/13 estimate | 2013/14 estimate |
|--|-----------------------------|-----------------------------|-----------------------------|
| TREASURY MANAGEMENT PRUDENTIAL INDICATORS | £'000 | £'000 | £'000 |
| Authorised Limit for external debt | 35,000 | 30,000 | 30,000 |
| Operational Boundary for external debt | 32,000 | 27,000 | 27,000 |
| Upper limit for fixed interest rate exposure Net principal re fixed rate borrowing / investments | 32,000 | 27,000 | 27,000 |
| Upper limit for variable rate exposure Net principal re variable rate borrowing / investments (Excludes Fund Managers) | 22,000 | 17,000 | 17,000 |

| Maturity structure of new fixed rate borrowing during 2011/2012 | upper limit | lower limit |
|--|--------------------|--------------------|
| under 12 months | 100% | 0% |
| 12 months and within 24 months | 100% | 0% |
| 24 months and within 5 years | 100% | 0% |
| 5 years and within 10 years | 100% | 0% |
| 10 years and above | 100% | 0% |

REPORT TO CABINET

| | | | | |
|---|-------------------------------------|---|-------------------------------------|-------------------------------------|
| Open | | Would any decisions proposed : | | |
| Any especially affected Wards | Mandatory/ Operational | (a) Be entirely within cabinet's powers to decide YES | | |
| | | (b) Need to be recommendations to Council NO | | |
| | | (c) Be partly for recommendations to Council and partly within Cabinets powers – NO | | |
| Lead Member: Cllr Nick Daubney E-mail: cllr.nick.daubney@west-norfolk.gov.uk | | Other Cabinet Members consulted: | | |
| | | Other Members consulted: | | |
| Lead Officer: Tony Hague, Purchasing E-mail: tony.hague@west-norfolk.gov.uk Direct Dial: 01553 616791 | | Other Officers consulted: Jemma Curtis | | |
| Financial Implications YES | Policy/Personnel Implications NO | Statutory Implications (incl S.17) YES | Equal Opportunities Implications NO | Risk Management Implications YES |

Date of meeting: 1 November 2011

7 AWARDING OF A FRAMEWORK AGREEMENT FOR DEMOLITION WORKS

Summary

A tender exercise is being carried out aimed at creating a Framework Agreement for demolition work. A tender was conducted earlier in the year leading to the demolition of buildings in Boal Street and the Council now needs the former NORA office site to be cleared for disposal. It is also expected that other buildings will need to be demolished as part of the Council's regeneration programme. A Framework has been selected as a means reducing the time and cost for future demolition procurements and of aggregating the current and future work in order to obtain best value. In order to contribute to the co-operative procurement agenda the proposed Framework has been constructed so that it can be accessed by other public sector bodies within Norfolk.

This report covers the work that has been completed on the procurement exercise up to 17 October 2011. An update will be presented to the Cabinet meeting giving details of the tenders once they are opened on the 28 October.

Recommendation

It is recommended that Cabinet authorise the completion of the Framework Agreement with four companies with the highest evaluation scores in the tender and the letting of the first contract under that Framework, for the demolition of buildings on the NORA office site, to the company with the top score in that evaluation.

Reason for Decision

To ensure that the Council complies with public procurement regulations, whilst obtaining best value for future demolition projects.

1 BACKGROUND

- 1.1 A stand alone tender exercise was carried out for the demolition of buildings in Boal Street, King's Lynn earlier in 2011. When it became known that the NORA offices would need to be demolished and that other demolition work was likely to arise over the next year or so it was decided that a Framework Agreement would allow savings in the time and cost of future procurement exercises whilst ensuring that the Council continued to obtain best value for these works.
- 1.2 In order to contribute to the co-operative procurement agenda it was decided to construct the Framework such that it would be available to other organisations that meet together as the "Norfolk Procurement Group". This group consists of the seven District / Borough Councils, the County Council, County Fire & Rescue and some of the further education colleges.
- 1.3 To make allowance for the possible value of works that the other authorities may choose to put through the Framework the tender was advertised as up to £1m worth of work. However, it is unlikely that this Council will require works anywhere near this amount. Works currently anticipated are not expected to exceed £100,000 in value. It is proposed that the Framework will operate for four years, the maximum allowed under European regulations.
- 1.4 The Contract Notice was published on the Council's website and on the government portal "Contract Finder" via the Business Link website on 13 July 2011. 26 expressions of interest were received and each of these companies where sent a Pre-Qualification Questionnaire.
- 1.5 18 companies returned completed questionnaires by the deadline on 10 August 2011. These were evaluated against pre-determined criteria covering financial stability, Health & Safety matters, quality covering references and quality management systems and technical details including experience and training of staff. From the 18 applicants a shortlist of 11 companies was created and these firms were sent Invitations to Tender on 29 September
- 1.6 The tender deadline is 12.00 noon on 28 October. The award criteria are: - Price (80%); Work Program and Method Statements (10%) and Personnel Qualifications (10%). The latter will be evaluated based on the CV's of the Contract Manager and the Site Supervisor. It is intended that the 4 firms that obtain the highest scores in the evaluation will be awarded places and the Framework Agreement and that for future demolition works a mini-competition will be held between these 4 companies. This process will only take two or three weeks each time and the continued competition will ensure best value for each programme of works. The firm with the highest score on the evaluation will be awarded the initial contract to clear the NORA office site.

2 Policy Implications

- 2.1 There are no policy implications

3 Financial Implications

- 3.1 The cost of any works awarded under the proposed Framework will be covered by existing budgets. The operation of the Framework will ensure that best value continues to be obtained.

4 Statutory Consideration

- 4.1 The maximum value of £1m on the Framework is well below the threshold for advertising works contracts in the European Journal. However, the proposed Framework is constructed so as to comply with EU Procurement regulations.

5 Risk Assessment

- 5.1 The availability of the proposed framework will allow future demolition programmes to be initiated quickly and reduce the risks associated with delays, possibly when the potential sale or development of Council property may be involved.

6 Access To Information

- 6.1 Invitation to Tender document.

An update to this report will be provided after the opening of the tenders on 28 October 2011.

REPORT TO CABINET

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

Cabinet date: 1 November 2011

8 POLLING DISTRICT AND POLLING PLACE REVIEW

Summary

This report presents to Cabinet a revised Polling District and Polling Place Review Schedule.

Recommendation

The attached Polling District and Polling Place Review Schedule is adopted.

Reason for Decision

To ensure that the Council meets its statutory obligations.

1. Introduction

1.1 Members will be aware of the Council's duty to undertake a review of the polling districts and polling places in respect of Parliamentary electoral areas that fall within the boundaries of the Borough. The review must be completed by 31st December 2011, although in order to include any changes in the next published revised Register of Electors, the Electoral Registration Officer needs to be advised by mid November.

1.2 Views have been sought from all MEPs, MPs, County Councillors and Borough Councillors and political groups who contested the last UK Parliamentary election. In addition, the Parish Councils affected by the proposals and the Borough Council's Access Officer have been consulted together with Disability Groups.

2. Proposals

2.1 Arising from the consultation exercise, the existing Schedule of Polling Districts and Polling Places needs very little adjustment save for those areas shaded grey on the Schedule. Therefore, those areas of proposed change have been arrived at by considering the overall effectiveness of the administration of the elections, which is intended to be of beneficial effect for the electorate.

3. Policy Implications

3.1 None.

4. Financial Implications

4.1 The implementation will result in overall savings to the Borough Council.

5. Statutory Considerations

5.1 Publishing the Polling District and Polling Place Review Schedule is a statutory requirement.

6. Risk Management

6.1 The Council's risk management system is integrated with Polling District and Polling Place Review, so the risks associated are identified and linked.

7. Access to Information

7.1 Background information as referenced in the Polling District and Polling Place Review Schedule.

BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK

POLLING DISTRICTS AND POLLING PLACES

Polling District – the area created by the division of a constituency, division or ward into smaller parts, within which a polling place can be determined which is convenient to the electors – **Responsibility of the Council to designate**

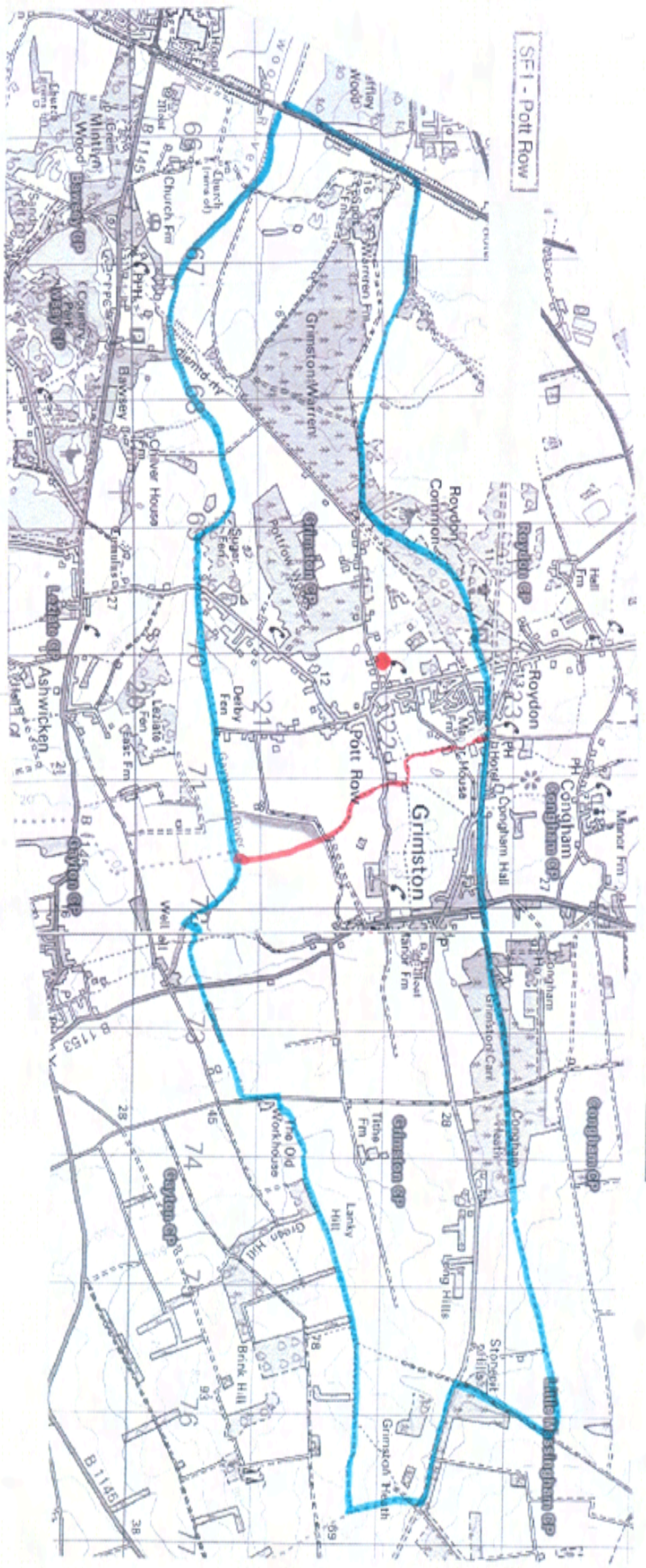
Polling Place – the area in which polling stations will be selected by the Returning Officer – **Responsibility of the Council to designate**

Polling Station – the room or building where the poll takes place – **Responsibility of the Returning Officer to designate**

| <u>Ward</u> | <u>Map Reference/Polling District</u> | <u>Area of Polling Place</u> | <u>Polling Station</u> | <u>1.7.2011 Ward Electorate</u> |
|----------------------------|---------------------------------------|--|--|---------------------------------|
| Grimston | (38) SE1 - Grimston | The Parish of Grimston to the east of the vertical line drawn from the Lynn Road/Chequers Road junction, to Back Lane (east of Walnut Cottages), to Vong Lane (east of Vong Farm) and then to Watery Lane (east of sewage works), heading south until it meets the parish boundary, and that part of Pott Row containing its polling station. | Village Hall, Cliffe-en-Howe-Road, Pott Row | 1,947 |
| South and West Lynn | (71) PG1 - South and West Lynn | An area bounded by a line starting at the King's Lynn to Leziate rail line at the point where it crosses Queen Elizabeth Way. Turn south west as far as the Middleton Stop Drain, then west until meeting the Nar Valley Way. Turn south along the boundary of the parishes of North Runcton and West Winch as far as the Polver drain. Follow the drain westwards to the boundary of the parish of Wiggshall St. Germans. Turn generally north to a point 100m west of Seeche Abbey, north west for a similar distance along Thiefgate Lane before leaving the lane at its point of deviation and continue north along the Wiggshall St. Germans parish boundary before turning due west just short of the Willows Industrial Estate to a point in the centre of the River Ouse. Follow the course of the river north eastwards to Friars Fleet. Then east along the River Nar until the river assumes an underground course just outwith the South Gate. Proceed to the west of the properties on Vancouver Avenue, run briefly north east before continuing in a generally easterly direction midway between Sidney Street and Chase Avenue. At the bottom of Chase Avenue, continue east to skirt Holcombe and Kings Avenues before joining the Leziate rail line and continuing to the beginning. | South Lynn Community Centre, St Michael's Road, South Lynn | 3,472 |

| <u>Ward</u> | <u>Map Reference/Polling District</u> | <u>Area of Polling Place</u> | <u>Polling Station</u> | <u>1.7.2011 Ward Electorate</u> |
|----------------------|---|---|---|---------------------------------|
| South Downham | (72) WA4 – Downham Market (South Downham Parish Ward) | The South Downham Parish Ward of Downham Market Parish | Communal Room, Southfields, Downham Market | 1,931 |
| Valley Hill | (92) SE7 - Congham | The Parish of Congham and that part of the Parish of Hillington containing its Polling Station. | Reception Area Country Club, Ffolkes Arms, Hillington | 1,878 |

* Polling Places designated for these Polling Districts are outside the electoral area (Ward)

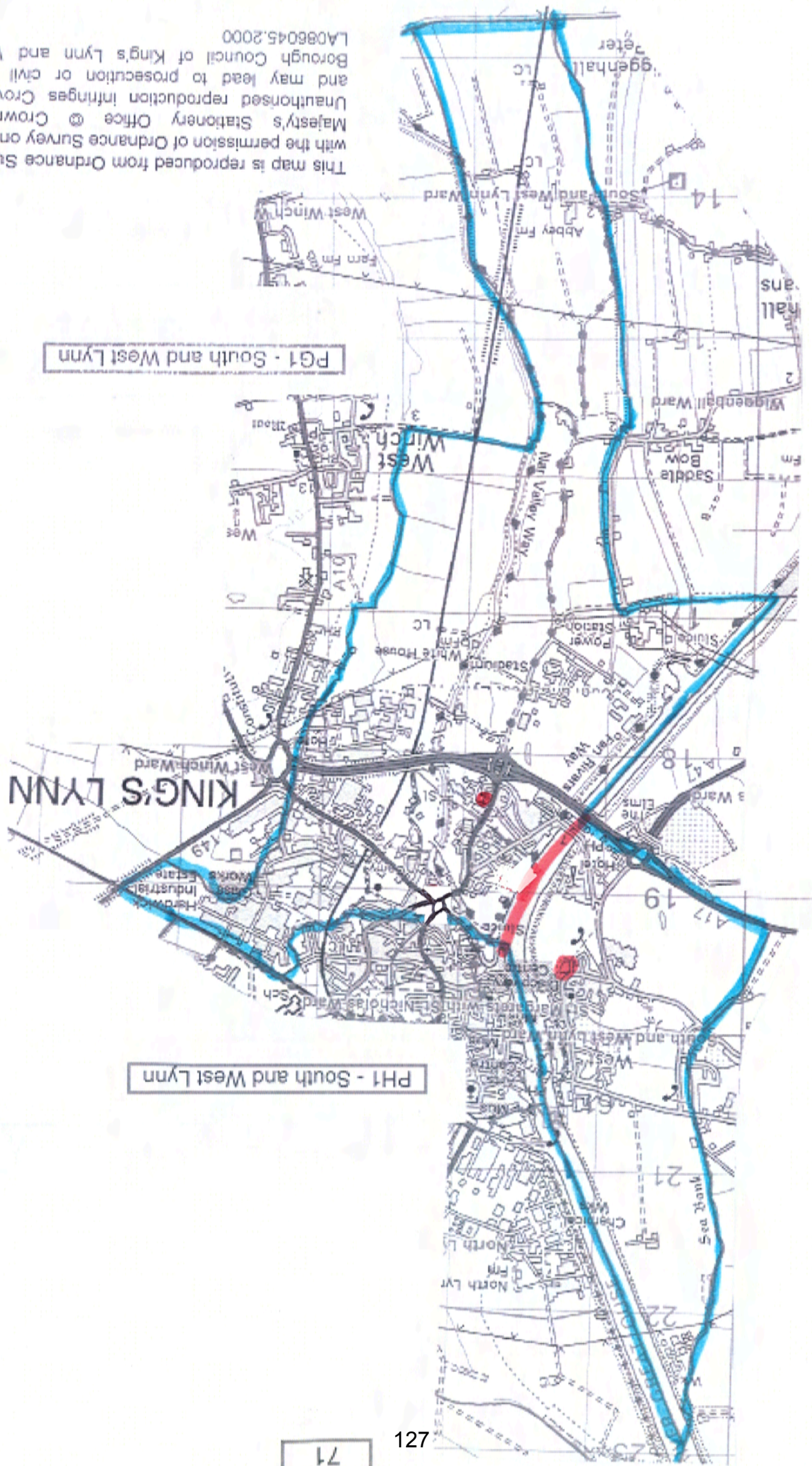


SE1 - Pott Row

SE1 - Grimston

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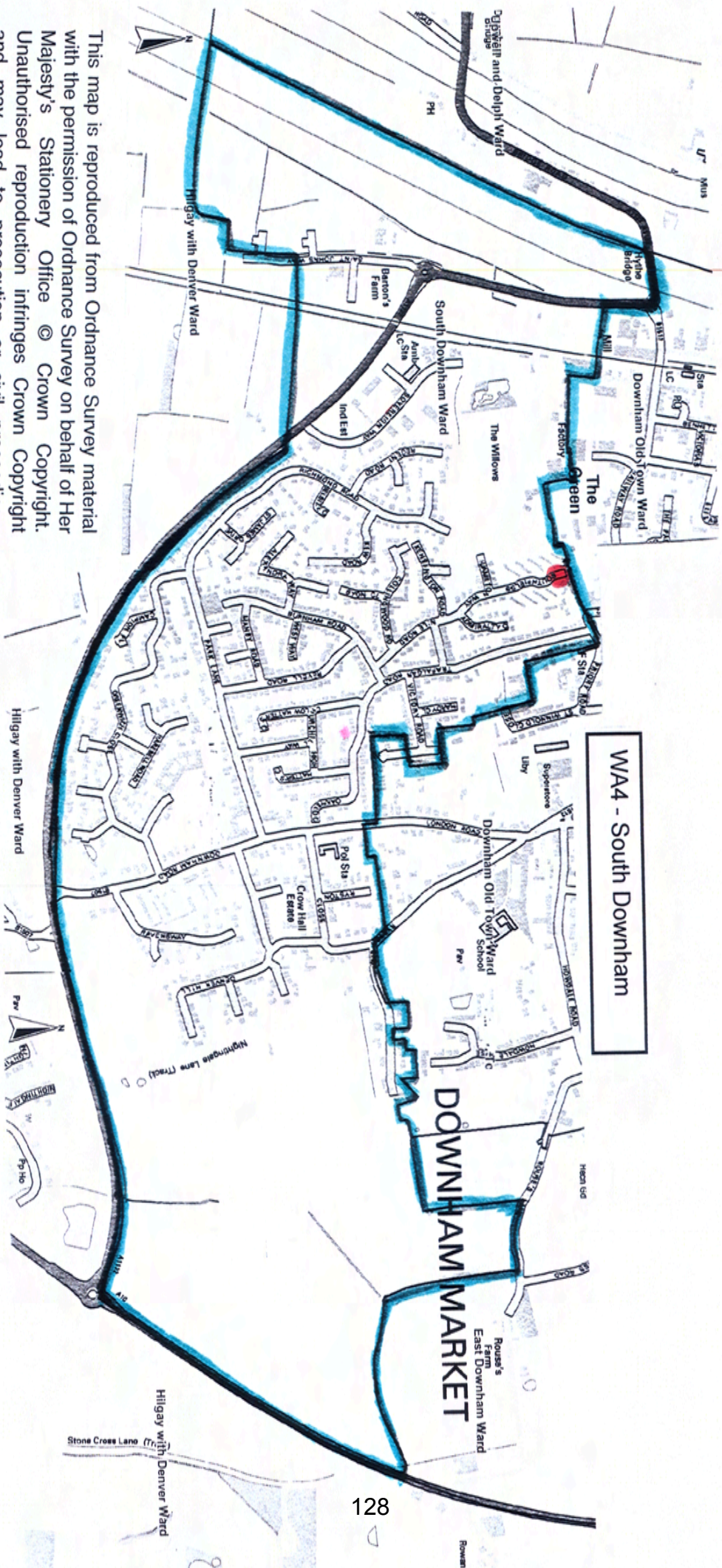
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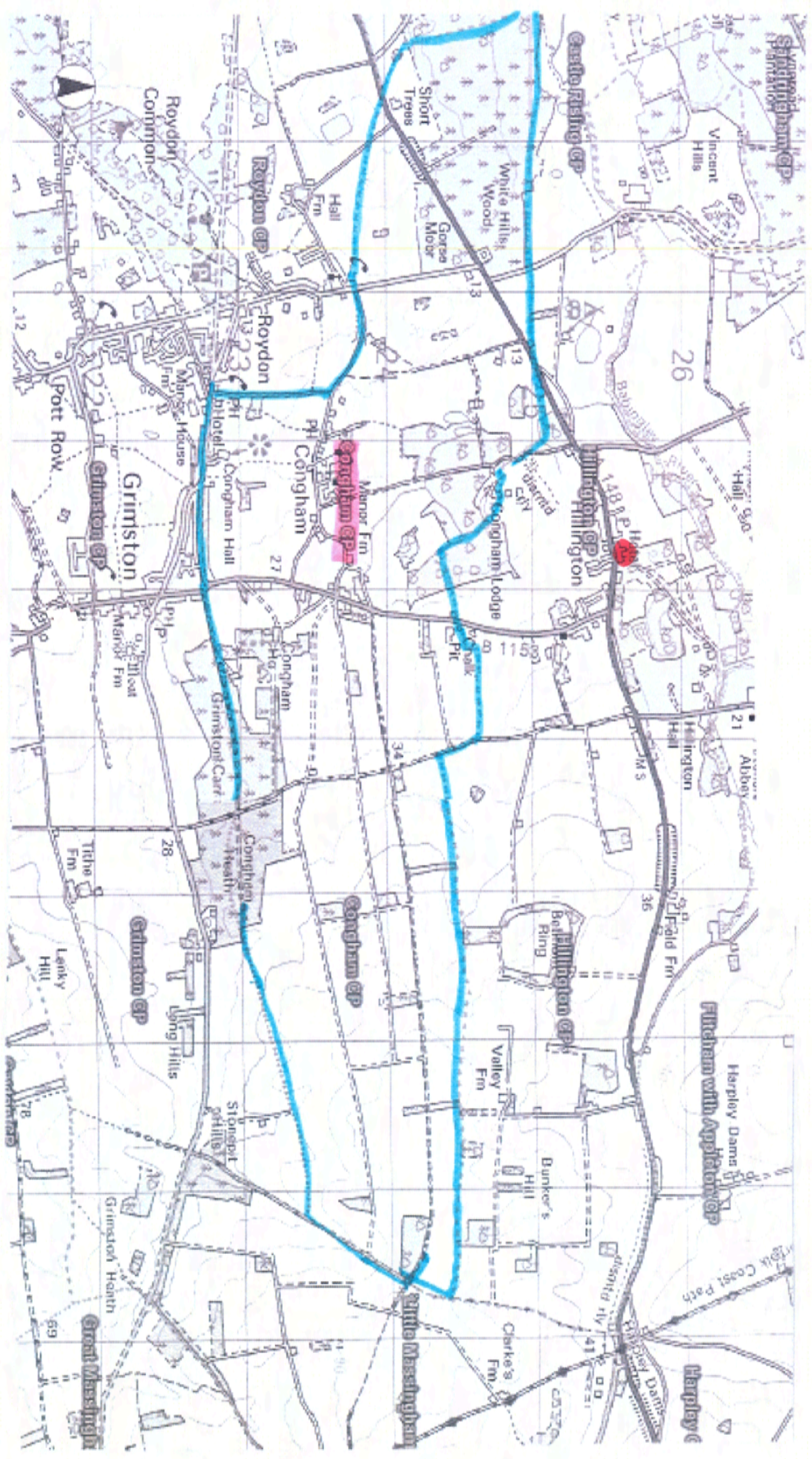
PG1 - South and West Lynn

PH1 - South and West Lynn

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W44 - South Downham



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REPORT TO CABINET

| | | | | |
|---|--------------------------------------|---|--|-------------------------------------|
| Open | | Would any decisions proposed : | | |
| Any especially affected Wards | Operational | (a) Be entirely within Cabinet's powers to decide | NO | |
| None | | (b) Need to be recommendations to Council | YES | |
| | | (c) Be partly for recommendations to Council and partly within Cabinet's powers – | No | |
| Lead Member: Cllr E Nockolds E-mail: cllr.elizabeth.nockolds@west-norfolk.gov.uk | | Other Cabinet Members consulted: Cllr N Daubney | | |
| | | Other Members consulted: | | |
| Lead Officer: David Thomason E-mail: david.thomason@west-norfolk.gov.uk Direct Dial: 01553 616246 | | Other Officers consulted: Management Team. | | |
| Financial Implications NO | Policy/Personnel Implications YES | Statutory Implications (incl S.17) NO | Equal Opportunities Implications NO | Risk Management Implications YES |

Cabinet Date: 1 November 2011

9 REVENUES AND BENEFITS SHARED SERVICE

Summary

The report updates members on progress to date on the shared service work for Revenues and Benefits and seeks Council approval for the delegation of authority to be given to Cabinet to enter into a formal partnership with North Norfolk District Council.

Recommendation

Subject to Cabinet being satisfied by a detailed report on 1 December 2011 Council be recommended to:

- 1) give delegated authority to Cabinet to enter into a formal partnership with North Norfolk District Council for the operation of a shared service for revenues and benefits.**
- 2) give delegated authority to Cabinet to make arrangements for the secondment of staff.**
- 3) give delegated authority to the Chief Executive, in consultation with the Leader to execute the contract on behalf of the Council.**

Reason for Decision

The Council and North Norfolk District Council have determined to enter into a partnership for revenues and benefits and must now agree to governance arrangements, formal acceptance of the contract arrangements for ICT systems and other issues to enable the process to continue. The delegation of

authority to Cabinet provides for both Councils to agree arrangements in December 2011 and thereby move on the process more speedily.

1 Introduction

- 1.1 In February 2011 the Council agreed to begin work to enter into a formal partnership with North Norfolk District Council (NNDC) to deliver Revenues and Benefits services. Delegated authority was also given for the Deputy Chief Executive to enter into a procurement process for new ICT software. This report provides an update to members and seeks to gain approval for the delegation of authority to be given to Cabinet to enter into a formal partnership with North Norfolk District Council for the operation of a shared service for revenues and benefits and to accept the contract for ICT software.
- 1.2 The intention is for North Norfolk to formally approve the partnership and ICT contract in December 2011 which would be after the date of this Council's meeting in November 2011. In order to try to keep in synch the two Councils determination of formally approving the partnership and ICT contract it is suggested that the Cabinet of 6 December 2011 be given authority to make such a decision. In essence the policy of partnership is already approved and the contract for ICT systems is within the set budget.

2. Progress to Date

- 2.1 Much of the work carried out to date has centred around the procurement of systems software and examining options on employment issues. The Revenues and Benefits Shared Service Project Partnership Board met on the 14 September to review progress and agreed the following:

- Both the Borough Council of King's Lynn and West Norfolk and North Norfolk District Council re affirmed their commitment to moving ahead with the partnership to develop and deliver a shared service arrangement. A formal partnership agreement will be formulated over the coming weeks.

- A number of inter related proposals will be put forward within Cabinet reports to both Councils which will be reflected in the formal agreement. These will cover

- The procurement of the replacement Revenues & Benefits software.

It was reported into the Board that following the extensive and detailed evaluation of the tenders received for the new Revenues and Benefits business system, that Civica has been nominated as the preferred supplier. Further discussions are being held with Civica in order to prepare the contract ready for signing after agreement by both Councils in December 2011.

- Hosting arrangements for the Application Support.

The partnering authorities agreed in the business case that there would be a single host authority for the Revenues & Benefits software. King's Lynn has been identified as the likely host authority for the ICT infrastructure. A

proposal for the hosting of the application software will be submitted to Cabinets in November/December 2011.

- Hosting arrangements for the shared management team.

The structure of the shared service will be developed and as agreed in the business case, agreement that front line service delivery will remain within both authorities but that a joint management team should be put into place. It was recognised in the business case that jointly procuring replacement software created an opportunity for the service to be managed with one management structure. Proposals will be developed with the respective HR teams. NNDC has indicated an interest in hosting the shared management team.

The establishment of a senior team will be dealt with through the secondment of staff from the councils to the partnership in a way similar to that used on the CNC Building Control service. In order to progress the arrangements the Council is asked to delegate authority to Cabinet.

- Customer Services and Other Support Services

The intention is to develop Service Level Agreements between the partnership and the authorities' customer services and other necessary support services.

- The reports will also affirm the viability of the business case for the partnership taking into consideration the procurement and implementation costs of the software and the necessary infrastructure costs and the emerging policies as outlined within the consultation documents coming from central government.

3 Next Steps

- 3.1 Once the work on the business case is completed and assuming the case remains valid then the formal agreement, signing of software contracts and work on the partnership establishment can continue.
- 3.2 In order to keep in synch the two Councils determination of formally approving the partnership and ICT contract it is proposed that the Cabinet of 6 December 2011 be given authority to make such a decision. The timeframe for the establishment of a partnership is already quite tight and the delegation of authority to Cabinet helps to cut a month out of the decision making process. Both Councils can formally approve the partnership in December 2011.

4 Financial Implications

- 4.1 There are no financial implications in the actions of this report but there clearly will be in the next the following report that approves the formalities of the partnership. At present expectations are that the costs will be within approved budgets.

5. Policy/ Personnel Implications

- 5.1 The Council has already agreed to the establishment of the partnership. The establishment of a senior team may include the secondment of staff to the partnership.

6 Risk Implications

- 6.1 There are certain risks associated with the partnership that are mainly around the changing of ICT systems and conversion of data. The most significant risk is that of the possibility of the Council breaching the Local Authority Error (LA Error) threshold. The Council currently has a threshold of £220,000 for LA Error and in the normal course of business will record around a sum of £180,000. The regulations allow for the Council to keep all subsidy if it stays within the threshold. If the Council records errors above £220,000 then the full level of subsidy is lost.
- 6.2 In this instance the processing of information at the time of converting data is almost certainly going to be longer than at present. If this results in the determination of the application being defined as a Local Authority Error and the threshold is breached then there will be a loss of subsidy equivalent to the value of the errors.
- 6.3 This is an issue that will be dealt with as part of the December Cabinet report.

7. Consultations

- 7.1 Staff consultations are taking place as each piece of the work is being developed. Staff representatives are on or able to attend all working groups.

8. Access to Information

Council agenda/minutes
Council budget books

REPORT TO CABINET

| | | | | |
|--|-------------------------------------|---|------------------------|------------------------------------|
| Open | | Would any decisions proposed : | | |
| Any especially affected Wards | Discretionary | (a) Be entirely within cabinet's powers to decide NO | | |
| | | (b) Need to be recommendations to Council YES | | |
| | | (c) Be partly for recommendations to Council and partly within Cabinets powers – NO | | |
| Lead Member: Cllr Nick Daubney E-mail: cllr.nick.daubney@west-norfolk.gov.uk | | Other Cabinet Members consulted: | | |
| | | Other Members consulted: Group Leaders | | |
| Lead Officer: Samantha Winter E-mail: sam.winter@west-norfolk.gov.uk Direct Dial: 01553 616327 | | Other Officers consulted: Chief Executive, Civics Officer | | |
| Financial Implications NO | Policy/Personnel Implications NO | Statutory Implications (incl S.17) YES | EIA Implications NO | Risk Management Implications NO |

Date of meeting: 1 November 2011

10 ELECTION OF HONORARY ALDERMEN

Summary

The report invites members to consider conferring the title of Honorary Alderman on former Councillors Ann Clery Fox and John Legg in recognition of their eminent services to the Borough.

Recommendations

- 1) **That the Council places on record its deep appreciation of the eminent services to the Council rendered by former Councillors Ann Clery Fox and John Legg**
- 2) **That a Special Meeting of the Council to confer the title of Honorary Aldermen on former Councillors Ann Clery Fox and John Legg be held at 6.30 pm, on Thursday, 15 December 2011 and the engrossment of recommendation (1) above and an aldermanic badge be presented to the Honorary Aldermen at that meeting.**

1 Background

- 1.1 Under the Local Government Act 1972 (section 249), "the Council may, by a resolution passed by not less than two-thirds of the members voting thereon at a Special Meeting of the Council called specifically for that purpose, confer the title of Honorary Alderman on persons who have in the opinion of the Council rendered eminent services to the Council as past members of the Council but who are not then Councillors of the Council."

1.2 The following criteria were also taken into account on this and previous occasions by each of the political groups in making the nominations:

1 Having held high office, Mayor/Cabinet position or Committee Chairmanship.

2 Having held some lesser office (Deputy Mayor/Vice-Chairmanship) but also having demonstrated eminent service, eg long service as a Borough Councillor.

3 Other eminent service in the capacity of a Councillor eg nominated Council representative on important outside bodies

4 Recognition across the chamber that the former Member has provided eminent service, albeit non-specific, to the Council by virtue of his/her contributions over many years.

5 No known misdemeanours

2 Process

2.1 It is suggested that the Special Meeting of the Council required to approve and confer the title be held on 15 December 2011.

2.2 It is proposed that the engrossment of the recommendation above and an aldermanic badge be presented to the Honorary Aldermen, at that meeting which will be followed by a reception hosted by the Mayor.

3 Nominations

3.1 The following supported nominations have been made: former Councillors Ann Clery Fox and John Legg

4 Financial Implications

4.1 The cost of purchasing the Honorary Aldermen badges and engrossments will be funded from within the Civics budget.

5 Statutory Considerations

5.1 The process complies with the requirements of the Local Government Act 1972, section 249.

6 Background Papers

6.1 None