

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



# **CABINET**

## **Agenda**

**WEDNESDAY, 6 JUNE 2012  
at 5.30pm**

in the

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



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



King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX  
Telephone: 01553 616200  
Fax: 01553 691663

**CABINET AGENDA**

**DATE: CABINET – WEDNESDAY, 6 JUNE 2012**

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

**TIME: 5.30 pm**

**1. MINUTES**

To approve the Minutes of the Meeting held on 3 April 2012.

**2. APOLOGIES**

To receive apologies for absence.

**3. URGENT BUSINESS**

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

**4. DECLARATION OF INTEREST**

Please indicate 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 7 )

**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 and Audit Committee – 29 May 2012
- Regeneration, Environment & Community Panel – 30 May 2012

**10. REPORTS**

**1) New Standards Regime (page 9)**

The purpose of this report is to seek members' decision on implementation of the new Standards regime under the Localism Act 2011

**2) Establishment of Norfolk Police and Crime Panel (page 29)**

To recommend that the Council agrees the establishment and proposed arrangements for the Norfolk Police and Crime Panel (PCP) and appoints one member [three members in the case of the Norfolk County Council] to the PCP.

**3) Community Governance Review (page 55)**

The first consultation period (as per the Terms of Reference) closed on 4 May 2012, with residents and interested organisations having had the opportunity to give their views on the suggestions put forward from three Parish Councils for amendments to parish boundaries.

**4) Street Naming and Numbering (page 66)**

The Council has a statutory obligation for the naming and numbering of streets and buildings within its designated administrative boundary.

The report proposes the introduction of a schedule of charges for Street Naming and Numbering to help offset the cost of providing this service.

**5) Scheme of Delegation Amendments (page 87 )**

The report recommends an updated scheme of delegation for approval. The Scheme has been amended to take account of the changes in the Cabinet.

**6) Local Authority Mortgage Scheme (page 120)**

This report deals with a proposal to participate in the Local Authority Mortgage Scheme (LAMS), a national mortgage indemnity scheme for first time buyers operated by Sector Treasury Services.

The scheme will assist first time buyers to secure an affordable mortgage, and under the proposals to target the new build development at NORA, will create an exceptional incentive for new purchasers of these homes.

**7) Appointments to Outside Bodies 2012/13 (page 131)**

The report seeks nominations for Executive appointments to serve on outside bodies and partnerships requiring confirmation for 2012.

**8) Appointments to Task Groups, Joint Employee Committee and Joint Safety Committee (page 138)**

The report invites the Cabinet to agree to arrange for the appointment of Members to serve on the Cabinet Task Groups, and agree the membership of Joint Safety and Welfare Committee and Joint Employee Committee for 2012/13.

**EXCLUSION OF THE PRESS AND PUBLIC**

To consider passing the following resolution:

“That under Section 100(A)(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act.”

**9) Update on Nora Housing Joint Venture and authority to sign contracts for infrastructure of site and construction of 46 housing units (Page 140)**

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

Cabinet Scrutiny Committee

For further information, please contact:

Samantha Winter

Democratic Services Manager,

Borough Council of King's Lynn & West Norfolk

King's Court, Chapel Street,

King's Lynn PE30 1EX

Telephone: (01553) 616327 Email: [sam.winter@west-norfolk.gov.uk](mailto:sam.winter@west-norfolk.gov.uk)

## FORWARD DECISIONS LIST

Officer  
Portfolio  
Responsible

**6 June 2012**

Street Naming and Numbering – charging policy	Exec Dir Regen and Planning	Development
Local Authority Mortgage Scheme	Exec Dir Environmental Health & Housing	Deputy Leader
Establishment of Norfolk County Police and Crime Panel	Chief Executive	Leader
Appointments to Outside Bodies	Exec Dir Central Services	Leader
Nora Joint Venture – Progress	Exec Dir Regen and Planning	Regeneration
JEC/JSW and Task Group Memberships 2012/13	Exec Dir Central Services	Leader
New Standards arrangements	Exec Dir Central Services	Leader
Community Governance Review (minor amendments) – update	Chief Executive	Leader
Update to the Scheme of Delegation	Chief Executive	Leader

**19 June 2012 (accounts mtg only)**

Capital Programme 2011/2012	Deputy Chief Executive	Leader
Revenue Outturn 2011/2012	Deputy Chief Executive	Leader
Update on Contract for Recycling of Black Bin Waste	Exec Dir Leisure and Public Space	Deputy Leader/Environment
NCC Minerals and Waste Site allocations Plans	Exec Dir Regen and Planning	Development

**3 July 2012**

Lynnsport and COWA	Exec Dir Leisure and Public Space	Assets
Major Housing Development – King's Lynn	Exec Dir Regen and Planning	Regeneration
Townscape Heritage Initiative	Exec Dir Regen and Planning	Regeneration / Development
Risk Based Verification Policy for Benefit claims	Deputy Chief Executive	Leader
Revised Procurement Strategy	Deputy Chief Executive	Leader
Annual Treasury Report 2011/12	Deputy Chief Executive	Leader

**4 September 2012**

**18 September 2012 (Accounts)**

Annual Governance Statement	Exec Dir Central Services	Leader
Report of the Mart Task Group	Exec Dir Leisure and Public Space	Assets

**2 October 2012**

Local Authority Leisure Trust – Project Plan and Follow Up report	Chief Executive	Leader/ Assets
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**30 October 2012****4 December 2012****Forthcoming Items, as yet unprogrammed**

Local Council Tax Support Scheme	Deputy Chief Executive	Leader
Hunstanton – Proposed Land Disposal	Dep Chief Executive	Regeneration
Planning Fees	Exec Dir Regeneration & Development	Development
Revised KLATS & KL Car Parking Strategy	Exec Dir Regeneration & Development	Regeneration / Health & Wellbeing
Community Cohesion Strategy	Chief Executive	Community
Town Centre Plan	Exec Dir Regeneration & Development	Regeneration
Care and Repair Framework Agreement	Exec Dir Environmental Health & Housing	Deputy Leader
Licensing of Caravan Sites	Exec Dir Environmental Health & Housing	Deputy Leader



## REPORT TO CABINET

<b>Open</b>		Would any decisions proposed :		
<b>Any especially affected Wards</b>	Mandatory	(a) Be entirely within cabinet's powers to decide NO		
		(b) Need to be recommendations to Council YES		
None		(c) Be partly for recommendations to Council NO and partly within Cabinets powers –		
Lead Member: Cllr Nick Daubney E-mail:		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Nicola Leader E-mail: Direct Dial:		Other Officers consulted:		
Financial Implications NO	Policy/Personnel Implications NO	Statutory Implications YES	Equal Impact Assessment NO If YES: Pre-screening/ Full Assessment	Risk Management Implications NO

Date of meeting: 6<sup>TH</sup> June 2012

### 1 THE NEW STANDARDS REGIME

#### Summary

The purpose of this report is to seek members' decision on implementation of the new Standards regime under the Localism Act 2011 ("the Act").

Recommendation - to adopt with effect from the 1<sup>st</sup> July 2012 the Standards arrangements set out in this report including:-

- the new Members' Code of Conduct, together with the guidance for Members, set out as Appendix 1.
- the arrangements for dealing with standards allegations and the establishment of a Standards Committee as set out in Appendix 2.
- The procedures for the Monitoring Officer and/or the Independent Person to follow in considering standards complaints set out in the Annex to Appendix 2.
- The appointment of an Independent Person in accordance with paragraphs 22-27 of the report.
- The adoption of the Authority's current arrangements in relation to the registration and declaration of personal and prejudicial interests until such time as the Secretary of State publishes regulations relating to 'disclosable pecuniary interests' ('DPI's').

- The delegation of dispensation powers under section 33 of the Act to the Standards Committee and the designation of the Monitoring Officer as Proper Officer for the receipt of applications for dispensations.
- The adoption of such other changes to the Council's Constitution as are necessitated by the changes outlined above including.
  - i. The adoption of a standing order which requires that a member with a disclosable pecuniary interest must withdraw from the meeting room, including from the public gallery during the whole consideration of any item of business in which he/she has a DPI, except where he/she is permitted to remain as a result of the grant of a dispensation .
  - ii. The adoption of a standing order to provide that hearings will be conducted in accordance with the hearing procedure set out in Appendix 3.
  - iii The delegation to the Monitoring Officer of the power to take all steps and deal with all such ancillary matters as are required to implement any of the above and to render the Council compliant with the Act.

### **Reason for Decision**

To ensure compliance with the provisions of the Localism Act 2012

## **1 Background**

1.1 The Act abolishes the Standards regime established under the Local Government Act 2000 and replaces it with a simpler, less prescriptive method of addressing Standards and Ethics issues within Local Authorities. The responsibilities of the Monitoring Officer in respect of Parish and Town Council's within the Borough remain unaltered.

1.2 The key features of the Act's provisions in relation to Standards and Ethics are:-

- a statutory duty to promote and maintain high standards of conduct by members and co-opted members of the Council.
- The abolition of the Standards Board for England from the 31<sup>st</sup> January 2012 ("Standards for England").
- the mandatory adoption of a Code of Conduct intended to promote and maintain behaviour consistent with the following principles.
  - a. Selflessness
  - b. Integrity

- c. Objectivity
- d. Accountability
- e. Openness
- f. Honesty
- g. Leadership

- The option for Local Authorities to have a Standards Committee to assist in carrying out the statutory duty.
- A flexible non-prescriptive framework for dealing at local level with Standards complaints.

## **2 A New Code of Conduct**

- 2.1. In keeping with the Localism principles of the Act each Local Authority (including Parish and Town Councils) is given the discretion to decide on the contents of its own Code. It must, however, serve to promote and maintain high standards of conduct and must be consistent with the seven principles outlined above.
- 2.2. The Council's current Code is intended to be repealed as from 1 July 2012.
- 2.3 During the passage of the Act through Parliament, Peers in the House of Lords suggested that the LGA should develop methods to support Councils when developing codes. The LGA has produced a template and it is this short, outcome-focused template Code, together with a guidance note to highlight some of the conduct that is consistent with the Code that is attached at Appendix 1.
- 2.4 The Code satisfies the criterion that it is consistent with the seven principles of conduct in public life and has the advantage that it is likely to be adopted by a considerable number of Authorities - including Authorities in Norfolk - and therefore confers the benefit of consistency and familiarity for those engaged in promoting, maintaining and enforcing it within these Authorities.
- 2.5 The widespread adoption of the LGA Model Code will also benefit members of more than one Authority who will have to tailor their compliance according to the capacity in which they are acting at any time.
- 2.6. The Code permits individual Authorities to prescribe their own arrangements for registration and disclosure of interests.
- 2.7 The adoption of a Code (and any subsequent revision or replacement) under the Act can only be done by full Council. The Council must publicise the adoption, revision or replacement of a Code in such a way as the Council considers likely to bring it to the attention of persons living in its area.

### **3 Members' Interests**

- 3.1 The Act abolishes the concepts of 'personal and prejudicial' interests. There are two new types of interests, 'Disclosable Pecuniary Interests' (DPI's) which must be notified to the Monitoring Officer and put on the register and 'interests other than pecuniary interests' that the Council agrees needs to be registered.
- 3.2 The Code must include appropriate requirements for the registration and disclosure of member's interests. However, whilst the Act specifies that the Secretary of State will make regulations to describe 'disclosable pecuniary interests' the regulations have not yet been published. It is therefore proposed that as an interim arrangement the Council adopts the registration, disclosure and declaration procedures that are currently in use.
- 3.3 The Act places a duty upon the Monitoring Officer to establish and maintain a register of interests. The register must be available for public inspection and published on the Council's website. The Monitoring Officer must also publish the Parish and Town Council's registers of interests on the Borough Council's website.
- 3.4 Details of sensitive interests (which may cause the member to be subject to violence or intimidation) may be withheld from the register and the website although the fact that there is an interest will be recorded.

### **4 Disclosable Pecuniary Interests (regulations awaited, as referred to in paragraph 12)**

- 4.1 A member who has a disclosable pecuniary interest in any matter to be considered at a meeting must disclose that interest unless it is already on the register.
- 4.2 A member with a disclosable pecuniary interest may not participate or vote on the matter.
- 4.3 The Council may make standing orders to provide for the exclusion of a member with a disclosable pecuniary interest in a matter under discussion. It is recommended to members to do this and to resolve that the exclusion extend to any part of the room in which the meeting is taking place including any area reserved for the public.
- 4.4 Members should note that in addition to the duties relating to interests contained in the Code, the Act also creates specific criminal offences in relation to the disclosure of pecuniary interests. It is a criminal offence to:-
  - fail to notify the Monitoring Officer of any disclosable pecuniary interests within 28 days of being elected.

- fail to disclose a pecuniary interest at a meeting of the Authority.
- fail to notify the Monitoring Officer of an interest disclosable at a meeting but not yet on the register.
- fail to notify the Monitoring Officer of an interest in the course of that member discharging a function of the Authority.

4.5 Any such failure is a direct contravention of the Act and may be investigated by the police and referred to the Director of Public Prosecutions. Upon conviction a person convicted may be fined up to a maximum of £5,000.

## **5 The Arrangements**

5.1 The Authority must put in place:-

- a) arrangements under which allegations against members of the Borough Council and members of the Town and Parish Councils within the Borough can be investigated and
- b) arrangements under which decisions on allegations can be made.

5.2 Draft arrangements are appended as Appendix 2 to this Report. The arrangements must include the appointment of at least one independent person as follows.

## **6 The Independent Person**

6.1 The role of the independent person in the new Standards arrangements is twofold. Firstly, the views of the independent person may be sought by the Authority generally or by the member who is the subject of the allegation.

6.2 Secondly, the views of the independent person must be sought and taken into account by the Authority before it makes its decision on an allegation that it has decided to investigate. The role therefore differs from the previous role of independent member upon a Standards Committee.

6.3 The qualifications for an independent person are that the person must not be:-

- a member, co-opted member or officer of the Authority
- a relative or close friend of another member, co-opted member or officer

- a member, co-opted member or officer of the Authority (or the Parish Council of which the Authority is the principal Authority) within five years of their prospective appointment.
- 6.4 Any appointment must be preceded by a public advertisement, an application and approval by the majority of the Authority's members.
- 6.5 Because of the above criteria the current independent members of the Council's Standards Committee are not eligible to be this Council's "independent person".
- 6.6 It is proposed to members that an independent person be appointed in collaboration with other Local Authorities in Norfolk so that in effect we establish a "pool" of available independent persons. The independent persons in that pool are appointed as independent persons for one authority and reserve independent persons for the other Authorities which will provide resilience, particularly where the Council's own independent member is 'conflicted out' of a particular matter..
- 6.7 As the Independent Person is not a member of the authority or of its Committees or Sub-Committees, the remuneration of the Independent Person no longer comes within the scheme of members' allowances, and can therefore be determined without reference to the Independent Remuneration Panel. In comparison to the current Chair of Standards Committee, the role of Independent Person is likely to be less onerous. It would be appropriate to undertake a proper review of the function before setting the remuneration taking into account remuneration arrangements for the other Norfolk Authorities so that there is consistency for Independent persons within the 'pool'.

## **7 Standards Committee**

- 7.1 There is no obligation under the Act on Local Authorities to appoint Standards Committees. Should members wish to appoint a Standards Committee then Appendix 2 to this Report proposes terms of reference for a Standards Committee. Members should note that the Standards Committee is a non-executive function and the political balance rules of the Local Government and Housing Act 1989 will apply.
- 7.2 The Arrangements for dealing with Standards' Allegations set out a proposed list of sanction powers available to the Standards Committee upon a finding of a breach of the Code. Members will note that the sanction powers no longer include the powers of suspension and disqualification available under the previous regime. The Act in fact prescribes no powers of sanction and the suggested sanctions are based upon use of existing express or implied powers.
- 7.3 The current statutory requirements for the appointment to standards committees of independent and parish members with full voting rights and for independent members to be chairman and vice-chairman of those committees will cease when the new standards regime is

implemented. The Council could, if it so wished, co-opt Parish Council representative(s), in a *non-voting* capacity to the new Standards Committee. Were the Council to co-opt parish member(s) in this way, it would have to be on the understanding that their role will be somewhat limited. The three current parish members on the Standards Committee are appointed for four year terms with serving members being eligible for reappointment. It will be possible to appoint the Council's independent person(s) to the Standards Committee but they will not be voting members.

- 7.4 Following investigation, where a hearing is required it is proposed that the complaint is, as is the case under current arrangements, considered by a Hearing sub-committee comprising of three members of the Standards Committee.

## **8 Dispensations**

- 8.1 The Act provides for dispensations from the speaking and voting restrictions of members with disclosable pecuniary interests.
- 8.2 The dispensation application may be made to the Proper Officer (members are recommended to designate the Monitoring Officer for this purpose) and determined by the authority. It is recommended that this dispensation power be granted to the Standards Committee.
- 8.3 Dispensations may be granted where

After having had regard to all relevant circumstances, the Authority—

- (a) considers that without the dispensation the number of persons prohibited by section 31(4) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,
- (b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,
- (c) considers that granting the dispensation is in the interests of persons living in the Authority's area,
- (d) if it is an Authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each member of the Authority's executive would be prohibited by section 31(4) from participating in any particular business to be transacted by the Authority's executive, or
- (e) considers that it is otherwise appropriate to grant a dispensation.

8.4 A dispensation, if granted, must be for a specific period not exceeding four years.

## **9 Parish and Town Councils**

9.1 The provisions of the Act apply to the Parish/Town Councils, but with some changes;

- The Parish/Town Councils can adopt their own Code of Conduct or adopt that of the Borough Council.
- The Borough Council's Monitoring Officer must maintain and manage the Parish/Town Council's Registers of Interests and the Parish/Town Councils Registers of Interests must be published on the relevant Parish/Town Council's website and also on the Borough Council's.

9.2 A Parish/Town Councillor against whom an allegation is made is free to consult the Borough Council's Independent Person.

9.3 All the rules about disclosing interests and participation will apply equally to Parish/Town Councillors as they do to Borough Councillors.

9.4 There is a particular difficulty in respect of Parish/Town Councils in respect of sanctions as the Localism Act gives the Council or its Standards Committee no power to do any more in respect of a Parish/Town Council than make a recommendation to the Parish/Town Council on action to be taken in respect of a Member. Parish/Town Councils will be under no obligation to accept any such recommendation notwithstanding the Council's duty to uphold the standards of behaviour within the Parish/Town Councils and their duty to investigate any complaints against Parish/Town Councillors.

## **10 Transitional Arrangements**

10.1 Finally Regulations under the Act will provide for;

- a transitional period for the determination of any outstanding complaints under the current Code of Conduct. The Government has stated that it will allow 2 months for such determination;
- removal of the power of suspension from the start of the transitional period.

10.2 At the time of writing the report those regulations are still awaited.

## **11 Policy Implications**

None

## **12 Financial Implications**

None



**13 Staffing Implications**

None

**14 Statutory Considerations**

Localism Act 2011

**15 Equality Impact Assessment (EIA)**

There are no adverse implication on equalities.

**16 Risk Management**

There are no risk management issues

**17 Background Papers**

Localism Act 2011

## APPENDIX 1

### Members' Code of Conduct

#### Introduction to the Code

This Code of Conduct is a key part of the Authority's discharge of its statutory duty to promote and maintain high standards of conduct by its members and co-opted members. It is very much focused upon the principles of conduct in public life of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership and it is the intention of the Authority that the Code be used exclusively in that context and not for any other purpose. It sets an objective, non political and high standard whose purpose is to remind members of the Authority of the behaviour expected of them in public life and to set out clearly the key principles against which their conduct will be measured.

The Code also contains provisions for registration and declaration of interests the breach of which will now attract potential criminal sanctions.

The Council will establish a Standards Committee to hear breaches of the Code and decide on sanctions against members found to be in default. Working closely with the Council's Monitoring Officer and Independent Person the Standards Committee will oversee a straightforward and robust regime dealing only with substantial ethics and standards issues and filtering out the inconsequential, trivial and vexatious. The Code will deal in broad common sense principles and neither it nor the supporting arrangements are intended to be over-technical or over-procedural. To return to the wording of the statute the Code is the Authority's public statement on the promotion and maintenance of high standards of conduct in public life.

Every member and co-opted member of the Borough Council of King's Lynn and West Norfolk must sign an undertaking to observe the Code in the terms set out below.

#### The Code

As a member or co-opted member of the Borough Council of King's Lynn and West Norfolk I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.

**SELFLESSNESS:** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

**INTEGRITY:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

**OBJECTIVITY:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

**ACCOUNTABILITY:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**OPENNESS:** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

**HONESTY:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**LEADERSHIP:** Holders of public office should promote and support these principles by leadership and example.

As a Member of the Borough Council of King's Lynn and West Norfolk my conduct will in particular address the statutory principles of the Code by:

- Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me - and putting their interests first.
- Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of Norfolk nor the good governance of the authority in a proper manner.
- Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority.
- Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.

- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it
- Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources.
- Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- Always treating people with respect, including the organisations and public I engage with and those I work alongside.
- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.

The Act further provides for registration and disclosure of interests and until such time as regulations are issued in relation to the registration and disclosure of interests I agree to abide by the rules relating to the registration and disclosure of interests set out in Appendix 3.

## APPENDIX 2

### ARRANGEMENTS FOR DEALING WITH STANDARDS' ALLEGATIONS

1. The following arrangements constitute the Borough Council of King's Lynn and West Norfolk's adopted procedure for dealing with complaints that a member has failed to comply with the Council's Code of Conduct.
2. The Council will appoint a Standards Committee of 7 members. Its terms of reference are :-
  - The promotion and maintenance of high standards of conduct by the members and co-opted members of the Authority.
  - To deal with any ancillary matters relating to Standards and Conduct including replying to consultations, training etc.
  - To assist when called upon to do so in deciding whether a Standards complaint should be referred for investigation
  - To hear and determine standards complaints made against the authority's members and co-opted members.
  - To impose such sanctions as they think fit in relation to matters found to be breaches of the Code.
  - To hear and determine applications for dispensations under section 33 of the Act.
  - Consider and determine applications made to the Committee for exemption from political restriction, in respect of any post within the Borough Council by the holder of that post.
3. A complaint must be made in the first instance to the Council's Monitoring Officer, Legal Services, Borough Council of King's Lynn and West Norfolk, Chapel Street, King's Lynn, Norfolk, PE30 1EX.
4. A complaint must be made on the Council's model complaint form or, if submitted in any other way, must contain all the information required by that form.
5. The Monitoring Officer will consider the complaint against the Council's adopted criteria set out in the Annex to Appendix 2 for deciding whether a complaint should be referred for formal investigation or some other action. The Monitoring Officer may consult the Council's "Independent Person" before making a decision. Any functions of the Monitoring Officer in this procedure may be delegated to a Deputy

Monitoring Officer and the Monitoring Officer, the Deputy Monitoring Officer and the Independent Person may consult or seek the input of an Independent Person from another authority as appropriate.

6. If the Monitoring Officer decides not to refer the complaint for investigation or for some other action then the matter is closed. There is no provision for appeal or review of that decision by the Council or any other person. The Monitoring Officer will give a summary of the reasons for his / her decision.
7. If the Monitoring Officer decides that the complaint requires investigation the Monitoring Officer will appoint a person to investigate and to report back to him/ her. The Monitoring Officer will then consider the conclusion of the investigator's report.
8. If the conclusion of the investigation is that there has been no breach of the Code and the Monitoring Officer considers that that is a reasonable conclusion then the Monitoring Officer will write to the complainant and the member concerned to inform them that there will be no further action. Again, there is no provision for appeal or review of that decision by the Council or any other person.
9. If the investigation concludes that there is evidence of a breach of the Code then the Monitoring Officer will consult the Independent Person and make a decision either to:-
  - resolve the matter without the need for a hearing or
  - to convene a meeting of the Council's Standards Committee or a sub committee of the Standards Committee to hear the matter.
10. The procedure at the hearing will be in accordance with Appendix 3 to this report.
11. If the hearing concludes that there has been no breach of the Code then the matter is resolved. There is no provision for appeal or review of that decision by the Council or any other person.
12. If the hearing concludes that there has been a breach of the Code the committee will consider whether and what sanction it might be appropriate to impose on the member found to be in default. These are as follows:-
  - a) Censure or reprimand.
  - b) Report to full Council.
  - c) Recommendation to the Council to remove the member from membership of Committees or Sub-Committees.
  - d) Recommendation to the Council to remove the member from any position (including Leader) of the Executive.
  - e) Require the member to undergo training in Ethics and Standards.

- f) Removal of the member from external nominations or appointments.
- g) Withdrawal of facilities or services from the member including access to Council premises and/or IT facilities.

**Criteria for the receipt and assessment of complaints**

1. Complaints about alleged breaches of the Code of Conduct will be received and considered by the Monitoring Officer.
2. In the event that there is a conflict of interest or other circumstances where it would not be appropriate for the Monitoring Officer to consider the complaint, for example where the Monitoring Officer has advised the Member who is the subject of the complaint about the matter complained of, then the Independent Person will receive and consider the complaint.
3. In relation to any complaint the Monitoring Officer (or the Independent Person) should be satisfied that
  - (i) it is a complaint in relation to the conduct of one or more named Members of the Borough Council of King's Lynn and West Norfolk or one or more named members of a Parish or Town Council within the Borough.
  - (ii) the relevant Member was in office at the time of the alleged conduct
  - (iii) that, if proved, the Member, acting in his or her capacity as a Councillor, would have failed to/or behave consistently with one or more of the 7 principles set out in the Code.
4. The Monitoring Officer (or the Independent Person) may take the following into account in deciding whether to investigate the complaint: [see paragraph 5 below]
  - is the matter serious enough to warrant the time and expense of further investigation
  - does the complaint appear to be politically motivated
  - does the complaint appear to be malicious or vexatious
  - is it about something that happened so long ago that there would be little benefit in taking action now
  - is the outcome including the availability of any likely sanction sought by the complainant one that the Authority is empowered to deliver



- if proven, would a finding of breach of the Code assist the Authority in its duty to promote and maintain high standards of conduct
  - had the Member acted on the advice of an officer or the Independent Person in relation to the conduct complained of
  - did the conduct arise from lack of experience or training
  - had the Member apologised for the conduct or was he or she willing to apologise
  - is the subject matter of the complaint being dealt with through any other complaints, legal or regulatory process.
5. The Monitoring Officer may consult the Independent Person on any or all of the above and will take the view of the Independent Person into account in reaching a decision whether to investigate. If a conflict of interest arises the Monitoring Officer or the Independent Person may consult an independent third party.
6. The Monitoring Officer (or the Independent Person) may determine for any one or more of the above reasons (or in consultation with the Independent Person for another reason) that an investigation is not required. The Monitoring Officer (or the Independent Person) may instead request that some other action, such as the Member making an apology, be taken. Should the Member refuse to take such action the Monitoring Officer may still proceed to an investigation if he or she, in consultation with the Independent Person, thinks it is appropriate.

**THE BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK**  
**STANDARDS COMMITTEE HEARING PROCEDURE**

**1. The Panel**

- 1.1 The Hearings Panel (a Sub-Committee of the Council's Standards Committee) shall comprise a maximum of three members of the Council's Standards Committee, including not more than one member of the Authority's Executive. The appointed Hearings Panel shall nominate a Hearings Panel Chair.
- 1.2 The Independent Person shall be invited to attend all meetings of the Hearings Panel.
- 1.3 The complainant may be asked by the Investigating Officer to attend and give evidence if the Investigating Officer considers it necessary.
- 1.4 Where the complaint refers to a Parish Councillor, if there are non-voting Parish members of the Standards Committee, one Parish member of the Standards committee may also attend.
- 1.5 The quorum for hearings by the Panel shall be three members of the Panel.

**2. Opening**

- 2.1 The Chair shall explain the procedure for the hearing and ask all present to introduce themselves.

**3. The Complaint**

- 3.1 The Investigating Officer shall be invited to present his/her report, including any documentary evidence, call such witnesses, including the complainant, as he/she considers necessary and make representations to substantiate his/her conclusion that the member has failed to comply with the Code of Conduct. The report and documentary evidence must be based on the complaint made to the Council, any additional points will not be allowed.
- 3.2 The Council member against whom the complaint has been made (or their representative) may question the Investigating Officer upon the content of their report and may question any witnesses called by the Investigating Officer. (This is the Council member's opportunity to ask questions arising from the investigator's report, but not to make a statement).

- 3.3 Members of the Hearings Panel may question the Investigating Officer upon the content of his/her report and/or question any witnesses called by the Investigating Officer.

#### **4. The Member's Case**

- 4.1 The member, against whom the complaint has been made, (or their representative) may present their case (and call witnesses as required).
- 4.2 The Investigating Officer may question the member and/or any witnesses.
- 4.3 Members of the Hearings Panel may also question the member and/or any witnesses.

#### **5. Summing Up**

- 5.1 The Investigating Officer shall sum up the complaint.
- 5.2 The member (or their representative) may sum up their case.

#### **6. Decision**

- 6.1 Members of the Hearings Panel will deliberate in private to consider the complaint in consultation with the Independent Person (if in attendance) prior to reaching a decision.
- 6.2 On the Hearings Panel's return, the Chair will announce the Panel's decision in the following terms:
- a) the Hearings Panel decides that the member has failed to follow the Code of Conduct or; b) the Hearings Panel decides that the member has not failed to follow the Code of Conduct.

The Hearing Panel will give reasons for their decision.

- 6.3 If the Hearings Panel decides that the member has failed to follow the Code of Conduct, the Panel will give the member the opportunity to make presentations to the Panel and will consider any representations from the Investigating Officer as to:
- a) whether any action should be taken and,  
b) what form any action should take.
- 6.4 The Hearings Panel shall then deliberate in private. They may consult with the Monitoring Officer and/or the Independent Person if present, to consider what action, if any, should be taken.
- 6.5 On the Hearings Panel's return, the Chair shall announce the Panel's decision as to any actions which the Hearings Panel resolves to take

(or in relation to a Parish Councillor their recommendation to the Parish Council).

- 6.6 The Hearings Panel shall consider whether it should make any recommendations to the Council (or in relation to a Parish Councillor, to the Parish Council) with a view to promoting high standards of conduct among Council members.
- 6.7 At the end of the meeting, the Chair shall confirm that a formal decision notice will be prepared by the Monitoring Officer and that within 7 working days following the Hearing, a copy will be sent to the complainant, and to the member and to the Parish Council, if applicable. The Chair shall also confirm that the decision notice will be made available for public inspection and reported to the next meeting of the Standards Committee.

## REPORT TO CABINET

<b>Open</b>		Would any decisions proposed :		
<b>Any especially affected Wards</b>	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 NO and partly within Cabinets powers –		
Lead Member: Cllr N Daubney E-mail: cll.nick.daubney@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Ray Harding E-mail: ray.harding@west-norfolk.gov.uk Direct Dial: 01553 616245		Other Officers consulted: Sam Winter, Andy Piper		
Financial Implications NO	Policy/Personnel Implications NO	Statutory Implications YES	Equal Impact Assessment NO	Risk Management Implications NO

Date of meeting: 6 June 2012

### 2 ESTABLISHMENT OF NORFOLK POLICE AND CRIME PANEL

#### **Summary**

To recommend that the Council agrees the establishment and proposed arrangements for the Norfolk Police and Crime Panel (PCP) and appoints one member [three members in the case of the Norfolk County Council] to the PCP.

Council is **RECOMMENDED** to:-

- 1) Agree the establishment of a Police and Crime Panel for Norfolk, as a Joint Committee of the District, Borough and County Councils, and agree the proposed Panel Arrangements.
- 2) Appoint one member to the PCP and appoint a named substitute. *(appointed member and named substitute must be from the same political group).*
- 3) Endorse the proposed Rules of Procedure and recommend to the PCP that they be adopted.

#### **Reason for Decision**

In order to comply with the requirements of the Police Reform and Social Responsibility Act 2011

## 1. Background

- 1.1 The Police Reform and Social Responsibility Act 2011 (The Act) introduced significant changes in police governance and accountability, in particular replacing the Police Authorities with directly elected Police and Crime Commissioners (PCCs). PCC elections are scheduled for 15 November 2012.
- 1.2 Accountability for the delivery and performance of the police service within each force area will rest with the PCC on behalf of their electorate. The PCC will set and shape the strategic objectives of their force area in consultation with the Chief Constable. The PCC will be accountable to their electorate; the Chief Constable will be accountable to their PCC.
- 1.3 The Act requires that the local authorities in each police force area must establish and maintain as a joint committee, a Police and Crime Panel (PCP) for that police area, and that all the local authorities must agree to the making of Panel Arrangements for the PCP. The Panel Arrangements must be collectively agreed by all the local authorities by 1 July 2012. If the local authorities fail to agree unanimously to the Panel Arrangements, the Secretary of State has reserve powers under the Act to establish the PCP and determine the Panel Arrangements.
- 1.4 The PCP will have the following duties and powers which must be exercised in accordance with the Act and associated Regulations:
  - the power of veto, by two-thirds majority, over the PCC's proposed budget and precept;
  - the power of veto, by two-thirds majority, over the PCC's proposed candidate for chief constable;
  - the power to ask Her Majesty's Inspectorate of Constabulary (HMIC) for a professional view when the PCC intends to dismiss a chief constable;
  - the power to review the PCC's draft police and crime plan and make recommendations to the PCC who must have regard to them;
  - the power to review the PCC's annual report and make reports and recommendations at a public meeting, which the PCC must attend;
  - the power to require any papers in the PCC's possession (except those which are operationally sensitive);
  - the power to require the PCC to attend the panel to answer questions;
  - the power to appoint an acting PCC (from within the PCC's staff) when the elected PCC is incapacitated or suspended (until she/he is no longer incapacitated or suspended), or resigns or is disqualified (until a new commissioner is elected); and

- responsibility to investigate complaints against the PCC, although serious issues must be passed to the Independent Police Complaints Commission (IPCC).

1.5 According to the Home Office, “PCPs are not a replacement for police authorities. They will fulfil an important role in scrutinising the commissioner but we need to be clear that this reform is about reconnecting the police and the people. This will be achieved through a directly elected PCC not through the PCP. The PCP will have an important scrutiny role in relation to the PCC, however it is the PCC who is taking on the role of the police authority and who the public will hold to account for the performance of their force.”

## **2. Developing the Panel Arrangements and Rules of Procedure**

2.1 The Act requires the functions and procedural rules for the operation of the PCP to be set out in “Panel Arrangements” and “Rules of Procedure”. The Panel Arrangements must be determined by the local authorities collectively but the Rules of Procedure are for the PCP to approve once it is established.

2.2 At the direction of the Norfolk Leaders Group, an officer working group, representing all eight local authorities, has been overseeing the development of the arrangements for the Norfolk PCP, and has reported its recommendations through to the Leaders’ Group.

2.3 Early establishment of the PCP by the local authorities will enable it to meet and undertake training and development activities before the PCC takes office in November 2012.

2.4 The Act requires the eight local authorities to approve the Panel Arrangements and local authorities are required to notify the Home Office of the agreed Arrangements by 1 July 2012. By seeking agreement to the proposed Panel Arrangements at meetings of the full Councils in May/June 2012 and appointing member(s) to the PCP, this will allow time for the PCP to appoint the required two co-opted independent members; agree the Rules of Procedure; be briefed on relevant issues; and agree the PCP’s work programme for its first year; all before the PCC is elected at the end of November.

2.5 The draft Panel Arrangements (Annex 1) have been prepared by the officer working group, considered by the Norfolk Leaders’ Group and are now submitted to each full Council for approval.

2.6 The officer working group has also prepared draft Rules of Procedure (Annex 2). As indicated earlier, the Rules of Procedure can only be approved by the PCP itself, but Council is asked to endorse the draft and recommend to the PCP that they be adopted.

### **3. Panel membership**

- 3.1 The Act requires that in Norfolk, the PCP consist of ten councillors from the eight local authorities (at least one from each authority) and two independent members (not councillors) co-opted by the PCP. All twelve members will have equal voting rights. When appointing members, each local authority must secure that (as far as reasonably practicable) the 'balanced appointment objective' is met. That is, composition should take account of, as far as is practicable, both political and geographical proportionality, as well as the necessary skills, knowledge and experience needed to discharge its functions effectively.
- 3.2 In addition, the PCP must, from time to time ensure that in co-opting members who are not members of local authorities, the balanced appointment objective is met.
- 3.3 It is therefore proposed that Breckland District Council, Broadland District Council, Great Yarmouth Borough Council, King's Lynn and West Norfolk Borough Council, North Norfolk District Council, Norwich City Council and South Norfolk District Council, will each appoint one councillor as a member of the PCP; and that Norfolk County Council will appoint three councillors, picking up as far as possible the requirement to ensure political balance across the county. The Panel Arrangements include provision for named substitutes to be appointed. In agreeing to recommend that this provision be included, however, the Leaders' Group considered it vital for the effective operation of the PCP that the appointed representatives are able to build up their knowledge and expertise. The Leaders therefore consider that the substitution facility should be used only on rare occasions.

### **4. Support for the Panel**

- 4.1 It is proposed that Norfolk County Council will be the lead local authority for the PCP, and, within the overall budget allocated by the Home Office, will provide support to the PCP and its members led by a named lead officer supplemented as required by additional specialist officers
- 4.2 The Home Office has indicated that it will provide £53,300 per annum to support the PCP, plus up to £920 towards expenses per PCP member.
- 4.3 Any costs incurred over and above the Home Office funding will need to be met by the local authorities. Every effort will be made to ensure that costs are contained within the funding provided by the Home Office, but if this is not possible, these will be shared between the eight local authorities on the basis set out within the Panel Arrangements
- 4.4 The Act requires that the Panel Arrangements set out how support and guidance will be given to elected members and officers of the eight



local authorities in relation to the functions of the PCP. It is proposed that this will comprise initial briefing sessions for all elected members and relevant officers of the eight local authorities before the PCC is elected and on a regular basis thereafter; together with written briefings as appropriate.

4.5 Anticipating that each Council agrees the establishment of a Police and Crime Panel during their meetings in May and June 2012, the intention is to set up a shadow Panel in advance of October 2012, so that it can; appoint two co-opted independent members, agree the rules of procedure, consider a training programme and a work programme for the first year. Arrangements have been made for the first meeting of the shadow Panel to take place on the morning of 20 July 2012 at County Hall.

## 5. Recommendation

Council is **RECOMMENDED** to:-

- (i) Agree the establishment of a Police and Crime Panel for Norfolk, as a joint committee of the district, borough and county councils, and agree the proposed Panel Arrangements.
- (ii) Appoint one member [three members in the case of Norfolk County Council] to the PCP and appoint a named substitute. (*appointed member and named substitute must be from the same political group*).
- (iii) Endorse the proposed Rules of Procedure and recommend to the PCP that they be adopted.

Annex 1 – proposed Panel Arrangements for the Norfolk PCP

Annex 2 – proposed Rules of Procedure for the Norfolk PCP

## **Norfolk Police and Crime Panel**

### **Panel Arrangements**

#### **1. Background**

- 1.1 The Police Reform and Social Responsibility Act 2011 (the Act) introduces new structural arrangements for national policing, strategic police decision making, neighbourhood policing and police accountability.
- 1.2 The Act provides for the election of a Police and Crime Commissioner (PCC) for a police force area, responsible for securing an efficient and effective police force for their area, producing a police and crime plan, recruiting the Chief Constable for an area, and holding him/her to account, publishing certain information including an annual report, setting the force budget and police precept and requiring the Chief Constable to prepare reports on police matters. The PCC must co-operate with local community safety partners and criminal justice bodies.
- 1.3 The Act requires the relevant local authorities (county council, city, district and borough councils) in each police force area to establish and maintain a Police and Crime Panel (PCP) for its police force area. It is the responsibility of the local authorities for the police force area to agree to the making of arrangements for the PCP ('Panel Arrangements').
- 1.4 Each local authority and each Member of the PCP must comply with the Panel Arrangements.
- 1.5 The functions of the Panel must be exercised with a view to supporting the effective exercise of the functions of the PCC for that police force area.
- 1.6 The PCP is responsible for scrutinising the PCC and promoting openness in the transaction of police business in the police force area.
- 1.7 The PCP is a joint committee of the local authorities in Norfolk.

#### **2. Functions of the Police and Crime Panel**

- 2.1 The functions of the PCP must be exercised with a view to supporting the effective exercise of the functions of the PCC for Norfolk
- 2.2 The PCP must:-
  - (i) review the draft police and crime plan, or draft variation given to the PCP by the PCC, and

- (ii) make a report or recommendation on the draft plan or variation to the PCC

2.3 The PCP must

- (i) arrange for a public meeting of the PCP to be held as soon as practicable after the PCP is sent the PCC's annual report
- (ii) ask the PCC, at that meeting, such questions about the annual report as the members of the PCP think appropriate
- (iii) review the annual report, and
- (iv) make a report or recommendations on the annual report to the PCC

2.4 The PCP must hold a confirmation hearing to review the proposed appointment by the PCC of:-

- (i) the PCC's chief executive
- (ii) the PCC's chief finance officer
- (iii) a deputy PCC

The PCP must make a report to the PCC and the report must include a recommendation as to whether or not the candidate should be appointed.

2.5 The PCP must respond to any proposal by the PCC to call upon the Chief Constable to retire or resign, by making a recommendation to the PCC as to whether or not the PCC should call for the retirement or resignation.

2.6 The PCP must review and make a report and may make recommendations on the precept which the PCC proposes to issue for the financial year.

2.7 The PCP must hold a confirmation hearing to review the proposed appointment by the PCC of a Chief Constable. The PCP must make a report to the PCC and the report must include a recommendation as to whether or not the candidate should be appointed or must include a statement that the PCP has vetoed the appointment.

2.8 The PCP must:-

- (i) review or scrutinise decisions made, or other action taken, by the PCC in connection with the discharge of the PCC's functions; and
- (ii) make reports or recommendations to the PCC with respect to the discharge of the PCC's functions

2.9 The PCP must publish any reports or recommendations made by it to the PCC and must determine the manner in which such reports or recommendations are to be published.

- 2.10 The PCP must send copies of any reports or recommendations it makes to the PCC, to each county and district council in Norfolk.
- 2.11 The PCP must fulfil functions in relation to complaints about conduct matters, in accordance with the responsibilities given to the PCP by the Act.
- 2.12 The PCP must appoint an Acting PCC in the circumstances set out in the Act.
- 2.13 The PCP may not exercise any functions other than those conferred by the Act.

### **3. Operating Arrangements**

- 3.1 The PCP is a joint committee of the county, city, borough and district councils in Norfolk.
- 3.2 Norfolk County Council shall be the lead authority in establishing and maintaining the PCP and shall secure the administrative, secretarial and professional support necessary to enable the PCP to fulfil its functions.
- 3.3 The PCP shall consist of a minimum of 10 councillors and two co-opted independent members. The membership of the PCP can be increased up to a maximum size of 20 by co-opting up to 8 additional councillors, but any proposal by the PCP to increase above the initial membership of 12 would be subject to the approval of the Secretary of State
- 3.4 The local authorities will co-operate to provide the PCP with additional officer support for research, training and development, or where particular expertise would assist the PCP.
- 3.5 The local authorities will co-operate to ensure that the role of the PCP is promoted internally and externally and that members and officers involved in the work of the PCP are given support and guidance in relation to the PCP's functions.
- 3.6 The PCP must have regard to the Policing Protocol issued by the Home Secretary, which sets out the ways in which the Home Secretary, the PCC, the Chief Constable and the PCP should exercise, or refrain from exercising functions so as to encourage, maintain or improve working relationships and limit or prevent the overlapping or conflicting exercise of functions.

### **4. Financial Arrangements**

- 4.1 The funding provided by the Home Office to support the work of the PCP will be received by the County Council as lead authority. The PCP will seek to operate within the limit of the Home Office funding. Any additional expenditure by the PCP above the funding provided by the Home Office will require the prior agreement of all the constituent local authorities and, if approved, will be apportioned between the local

authorities on the basis of the number of members each has on the PCP.

- 4.2 The Home Office funding includes a specified sum per member per annum to cover their expenses. Each local authority will pay the expenses of its own representatives and seek re-imburement from the County Council at the end of each financial year, up to a maximum of the specified sum.
- 4.3 The local authorities will establish a joint independent remuneration panel to consider whether a special responsibility allowance should be paid to the Chairman of the PCP and if so, what the level of that SRA should be. If the councils subsequently decide that an SRA will be paid, the cost will be apportioned between the councils on the basis of the number of members each has on the PCP. The independent remuneration panel shall be convened by the lead authority, with its membership to be drawn from the independent remuneration panels for each local authority.

## **5. Membership – Appointed Members**

- 5.1 All county councillors and district councillors within Norfolk are eligible to be members of the PCP.
- 5.2 Appointment of elected members to the PCP shall be made by each local authority at its annual general meeting or as soon as possible thereafter, in accordance with its procedures. Appointments shall be made with a view to ensuring that the “balanced appointment objective” is met so far as is reasonably practicable. The balanced appointment objective is the objective that the local authority members of a PCP (when taken together):-
- (i) represent all parts of the police area;
  - (ii) represent the political make-up of the relevant authorities (when taken together)
  - (iii) have the skills, knowledge and experience necessary for the PCP to discharge its functions effectively
- 5.3 The PCP’s membership will be one councillor appointed by each district council and three councillors appointed by the county council, with the county council as far as possible picking up the requirement to ensure the required balance across the county. Terms of office will be to the next annual general meeting of the respective councils.
- 5.4 The PCP membership shall, as far as possible, be politically balanced in relation to the overall political balance amongst all district and county councillors in Norfolk. The lead authority will facilitate discussions between the local authorities in order to enable the authorities to fulfil their duty to secure (as far as reasonably practicable) that the appointed membership meets the balanced appointment objective.

- 5.5 The PCP shall review at its AGM whether or not the balanced appointment objective is being met and if it concludes that it is not, the PCP shall determine what action is needed to meet the objective.
- 5.6 All members of the PCP may vote in proceedings of the PCP.
- 5.7 Each local authority may appoint a named member to be a substitute for its representative(s) on the PCP. Notice of a substitution must be given by the relevant PCP member to the PCP Secretary, before the start of the meeting concerned. The named substitute must be a member of the same council and same political group as the PCP member being substituted. Appointed representatives should use the substitution facility only on rare occasions, in recognition of the importance of building up knowledge and expertise so that the PCP can operate effectively.
- 5.8 In all other respects, the appointment of substitutes shall be governed by the rules relating to substitution set out in section 4 of appendix 10 of the County Council Constitution.

## **6. Membership – Independent Members**

- 6.1 The PCP shall co-opt two independent members onto the PCP. For the first two co-options, one shall be appointed for a term of four years and one for a term of three years. Thereafter the appointments will be for four-year terms. There shall be no restriction on the overall time period that an independent member may serve on the PCP. A member of any of the relevant local authorities may not be a co-opted member of the PCP where the number of co-opted members is two.
- 6.2 The following may not be co-opted Members of the PCP:
- a) the PCC for the Police Area.
  - b) a member of staff of the Police and Crime Commissioner for the area.
  - c) a member of the civilian staff of the Police Force for the area.
  - d) a Member of Parliament.
  - e) a Member of the National Assembly for Wales.
  - f) a Member of the Scottish Parliament.
  - g) a Member of the European Parliament.
- 6.3 The recruitment process for co-opting independent members should include a reasonable period of open and public advertising for the positions. The closing date for the receipt of applications should be at least two weeks from the date the advertisement is first placed. The PCP shall also invite relevant organisations, as it considers appropriate, to nominate candidates for consideration as part of the recruitment process.
- 6.4 The recruitment process will be carried out in accordance with the following principles:-

- (i) Appointments will be made on merit of candidates whose skills, experience and qualities are considered best to secure the effective functioning of the PCP
- (ii) The selection process will be fair, objective and impartial and consistently applied to all candidates who will be assessed against the same pre-determined criteria
- (iii) The selection process will be conducted transparently with information about the requirements for the appointments and the process being publicly advertised and made available

6.5 Information packs shall be prepared and sent to those requesting them. The PCP shall appoint a selection panel to consider applications and interview candidates.

6.6 Following the interviews, the selection panel will make recommendations to the PCP about the appointment of the independent members and the PCP will make a decision as to which candidates to co-opt. In order to be co-opted, each candidate shall require the support of a majority of the appointed members of the PCP present at the meeting at which the decision is made. Independent member co-options shall be subject to annual endorsement at the PCP's AGM. If a majority of appointed members present at the AGM vote against endorsing an independent member's co-option, the independent member's co-option shall be terminated.

## **7. Casual Vacancies**

7.1 A vacancy on a PCP arises when a local authority or independent member resigns from the membership of the PCP or is removed from the post by their local authority or, in the case of the independent members, is removed from their post by the PCP.

7.2 Each council will fill vacancies for elected members in accordance with the arrangements in its constitution. Vacancies for independent members will be filled in accordance with the selection process outlined in section 6 of these Rules.

## **8. Resignation of Appointed Members**

Appointed Members of the PCP who wish to resign shall do so by notifying in writing, the PCP secretary and the appropriate officer in their local authority.

## **9. Resignation of Independent Members**

Independent Members of the PCP who wish to do so shall resign by notifying in writing the PCP secretary.

## **10. Removal of Appointed Members**

Each local authority shall have the right to change its appointed member at any time and shall give notice to the PCP secretary but

must ensure that the change does not affect the political balance requirement.

## **11. Removal of Independent Members**

Other than at the PCP's AGM, an independent member may only be removed from office if an appointed member has given notice to the PCP secretary at least 10 working days prior to an ordinary meeting of the PCP, of his or her intention to propose a motion that an independent member's co-option be terminated. At the subsequent meeting, termination will only be confirmed if at least two-thirds of the persons who are members of the PCP at the time when the decision is made vote in favour of termination.

## **12. Amendments to Panel Arrangements**

12.1 Changes to the Panel Arrangements can only be made with the collective approval of all the local authorities in Norfolk. The PCP may propose amendments to the Panel Arrangements and any such proposals will be referred to the local authorities and will only be implemented if they are approved by all the local authorities.

12.2 The only exception to the requirement for the approval of the local authorities is if the PCP wishes to increase the number of co-opted members. The PCP may resolve that that the PCP is to have the number of co-opted members specified in the resolution, provided that the total membership of the PCP, including that number of co-opted members, would not exceed 20. Any such resolution must be referred to the Secretary of State and will only be implemented if the Secretary of State gives approval.

## **13. Interpretation**

The conduct of the PCP and the content of these Panel Arrangements shall be subject to the legislative provisions in the Police Reform and Social Responsibility Act 2011, and any Regulations made in accordance with that Act, and in the event of any conflict between the Act or Regulations, and these Panel Arrangements, the requirements of the legislation will prevail.

## **14. Promotion of the Panel**

14.1 The Panel Arrangements shall be promoted by:

- (i) The establishment and maintenance by the lead authority of a website including information about the role and work of the PCP, its membership, all non-confidential PCP and sub-committee meeting papers, press releases and other publications; and,
- (ii) The issuing of regular press releases about the panel and its work; and,



- (iii) The local authorities will include information about the PCP on their websites, and will also include a link to the PCP website.

14.2 Support and guidance shall be provided to executive and non-executive members and officers of the local authorities in relation to the functions of the PCP as follows:

- a) by the provision of briefing sessions for members and relevant officers of the authorities before the election of the PCC, and on a regular basis thereafter; and,
- b) by the provision of written briefing notes for members and relevant officers of the authorities as appropriate.

## **Annex 2**

### **Norfolk Police and Crime Panel**

#### **Rules of Procedure**

##### **1. General**

- 1.1 These Rules of Procedure are made by the PCP pursuant to Schedule 6, paragraph 25 of the Police Reform and Social Responsibility Act 2011 (the 'Act').
- 1.2 The PCP will be conducted in accordance with these Rules. The Rules should be read having regard to the Panel Arrangements.

##### **2. Chairman of the Police and Crime Panel**

- 2.1 The chairman of the PCP will be appointed at the PCP's annual general meeting and will be drawn from amongst all the members of the PCP, including independent members.
- 2.2 The vice-chairman will be appointed at the AGM and will be drawn from amongst all the members of the PCP, including independent members.
- 2.3 In the event of the Chairman and vice-chairman being absent from a PCP meeting, the PCP will appoint a member to act as chairman for that meeting.
- 2.4 In the event of the resignation of the chairman/vice-chairman or removal of chairman/vice-chairman, a new chairman/vice-chairman will be appointed and will be drawn from amongst all the members of the PCP. Other than at the PCP's AGM, the chairman and vice-chairman may only be removed from office if a PCP member has given notice to the PCP secretary at least 10 working days prior to an ordinary meeting of the PCP, of his or her intention to propose a motion that the chairman or vice-chairman be removed from office. At the subsequent meeting, removal will only be confirmed if at least two thirds of the persons who are members of the PCP at the time the decision is made vote in favour of it.

##### **3. Meetings of the Police and Crime Panel**

- 3.1 The PCP shall meet at least four times per year to carry out its functions.
- 3.2 The PCP secretary will give notice to the public of the time and place of any meeting of the PCP. At least 5 clear working days before meetings, the secretary will circulate to PCP members the agenda for the meeting setting out the date, time and place for the meeting and specifying the business to be transacted. The agenda and minutes of PCP meetings will be published on the County Council's website.

3.3 An extraordinary meeting may be called by the PCP by resolution, by the chairman or by any four members of the PCP signing a requisition presented to the PCP secretary.

3.4 All members of the PCP may vote in proceedings of the PCP. The validity of the proceedings of the PCP is not affected by a vacancy in the membership of the PCP or a defect in appointment.

#### **4. Quorum**

4.1 A meeting of the PCP cannot take place unless at least one half of the whole number of its members is present. In any period during which there are vacancies amongst the membership, the calculation of half shall be based on the number of members in office on the day of the meeting.

#### **5. Work Programme**

5.1 The PCP will be responsible for setting its own work programme taking into account the priorities defined by the PCC and taking into account the views of other agencies and partnerships.

5.2 The work programme must include the functions described in section 2 of the Panel Arrangements.

5.3 Any member of the PCP shall be entitled to give notice to the PCP secretary that he or she wishes an item relevant to the functions of the PCP to be included on the agenda for a PCP meeting

#### **6. Sub-Committees and Task and Finish Groups**

6.1 Sub-Committees and time limited task and finish groups may be established from time to time by the PCP to undertake specific task based work and report back to the PCP.

6.2 The special functions of the PCP may not be discharged by a sub-committee of the PCP or a task and finish group.

6.3 In this paragraph 'special functions' means the following functions:

(i) review of the Police and Crime Plan

(ii) review of the annual report

(iii) review of senior appointments

(iv) review and potential veto of the proposed precept

(v) review and potential veto of the appointment of a Chief Constable).

6.4 The work undertaken by a sub-committee or task and finish group will be scoped and defined beforehand, together with the timeframe within which the work is to be completed and the reporting time for the outcome of the work.

- 6.5 A sub-committee or task and finish group may not co-opt members but they shall be able to invite others to assist it with its work.
- 6.6 Sub-Committees and task and finish groups need not be politically balanced if the PCP agrees to this.

## **7. Reports from the Police and Crime Panel**

- 7.1 Where the PCP makes a report or recommendations to the PCC, it will publish the report or recommendation on the PCP website. Copies of the report or recommendations will also be sent to each local authority within the police area.
- 7.2 The PCP must by notice in writing require the PCC, as appropriate, within a reasonable period of the date on which he or she receives the report or recommendations, to:-
- (i) Consider the report or recommendations
  - (ii) Respond to the PCP indicating what (if any) action the PCC proposes to take
  - (iii) Where the PCP has published the report or recommendations, publish the response
- 7.3 The publication of reports or recommendations is subject to the exclusion of any exempt or confidential information as defined in the rules on access to information in the Local Government Act 1972 (as amended).

## **8. Police and Crime Commissioner and Officers Giving Account**

- 8.1 The PCP may scrutinise and review decisions made or actions taken in connection with the PCC's role. As well as reviewing documentation, in fulfilling its role it may require the PCC, and members of the Commissioner's staff, to attend before the PCP (at reasonable notice) to answer any questions which appear to the PCP to be necessary in order to carry out its functions.
- 8.2 Where the PCC, or a member of the PCC's staff, is required to attend the PCP, the chairman of the PCP will inform them in writing, giving reasonable notice of the meeting. The notice will state the nature of the item for which he or she is required to attend to give account and whether any papers are required for production for the PCP. Where it is necessary to produce a report, sufficient time will be given to allow preparation of that report.
- 8.3 Where, in exceptional circumstances, the PCC is unable to attend on the required date, an alternative date for attendance may be arranged following consultation with the chairman of the PCP.
- 8.4 If the PCP requires the PCC to attend before the PCP, the PCP may, by giving reasonable notice request the Chief Constable to attend before the PCP on the same occasion to answer any questions which

appears to the PCP to be necessary in order for it to carry out its functions.

## **9. Attendance by Others**

The PCP may invite people other than those referred to above to address it, discuss issues of local concern and/or answer questions. It may, for example, wish to hear from residents, stakeholders, councillors who are not members of the PCP and officers in other parts of the public sector and may invite such people to attend. The PCP may not however invite officers of the constabulary other than the Chief Constable to attend meetings, without the prior agreement of the Chief Constable.

## **10. Special Functions**

10.1 The Special Functions of the PCP are those functions referred to in paragraphs 11-15, below, and which are conferred on the PCP in relation to:

- a) the review of the Police and Crime Plan as required by Section 28(3) of the Act;
- b) the review of the Annual Report as required by Section 28 (4) of the Act;
- c) the review of senior appointments in accordance with Paragraphs 10 and 11 of Schedule 1 of the Act;
- d) the review and potential veto of the proposed precept in accordance with Schedule 5 of the Act;
- e) the review and potential veto of appointment of the Chief Constable Part 1 the Act.

10.2 The Special Functions shall be undertaken having regard to the requirements of the Act and Regulations in each case.

10.3 The issuing of reports and recommendations by the PCP in relation to the Special Functions outlined above will be carried out in accordance with paragraph 7 above.

## **11. Police and Crime Plan**

11.1 The PCP is a statutory consultee on the development of the PCC's Police and Crime Plan and will receive a copy of the draft Police and Crime Plan, or a draft of any variation to it, from the PCC.

11.2 The PCP must

- (i) hold a public meeting to review the draft Police and Crime Plan (or a variation to it), and;
- (ii) report or make recommendations on the draft Plan, which the PCC must take into account.

## **12. Annual Report**

- 12.1 The PCC must produce an Annual Report about the exercise of his/her functions in the financial year and progress in meeting police and crime objectives in the year. The report must be sent to the PCP for consideration.
- 12.2 The PCP must comment upon the Annual Report of the PCC, and for that purpose must:
- (i) arrange for a public meeting of the PCP to be held as soon as practicable after the PCP receives the Annual Report;
  - (ii) require the PCC to attend the meeting to present the Annual Report and answer such questions about the Annual Report as the Members of the PCP think appropriate;
  - (iii) make a report or recommendations on the Annual Report to the PCC.

## **13. Proposed Precept**

- 13.1 The PCP will receive notification from the PCC of the precept which the PCC is proposing to issue for the coming financial year. The PCP must arrange for a public meeting of the PCP to be held as soon as practicable after the PCP receives the proposed precept and make a report including recommendations.
- 13.2 Having considered the precept, the PCP must:
- (i) support the precept without qualification or comment; or
  - (ii) support the precept and make recommendations; or
  - (iii) veto the proposed precept (by the required majority of at least two thirds of the persons who are members of the PCP at the time when the decision is made).
- 13.3 If the PCP vetoes the proposed precept, the report to the PCC must include a statement that the PCP has vetoed the proposed precept and give reasons for that decision. The PCC will require a response to the report and any such recommendations.

*NOTE: This section is subject to Regulations which are currently awaited and it may need to be changed in view of that.*

## **14. Appointment of Chief Constable**

- 14.1 The PCP must review the proposed appointment by the PCC of the Chief Constable.

- 14.2 The PCP will receive notification of the proposed appointment from the PCC, which will include:
- (i) the name of the candidate;
  - (ii) the criteria used to assess suitability of the candidate,
  - (iii) why the candidate satisfies the criteria; and,
  - (iv) the terms and conditions proposed for the appointment
- 14.3 Within three weeks of the receipt of notification the PCP must consider and review the proposed appointment, and report to the PCC with a recommendation as to whether the candidate should be appointed. The three week period shall not include the 'post election period', being any period between the date of poll at the ordinary election of the PCC, and the date of declaration of acceptance of office of the PCC.
- 14.4 Before reporting and recommending under paragraph 14.3 above, the PCP must convene a public meeting ('confirmation hearing') of the PCP where the candidate must attend, either in person or by telephone or video link and answer questions relating to the appointment.
- 14.5 The PCP must publish the report on its web site and send copies to each of the local authorities, and by any other means the PCP considers appropriate.
- 14.6 The PCC may accept or reject the PCP's recommendation as to whether or not the candidate should be appointed, and must notify the PCP accordingly.
- 14.7 The PCP has the power to veto the appointment of a candidate, by a required majority of at least two thirds of the persons who are members of the PCP at the time when the decision is made.
- 14.8 A confirmation hearing as in paragraph 14.4 must be held before an appointment is vetoed.
- 14.9 If the PCP vetoes the appointment under paragraph 14.7, the report referred to at paragraph 14.3 above must include a statement to that effect.
- 14.10 If the PCP vetoes an appointment the PCC must not appoint that candidate as Chief Constable

*NOTE: This section is subject to Regulations which are currently awaited and it may need to be changed in view of that.*

## **15. Senior Appointments**

- 15.1 The PCP must review the proposed appointments by the PCC of the PCC's Chief Executive, Chief Finance Officer and Deputy PCC.
- 15.2 The PCP shall receive notification of the proposed appointments from the PCC including
- (i) the name of the candidate;
  - (ii) the criteria used to assess suitability of the candidate,
  - (iii) why the candidate satisfies the criteria; and,
  - (iv) the terms and conditions proposed for the appointment
- 15.3 Within three weeks of the receipt of notification the PCP must consider and review the proposed appointment, and report to the PCC with a recommendation as to whether the candidate should be appointed. The three week period will not include the post-election period.
- 15.4 Before reporting and recommending under 15.3 above, the PCP must convene a public confirmation hearing of the PCP where the candidate must attend, either in person or by telephone or video link and answer questions relating to the appointment.
- 15.5 The PCP must publish the report on its web site and send copies to each of the local authorities, and by any other means the PCP considers appropriate.
- 15.6 The PCC may accept or reject the PCP's recommendation, and must notify the PCP accordingly.

## **16. Appointment of an Acting Police and Crime Commissioner**

- 16.1 The PCP must appoint a person to be acting Commissioner if:
- (i) no person holds the office of PCC;
  - (ii) the PCC is incapacitated (i.e. unable to fulfil the functions of the PCC) which is a matter for the PCP to determine; or
  - (iii) the PCC is suspended.
- 16.2 In the event that the PCP has to appoint an acting Commissioner it will meet to determine the process for appointment which will comply with these Rules of Procedure and any legal requirements.
- 16.3 The PCP may appoint a person as acting Commissioner only if the person is a member of the PCC's staff at the time of the appointment.
- 16.4 In appointing a person as acting Commissioner in a case where the PCC is incapacitated, the PCP must have regard to any representations made by the PCC in relation to the appointment.



16.5 The appointment of an acting Commissioner will cease to have effect upon the earliest of the following:

- (i) the election of a person as PCC;
- (ii) the termination by the Panel, or by the acting Commissioner, of the appointment of the acting Commissioner;
- (iii) in a case where the acting Commissioner is appointed because the PCC is incapacitated, the PCC ceasing to be incapacitated; or
- (iv) in a case where the acting PCC is appointed because the PCC is suspended, the PCC ceasing to be suspended.

16.6 Where the acting Commissioner is appointed because the PCC is incapacitated or suspended, the acting Commissioner's appointment does not terminate because a vacancy occurs in the office of PCC.

## **17. Complaints**

17.1 Serious complaints which involve allegations which may amount to a criminal offence by the PCC or senior office holders are dealt with by the Independent Police Complaints Commission (the 'IPCC').

17.2 The PCP may however be involved in the informal resolution of certain other complaints against the PCC and Deputy PCC, where they are not being investigated by the IPCC or cease to be investigated by the IPCC.

17.3 On receipt of a complaint which falls within its remit the PCP will meet to consider the complaints and will seek informal resolution of a complaint by encouraging, facilitating, or otherwise assisting in the resolution of the complaint otherwise than by legal proceedings.

*Note: The handling of complaints by the PCP may be the subject of Regulations and accordingly this paragraph may need to be changed.*

## **18. Suspension of the Police and Crime Commissioner**

18.1 The PCP may suspend the PCC if it appears to the PCP that:

- (i) the commissioner is charged in the United Kingdom, the Channel Islands or the Isle of Man with an offence; and
- (ii) the offence is one which carries a maximum term of imprisonment exceeding two years.

18.2 The suspension of the PCC ceases to have effect upon the occurrence of the earliest of these events:

- (i) the charge being dropped;
- (ii) the PCC being acquitted of the offence;

- (iii) the PCC being convicted of the offence but not being disqualified under Section 66 of the Police Reform and Social Responsibility Act by virtue of the conviction, or
- (iv) the termination of the suspension by the PCP.

18.3 In this section, references to an offence which carries a maximum term of imprisonment exceeding two years are references to:

- a) an offence which carries such a maximum term in the case of a person who has attained the age of 18 years, or
- b) an offence for which, in the case of such a person, the sentence is fixed by law as life imprisonment.

## **19. Suspension and Removal of the Chief Constable**

19.1 The PCP will receive notification if the PCC suspends the Chief Constable.

19.2 The PCC must also notify the PCP in writing of his/her proposal to call upon the Chief Constable to retire or resign together with a copy of the reasons given to the Chief Constable in relation to that proposal.

19.3 The PCC must provide the PCP with a copy of any representations from the Chief Constable about the proposal to call for his/her resignation or retirement.

19.4 If the PCC is still proposing to call upon the Chief Constable to resign, she/he must notify the PCP accordingly (the 'further notification').

19.5 Within six weeks from the date of receiving the further notification, the PCP must make a recommendation in writing to the PCC as to whether or not she/he should call for the retirement or resignation. Before making any recommendation, the PCP may consult the chief inspector of constabulary, and must hold a scrutiny hearing.

19.6 The scrutiny hearing which must be held by the PCP is a PCP meeting in private to which the PCC and Chief Constable are entitled to attend to make representations in relation to the proposal to call upon the Chief Constable to retire or resign. Appearance at the scrutiny hearing can be by attending in person, or participating by telephone or video link.

19.7 The PCP must publish the recommendation it makes on its web site and by sending copies to each of the local authorities, and by any other means the PCP considers appropriate.

19.8 The PCC may not call upon the Chief Constable to retire or resign until the end of the scrutiny process which will occur:

- (i) at the end of six weeks from the PCP having received notification if the PCP has not by then given the PCC a

recommendation as to whether or not she/he should call for the retirement or resignation; or

- (ii) the PCC notifies the PCP of a decision about whether she/he accepts the PCP's recommendations in relation to resignation or retirement.

19.9 The PCC must consider the PCP's recommendation and may accept or reject it, notifying the PCP accordingly.

19.10 In calculating the six week period, the post election period is ignored.

## **20. Decision-making and Rules of Debate**

### **20.1 Principles of Decision-making**

These principles will underpin the way the PCP makes its decisions:-

- (i) Appropriate consultation will have been carried out and decisions will take account of its results and any professional advice given by officers
- (ii) The presumption that whenever possible, all decisions made by the PCP should be made in public
- (iii) Decisions will be clear about what they aim to achieve and the results that can be expected

### **20.2 Voting**

20.2.1 All matters to be considered by the PCP shall be decided by a majority of the members of the PCP present and voting at the meeting. This will be done following the moving of a motion by any member of the PCP. A simple majority is required to confirm a decision, except in the specific circumstances of the PCP seeking to veto the PCC's proposed precept or the PCC's proposed appointment of a Chief Constable or as otherwise specified in these Rules of Procedure.

20.2.2 Voting will normally be by show of hands; but any member may demand a recorded vote and, if one quarter of the members present signifies its support, such a vote will be taken.

20.2.3 In the event of a tie in voting, the Chairman shall have a second or casting vote

### **20.3 Rules of Debate**

The rules of debate of the PCP shall be governed by the rules relating to meetings of County Council committees (section 7 of appendix 10 of the County Council Constitution).

## **21. Minutes**

The Chairman will sign the minutes of the proceedings at the next meeting. The only part of the minutes that can be discussed is their accuracy and any question as to their accuracy must be raised by motion.

## **22. Members' Conduct**

### **22.1 Speaking**

When a member speaks at PCP meetings, he/she must address the meeting through the Chairman.

### **22.2 Chairman Requiring Silence**

When the Chairman so indicates during a debate, any member speaking at the time must stop and the meeting must be silent.

### **22.3 Member not to be heard further**

22.3.1 If a member persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructs business, the Chairman may move that the member be not heard further. If seconded, the motion will be voted on without discussion.

22.3.2 If the member continues to behave improperly after such a motion has been carried, the Chairman may adjourn the meeting for a specified period or move that the member leaves the meeting. If seconded, the motion will be voted on without discussion. If the member continues to behave improperly, the Chairman may give such direction as he/she considers appropriate for the removal of the member and the restoration of order.

### **22.4 General disturbance**

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she considers necessary.

## **23. Disturbance by the public**

### **23.1 Removal of member of the public**

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If he/she continues to interrupt, the Chairman will order his/her removal from the meeting room.

### 23.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.

## **24 Suspension and Amendment of Procedure Rules**

### 24.1 Suspension

These rules may be suspended by motion on notice, or without notice if at least one half of the whole number of members of the PCP are present. Suspension can only be for the duration of the meeting. A motion to suspend any of these rules must specify the rule to be suspended and must be moved in terms limited to an explanation of the reasons for the suspension. It will be seconded in formal terms only and will be put to the PCP without debate. No suspension may be considered by the PCP which does not comply with the Police Reform and Social Responsibility Act 2011, relevant Regulations, statutory guidance or the Panel Arrangements.

### 24.2 Amendment

The Rules of Procedure shall not be amended unless notification of a proposed amendment is received by the PCP Secretary at least 10 working days prior to a PCP meeting. A report on the implications of the proposed amendment shall be considered by the PCP and the amendment shall require the agreement of at least two thirds of the persons who are members of the PCP at the time when the decision is made vote in favour of it. No amendment may be considered by the PCP which does not comply with the Police Reform and Social Responsibility Act 2012, relevant Regulations or statutory guidance or Panel Arrangements.

## **25. Adjournment of Panel Meetings**

When the PCP adjourns, whether by resolution or by decision of the Chairman, the adjournment will by decision taken at that time be to a date, time and place specified, provided that where this is not practicable and a meeting is adjourned for an unspecified period and/or to an unspecified place, all members of the PCP will be notified of the new date, time and place when these have been determined.

## **26. Interpretation**

26.1 The ruling of the Chairman as to the construction or application of these rules or as to the proceedings of the PCP will be final for the purposes of the meeting at which it is given.

26.2 If there is any conflict in interpretation between these Rules and the Act or Regulations made under the Act, the Act and Regulations will prevail.

*General Note: Various functions of the PCP are subject to Regulations that are not yet available and the content of the Rules may therefore need to change before the final version is determined*

## REPORT TO CABINET

<b>Open</b>		Would any decisions proposed :		
<b>Any especially affected Wards</b>  <b>Gaywood</b> <b>North Bank</b> <b>South Wootton</b> <b>North Wootton</b> <b>Valley Hill</b> <b>Spellowfields</b> <b>Walpole</b>	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 NO and partly within Cabinets powers –		
Lead Member: Cllr Nick Daubney E-mail: cllr.nick.daubney@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Ray Harding E-mail: ray.harding@west-norfolk.gov.uk Direct Dial: 01553 616246		Other Officers consulted:		
Financial Implications YES	Policy/Personnel Implications NO	Statutory Implications (incl S.17) YES	Equal Opportunities Implications NO	Risk Management Implications NO

Date of meeting: 6 June 2012

### 3 COMMUNITY GOVERNANCE REVIEW

#### Summary

The first consultation period (as per the Terms of Reference) closed on 4 May 2012, with residents and interested organisations having had the opportunity to give their views on the suggestions put forward from three Parish Councils for amendments to parish boundaries.

#### RECOMMENDATION

**To agree the attached draft proposals with the exception of the Castle Rising proposal 4(5).**

#### Reason for Decision

So that Community Governance reflects the identities and interests of the community and is effective and convenient.

#### 1. Background

Council agreed on 29 March 2012, to conduct a Community Governance Review based on three Parish Council requests that had been received for amendments to parish boundaries.

## 2. Proposed Parish Boundary changes

### 2.1 South Wootton Parish boundary

Map sheet	Parish from	Parish to	Description	Electorate	Ward Change	Electoral Division Change
1 (1)	Unparished area	South Wootton	Nos. 28, 30, 32 and 34 Sandy Lane	9	N/A - currently in the Borough Council Ward of South Wootton but not in the Parish of South Wootton	None
1 (2)	Unparished area	South Wootton	Barsham Drive and 12 Felbrigg Close*	81	From Gaywood North Bank to South Wootton	From Gaywood North and Central to Freebridge Lynn
2 (3)	Unparished area	South Wootton	No 2 and Mandalay, Hall Lane	6	From Gaywood North Bank to South Wootton	From Gaywood North and Central to Freebridge Lynn

\*No. 12 Felbrigg Close (This change has not been requested by the Parish Council but should be given consideration.)

#### Draft Proposals (South Wootton Parish Council – in agreement)

**1(1) It is proposed to realign the boundary between South Wootton Parish and the unparished area of King's Lynn so that the South Wootton Parish boundary is coterminous with the South Wootton Ward boundary.**

This would have the effect of transferring 9 electors from the unparished area of King's Lynn to South Wootton Parish.

There are no implications for Borough Ward or County Electoral Division boundaries.

#### Consultation

No representations have been received regarding this change.

**1(2) It is proposed to realign the boundary between South Wootton Parish and the unparished area of King's Lynn so that all Barsham Drive electors and No. 12 Felbrigg Close electors are within the Parish of South Wootton.**

This would have the effect of transferring 81 electors from the unparished area of King's Lynn to South Wootton Parish.

There are implications for Borough Ward boundaries, in that the electors would move from Gaywood North Bank Ward to South Wootton Ward.



There are also implications for County Electoral Division boundaries, in that the electors would move from Gaywood North and Central Electoral Division to Freebridge Lynn Electoral Division. Both of these changes have to be done by the Local Government Boundary Commission for England.

### Consultation

One representation has been received regarding this change from an elector in Barsham Drive, who “would not be happy about financial increases with effect of the changes”.

**2(3) It is proposed to realign the boundary between South Wootton Parish and the unparished area of King’s Lynn so that No. 2 and Mandalay, Hall Lane electors are within the Parish of South Wootton.**

This would have the effect of transferring 6 electors from the unparished area of King’s Lynn to South Wootton Parish.

There are implications for Borough Ward boundaries, in that the electors would move from Gaywood North Bank Ward to South Wootton Ward. There are also implications for County Electoral Division boundaries, in that the electors would move from Gaywood North and Central Electoral Division to Freebridge Lynn Electoral Division. Both of these changes have to be done by the Local Government Boundary Commission for England.

### Consultation

No representations have been received regarding this change.

## 2.2 Castle Rising Parish boundary

Map sheet	Parish from	Parish to	Description	Electorate	Ward Change	Electoral Division Change
3 (4)	North Wootton	Castle Rising	Keepers Cottage, Lynn Road	2	From North Wootton to South Wootton	None
4 (5)	Congham	Castle Rising	Short Trees Farm	2	From Valley Hill to South Wootton	From Dersingham to Freebridge Lynn

### Draft Proposals (Castle Rising Parish Council – in agreement)

**3(4) It is proposed to realign the boundary between Castle Rising and North Wootton so that Keepers Cottage, Lynn Road electors are within the Parish of Castle Rising.**

This would have the effect of transferring 2 electors from North Wootton Parish to Castle Rising Parish.

There are implications for Borough Ward boundaries, in that the electors would move from North Wootton Ward to South Wootton Ward. This change has to be done by the Local Government Boundary Commission for England. There are no implications for County Electoral Division Boundaries.

### **Consultation**

The Ward Member for North Wootton is in agreement with this change.

#### **4(5) It is proposed to realign the boundary between Castle Rising and Congham so that Short Trees Farm electors are within the Parish of Castle Rising.**

This would have the effect of transferring 2 electors from Congham Parish to Castle Rising Parish.

There are implications for Borough Ward boundaries, in that the electors would move from Valley Hill Ward to South Wootton Ward. There are also implications for County Electoral Division boundaries, in that the electors would move from Dersingham Electoral Division to Freebridge Lynn Electoral Division. Both of these changes have to be done by the Local Government Boundary Commission for England.

### **Consultation**

The Ward Member for North Wootton is in agreement with this change.

The current elector at Short Trees Farm “fully supports this proposal”.

The Ward Member for Valley Hill is not in agreement with this change.

Correspondence has also been received from Congham Parish Council, stating "It was unanimous that this boundary should remain as currently positioned."

**Following the results of the consultation it is recommended that this proposal is not accepted.**

## **2.3 Walpole Cross Keys Parish boundary**

<b>Map sheet</b>	<b>Parish from</b>	<b>Parish to</b>	<b>Description</b>	<b>Electorate</b>	<b>Ward Change</b>	<b>Electoral Division Change</b>
5 (6)	Terrington St. Clement	Walpole Cross Keys	White Rose House, Henley Lodge, Westmond, Rose	14	From Spellowfields to Walpole	None

			Croft and Plumb's Farm, Sutton Road			
--	--	--	---	--	--	--

### **Draft Proposals (Walpole Cross Keys Parish Council – in agreement)**

**5(6) It is proposed to realign the boundary between Walpole Cross Keys Parish and Terrington St. Clement Parish so that White Rose House, Henley Lodge, Westmond, Rose Croft and Plumb's Farm, Sutton Road electors are within the Parish of Walpole Cross Keys.**

This would have the effect of transferring 14 electors from Terrington St Clement Parish to Walpole Cross Keys Parish.

There are implications for Borough Ward boundaries, in that the electors would move from Spellowfields Ward to Walpole Ward. This change has to be done by the Local Government Boundary Commission for England. There are no implications for County Electoral Division Boundaries.

### **Consultation**

No responses received.

The draft proposals provide arrangements which will:

- deliver convenient and effective Local Government;
- reflect the best arrangements which can be made to represent community interest and identity.

The draft proposals (once agreed by Council) face a second round of consultations closing 20 July 2012. After this period final proposals will be prepared, in order that consequential matters (if applicable) can be referred to the Local Government Boundary Committee for England by 1 October 2012.

### **3. Policy Implications**

A precedent will be set.

### **4. Financial Implications**

There are minor financial implications to carry out the work involved.

### **5. Staffing Implications**

There are no staffing implications

## **6. Statutory Consideration**

In undertaking this review, the Council will be guided by Part 4 of the Local Government and Public Involvement in Health Act 2007 and the guidance on community governance reviews published by the Department of Communities and Local Government and the Electoral Commission in April 2008.

Under the Local Government Commission for England (Transfer of Functions) Order 2001 any amendments to Borough Council Wards/County Electoral Divisions are a matter for the Local Government Boundary Commission for England and the Electoral Commission.

## **7. Equality Impact Assessments (EIA's)**

An equalities impact assessment was not considered necessary in the context of this report.

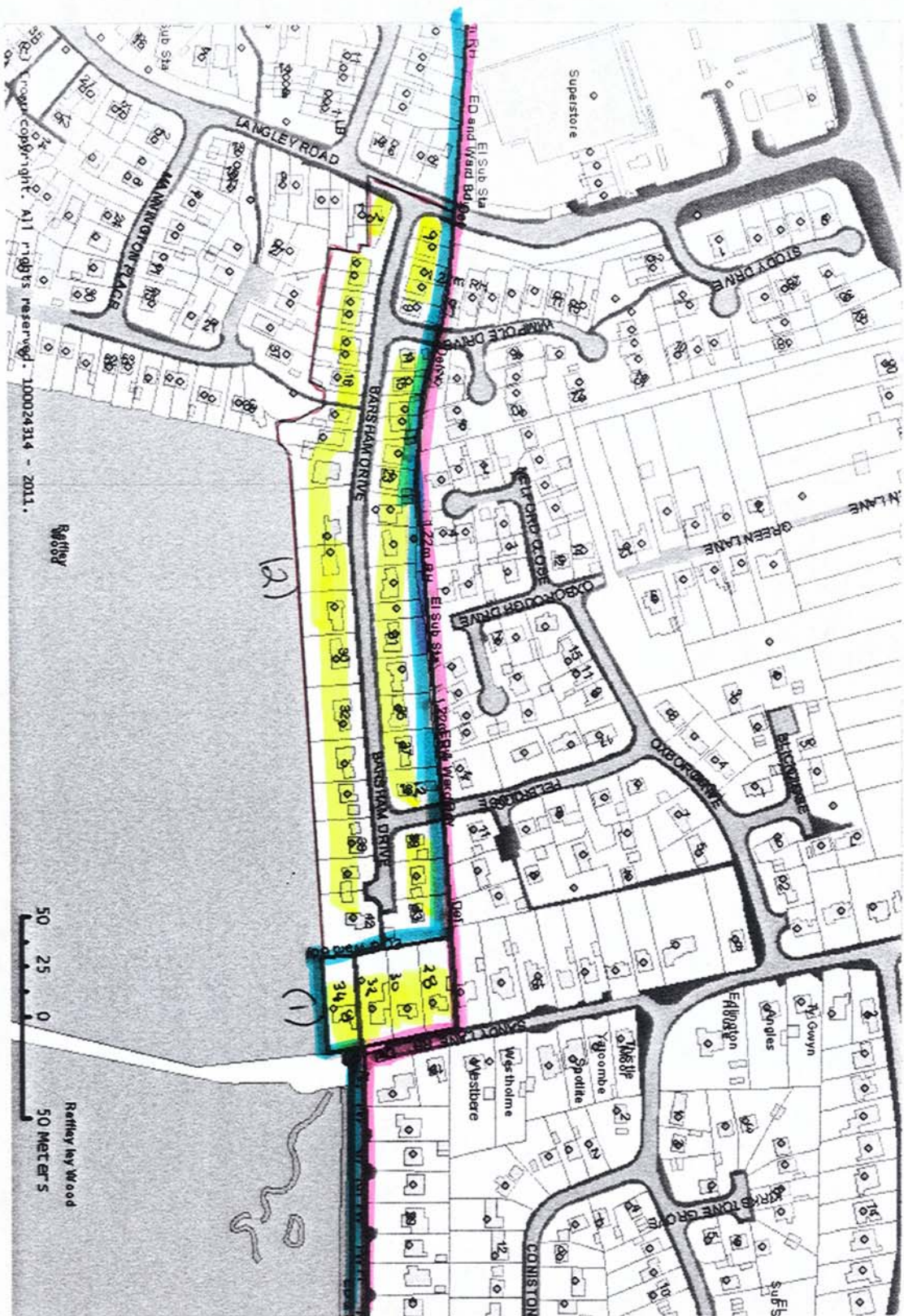
## **8. Risk Assessment**

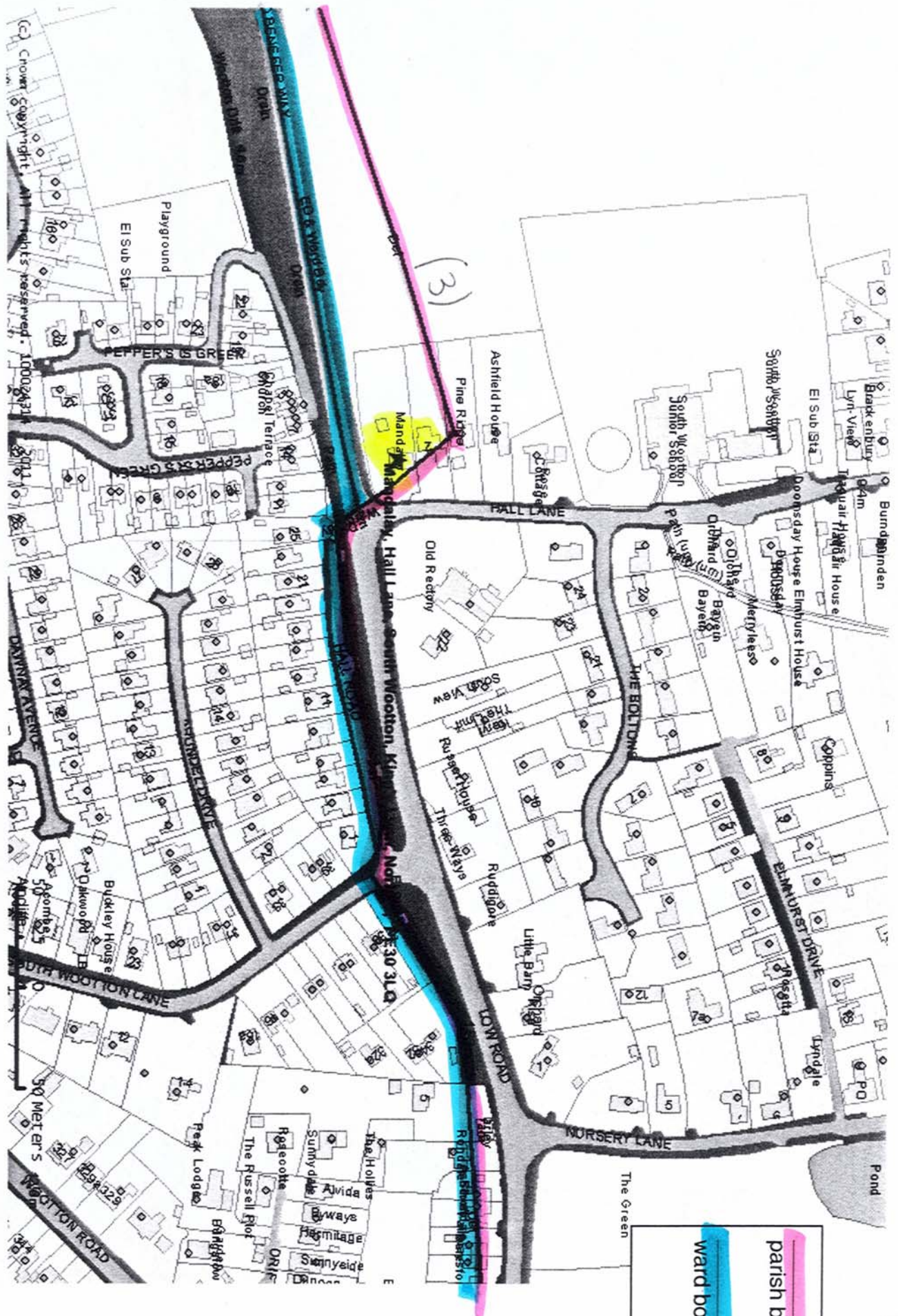
There are no immediate risks identified in the proposed works.

### **Access To Information**

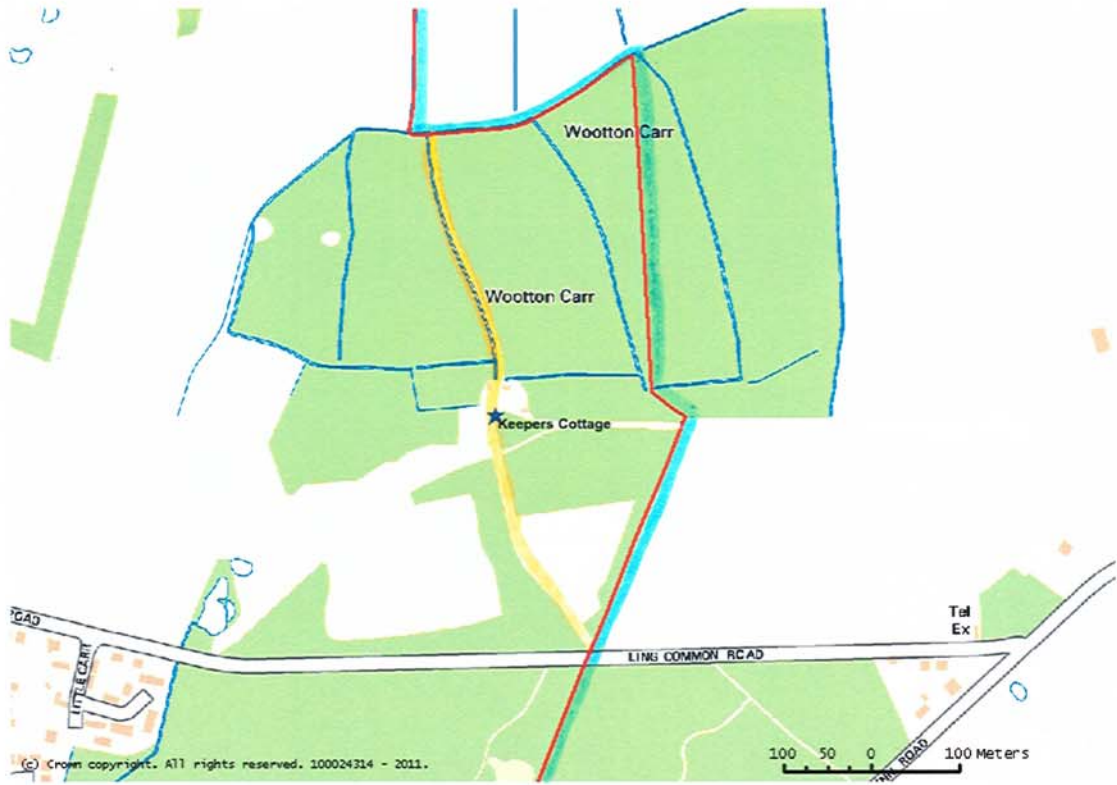
Cabinet Report – Community Governance Review – 7 September 2010

Cabinet Report – Community Governance Review – 6 March 2012

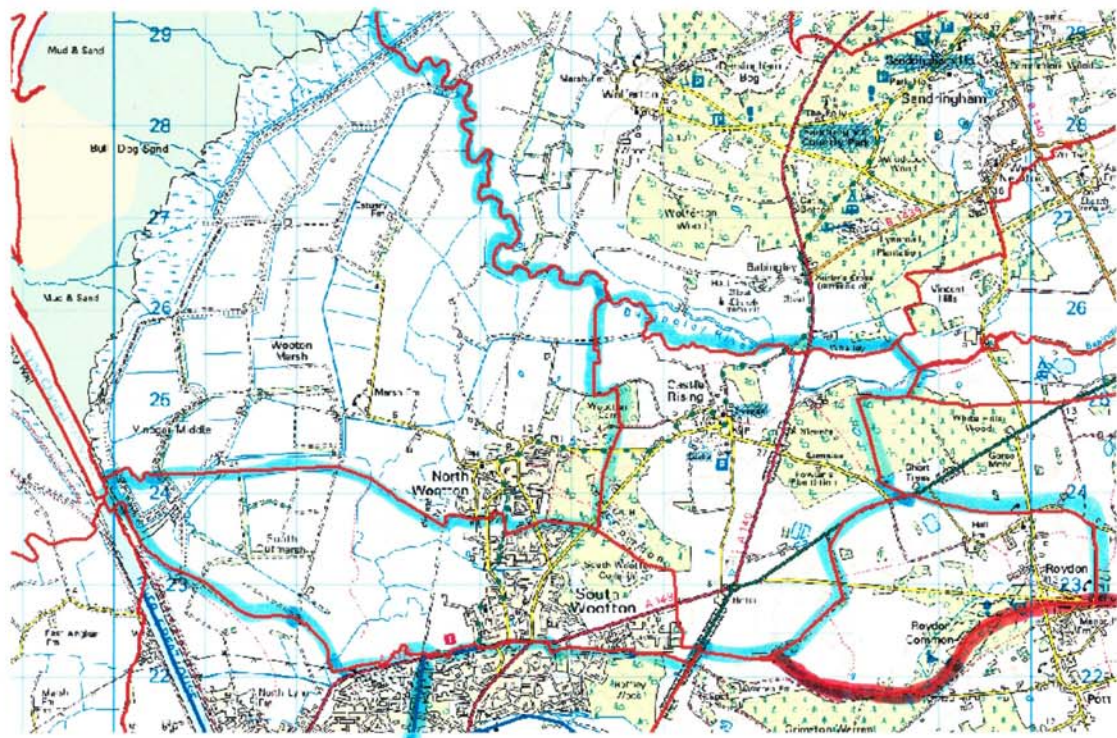




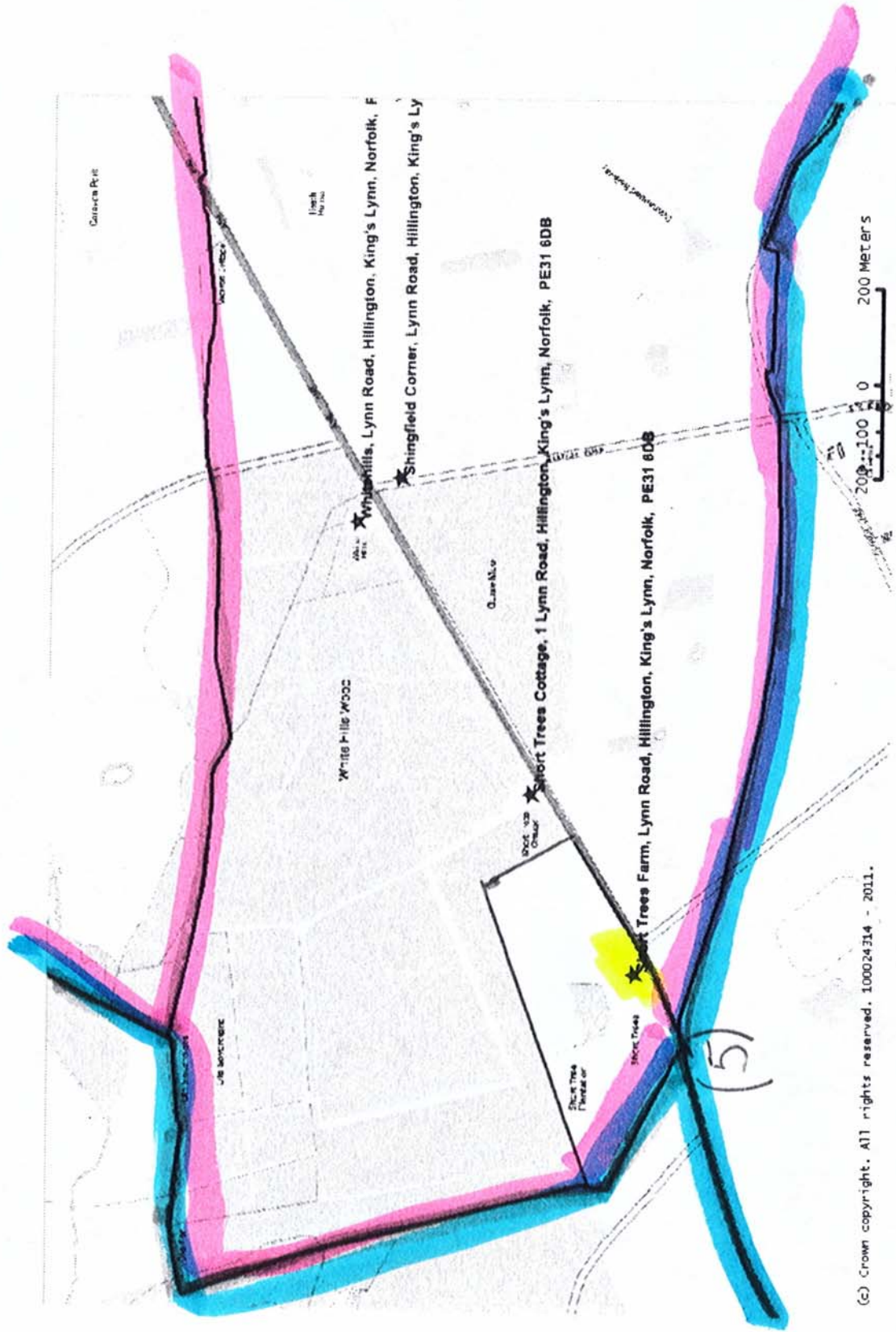
Map 2



parish boundary      ward boundary      proposed parish/ ward boundary

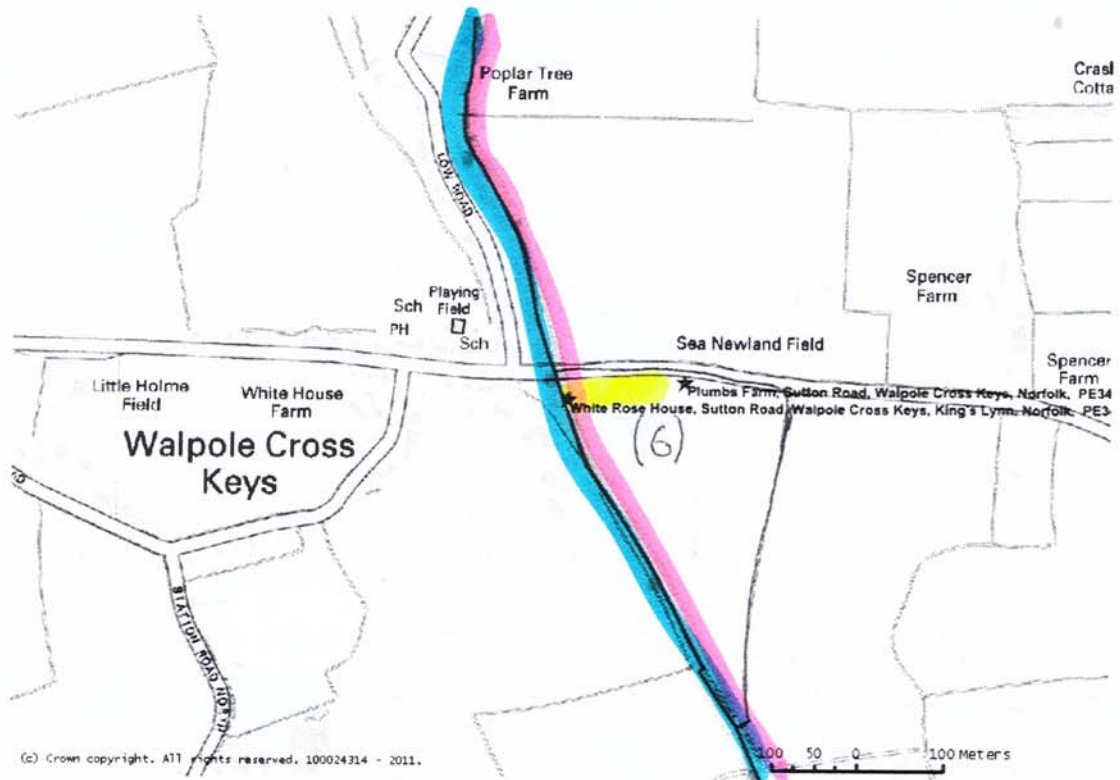


**Map 4**



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parish boundary

ward boundary

proposed parish/  
ward boundary

## REPORT TO CABINET

<b>Open</b>		Would any decisions proposed :		
<b>Any especially affected Wards</b>	Discretionary /	(a) Be entirely within cabinet's powers to decide NO		
	Operational	(b) Need to be recommendations to Council YES		
		(c) Be partly for recommendations to Council NO		
		and partly within Cabinets powers –		
Lead Member: Cllr V Spikings E-mail: <a href="mailto:cllr.vivienne.spikings@west-norfolk.gov.uk">cllr.vivienne.spikings@west-norfolk.gov.uk</a>		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Lee Osler E-mail: <a href="mailto:lee.osler@west-norfolk.gov.uk">lee.osler@west-norfolk.gov.uk</a> Direct Dial: 01553 616552		Other Officers consulted: Management Team, Executive Director Development Services, Legal Services Manager		
Financial Implications YES	Policy/Personnel Implications YES	Statutory Implications NO	Equal Opportunities Implications NO	Risk Management Implications YES

Date of meeting: 6 June 2012

### **4 PROPOSED CHARGING SCHEME FOR STREET NAMING AND NUMBERING AND ADOPTION OF ADDRESS MANAGEMENT POLICY**

#### **Summary**

The Council has a statutory obligation for the naming and numbering of streets and buildings within its designated administrative boundary.

The purpose is to ensure that any new or amended street and building names and/or numbers are allocated logically and in a consistent manner to facilitate effective service delivery from both public and private sector bodies and in particular to ensure that emergency services are able to locate any address to which they may be summoned.

No charge is currently levied by the Council for the provision of the Street Naming and Numbering service function or the additional associated discretionary services despite the significant costs of providing this service in terms of consultation, liaison and preparation of schedules and plans.

As a consequence, many Council's are already charging for the provision of this service to recover at least some of the operational costs. The report proposes the introduction of a schedule of charges for Street Naming and Numbering to help offset the cost of providing this service.

Address information is held within the Council's Local Land and Property Gazetteer (LLPG). The LLPG is managed by the Council's Address Management Team and regular updates from the LLPG are sent to the National Land and Property Gazetteer

(NLPG), this is a requirement of the GeoPlace Data Co-operation Agreement. To help manage and improve the address data held within the LLPG and improve consistency an Address Management Policy has been prepared (Appendix C).

### **Recommendation**

- 1) That Cabinet approve the introduction of charging for Street Naming and Numbering as set out in the scale of charges within this report**
- 2) Introduce the charging schedule in Appendix B from 1<sup>st</sup> July 2012**
- 3) Adopt the Address Management Policy as detailed in Appendix C**

### **Reason for Decision**

To recover some of the costs associated with providing an effective Street Naming and Numbering service.

Adopt the Address Management Policy to ensure there is a clear understanding across the Council for the ongoing management of address data held within Council address based systems.

## **1.0 Background – Street Naming & Numbering**

- 1.1 The Council provides a comprehensive Street Naming and Numbering service to applicants encompassing a broad spectrum of new development types and the renaming and renumbering of existing streets and properties. There is a statutory requirement to provide this service and the cost to the Council is approximately £30,000 per year.
- 1.2 The Council does not currently charge for the provision of the Street Naming and Numbering service or for any additional associated discretionary services or ancillary work undertaken.
- 1.3 The Address Management Team has been successful in reducing costs over a period of time with the introduction of electronic notifications via e-mail, however, some applicants either do not have electronic e-mail or still require hard copy versions of the completed schedules.
- 1.4 A number of Local Authorities in England and Wales have already introduced a scale of charges for the Street Naming and Numbering service, a small sample of which is detailed in Appendix D.

## **1.5 Address Management Policy**

- 1.6 To assist with the management of Street Naming and Numbering address data is held and maintained within a nationally linked corporate Local Land and Property Gazetteer (LLPG).

- 1.7 The incorporation of the Street Naming and Numbering function alongside the Gazetteer Management function has been central to the successful implementation of the LLPG. As a direct consequence address information is produced in a more consistent and logical manner and fed directly into the LLPG ensuring faster delivery of services to citizens from both Public and Private Sector organisations.
- 1.8 The LLPGs compiled and maintained by Local Authorities in England, Wales and Scotland have now been firmly established as the most accurate and definitive address database in the United Kingdom.
- 1.9 The LLPG holds the official addresses for all properties within the Borough and new addresses should only be created by the Address Management Team. To date, the Address Management Team has successfully integrated the LLPG with a number of systems within the Council, Appendix B.
- 1.10 To ensure the LLPG continues to be effective there is a need to adopt an Address Management Policy clearly setting out how address data should be managed within the Council, see Appendix C.

## **2.0 Legal Considerations**

- 2.1 Current legislation does not provide any express right to charge for the service, although there is an implied right to cover the cost of providing the service and not for things ancillary to the service.
- 2.2 The Council cannot charge for street naming services as the duty to provide this service is not discretionary. However, it can charge for elements of property naming and numbering as this is discretionary
- 2.3 The Local Government Act 2003 brought about new devolved powers for Local Authorities, among others these included giving Councils new powers to trade and charge for non statutory services if they are Best Value Authorities (Section 93 of the Local Government Act 2003).
- 2.4 The Localism Act 2011 brought about the general power of competence. This allows authorities to charge for services offered under the general power in line with the powers already available under the Local Government Act 2003.
- 2.5 The Council delivers Street Naming and Numbering using the relevant statutory provisions contained in the Public Health Act 1925.
- 2.6 The Council adopted Section 18 of the Public Health Act 1925 in 1975 and Sections 17 and 19 in 1997.
- 2.7 Legal advice afforded to those Local Authorities that have previously introduced a scale of charges for the Street Naming and Numbering

service has been that unless they can prove formal adoption of the necessary Acts when challenged, they will be open to legal action.

### **3.0 Options Considered / Available**

- 3.1 The Council could continue to provide the Street Naming and Numbering service free of charge.
- 3.2 The Council could agree to the introduction of a scale of charges for the provision of the discretionary elements of Street Naming and Numbering service.

### **4.0 Preferred choice and reasons**

- 4.1 Option 3.2 – The Council agree to the introduction of a scale of charges for the provision of the discretionary elements of Street Naming and Numbering service to help cover the costs of providing this service.
- 4.2 Despite the economic climate there continues to be a number of large development schemes under construction, both residential and commercial, and is likely to increase as the economy recovers.
- 4.3 The Street Naming and Numbering service costs in the region of £30,000 per year to administer, not only in terms of staff time in undertaking liaison and the consultation process, but also in preparing schedules and layout plans and the ancillary costs incurred with printing, stationery and postage.
- 4.4 As the economic climate improves, it is a certainty that the increase in development activity will lead to an increase in the demand for Street Naming and Numbering services; this will have a resource impact on the Address Management Team.
- 4.5 It has been calculated that based on the discretionary elements of Street Naming and Numbering services for the period from 1 January 2011 to 31 December 2011 the total revenue generated would have been in the region of £15,000 based on the proposed scale of charges. Street Naming and Numbering is Non-Business.
- 4.6 The average hourly cost of the Address Management Team has been calculated at £30.00 per hour (including on costs).
- 4.7 It is therefore proposed to introduce a scale of charges to help offset the cost of providing this service as set out in Appendix A

### **5.0 Policy Implications**

- 5.1 This represents a permanent change in policy in dealing with Street Naming and Numbering. Currently this service is free.

## **6.0 Financial Implications**

- 6.1 Local Authorities, if charging for discretionary services, have a duty to charge no more than the costs they incur in providing the service. The aim is to encourage improvements to existing services and develop new services that will help to improve overall service provision to the community, not to make a profit.
- 6.2 The proposal will lead to a permanent additional revenue stream. As stated above it is anticipated (based on figures for 2011) that the adoption of the charging schedule could generate an annual income in the region of £15,000. Although open to fluctuation this indicates the level of income that could be generated.

## **7.0 Staffing Implications**

- 7.1 No additional staff will be required as the service is provided by the existing Address Management Team. Income will be received and banked by the Planning Admin Team responsible for receiving and banking planning application fees.

## **8.0 Statutory Considerations**

- 8.1 There are no other statutory requirements that would be affected by this proposal.

## **9.0 Equalities Considerations**

- 9.1 The proposal will have no adverse implications on equalities or community cohesion.

## **10.0 Risk Management**

- 10.1 There are no risk management issues.

## **11.0 Recommendation**

- 11.1 That Cabinet agrees to introduce a charging regime for street naming and numbering.
- 11.2 Cabinet adopt the Address Management Policy.

## **12.0 Background Papers**

- 12.1 Public Health Act 1925 – Sections 17 to 19 (Naming of Streets and Alteration and Indication of Street Names)

## APPENDIX A

### Street Naming and Numbering Fee Structure (exempt from VAT)

#### Existing Addresses

Service	Fee
Individual house name / individual house re-name or re-number including notification	£45.00
Development re-number due to change in plot numbers or plot positions including notification <ul style="list-style-type: none"> <li>• 1 - 4</li> <li>• 5 - 10</li> <li>• 11 - 50</li> <li>• 50+</li> </ul>	£45.00 £90.00 £135.00 £180.00
Rename of Street where requested by residents including notification. Street nameplates would be extra, see below	£400

#### New Addresses

Service	Fee
Notification number / naming of new properties (including industrial units) <ul style="list-style-type: none"> <li>• 1 - 4</li> <li>• 5 - 10</li> <li>• 11 - 50</li> <li>• 50+</li> </ul>	£45.00 £90.00 £135.00 £180.00

#### Other

Service	Fee
Installation of new street nameplates	£150 per nameplate
Confirmation of address to solicitors / conveyance's / owner or occupiers	£45.00 per notification

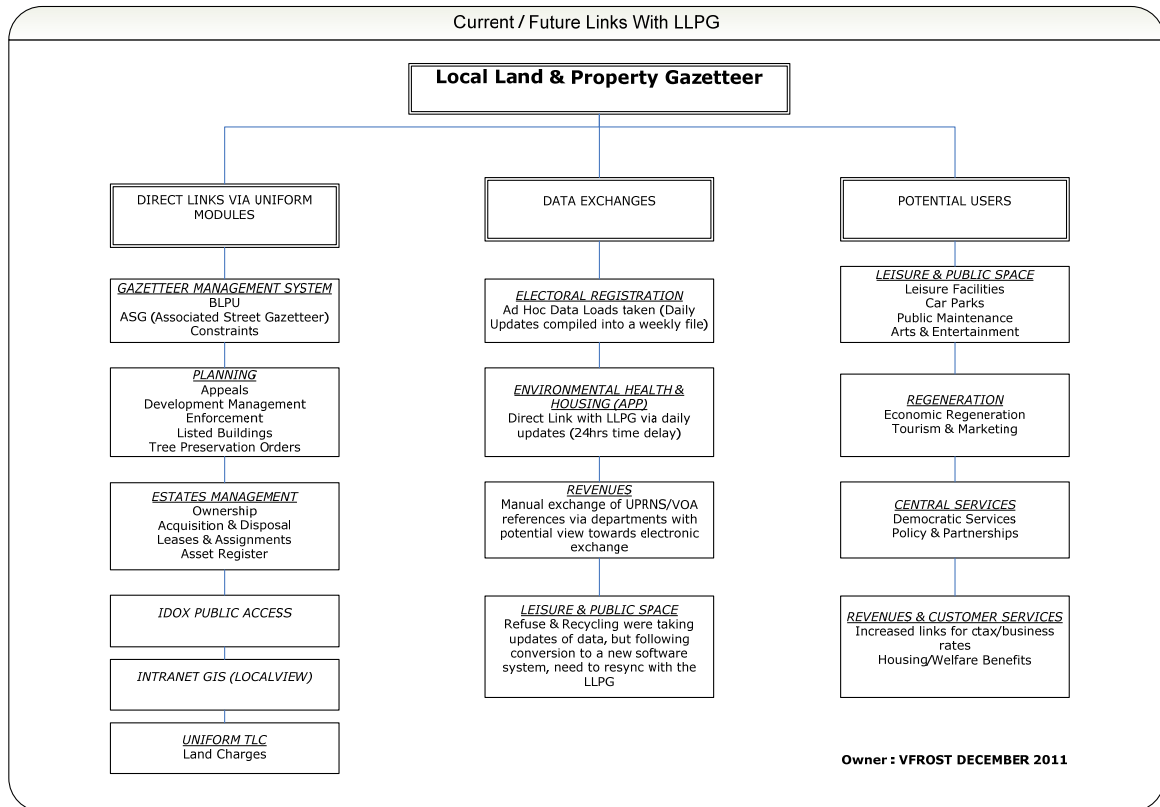
<p>Confirmation of postal address for utility companies</p> <ul style="list-style-type: none"> <li>• 1 - 4</li> <li>• 5 - 10</li> <li>• 11 - 50</li> <li>• 50+</li> </ul>	<p>£45.00  £90.00  £135.00  £180.00</p>
---	---

POA for continual updates of address data

**No action will be taken until full payment is received**



Systems integrated with the LLPG





Appendix C

# Address Management Policy



The Address Management Team  
Borough Council of King's Lynn and West Norfolk  
Development and Regeneration Service  
King's Court  
Chapel Street  
King's Lynn  
Norfolk, PE30 1EX

Tel: 01553 616200  
Fax: 01553 616652  
Email: [snn@west-norfolk.gov.uk](mailto:snn@west-norfolk.gov.uk)  
Website: <http://www.west-norfolk.gov.uk/addressmanagement>

April 2012

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# **1. POLICY APPLICATION**

This policy applies to all systems that are used by the Borough Council that hold address based data regarding land and property that lie within the Borough Council boundary and currently either uses or takes address data from the Local Land and Property Gazetteer (LLPG)

## **2. POLICY RATIONALE**

### **2.1 Background**

- 2.1.1 In order to gain operational efficiencies and increased confidence in the address data held by the Borough Council, use of the Address Management System (AMS) should be encouraged for all council systems that contain address data. The AMS must be the definitive master list of all land and property addresses within the authority area.
- 2.1.2 The Borough Council will have a legal duty under the Data Co-operation Agreement with GeoPlace<sup>1</sup> to have, maintain, continually improve and actively promote the use of its AMS. Therefore contractual caveats should be considered to ensure it is in the best interest of the Borough Council.
- 2.1.3 On 4 February 1997 and 25 March 1997 the Borough Council Environmental Services Committee formally adopted the Public Health Act 1925 (Sections 17, 18 and 19) which places a statutory duty on the Borough Council to supply and maintain correct addressing, via Street Naming and Numbering (SNN), for every property within the authority area. This includes the placement of name plates and property numbering schemes.
- 2.1.4 The provision of correct address information, via the LLPG, is of critical importance to the Emergency Services in terms of health and safety in accordance with the Department for Transport, Circular Roads 3/93 and is essential to other organisations and local government services which require address data.
- 2.1.5 The data held within the LLPG is supplied to the National Land and Property Gazetteer (NLPG).

## **3. POLICY STATEMENTS**

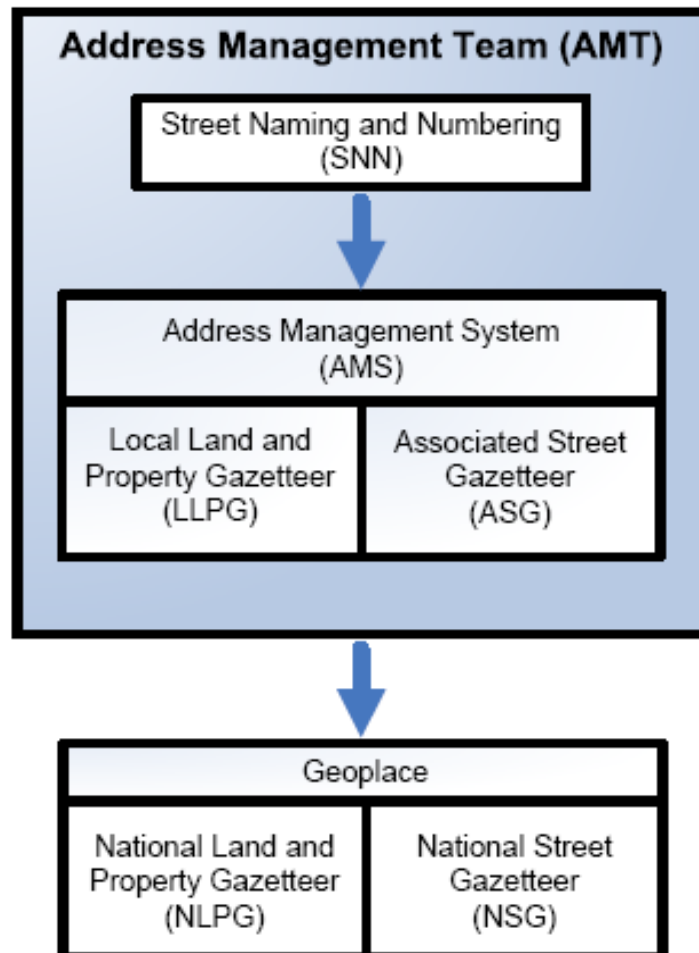
### **3.1 General Statements**

- 3.1.1 The Borough Council has adopted the AMS which incorporates the LLPG and Associated Street Gazetteer (ASG) as the definitive master address list for all land and property within the borough boundary (see figure 1).

<sup>1</sup> Data Co-operation Agreement Schedule 4 Contractor Licence 1 April 2012 version 1

- 3.1.2 The Address Management Team (AMT), consisting of the SNN Technical Assistant and the LLPG Technical Assistant, will be the sole creators of Unique Property Reference Numbers (UPRN) and Unique Street Reference Numbers (USRN).
- 3.1.3 The AMS feeds into a national database (NLPG) and therefore must be maintained in accordance with the requirements as set out in the GeoPlace Data Co-operation Agreement which incorporates British Standards (namely BS7666) and best practice guidelines.
- 3.1.4 As required under the GeoPlace Data Co-operation Agreement, the AMS will also contain Address Change Information (ACI) detailing the natural life cycle of a UPRN.
- 3.1.5 The AMS software must have a designated custodian.
- 3.1.6 The AMT must have a designated Address Officer(s).

**Figure 1**



## **3.2 LLPG Statements**

- 3.2.1 The Borough Council will actively promote the use of its AMS.
- 3.2.2 The AMS is the only source of information for the NLPG.

- 3.2.3 The Borough Council will ensure that all ACI, locally gathered within the LLPG, is sent on to the NLPG at intervals as agreed between the Council and the Gazetteer Service Provider (GeoPlace).
- 3.2.4 The LLPG will contain all property addresses which are located within the Borough Council's boundary and any other address related data deemed appropriate by the AMT.
- 3.2.5 The LLPG will be the only source of address creation or modification for all addresses that lie within the Borough Council's boundary. No other council system will be allowed to create or modify any such address until it has first been validated against the LLPG by the AMT.
- 3.2.6 All new systems containing or requiring address data, procured by the Borough Council, must be BS7666 compliant and able to receive LLPG updates successfully.
- 3.2.7 Where an existing address system uses 'out-of-area' (outside our borough boundary) addresses then the properties should still hold a UPRN against them.
- 3.2.8 Each council system user that holds address data is responsible for passing any address change intelligence on to the AMT.
- 3.2.9 Process of data exchange needs to be defined and agreed between departments.
- 3.2.10 The AMT will ensure that the data held within the AMS (LLPG/ASG) is maintained.

### **3.3 SNN Statements**

- 3.3.1 The Borough Council has adopted the 'Public Health Act 1925 (Sections 17 - 19 inclusive)' in order to carry out its statutory street naming and numbering duties.
- 3.3.2 The Borough Council is the legal street naming authority and as such it determines the property name / number, the street name, the locality and the town/village for each property address.
- 3.3.3 All properties will be numbered whenever possible and there should be no exemption to No.13. Where no numbering scheme exists the Borough Council has the authority to approve property names.
- 3.3.4 The Borough Council has a statutory responsibility to maintain street name and numbering in accordance with the Department for Transport Circular Roads 3/93, and will, where possible, improve existing numbering schemes and this will include the introduction of numbering where necessary.
- 3.3.5 The SNN distribution list will be reviewed annually along with the emergency services point of contact under consultation for a new street name
- 3.3.6 The Borough Council does not give any compensation to any property owners affected by any change in their official address.
- 3.3.7 The Borough Council will adopt all national footpaths and cycle-way name coordinates into the ASG.

- 3.3.8 The Borough Council will adopt the spelling of place names in accordance with current Ordnance Survey Mapping as best practise.
- 3.3.9 The SNN function will inform the relevant Parish / Town / Ward Councillors of any change to numbering schemes.
- 3.3.10 The SNN function will provide the input to the AMS and it's continual improvement and a right first time approach.
- 3.3.11 The Borough Council under statute has the responsibility to mark every street that is named with a Street Name Plate (SNP) and maintain them where reasonable.
- 3.3.12 The SNN function will co-ordinate parish and public requests for SNP with Leisure and Public Open Space.

## **4. POLICY RESTRICTIONS**

### **4.1 Restrictions**

- 4.1.1 The AMS contains specific compiled address information and ownership of this data is retained by the Borough Council. The sale or distribution of the data by users either to external organisations or individuals or to other internal departments within the Borough Council is specifically not permitted and subject to conditions set out in the GeoPlace Data Co-operation Agreement. It should therefore be considered that the sale of data should be a caveat as part of the agreement with GeoPlace to ensure income from the private sector.
- 4.2.1 The Borough Council does not issue postcodes. Postcodes are created and administered by Royal Mail to aid their delivery service.

## **5. AMS CUSTODIAN RESPONSIBILITIES**

- 5.1 Responsible for the maintenance of software systems held within the AMS.
- 5.2 To define and maintain a continual improvement cycle reviewed annually in liaison with the AMT.
- 5.3 Provide guidance and support to the AMT.
- 5.4 Liaison point for GeoPlace.

## **6. ADDRESS OFFICER RESPONSIBILITIES**

- 6.1 The Address Officer/s is responsible for the management of the AMT and associated processes under the Officer Scheme of Delegation for the Borough Council.

- 6.2 Will regularly review the procedures and procedures, rules and best practice guidelines and take any appropriate action.
- 6.3 Will maintain the AMT website ([www.west-norfolk.gov.uk/addressmanagement](http://www.west-norfolk.gov.uk/addressmanagement)) ensuring that it is updated as required.
- 6.4 Provide guidance and support to the AMT Technical Assistants.
- 6.5 The AMT should review this policy, process and procedures along with the GeoPlace Data Co-operation Agreement to ensure Best Value for the Borough Council annually or if any pertinent changes come into effect. Changes will be recorded in accordance with normal document control procedures.



## 7. GLOSSARY

AMS	Address Management System incorporates the LLPG and ASG
AMT	Address Management Team includes the SNN Technical Assistant, the LLPG Technical Assistant and the Address Officer(s).
ASG	Associated Street Gazetteer – Street gazetteer used for the purposes of the LLPG.
BS7666	The British Standard used in the compilation of all LLPGs and the NLPG (covering England and Wales).
GeoPlace	Data Co-operation Agreement - Legally binding agreement that requires the local authority to have an LLPG and allows the authority to use Ordnance Survey Maps.
LLPG	Local Land and Property Gazetteer - Local authority list of addresses within its boundary.
LSG	Local Street Gazetteer – Street gazetteer created by the highways function within a unitary or county council for the purposes of identifying street works on highways.
NLPG	National Land and Property Gazetteer – Amalgamation of all LLPGs to form a national address list.
NSG	National Street Gazetteer - Amalgamation of all LSGs to form a national street list.
OWPAs	Objects Without Postal Addresses are named woods, statues, play areas, bus shelters, electricity sub-stations and any other areas that do not have postal addresses but that either the Borough Council or the Emergency Services have a service delivery need for. Which require a UPRN
SNN	Street Naming and Numbering – the function/service by which streets and properties are officially registered.
UPRN	Unique Property Reference Number - Unique number given to each property or piece of land to which an address will be applied. The address may change but the UPRN remains the same.
USRN	Unique Street Reference Number – Provides start and end point data for street within the ASG.

## **8. APPENDICES**

### **8.1 Appendix A – Public Health Act 1925 (Sections 17 - 19)**

#### **Section 17 - Notice to urban authority before street is named**

- (1) Before any street is given a name, notice of the proposed name shall be sent to the urban authority by the person proposing to name the street.
- (2) The urban authority, within one month after the receipt of such notice, may, by notice in writing served on the person by whom notice of the proposed name of the street was sent, object to the proposed name.
- (3) It shall not be lawful to set up in any street an inscription of the name thereof—
  - (a) until the expiration of one month after notice of the proposed name has been sent to the urban authority under this section; and
  - (b) where the urban authority have objected to the proposed name, unless and until such objection has been withdrawn by the urban authority or overruled on appeal;and any person acting in contravention of this provision shall be liable to a penalty not exceeding level 1 on the standard scale and to a daily penalty not exceeding £1.
- (4) Where the urban authority serve a notice of objection under this section, the person proposing to name the street may, within twenty-one days after the service of the notice, appeal against the objection to a petty sessional court.

#### **Section 18 - Alteration of name of street**

- (1) The urban authority by order may alter the name of any street, or part of a street, or may assign a name to any street, or part of a street, to which a name has not been given.
- (2) Not less than one month before making an order under this section, the urban authority shall cause notice of the intended order to be posted at each end of the street, or part of the street, or in some conspicuous position in the street or part affected.
- (3) Every such notice shall contain a statement that the intended order may be made by the urban authority on or at any time after the day named in the notice, and that an appeal will lie under this Act to a petty sessional court against the intended order at the instance of any person aggrieved.

- (4) Any person aggrieved by the intended order of the local authority may, within twenty-one days after the posting of the notice, appeal to a petty sessional court.

**Section 19 - Indication of name of street.**

- (1) The urban authority shall cause the name of every street to be painted, or otherwise marked, in a conspicuous position on any house, building or erection in or near the street, and shall from time to time alter or renew such inscription of the name of any street, if and when the name of the street is altered or the inscription becomes illegible.
- (2) If any person pulls down any inscription of the name of a street which has lawfully been set up, or sets up in any street any name different from the name lawfully given to the street, or places or affixes any notice or advertisement within twelve inches of any name of a street marked on a house, building, or erection in pursuance of this section, he shall be liable to a penalty not exceeding level 1 on the standard scale and to a daily penalty not exceeding £1.

**Source:** Office of Public Sector Information. *Public Health Act 1925*. [Online] Available at:  
[http://www.opsi.gov.uk/RevisedStatutes/Acts/ukpga/1925/cukpga\\_19250071\\_en\\_3#pt2-pb2-l1g14](http://www.opsi.gov.uk/RevisedStatutes/Acts/ukpga/1925/cukpga_19250071_en_3#pt2-pb2-l1g14)

## 8.2 Appendix B – Circular Roads 3/93

**Source:** Department for Transport. *Circular Roads 3/93*. [Online] Available at:  
<http://webarchive.nationalarchives.gov.uk/+http://www.dft.gov.uk/pgr/roads/tpm/tal/circulars/ular393streetnameplatesa4055.pdf>

## 8.3 Appendix C – Local Government Act 2003

Section 93 of the Local Government Act 2003 enables local authorities to charge for the provision of discretionary services but on a cost recovery basis only in relation to each kind of service and taking one financial year with another so as to allow for any adjustment, if in a preceding year, there is a profit or loss. The adoption of Section 18 of the Public Health Act 1925 enables the Council to charge for the services as it is a discretionary service.

**Source:** Department for Transport. *The Local Government Act 2003*. [Online] Available at:  
<http://www.legislation.gov.uk/ukpga/2003/26/contents>

## 8.4 Appendix D – Charging schedule for street naming and numbering

The Borough Council will make a charge for street naming and numbering as detailed in the schedule below.

### Existing Addresses

Service	Fee
Individual house name / individual house re-name or re-number including notification	£45.00
Development re-number due to change in plot numbers or plot positions including notification <ul style="list-style-type: none"> <li>• 1 - 4</li> <li>• 5 - 10</li> <li>• 11 - 50</li> <li>• 50+</li> </ul>	£45.00 £90.00 £135.00 £180.00
Rename of Street where requested by residents including notification. Street nameplates would be extra, see below	£400

### New Addresses

Service	Fee
Notification number / naming of new properties (including industrial units) <ul style="list-style-type: none"> <li>• 1 - 4</li> <li>• 5 - 10</li> <li>• 11 - 50</li> <li>• 50+</li> </ul>	£45.00 £90.00 £135.00 £180.00

### Other

Service	Fee
Installation of new street nameplates	£150 per nameplate
Confirmation of address to solicitors / conveyance's / owner or occupiers	£45.00 per notification
Confirmation of postal address for utility companies <ul style="list-style-type: none"> <li>• 1 - 4</li> <li>• 5 - 10</li> <li>• 11 - 50</li> <li>• 50+</li> </ul>	£45.00 £90.00 £135.00 £180.00

POA for continual updates of address data

**No action will be taken until full payment is received**

## APPENDIX D

### Sample of Council's in England and Wales charging for Street Naming and Numbering services

Bridgend County Borough Council	Ashfield District Council
Mendip District Council	Newport City Council
Plymouth City Council	Royal Borough of Greenwich Council
Cardiff City Council	Aylesbury Vale District Council
City and County of Swansea	South Bedfordshire Council
Great Yarmouth Borough Council	Stafford Borough Council
East Cambridgeshire District Council	North Somerset Council
Wiltshire Council	South Somerset Council
Rossendale Borough Council	Walsall Council
Harlow Borough Council	Wealdon District Council
Croydon Council	Rushmoor Borough Council
Chorley Borough Council	Eden District Council
Uttlesford District Council	Luton Borough Council
Ealing Borough Council	Epping Forest District Council
East Devon District Council	Milton Keynes Council
Lewes District Council	Winchester City Council
Torfaen County Borough	Bath and North East Somerset Council
Lichfield District Council	Eastbourne Borough Council
Vale of White Horse District Council	
Nuneaton and Bedworth Borough Council	
The Royal Borough of Windsor and Maidenhead	

# Charging for Street Naming and Numbering / Address Management Policy

## Pre-Screening Equality Impact Assessment

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



Question	Answer	Decision	Comments
1. Does this policy/service impact on internal/external customers differently <b>according to their different equality communities</b> , 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/service <b>according to their equality community</b> , 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/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the council, for example because it is seen as favouring a particular community or denying opportunities to another?	No	No - impact assessment not required	
4. Could this policy/service be perceived as impacting on communities differently?	No	No - impact assessment not required	
5. Is this policy/service rigidly constrained by statutory obligations?	No	No - impact assessment not required	
6. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?	No	No - impact assessment not required	
<b>Assessment completed by:</b> <b>Name: Lee Osler</b> <b>Job title: Office Manager</b>	<b>Date: 7 March 2012</b>		

## REPORT TO CABINET

<b>Open</b>		Would any decisions proposed :		
<b>Any especially affected Wards</b>	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) NO	Equal Impact Assessment NO If YES: Pre-screening/ Full Assessment	Risk Management Implications YES

Date of meeting: 6 June 2012

### 5 SCHEME OF DELEGATION AND TERMS OF REFERENCE AND SCHEME OF DELEGATION OF PLANNING COMMITTEE UPDATE

#### Summary

The report recommends an updated scheme of delegation for approval. The Scheme has been amended to take account of the changes in the Cabinet areas of responsibility.

The report also suggests an addition to the Terms of Reference and Scheme of Delegation of the Planning Committee to include the issue of cross border decision making.

#### Recommendations

- 1) That Council approve the amended Scheme of Delegation
- 2) That the Chief Executive, in consultation with the Leader be given delegated Authority to make minor amendments to the Scheme of Delegation to resolve any anomalies which may occur.
- 3) That the Planning Committee's Terms of Reference and Planning Scheme of Delegation be amended to include the following:

“Terms of Reference : C.8 Determine whether or not to delegate decision-making in the Council's area to other neighbouring Councils when dealing with cross-border planning applications

Planning Scheme of Delegation: That power be delegated to

**the Planning Committee to agree that individual cross-border planning applications be wholly determined by either the Council or by the neighbouring planning authority. ”**

### **Reason for Decision**

To ensure that the Delegation Scheme mirrors the decision making structure and to take into account

## **1 Background**

1.1 **The Scheme of Delegation** was last amended in January 2012. The amended version now incorporates the changes in the Cabinet structure with the breakdown to the Environment and Community areas of responsibility. No additional levels of delegation have been added.

### **1.2 Terms of Reference and Scheme of Delegation of the Planning Committee.**

There have been planning applications to determine cross-border planning applications, which are applications where the site straddles the administrative boundary with neighbouring Councils. Advice on dealing with such applications is limited but it is not good practice to issue two or more separate planning decisions. Section 101 (1) of the Local Government Act 1972 authorises two or more planning authorities to discharge any of their functions jointly, and it considered sensible practice to allow the Planning Committee to determine whether or not a particular application would be better determined by a neighbouring authority. This is particularly relevant where the majority of an application area falls within the neighbouring authority, although if allowed, each case would be considered on its merits by the Planning Committee. Therefore to avoid any doubt on the legitimacy of this, the functions referred to the Committee should be amended to include the following:

Terms of Reference: C.8 Determine whether or not to delegate decision-making in the Council's area to other neighbouring Councils when dealing with cross-border planning applications”

Scheme of Delegation: That power be delegated to the Planning Committee to agree that individual cross-border planning applications be wholly determined by either the Council or by the neighbouring planning authority.

## **2 Policy Implications**

2.1 The alterations to the scheme are within current policies.

## **3 Financial Implications**

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



## **4 Statutory Consideration**

4.1 The amendments to the schemes ensure that the decision making structure is in line with the structure of the Council.

## **5 Risk Assessment**

5.1 Updating the Schemes ensures decisions are taken in accordance with correct procedures.

## **6 Access To Information**

6.1 Previous Scheme of Delegation.



# SCHEME OF DELEGATION

[June 2012](#)

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# BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK

## SCHEME OF DELEGATION

The attached represents the Scheme of Delegation across the Council. It is shown in tabular form with the first 3 columns showing the Council body, its functions and its consultation requirements and the last two columns showing the delegations to officers in respect of those functions and the limits on those delegations. Throughout the following abbreviations are used:-

C	=	Consultation
WM	=	A Ward Member in the Ward affected
PH	=	Portfolio Holder
CE	=	Chief Executive
DCE	=	Deputy Chief Executive
MO	=	Monitoring Officer
ED	=	Relevant Executive Director
LAC	=	Licensing and Appeals Committee/Board

Executive Directors are also abbreviated to the initial letters of their post title.

### PORTFOLIO HOLDER DELEGATIONS

The following Scheme sets out the areas delegated to Portfolio Holders to make decisions. Key Decisions are not delegated to Portfolio Holders and must be considered in Cabinet. Key Decisions are defined as:-

an executive decision which is likely –

- (a) to result in the local authority incurring expenditure which is, 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 its effect on communities living or working in the area comprising two or more wards and electoral divisions in the Council's areas

where significant under a) above is £250,000 or more and significant under b) above is one third of the resident population in a ward.

Decisions involving additional resources from reserves are permissible for any Portfolio Holder up to a maximum of £100,000 per portfolio in any financial year.

Where a reserve exists for a specific purpose (eg renewal or repair reserve), the Deputy Chief Executive may withdraw funds from that reserve, PROVIDED THAT the withdrawal is to finance an item or items of expenditure related to the reasons for the existence of the reserve, up to a value of £20,000 per annum. Any necessary withdrawal that exceeds this amount additionally requires the approval of the relevant portfolio holder.

Decisions where more than one Portfolio Holder is required to make a decision must go to Cabinet. For the avoidance of doubt each Portfolio Holder has complete freedom to utilise his or her budget without further recourse to the Leader provided it is not a key decision and subject to the restrictions mentioned above.

It is the responsibility of each Portfolio Holder in consultation with the relevant Executive Director to ensure that every decision is made with the full knowledge of a Democratic Services Officer who shall ensure each decision is properly recorded, reasons given and reference made to the report to the Member concerned.

It is also the responsibility of the Portfolio Holder, in consultation with the relevant Executive Director in making decisions to abide by the Council's Financial Regulations and other policy and procedure documents of the Authority as appropriate.

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The Portfolio Holder may make decisions in all the areas set out below subject to the conditions and consultations and onward limits on delegation except where the matter under consideration is in excess of £250,000 or beyond the budget of the Portfolio Holder or has a significant effect on two or more wards in the Borough or where the decision to be reached requires the decision of an additional Portfolio Holder.

### General Powers

The exercise of delegated powers other than by the person to whom it is expressly delegated under this Scheme.

An officer who is authorised to exercise a delegated power under this scheme may authorise other officers to exercise that power on their behalf. Such authorisation shall be made in writing setting out:

- a. The name(s) of the officers who may exercise a power
- b. The power which may be exercised
- c. Any limitations on the exercise of that power

A copy of every authorisation should be passed to the Monitoring Officer before the officer who is authorised exercises any power

### Contracts

An Executive Director may authorise and execute on behalf of the Council a contract for works services or goods provided:

- a. the value of the contract does not exceed £100,000.00 or any limit prescribed at any time by contract standing orders
- b. the contract is not part of a series of agreements for the provision of the same or substantially the same works, goods or services
- c. the Executive Director retains a copy of every contract that they make

## **OFFICER DECISIONS**

It is the responsibility of the officer in making decisions to abide by the Council's Financial Regulations and other policy and procedure documents of the Authority as appropriate.

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Portfolio Holder	Functions	Portfolio Holder Consultations	Officer Delegation	Limits on Delegation
<b>1 Corporate /Strategic Issues, Resources THE LEADER</b>	1.1 Review of Corporate Policy including the budget or the Corporate Plan having first been recommended by Cabinet and approved by Council  1.2 Audit	CE/DCE/MO Requires rec to Council for any change	<b>1.1.1 Monitoring Officer/Deputy Chief Executive</b> – Ensure Executive decisions are taken in accordance with the law and financial and policy guidelines.  <b>1.2.1 Deputy Chief Executive</b> Responsibilities under S.151 and S114. Enforcement of Financial Regulations Day to day management of the Internal Audit function and process.	
	1.3 Democratic Services	DCE, External Audit, Internal Audit, MO as necessary	<b>1.3.1 Executive Director Central Services</b> Day to day management of the Council's democratic processes. Timetable of Meetings	
	1.4 Civics	CE, Comms officer, Civics Officer	<b>1.4.1 Chief Executive</b> To determine applications to use the Council's coat of arms	
	1.5 Legal	Mayor or Deputy Mayor  CE and MO	<b>1.4.2 Executive Director Central Services</b> Day to management of the office of the Mayor and Deputy Mayor and civic ceremony  <b>1.5.1 Executive Director Central Services</b> Sign and serve any notice, order or document or act as proper officer under Section 234 of the Local Government Act 1972 where no other officer is currently appointed.	

			<p>To affix and attest the common seal of the Council where the common seal is required pursuant to any decision of the Council.</p> <p>To take any measures necessary to recover possession of land owned or leased by the Council, including encampments (whether or not on Council owned land).</p> <p>Authorise the postponement of charges made on Council dwellings.</p> <p>Maintain the Register of Local Land Charges and Land Terrier.</p> <p>Day to Day management of assigning budget resources to all legal matters.</p>	
1.6 Treasury Management including banking, revenue and capital programmes	DCE	<p><b>1.6.1 Deputy Chief Executive</b></p> <p>Write Off irrecoverable debts</p> <p>Administration of banking arrangements</p> <p>Manage insurance for the Council, its property and employees</p> <p>Exchequer services including raising and repayment of loans.</p> <p>Approval and publication of Statement of Accounts</p> <p>Authorisation of virements and budget transfers</p> <p>Authorise urgent payments</p> <p><b>1.6.2 Deputy Chief Executive</b></p> <p>Collect, administer, demand and recover Council Tax and National Non Domestic Rate precepts and any other Tax or Charge levied by the Council. Collection of rents.</p>	See authorisations given effect by Financial Regulations	

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1.7 Freedom of Information and Data Protection	C E and EDCS	<b>1.7.1 Executive Director Central Services</b> Respond to requests for information under the FOI Act 2000, EIR 2004 access requests under the Data Protection Acts within statutory timescales. Maintain FOI Publication Scheme Maintain Council's Data Protection registration and act as Data Protection Officer. Authorise the use, loan or reproduction of the Councils archive material	Where more than the portfolio holder is affected – report to Cabinet.
1.8 Cross Cutting /Cross Remit issues	CE & ED & Portfolio holders		
1.9 Policies relating to Employment, Personnel, salaries, Pensions, Training and equalities (as an employer)	EDCS	<b>1.9.1 Executive Director Central Services</b> Implementation of service re-organisations and re-structuring within budget.  Approval for the funding of training courses for both full and part time study for all employees  Updating the Performance Management Scheme  <b>1.9.2 Chief Executive</b> Changes to posts for senior staff (Executive Director)	C ED      C EDCS on Compromise agreements.
1.10 Health and Safety as an employer		<b>1.10.1 Chief Executive</b> Day to day responsibility for the Council's Health and Safety function	
1.11 Equal Opportunities		<b>1.11.1 Executive Director Central Services</b>	

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	(not as the employer)		Day to day management	
	1.12 Communication	ED, Communication s Manager	<b>1.12.1 Executive Director Central Services</b> Day to day management of communications on behalf of the Council, in accordance with Council Policy	
	1.13 Performance Management	EDCS	<b>1.13.1 Executive Director Central Services</b> Implementation of performance management reviews and production of performance management information.	
	1.14 Procurement	ED	<b>1.14.1 Deputy Chief Executive</b> Day to day management and enforcement of the Council's Procurement Strategy.	

<u>Portfolio Holder</u>	<u>Functions</u>	<u>Portfolio Holder Consultations</u>	<u>Officer Delegations</u>	<u>Limits on delegation</u>
<b>2 Assets</b>				
	2.1 Asset Management including ancient Corporate Estates	Property Services Manager	<b>2.1.1 Deputy Chief Executive</b> <u>Day to day management of the Asset Register, and matters arising therefrom</u>	
	2.2 Office Accommodation	Property Services Manager	<b>2.2.1 Executive Director Central Services</b> <u>Day to day management of the CICs</u>  <b>2.2.2 Executive Director Leisure and Open Space</b> <u>Day to day management of the Council's Depot.</u>	

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	2.3 <u>Sports facilities, venues.</u>	<u>ED</u>	<p><b><u>2.3.1 Executive Director Leisure &amp; Public Space</u></b>  <u>The management of all swimming pools, leisure and sports centres, open spaces including the exclusion of persons from such premises as necessary.</u>  <u>Amendments and variation to Leisure Card Scheme (C).</u></p>	<u>Business tenancy issues - DCE</u>
	2.4 <u>Arts/Theatre/Entertainment facilities, venues and development</u>	<u>ED</u>	<p><b><u>2.4.1 Executive Director Leisure and Public Space</u></b>  <u>Operational management of all arts and entertainment premises including letting, hiring and waiving of fees and the exclusion of persons from such premises as necessary.</u>  <u>Arts Development</u></p>	<u>Business tenancy issues - DCE</u>
	2.5 <u>Community Facilities</u>	<u>WM</u>	<p><b><u>2.5.1 Deputy Chief Executive</u></b>  <u>Management and Maintenance of the fabric of the buildings</u>  <b><u>2.5.2 Exec Director Leisure and Public Space</u></b>  <u>Operational Management of miscellaneous community centres.</u></p>	
	2.6 <u>Determination of Applications for Circuses on Council property.</u>		<p><b><u>2.6.1 Deputy Chief Executive</u></b>  <u>Consideration of applications to hold circuses on council land</u></p>	
	2.7 <u>Risk Management</u>	<u>ED</u>	<p><b><u>2.7.1 Chief Executive</u></b>  <u>Day to day management of the Corporate Risk Register</u>  <u>Service Level Risks</u></p>	<u>ED</u>
	2.8 <u>Business</u>	<u>ED</u>	<p><b><u>2.8.1 Deputy Chief Executive</u></b></p>	

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	<u>Continuity</u>		<u>Day to day management of the process</u>	
	<u>2.9 Tourism</u>	<u>ED</u>	<b><u>2.9.1 Executive Director Leisure and Public Space</u></b> <u>Day to day management of tourism issues including management of tourism premises owned or operated by the Council</u> <u>Day to day management of Heritage premises in the Council's ownership.</u> <u>Arranging or overseeing exhibitions, conferences and tourism as appropriate</u>	
	<u>3.0 ICT</u>	<u>ED</u>	<b><u>Deputy Chief Executive</u></b> <u>Day to day management of the service</u>	

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<u>Portfolio Holder</u>	<u>Functions</u>	<u>Portfolio Holder Consultations</u>	<u>Officer Delegations</u>	<u>Limits on Delegation</u>
<u>3 Community</u>	<u>3.1 Rights of way issues</u>	<u>WM, County Council</u>	<b><u>3.1.1 Executive Director Regeneration and Development Services</u></b> <u>As they relate to Development issues (County Council responsibility)</u>	
	<u>3.2 Commons and Greens</u>		<b><u>3.2.1 Executive Director Central Services</u></b> <u>Day to day administration</u>	
	<u>3.3 Housing Strategy and Associated Policies</u>		<b><u>3.3.1 Executive Director Environmental Health and Housing</u></b> <u>Day to day administration of the Council's Housing policies</u>	

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	<u>3.4 Housing Register</u>		<b><u>3.4.1 Executive Director Environmental Health and Housing</u></b> <u>Maintenance of Housing Register in accordance with policy.</u>			<b><u>3.4.1 Executive Director Environmental Health and Housing</u></b> <u>Appeals to LAC</u>	<b>Formatted:</b> Font: Not Bold
	<u>3.5 Homelessness</u>	<u>Appeals to LAC</u>	<b><u>3.5.1 Executive Director Environmental Health and Housing</u></b> <u>Exercise of homelessness functions.</u>				<b>Formatted:</b> Font: Not Bold
	<u>3.6 Private Sector and Social Housing including renewal schemes and partnerships</u>		<b><u>3.6.1 Executive Director Environmental Health and Housing</u></b> <u>To sign tenancy agreements for properties let to supported housing providers.</u>				<b>Formatted:</b> Font: Not Bold
	<u>3.7 Houses in Multiple Occupation (HMO)</u>		<b><u>3.7.1 Executive Director Environmental Health and Housing</u></b> <u>Day to day management of HMOs and to grant, renew and revoke all licences issues under the Housing Act 2004</u>				<b>Formatted:</b> Font: Not Bold
	<u>3.8 Home Improvement Agency, and associated operations and Careline</u>		<b><u>3.8.1 Executive Director Environmental Health and Housing</u></b> <u>Day to day management of the Home Improvement Agency and associated operations and Careline</u>				<b>Formatted:</b> Font: (Default) Arial, Not Bold
	<u>3.9 Loans and grants for housing</u>	<u>DCE</u>	<b><u>3.9.1 Executive Director Environmental Health and Housing</u></b> <u>Approval/refusal/withdrawal and authorisation of renovation grant scheme payments.</u>				<b>Formatted:</b> Font: Not Bold
	<u>3.10 Social Inclusion</u>		<b><u>3.10.1 Executive Director Environmental Health and Housing</u></b> <u>Day to day management</u>				<b>Formatted:</b> Font: Not Bold
	<u>3.11 Travellers</u>	<u>MO &amp; WM</u>	<b><u>3.11.1 Executive Director Environmental Health and Housing</u></b>				<b>Deleted:</b> January

			<u>Day to day management of associated matters</u>			<b>Formatted:</b> Font: Not Bold
	<u>3.12 Cemeteries and Crematorium</u>		<b><u>3.12.1 Executive Director Environmental Health and Housing</u></b> <u>The day to day management of the Council's cemeteries and crematorium and the granting of exclusive burial rights.</u>			<b>Formatted:</b> Font: Not Bold
	<u>3.13 Licensing Policies</u>		<b><u>3.13.1 Executive Director Environmental Health and Housing</u></b> <u>Day to day implementation of the Licensing Policies and associated matters</u>			<b>Formatted:</b> Font: Not Bold
	<u>3.14 Health and Safety where not as the employer</u>		<b><u>3.14.1 Executive Director Environmental Health and Housing</u></b> <u>Approval of Health and Safety Inspectors under S19 of the Health and Safety at work etc Act 1974.</u> <u>Day to day responsibility of the Health and Safety process where not as the employer.</u>			<b>Formatted:</b> Font: Not Bold
	<u>3.15 Food</u>		<b><u>3.15.1 Executive Director Environmental Health and Housing</u></b> <u>Day to day management of the food services</u>			<b>Formatted:</b> Font: Not Bold

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Portfolio Holder	Functions	Portfolio Holder Consultations	Officer Delegations	Limits on Delegation
4 Development (Full Delegation Scheme of Delegation is a separate document)	4.1 Local Development Framework, planning and Land Use Policy		4.1.1 Executive Director Regeneration and Development Services Minor consequential amendments to planning policy in accordance with national and regional policy changes. Issuing of Local Development Framework guidance and information 2.1.2 Legal Services Manager Finalising planning obligations	C - EDCS
	4.2 Transport policies		4.2.1 Executive Director Regeneration and Development Services Responding to consultations on traffic regulation orders	
	4.3 Listed Buildings, Historic Conservation areas including grants	WM	4.3.1 Executive Director Regeneration and Development Services To make historic grants of up to £1,000 in respect of any one property or project	
	4.4 Building Control		4.4.1 CNC The exercise of all local authority functions under the Building Act 1984, the Housing Acts and Public Health Acts so far as they relate to the function of the Council as a Building Control Authority. Act as appointing officer under the Party Wall Act 1996. Building Control enforcement and exercise the right of entry to land and premises.	
	4.5 Street naming and numbering	WM	5.5.1 Executive Director Regeneration and Development Services	

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	Street numbering and naming			
<u>Portfolio Holder</u>	<u>Functions</u>	<u>Portfolio Holder Consultations</u>	<u>Officer Delegations</u>	<u>Limits on Delegation</u>
<u>5. Environment Deputy Leader</u>	<p><u>5.1</u> Policies and strategies relating to: Environmental Strategy, Control of pollution including air quality, contaminated land, water quality/usage, sewerage and drainage issues,</p> <p><u>5.2</u> Bio-diversity, Local character and identity of the Borough</p> <p><u>5.3</u> <u>All aspects of</u> Recycling and refuse collection including waste minimisation and composting, street scene and dog <u>waste</u></p> <p><u>5.4</u> Energy strategy and issues</p> <p><u>5.5</u> Public conveniences</p> <p><u>5.6</u> Green Travel Plan</p>	ED	<p><u>5.1.1</u> <b>Executive Director Health and Housing</b> Day to day management</p> <p><u>5.2.1</u> <b>Executive Director Regeneration and Development Services</b> Day to day management</p> <p><u>5.3.1</u> <b>Executive Director Leisure and Public Space</b> Day to day management</p> <p><u>5.5.1</u> <b>Deputy Chief Executive</b> Monitoring of energy efficiency measures to Council buildings.</p> <p><u>5.6.1</u> <b>Executive Director Leisure and Public Space</b> Management and maintenance of the Council's public conveniences.</p> <p><u>5.7.1</u> <b>Deputy Chief Executive</b></p>	<p>Deleted: Portfolio Hold (... [1])</p> <p>Formatted: Font color: White</p> <p>Formatted Table</p> <p>Formatted: Font: (Default) Arial, Bold</p> <p>Deleted: Portfolio Hold (... [2])</p> <p>Deleted: 3</p> <p>Deleted: 3</p> <p>Deleted: and Community</p> <p>Deleted: 3</p> <p>Deleted: 3</p> <p>Deleted: 3</p> <p>Deleted: 3</p> <p>Deleted: control</p> <p>Deleted: 3.5</p> <p>Deleted: 3</p> <p>Deleted: 3.6</p> <p>Deleted: 3</p> <p>Deleted: 3.7</p> <p>Deleted: 3</p> <p>Deleted: January 2012</p>

	<a href="#">5.7</a> Christmas Lighting		Day to day management <b>5.9.1 Executive Director Leisure and Public Space</b> Provision of Christmas lighting across the Borough		Deleted: 3.9 Deleted: 3
	<a href="#">5.8</a> Community Safety		<b>5.8.1 Executive Director Environmental Health and Housing</b> General day to day management of the community safety service and compliance with s.17 requirements. Authorisation of police request for Dispersal Orders to be actioned. Issuing of public notices relating to recipients of ASBOs.		Deleted: 3.1 Deleted: 3.1
	<a href="#">5.9</a> Careline and CCTV		<b>5.9.1 Executive Director Environmental Health and Housing</b> Day to day management of the Careline and CCTV function		Deleted: 3.24 Deleted: 3.24
	<a href="#">5.10</a> Public and Civil Emergencies	Civil Emergency Liaison and CE Leader, Deputy Leader, MO	<b>5.10.1 Chief Executive</b> To exercise any power to protect the interests and well being of the inhabitants of the Borough in cases of emergency <b>5.10.2 Executive Director Housing and Environmental Health</b> Day to day management of the Civil Emergency Plan	C – Cabinet as soon as reasonably practical	Deleted: 3.27 Deleted: 3.27  Deleted: 3.27

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<u>Portfolio Holder</u>	<u>Functions</u>	<u>Portfolio Holder Consultations</u>	<u>Officer Delegation</u>	<u>Limits on Delegation</u>
<u>6 Health and Wellbeing</u>	<u>6.1 Leisure Arts and Green Spaces policies and strategies</u>	<u>ED</u>	<u>6.1.1 Executive Director Leisure &amp; Public Space</u> <u>Day to day operation of the policies</u>	
	<u>6.2 Shared Services</u>	<u>ED</u>		
	<u>6.3 Resort and Seafront Management</u>	<u>WM, ED</u>	<u>6.3.1 Executive Director Leisure &amp; Public Spaces</u> <u>Day to day management of resorts and seafront</u>	<u>Business tenancy issues and concessions – DCE</u>
	<u>6.4 Parks, Gardens and amenity areas including play areas</u>	<u>WM, ED</u>	<u>6.4.1 Executive Director Leisure &amp; Public Spaces</u> <u>Day to day management of such facilities including exclusion of persons as necessary</u>	
	<u>6.5 Museums</u>	<u>ED</u>	<u>6.5.1 Executive Director Leisure and Public Space</u> <u>Day to day management of all museum premises owned by the Council</u>	
	<u>6.6 Financial Assistance Schemes for sports and arts</u>	<u>WM</u>	<u>6.6.1 Executive Director Leisure and Public Space</u> <u>Administer award the grants within the Sports Training and Coach Education grants scheme</u>	
	<u>6.7 Car Parking</u>		<u>Deputy Chief Executive</u> <u>Administer applications for Arts grants.</u>	
			<u>6.7.1 Executive Director Leisure and Public Space</u> <u>Day to day administration of Council owned car parks in the Borough</u>	
			<u>6.7.2 Executive Director Leisure and Public</u>	

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			<u>Space</u> Management Responsibility for civil parking enforcement.		
	<u>6.8 Neighbourhood Management</u>		<u>6.8.1 Executive Director Central Services</u> Day to day management of the Neighbourhood Management function.		
	<u>6.9 Development and promotion of cycling related matters</u>		<u>6.9.1 Executive Director Leisure and Public Space</u>		
	<u>6.10 Shared Services/Shared Management</u>	<u>CE &amp; ED</u>	<u>6.10.1 Chief Executive</u> Day to day preparation and negotiations.		
	<u>6.11 Town Hall Complex</u>		<u>6.11.1 Exec Dir Leisure and Public Space</u> Day to day management of the complex		
	<u>6.12 Housing benefit, welfare benefits and advice</u>	<u>ED</u>	<u>6.12.1 Deputy Chief Executive</u> Administration of housing benefit and Council Tax benefit and discretionary housing payments		
	<u>6.13 Financial Assistance Schemes for voluntary, community, Parish, Community safety matters, housing rural transport and environmental projects</u>	<u>Relevant DS</u>	<u>6.13.1 Deputy Chief Executive</u> Administration of the Council's financial assistance schemes for voluntary, community, parish and community safety matters. Financial assistance for rural transport and environmental projects.		
	<u>3.14 Rural Community Development</u>		<u>3.19.1 Executive Director Central Services</u> Day to day management of the Rural Community Development function.		
	<u>3.15 Health improvement and promotion including public health and community care</u>		<u>3.21.1 Executive Director Environmental Health and Housing</u> Day to day management		

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Portfolio Holder	Functions	Portfolio Holder Consultations	Officer Delegations	Limits on Delegation
<a href="#">7 Regeneration</a>	<a href="#">7.1</a> Economic Development Policy and Strategy	ED		
	<a href="#">7.2</a> Regeneration strategy, policy, projects and implementation	ED	<a href="#">7.2.1 Executive Director Regeneration and Development</a> Day to day management of Regeneration Projects  Submission of bids for and Management of Regeneration projects	C Regeneration Portfolio Holder.
			<a href="#">5.2.2 Executive Director Regeneration and Development</a> Authorisation to retain professional expertise as required	
	<a href="#">7.3</a> Town centre and redevelopment projects	ED	<a href="#">7.3.1 Executive Director Regeneration and Development</a> Oversight and day to day management of redevelopment projects	C PH
	<a href="#">7.4</a> Promotion of the Borough for economic and regeneration purposes	ED	<a href="#">7.4.1 Executive Director Regeneration and Development</a>	
	<a href="#">7.5</a> Markets and Fairs		<a href="#">7.5.1 Executive Director Leisure and Public Space</a> Day to day administration of Markets and Fairs in the Borough	
	<a href="#">7.6</a> Growth Point Status	ED	<a href="#">7.6.1 Executive Director Regeneration and Development</a> Day to day administration of Growth Point	

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	<a href="#">7.7 Property</a>	ED+LSM WM PH where property is in another portfolio holders functional area	Status and associated arrangements Partnership	
			<p><a href="#">7.7.1 Deputy Chief Executive</a> Management of Council property interests together with the ability to authorise all related property transactions at market rent/value. Subject to:</p> <ul style="list-style-type: none"> <li>• Acquisition or disposal of freehold land up to £100,000.</li> <li>• Acquisition or disposal of leasehold land up an annual rental value of £10,000.*</li> <li>• Discharge or relaxation of freehold or leasehold covenants.</li> <li>• Determine all applications for the assignment of lease agreements**.</li> <li>• To approve or refuse applications to the Council as Landlord for any approval or consent</li> <li>• Authorise non Housing Act tenancies and licences.</li> <li>• Authorise the applications to release or relax restrictive covenants attached to houses formally owned by the Council.</li> </ul>	<p>C ED, PH * Financial limit not applicable to industrial estates where an unlimited rental is allowed. ** except where residential element. C ED  C ED, PH, WM  C ED, PH</p>
	<a href="#">7.8 Office Accommodation</a>	<a href="#">Property Services Manager</a>	<p><a href="#">7.8.1 Deputy Chief Executive</a> <a href="#">Day to day facilities management of King's Court and any other office accommodation operated by the Council.</a></p>	

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Portfolio Holder	Functions	Portfolio Holder Consultations	Officer Delegation	Limits on Delegation
8 Special Projects		ED		

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Body	Functions	Consultations	Officer Delegations	Limits on delegation
8 Council	<p>8.1 The Constitution.</p> <p>8.2 Adopting the Council's Policy Framework and determining matters involving a change or deviation from approved policy.</p> <p>8.3 Compulsory Purchase matters.</p> <p>8.4 Approving the Council's position relating to local government boundaries, electoral divisions or number of Council Members.</p> <p>8.5 By-law creating and management and promotion or making of local Acts.</p> <p>8.6 Determining matters referred to Council by other bodies.</p> <p>8.7 Appointments (staff and Members)</p> <p>8.8 Determining the Council's Executive Arrangements.</p> <p>8.9 Appointment of Honorary Aldermen or</p>		<p><b>Chief Executive</b></p> <p>To act as Head of Paid Service under and for the purposes of section 4 of the Local Government and Housing Act 1989 and lead the senior management team</p> <p>To act as Electoral Registration Officer and Returning Officer for all elections, Parish Polls and Referendums and to take such action as is necessary to carry out those duties.</p> <p>To act as the Proper Officer for the Council, as defined by Section 270 (3) Local Government Act 1972</p> <p>To exercise any power to protect the interests and well being of the inhabitants of the Borough in cases of emergency</p> <p>Departmental Restructuring within budget including staff redundancies</p> <p>Day to day management of the Council's democratic processes.</p>	<p>C – Cabinet as soon as reasonably practical and report to Council at next meeting</p> <p>Consultation with the Leader and Cabinet Member for Personnel.</p>

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	<p>bestowing Freedom of the Borough.</p>		<p>Amendments to Timetable of Meetings Member Substitutions at meetings</p> <p>Following resignation from a Council body, substitution of Members from same political group onto the Body for the remainder of the year.</p> <p>Replacement/substitution of members on Outside Bodies.</p> <p><b>Executive Director Central Services</b> Day to day management of personnel function within the Council, including development of appropriate protocols in accordance with policy across the Council, including pay award negotiation, performance related pay, honoraria (as advised by Service managers or Management Team in the case of service head or above), leave arrangements, recruitment arrangements, disciplinary arrangements including suspension of service/compromise/termination arrangements, retirement arrangements, implementation of job evaluation.</p> <p>Variation and termination of employment contracts, extension of service following retirement age, suspension, confirmation of employment following completion of probationary period.</p>	<p>-Subject to notification from Group Leader or individual member</p> <p>-Subject to notification from Group Leader and agreement of CE.</p>
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			<p>Appointment of Temporary employees for up to 12 months (PG6-13)</p> <p>Authorisation of payment of loans, pay in lieu, allowances, compensation and grants etc to staff and waiver of such repayments or payments due in appropriate cases in accordance with policy</p> <p>Designation and associated work related to casual/essential user car allowances/loans/hiring.</p> <p>Development of necessary protocols in accordance with overall legislation/policy</p>	
	<p>8.10 Statutory Functions</p>		<p><b>Legal Services Manager</b></p> <p>To maintain and update a list of statutory provisions under which the Council acting through any Executive Director may exercise powers devolved to the Council</p> <p>Authorise, a prosecution, rights of entry, the commencement, defence or settlement of any legal proceedings brought by or against the Council, except in the case of Health and Safety at work prosecutions taken under the act or regulations made under the Act when the power to issue legal proceedings is given to the Health and Safety Inspectors be authorised under Section 19 of the Health and Safety at Work etc Act 1974..</p>	

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			<p>To act as Monitoring Officer (Local Government &amp; Housing Act 1989), Registrar of Local Land Charges, Authorised Officer (under the Regulation of Investigatory Powers Act 2000), Parish Trustee.</p> <p>Sign and serve any notice, order or document or act as proper officer under Section 234 of the Local Government Act 1972 where no other officer is currently appointed.</p> <p>To affix and attest the common seal of the Council where the common seal is required pursuant to any decision of the Council.</p> <p><b>Executive Director Central Services</b> To Act as Money Laundering Officer (Proceeds of Crime Act 1995)</p> <p><b>Deputy Chief Executive</b> To act as Chief Financial Officer under S.114 of the Local Government Finance Act 1988 and S.151 of the Local Government Act 1972</p> <p><b>Chief Executive</b> Authorised Officer under the Regulation of Investigatory Powers Act</p> <p>To exercise the delegated powers of any Executive Director where they are absent for any reason or the post is vacant.</p> <p><b>All Executive Directors</b> To exercise all powers within their functional responsibility from the list of statutes</p>	<p>*excluding any action involving the commencement of civil or criminal proceedings (delegated to LSM)</p>
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			<p>maintained by the Monitoring Officer including signing of notices, licences or orders and to authorise, appoint and dismiss inspectors, charge and refund fees, exercise rights of entry, take direct action, issue cautions and make representations under the statutory provisions on behalf of the Council*</p>	
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Body	Functions	Consultations	Officer Delegations	Limits on delegation
<p><b>9 Cabinet</b></p>	<p>Individual delegations set out as per Portfolios above.</p> <p>9.1 Make recommendations to Council on corporate strategic and service policies and the detailed implementation of those policies</p> <p>9.2 Delivery of Services within the approved policy and budgetary framework and reviewing the operational framework functions and resources within it. Virement of funds in accordance with Financial Regulations</p> <p>9.3 Monitoring of the Councils Resources, make recommendations to Council on the overall Budget, Council Tax, and carry out any consultation required.</p> <p>9.4 To exercise any Executive function duty,</p>	<p>Delegations to individual portfolio holders apply equally to the Cabinet as a whole</p> <p>Report to Council</p> <p>Rec to Council</p>	<p>Delegations as set out in portfolio groups</p>	

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	<p>action or power which is not delegated to any other Council Body in order to protect the Council's interests.</p> <p>9.5 Appoint Representatives to Outside Bodies where they are Executive appointments.</p> <p>10.6 Refer any matter to Council for consideration.</p> <p>9.6 Commission Research into any matter or hold an enquiry into a particular issue or issues relating to the Borough or the Council at their discretion.</p>			
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Body	Functions	Consultations	Officer Delegations	Limits on delegation
10 Licensing and Appeals Committee and Sub-Committees thereof.	10.1 To decide on Licensing applications including under the Licensing Act 2003 where objections have been received, applications to review premises licence/club premises certificate and whether to object to licenses when Authority is a consultee. 10.2 To decide on applications under the Gambling Act 2005.	ED	<b>Executive Director Environmental Health and Housing</b> To administer and decide on Licensing applications including those under the Licensing Act 2003 where no objections have been made, or have been withdrawn.  <b>Executive Director Environmental Health and Housing</b> To administer and determine Gambling Act applications where no objections have been made, or have been withdrawn.	Where irrevocable objections/representations made - LAC
11 Licensing and Appeals Board and Panels thereof.	11.1 To decide on appeals/disciplinary matters for hackney carriages and private hire vehicle driver licences and Homelessness appeals and staffing appeals		<b>Executive Director Environmental Health and Housing</b> Approval of applications for hackney carriages and private hire vehicle driver licences except those falling within the categories in paragraphs (i) to (v) below, when they will go to the Licensing and Appeals Board or panels thereof:-  (i) Applications which disclose that the applicant has been convicted of an offence involving indecency or violence; (ii) Applications which disclose that	

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			<p>(iii) the applicant has been convicted of an offence involving dishonesty or drugs; Applications which disclose that the applicant has been convicted of an offence under the provisions of the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976;</p> <p>(iv) Applications which disclose that the applicant has been convicted of an offence relating to the driving or ownership of a motor vehicle and has more than six penalty points on his/her licence;</p> <p>(v) Applications which disclose that the applicant has committed a breach of, or failed to comply with, the terms of an existing or previous hackney carriage or private hire licence.</p> <p>To approve applications for hackney carriage and private hire drivers licences that fall within any of the categories set out in paragraphs (i) to (v) of the preceding paragraph if in the opinion of the Executive Director - Environmental Health and Housing any offence by the applicant is so minor or irrelevant as to have no proper bearing on the determination of the application.</p>	
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Body	Functions	Consultations	Officer Delegations	Limits on delegation
<p>12 <b>Appointments Board</b></p>	<p>12.1 Full Board to appoint Chief Executive            12.2 Panels of Board to appoint Chief Officers            12.3 Appoint Independent and Parish Council members of the Standards Committee*            12.4 Panels of the Board Appoint members to the Independent Allowances Panel</p>	<p>Cabinet            Cabinet &amp; CE            *Chairman/Vice-Chairman of Standards Committee</p>		

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Body	Functions	Consultations	Officer Delegations	Limits on delegation
<b>13 Standards Committee</b>	<p>13.1 Promote high standards of conduct within the Council</p> <p>13.2 Monitor the implementation and operation of the Codes of Conduct for Members, officers and towns &amp; parishes and confidential reporting codes, including development of protocols</p> <p>13.3 As a whole or in a Panel of the Committee to determine complaints made regarding breaches of the Code of Conduct</p> <p>13.4 Make recommendations to Council on the criteria and process for appointment of non Council Members to the Committee</p>	MO	<p><b>Legal Services Manager/Monitoring Officer</b></p> <p>To act as principal point of contact with the Standards Board for England and to deal with all matters relating to their investigations</p> <p>On behalf of the Committee to administer the local assessment of complaints and carry out investigations on complaints made under the Code of Conduct.</p> <p>To provide advice to Members and Towns &amp; Parishes including Clerks and Members on aspects of the Code</p>	

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## REPORT TO CABINET

<b>Open</b>		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 NO and partly within Cabinets powers –		
Lead Member: Cllr B Long E-mail: cllr.brian.long@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Duncan Hall E-mail: Duncan.hall@west-norfolk.gov.uk Direct Dial:01553 616445		Other Officers consulted: Management Team, Dale Gagen		
Financial Implications YES	Policy/Personnel Implications YES	Statutory Implications NO	Equal Impact Assessment YES If YES: Pre-screening/ Full Assessment	Risk Management Implications YES

Date of meeting: 6<sup>th</sup> June 2012

### 6 LOCAL AUTHORITY MORTGAGE SCHEME (LAMS)

#### Summary

This report deals with a proposal to participate in the Local Authority Mortgage Scheme (LAMS), a national mortgage indemnity scheme for first time buyers operated by Sector Treasury Services.

The scheme will assist first time buyers to secure an affordable mortgage, and under the proposals to target the new build development at NORA, will create an exceptional incentive for new purchasers of these homes.

The scheme offers the option of entering under an un-funded option, or a cash-backed option where with a £1m minimum investment a comparatively good return on funds invested can be achieved as well as the wider benefits of the scheme.

#### Recommendation

- 1) That the Council joins the LAMS, under the cash-backed option, and invest the minimum £1M. The scheme to be designed to benefit newly built properties on the Council's site at NORA creating very complete mortgage offers, and reducing the risks associated with development.
- 2) That a decision on the maximum loan size and other details and relevant timing be delegated to the Deputy Chief Executive in consultation with the Leader and Portfolio Holder for Environment and Community.

#### Reason for Decision

The scheme will support new housing supply and local economic growth. The



cash backed option offers a unique opportunity to benefit from a return on funds invested.

## **1 Introduction**

1.1 The Local Authority Mortgage Scheme was developed in response to the issues of restricted lending following the financial crisis by Sector Treasury Services Ltd. The scheme aims to help first time buyer's access mortgages at a competitive rate by providing an indemnity for 20% of the loan. This specifically addresses problems faced by first time buyers in being unable to provide substantial deposits.

1.2 51 Council's have signed up to the scheme with 39 having been launched by the end of April 2012. A number of County Council's have launched including Kent and Gloucestershire. Broadland DC launched a scheme (£1M cash-backed option) in January 2012.

1.3 The scheme enables local authorities in conjunction with the schemes lenders to provide targeted help to first time home buyers and enable them to obtain a mortgage at an affordable rate.

## **2 Outline Details**

2.1 Under the scheme, each Local Authority is able to specify three qualifying criteria; the maximum level of indemnity, the maximum loan size (based on 95% of maximum property valuation) and the qualifying post codes. The scheme is standardised as much as possible. The scheme is currently supported by eight mortgage lenders; two national lenders (Lloyds Banking Group and Leeds Building Society), and four smaller lenders; Furness BS, Saffron BS, Leek United BS, Marsden BS, Principality BS and Teachers BS. It is expected that further lenders will be joining the partnership at a later stage. It is a requirement of the scheme that mortgage applicants should have a choice of mortgage providers, and the scheme should be available to all lenders on a national basis.

2.2 If a potential buyer meets the strict credit criteria applied by the lender, and meets the criteria set out by the Local Authority to qualify for a mortgage under the scheme, the Local Authority will provide a top-up indemnity to the value of the difference between the typical Loan to value (LTV) i.e. 75%, and a 95% LTV mortgage. The potential buyer will thereby obtain a 95% mortgage on similar terms as a 75% mortgage, but without the need to provide the substantial deposit usually required.

2.3 It should be stressed that the scheme does not promote reckless lending, it is a requirement that the applicants meet the standard lending criteria as set out by the lender, and that the higher LTV mortgage is affordable.

2.4 The indemnity will be in place for a fixed 5 year period for each mortgage granted under the scheme, which may be extended for a further 2

years if a mortgage were in arrears in the last 6 months of the initial 5 year period.

2.5 The indemnity would only be called upon if a loss is crystallised by the lender. By way of example, a property valued at £100,000, with a mortgage of £95,000 and with Local Authority indemnity of £20,000 is sold at £70,000, net of attributable costs. The full value of the £20,000 indemnity would be requested by the lender. If the property is sold at £90,000 net of costs, i.e. an actual loss of £5,000 is incurred by the lender; £5,000 would be requested from the Local Authority. Any loss in excess of the value of the indemnity would be attributable to the lender. The lender would request payment from the Local Authority, who would undertake to make payment within 30 days.

2.6 The table (table 1) below shows potential number of first time buyers the scheme may initially assist based on £1m advance, assuming a purchase price of £100,000.

Table 1

Total Local Authority Indemnity	£1,000,000
Assumed Max Loan Size	£100,000
5% Deposit	£5,000
95% Mortgage	£95,000
Local Authority Indemnity	£20,000
Potential number of mortgages	50

2.7 It is anticipated that the Local Authority will set a maximum annual limit for indemnities offered, either in total or for the forthcoming year. The indemnity could be either unfunded or “cash-backed”, depending on the requirements of the lender.

### 3 Options – unfunded or cash-backed

3.1 If the indemnity is **un-funded**, the Local Authority will receive a premium. This is a fixed amount of the value of the indemnity actually provided, typically in the region of £500 per mortgage. It is envisaged the premium is held to support the costs of any defaults experienced over the indemnity period.

3.2 If the indemnity is “**cash backed**”, i.e. supported by a deposit, the Local Authority will be required to place a 5-year deposit at the start of the financial year to the full value of the indemnity being offered. The deposit will be in place for the term of the indemnity – i.e. 5 years (with the possibility of a further 2 year extension if the mortgage is in arrears at the end of the initial 5 years) - and may have conditions / structures attached. The Local Authority will receive a 5-year commercial deposit rate + a premium of 0.70% from the first lender to join the scheme, other lenders will offer similar terms.

3.3 In accordance with the legislation, the lender will not have a legal charge over the deposit. In the event of an indemnity being called and an

amount being payable by the Local Authority to the lender, a request for payment would be made by the lender. The Local Authority will undertake to settle the amount payable within 30 days.

3.4 A £1m deposit will earn - at 4% - an annual return of £40,000, so a total of £200,000 over the life of the indemnity. If defaults run at 2% (currently running between 1-2%), the net annual return would be in the region of £20,000. The deposit rate will vary but at the time of writing is 4.55% (including the 0.7% premium).

3.5 For both types of indemnity, and assuming no default by the buyer, the indemnity liability would terminate on the earliest of the end of the agreed indemnity period (i.e. 5 years) or an early repayment of the mortgage. In the case of a cash-backed indemnity, the fixed-term deposit would be repaid to the Local Authority at the date of maturity, plus interest due.

## **4 Risks**

4.1 There are a number of risks associated with the scheme, and the Council should give careful consideration to how to manage these risks and the mitigating controls to be put in place. A Risk Assessment, outlining the key risks and potential mitigating controls has been prepared in **appendix A**.

## **5 New Government scheme outlined in the new national housing strategy**

5.1 The new government scheme is similar to the LAMS in so far as both are mortgage indemnity schemes that improve the rate of borrowing for purchasers and extend the possibility of home ownership to some households who otherwise would be currently restricted to private renting.

5.2 There are however some significant differences in the schemes. The LAMS scheme is for example only available to first time buyers with the government scheme being open to other purchasers (excluding second home owners and buy-to-let landlords). Having examined the two schemes the LAMS scheme is recommended for the following reasons:-

- LAMS will be more effective, as it will achieve a better price for the buyer based on a 75% LTV price rather than an 86% LTV price under the government scheme (assuming 5% deposit paid).
- In respect of new homes in the NORA 'the developer' - the Council - would have to fund a contribution under the government scheme. The Council would need to provide an indemnity of 3.5% of the value of the home with the government supporting the fund to a total of 9% of the property value.
- The government scheme does not offer the potential of a return when compared to the LAMS cash backed option.

- CML believe that the government scheme should compliment rather than replace LAMS

## **6 Conclusion**

6.1 The scheme offers an opportunity to add a stimulus to the local housing market by targeting help for first time buyers. At the same time under the cash-backed option there is a potential to realise a return on the funds supporting the initiative.

6.2 In setting up the scheme there are some specific legal agreements, and a requirement for the Council's Monitoring Officer to be involved with.

## **7 Recommendation**

7.1 It is proposed that the scheme is used specifically for first time buyers wishing to purchase the Borough Council's new homes built within the proposed residential development project at NORA. Applying the scheme here would create exceptionally advantageous terms for would-be purchasers and help mitigate some of the risks associated with the new development. The cash-backed option is recommended on the basis that it offers a unique opportunity to benefit from a return on funds invested, mitigating any risks associated with defaults.

## **8 Policy / Personnel Implications**

8.1 The scheme has been designed to ensure that any staffing input from each participating council is kept to a minimum.

## **9 Financial Implications**

9.1 In respect of the LAMS scheme it is anticipated that funds will be used from existing investments on maturity. A full review of all the financial implications will be undertaken prior to any commitment / contract being agreed.

## **10 Staffing Implications**

None

## **11 Statutory Considerations**

None

## **12 Equality Impact Assessment (EIA)**

An EIA pre-screening report is attached in **Appendix B**

## **13 Risk Management**

13.1 The scheme involves the Council providing indemnity for a fixed amount for number of mortgages and therefore represents risk associated with borrowers defaulting, and the lender calling in the indemnified amount. There is however under both options effectively a premium generated that

reflects the risk taken by the Council and provides a buffer to mitigate for any losses. The key identified risks and controls are outlined in **Appendix C**.

13.2 The values in table 2 below represent the total loss the Council is exposed to in respect of assumptions on numbers defaulting and percentage falls in the value of subject homes. The values in table 2 are based on the following scenario (based on likely values at the Council's site at NORA)

No of properties for sale	29
Average Sales Value	£145,000
Total Sales Value	£4,205,000
20 % Indemnity	£841,000
Householder Equity (5%)	£210,250
*Premium Interest Rate on £1Million deposit over the 5 years (3%)	£150,000
Interest and Householder cover (sum of householder equity and premium interest rate as above)	£360,250 (8.57%)

\*Premium interest rate represents the rate over and above returns on current investment

**Table 2**

		Numbers defaulting (Maximum 29 units)			
<b>Drop In Market Value</b>					29 (100%)
Percentage	Value	1 (3%)	4 (14%)	15 (52%)	
5%	£7,250	0	0	0	0
10%	£14,500	0	0	0	£60,250
20%	£29,000	0	0	£176,250	£480,750
25%	£36,250	0	£109,000	£285,000	£691,000

## **14 Background Papers**

### **LAMS**

- 1) The accounting requirements for an un-funded indemnity with a premium.
- 2) The accounting requirements for the “cash backed” indemnity
- 3) Legislative framework that would give a Local Authority in England, Wales and Scotland the power to implement the Scheme. Outline of policy and commercial issues that a Local Authority should consider when deciding how to implement the Scheme.
- 4) Summary of the position in relation to State Aid
- 5) Risk Assessment - outlining the key risks and potential mitigating controls.
- 6) LAMS Annual Report 2011/12

	Strategic Risk	Key Risk	Risk Rating	Likelihood	Impact	Preventative Measures	Notes
							principles. This should be identified in the TMSS.
R1	Reputation	Poor publicity / bad press re use of public monies	Moderate	Low	Low	Press Officer to liaise closely with local press Promotion of benefits of the scheme, i.e. supporting the local housing market and local economy Good promotional material Joint working with partners and Estate Agents Press release / photo opportunity	Sector / participating mortgage lenders will support the promotional process.
R2		Repossession in the hands of the lender, therefore outside the Local Authority's area of responsibility	Moderate	Moderate	Low	Lender to inform Local Authority if and when an applicant is facing repossession. Local Authority may be able to support people to prevent repossession.	
R3		Poor publicity / bad press re possible repossession	Moderate	Moderate	High	Is the Local Authority support an issue? Early notice from lender to the Local Authority if action is due to be taken Local Authority to assess alternative options	
P1	Political	Lack of political support	Low	Low	High	Ensure political support from the outset Continued member briefing of progress on the scheme and value of guarantees offered	Sector will support this process
P2		Change of political priorities	Low	Moderate	Low	Future support for the scheme may be withdrawn, but existing support would remain until expiry	
O1	Operational	Adverse impact on existing staffing levels	Low	Low	Low	The Local Authority will have no input in the assessment / processing of mortgage applications	
O2		Housing market fully recovers and the scheme is no longer required	Moderate	Moderate	Low	The scheme will cease to exist Guarantees already granted – for 5 years + a further 2 years if the account is 90+ days in arrears - would remain in place.	Further analysis of local / regional housing issues to be added, i.e. local housing need, house prices, mortgage approvals etc. This information will determine the anticipated life of the scheme.

**Local Authority Mortgage Scheme**  
**Pre-Screening Equality Impact Assessment**

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



Question	Answer	Decision	Comments
1. Does this policy/service impact on internal/external customers differently <b>according to their different equality communities</b> , for example, because they have particular needs, experiences or priorities?	No	No - impact assessment not required	The scheme is earmarked for first time buyers who meet the financial eligibility criteria of the mortgage lenders participating in the scheme
2. Is there any reason to believe that staff or customers could be affected differently by the proposed policy/service <b>according to their equality community</b> , for example in terms of access to a service, or the ability to take advantage of proposed opportunities?	Yes	No - impact assessment not required	Those communities less likely to meet mortgage eligibility criteria could be less likely to take advantage of the scheme.
3. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the council, for example because it is seen as favouring a particular community or denying opportunities to another?	No	No - impact assessment not required	There are a variety of other housing options that the Council supports for certain equality communities
4. Could this policy/service be perceived as impacting on communities differently?	No	No - impact assessment not required	-
5. Is this policy/service rigidly constrained by statutory obligations?	No	No - impact assessment not required	-
6. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?	Yes	No - impact assessment not required	The scheme is designed to help first time buyers access affordable mortgages without the need for unrealistic deposits



<b>Assessment completed by:</b> <b>Name: Duncan Hall</b> <b>Job title: Housing and Health Manager, environmental Health and Housing</b>	<b>Date: 16 May 2012</b>
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# Appendix C LAMS Risk Assessment

Strategic Risk	Key Risk	Risk Rating	Likelihood	Impact	Preventative Measures	Notes
F1	Local Authority affordability	Moderate	Low	Moderate / High	Make adequate budget provision	For a cash backed guarantee it may be prudent that the interest earned on the deposit is set aside in a ring fenced reserve to be used to fund future potential liabilities in the event of default and the guarantee being called upon.
F2	Lending to sub prime applicants	Low	Low	Moderate	Use lender's existing credit criteria	
F3	Applicant affordability	Low	Low	Moderate	Lenders will ensure the mortgage is affordable	
F4	Costs incurred in the event of the guarantee being called	Low	Low	Low	The number of reposessions by first-charge mortgage lenders in 2010 was 0.3% of all mortgages (Source – CML website). For each £1m, there is potential for loss of £3,000 if each default leads to a 100% loss of the value of the guarantee. For 95% LTV mortgages this may be higher, perhaps 1 – 2%. The cash backed guarantee will attract a premium investment return in the region of 4.1%, i.e. each £1m allocated to the scheme will earn £41,000.	No specific stats available for first time buyers only. Figures could be refined further to cover local / regional areas. For this purpose, it is assumed the full value of the guarantee will be lost in the event of default.
F5	Counterparty Risk	Low	Low	High	Partnership with highly reputable financial institutions for deposits. Ensure compliance with the TMSS	The cash backed mortgage support should not be seen as a straight forward deposit with a financial institution. Participating Local Authorities may be required to provide a "financial advance" to the participating mortgage lender (to support mortgages in the local economy), so the requirements of the scheme would always be slightly different to the usual investment

## REPORT TO CABINET

<b>Open</b>		Would any decisions proposed :		
<b>Any especially affected Wards</b>	<b>Operational</b>	(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: <a href="mailto:cllr.nick.daubney@west-norfolk.gov.uk">cllr.nick.daubney@west-norfolk.gov.uk</a>		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Samantha Winter E-mail: <a href="mailto:sam.winter@west-norfolk.gov.uk">sam.winter@west-norfolk.gov.uk</a> Direct Dial:01553 616327		Other Officers consulted:		
Financial Implications NO	Policy/Personnel Implications NO	Statutory Implications (incl S.17) NO	Equalities Impact Assessment req'd NO	Risk Management Implications NO

**Date of meeting: 6 June 2012**

### **7 APPOINTMENTS TO OUTSIDE BODIES AND PARTNERSHIPS**

#### **Summary**

The report seeks nominations for Executive appointments to serve on outside bodies and partnerships requiring confirmation for 2012.

#### **Recommendation**

- 1) That the Cabinet appoints representatives to serve in an Executive capacity on the outside bodies and partnerships requiring appointment in 2012 in the Appendix attached.**
- 2) That the reporting arrangements be noted, as shown in section 3 of the report.**
- 3) To note that all other appointments to Outside Bodies will be made at the Council meeting on 21 June 2012.**

#### **Reason for decision**

To ensure continued involvement in the community by the Council.

### **1.0 BACKGROUND**

- 1.1 The Council is invited to nominate Councillor representatives to serve on a number of outside bodies and partnerships with which the Council has a range of types of relationships. The majority of appointments are made annually, although some appointments are for a longer period.

## **2.0 INSURANCE COVER FOR BOROUGH COUNCILLORS**

2.1 As part of a review which was undertaken in late 2009/early 2010, each of the outside bodies to which the Borough Council nominates representatives were contacted and asked to submit details of the liabilities for members. The coverage given by our insurance company for Members can be summarised as follows:

(A) where the officer or member is carrying out any function which is at the request of, with the approval of or for the purposes of, the Authority.

(B) where the officer or member is carrying out any function which is at the request of, with the approval of the Authority but acting in capacities other than as officers or members of the Authority.

(C) where the action or inaction complained of falls outside the powers of the Authority itself or outside the powers of the officer or member individually (*ultra vires*), provided the officer or member reasonably believed the matter was not outside those powers.

(D) where an officer or member makes a statement that certain steps have been taken or requirements fulfilled, but it later becomes clear that this is not the case. Again the officer or member indemnified must reasonably believe that the statement was true when it was made.

Outside the scope of the power to indemnify are the following circumstances:

- (1) criminal acts
- (2) any other intentional wrongdoing
- (3) fraud
- (4) recklessness
- (5) defamation (but not the defense of an accusation)

## **3.0 FEEDBACK FROM MEMBERS ON OUTSIDE BODIES**

3.1 Arrangements for reporting back by Members serving on Outside Bodies are approved every year at Council as follows:

3.1.1 Each of the relevant scrutiny panels should be able to request reports from Councillors serving on outside bodies which fall within their remit. By programming the reports over the Panel's annual timetable of meetings, it would be possible for members both to assess the usefulness of making appointments to bodies and be informed of any relevant matters.

3.2 Cabinet Members serving on outside bodies will report via their Cabinet Members' reports to Council.

3.3 All are welcome to use the Members' Bulletin to report on the work of any such organisation.

3.4 Some of the Internal Drainage Boards cover a number of wards and have significant budgets and responsibilities. As these often involve a number of Councillors as representatives, it is suggested that a Councillor be nominated by those on each Board to make an annual report in the Members' Bulletin on the items of interest dealt with by that Board during the course of the year.

#### **4.0 APPOINTMENT OF REPRESENTATIVES**

4.1 **Executive Roles** – The attached Appendix lists those bodies to which Cabinet is invited to appoint representatives this year (shaded). Appointments that fall within this category are corporate in nature and fall within the portfolio responsibilities of members of the Cabinet. Alternatively, a Cabinet Member may nominate a substitute from Borough Councillors indicating a willingness to serve on a particular body. For information, the Appendix also lists any additional representatives which will be appointed subsequently in the Scrutiny, Parish and General categories.

4.2 **Scrutiny and Regulatory Roles** - Nominations for representatives to serve on bodies that are pertinent are being sought from the appropriate scrutiny panels at their meetings in at the end of May 2012 and will be submitted for approval by Council on 21 June 2012.

4.3 **Parish Level Representation, Parished and Unparished Areas** - Local representatives may be appointed onto specific local bodies within or related to their ward. On occasions, a body may not specifically require the Council's representative to be a Borough Councillor, in which case a community representative may be nominated by Council. Appointments will be made at Council on 21 June 2012.

4.4 **General Appointments** - Appointments which are of general interest to the Borough as a whole will be made at Council on 21 June 2012.

#### **5.0 FINANCIAL IMPLICATIONS**

5.1 Mileage and subsistence allowances for Councillors attending meetings.

#### **6.0 ACCESS TO INFORMATION**

Current lists of Member representation, ACSes report on liabilities of Outside Bodies

Outside Bodies – Executive Appointments to be agreed at Cabinet – 6 June 2012

<b>Body</b>	<b>Representation</b>	<b>Names of Representatives</b>	<b>Term of Office</b>
Active Norfolk	1 EXEC (Appointed by Cabinet)	Nockolds	Annual
Arts Centre Trust	1 EXEC (Appointed by Cabinet)	Z Christopher	Annual
Borough Council/College of West Anglia Liaison Board	1 EXEC (Appointed by Cabinet) & 1 SCRUTINY (Nominated by REC)	Daubney (exec), Watson (R&E)	Annual
British Destinations	1 EXEC + 1 SUB (Appointed by Cabinet)	Watson, Pope (sub)	Annual
CNC Building Control Joint Committee	1 EXEC (Appointed by Cabinet)	Spikings	Annual
College of West Anglia Board – reappointment due on 31 <sup>st</sup> August 2012	1 EXEC (Appointed by Cabinet)	N Daubney	4 Years
Downham Market Leisure Centre Joint Management Cttee	1 EXEC (Appointed by Cabinet), 2 GENERAL (Appointed by Council)	D Pope (exec), Lovett, Mellish	Annual
Freebridge Community Housing – Corporate Shareholder AGM	1 EXEC (Appointed by Cabinet)	Lawrence	Annual
Gaywood Valley Project	1 EXEC (Appointed by Cabinet)	Long	Annual
Hunstanton Green Joint Management Committee	1 EXEC (Appointed by Cabinet) & 2 PARISH LEVEL (Appointed by Council)	Nockolds (exec), Watson, Beal	Annual

Hunstanton Regeneration Project Team	1 EXEC (Appointed by Cabinet) + 2/3 PARISH LEVEL (Appointed by Council)	Beales (exec), Watson, Beal	Annual
King's Lynn and West Norfolk Area Museums Committee	1 EXEC (Appointed by Cabinet), 3 SCRUTINY (Nominated by C&C), 1 GENERAL (Appointed by Council)	Nockolds (exec), Smeaton, Back, McGuinness (C&C), A Tyler	Annual
King's Lynn Festival Board	1 EXEC (Appointed by Cabinet)	Nockolds	Annual
King's Lynn Town Centre Partnership	1 EXEC + SUB (Appointed by Cabinet), 2 PARISH LEVEL (Appointed by Council)	Beales, Daubney (exec + sub), Langwade, Bambridge	Annual
King's Lynn Town Football Club	1 EXEC - currently non Council (Appointed by Cabinet)	Paul Bland	Annual
Local Government Association (including sub Groups)	1 EXEC + SUB (Appointed by Cabinet)	Leader and Deputy (sub) and appropriate Cabinet Member for sub groups	Annual
Norfolk Arts Forum Steering Committee	1 EXEC (Appointed by Cabinet)	Nockolds	Annual
Norfolk Coast Partnership Management Group	1 EXEC & 1 SUB (Appointed by Cabinet)	Long, Spikings (sub)	Annual
Norfolk County Playing Fields Association	1 EXEC (Appointed by Cabinet)	Nockolds	Annual
Norfolk Joint Museums and Archaeology Committee	1 EXEC (Appointed by Cabinet)	Nockolds	Annual
Norfolk Local Authority Tourism Group	1 EXEC (Appointed by Cabinet)	Pope	Annual
Norfolk Parking Partnership	1 EXEC (Appointed by Cabinet)	Nockolds (exec)	Annual

Joint Committee	Cabinet)		
Norfolk Rail Group	1 EXEC (Appointed by Cabinet)	Sampson	Annual
Norfolk Records Committee	1 EXEC (Appointed by Cabinet)	Nockolds	Annual
Norfolk Rural Community Council	1 EXEC (Appointed by Cabinet)	Long	3 Years
Norfolk Waste Partnership	1 EXEC (Appointed by Cabinet)	Long	Annual
North Lynn Discovery Centre Board	1 EXEC (Appointed by Cabinet)	Lawrence	Annual
Norwich and West Norfolk CAB	1 EXEC (Appointed by Cabinet), 2 GENERAL	Long (exec), Crofts, J Murphy (non-cncl)	No specific req
Relate: Norfolk and Suffolk	1 EXEC (appointed by Cabinet)	Lawrence	Annual
Second Generation of Shoreline Management Plans - Elected Members Forum	2 EXEC (Appointed by Cabinet - 1 for each sub cell) & 2 PARISH LEVEL (Appointed by Council)	Long (exec) - for both sub cells, Wright (wash), Sandell (north norfolk)	Annual
South Lynn Community Trust	1 EXEC (Cabinet)	D Pope	Annual
Thameslink Consortium	1 EXEC (Appointed by Cabinet)	Long	Annual
Vancouver Childrens Centre	1 EXEC (Appointed by Cabinet)	Bambridge	Annual
Wash and North Norfolk European SAC	1 EXEC (Appointed by Cabinet)	Long	Annual
West Norfolk Chamber of Commerce Council	1 EXEC (Appointed by Cabinet)	Daubney	Annual



West Norfolk Sports Council Management Committee	1 EXEC (Appointed by Cabinet)	Nockolds	Annual
West Norfolk Tourism Forum Executive Forum	2 EXEC (Appointed by Cabinet)	E Watson and 1 vacancy	Annual
West Norfolk Voluntary and Community Action	1 EXEC (Appointed by Cabinet)	Nockolds	Annual

## REPORT TO CABINET

<b>Open</b>		Would any decisions proposed :		
<b>Any especially affected Wards</b>	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 N Daubney E-mail: cllr.nick.daubney@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Sam Winter E-mail: sam.winter@west-norfolk.gov.uk Direct Dial: 01553 616327		Other Officers consulted:		
Financial Implications NO	Policy/Personnel Implications NO	Statutory Implications YES	EIA required NO	Risk Management Implications NO

Date of meeting: 6 June 2012

### **8 2012/13 APPOINTMENT OF MEMBERS TO SERVE ON CABINET TASK GROUPS AND COMMITTEES**

#### **Summary**

The report invites the Cabinet to agree to arrange for the appointment of Members to serve on the Cabinet Task Groups, and agree the membership of Joint Safety and Welfare Committee and Joint Employee Committee for 2012/13.

#### **Recommendation**

- 1) That Officers be instructed to seek membership of the Local Development Framework Task Group for 2012/13 as set out in the report.
- 2) That the current Membership for the Mart Task Group and the King's Lynn Representational Arrangements Task Group continue for the new Municipal Year.
- 3) That the Membership of the Joint Safety and Welfare Committee and Joint Employee Committee for 2012/13 be agreed.

#### **Reason for Decision**

To allow the business of the Council to continue into 2012/13

### **TASK GROUP MEMBERSHIP RENEWALS**

#### **i) Local Development Framework Task Group**

The work of the Local Development Task Group is ongoing. It is therefore suggested that Officers be requested to contact Group Leaders and ask for confirmation of their nominees for the year.

The membership of the LDF Task Group, for 2011/12(9 Members - 6 Con, 2 Lab, 1 Ind/Gr or Lib Dem) was: Cllr Mrs V Spikings (C)(Chairman), D J Collis (L), C Crofts (C), P Foster(C), R Groom(C), J Loveless (LD), J Moriarty (L), M Peake(C), Mrs E Watson(C).

**ii) King's Lynn Mart Task Group**

The above Task Group was set up at the 29 March 2012 Council Meeting with Membership having been very recently appointed. Cabinet is invited to confirm the existing membership for the new Municipal Year as follows:

Councillor Mrs E Nockolds (Chairman) (C), C Manning (C), Miss L Bambridge (C), B Long (C), M Langwade (C), T Manley (C), M Back (L), S Collop (L), M Tilbury (I), A Bubb (LD) (10 Members – 6, 2, 1, 1)

**iii) King's Lynn Representational Arrangements Task Group**

The above Task Group was set up at the 7 February 2012 Cabinet Meeting with Membership having been very recently appointed. Cabinet is invited to confirm the existing membership for the new Municipal Year as follows:

Miss L Bambridge (C), Mrs Z Christopher (C), Mrs S Collop (L), P Foster (C), Lord Howard (C), B Long (C), J Loveless (LD), L Scott (L) and M Shorting (C). (9 Members 6,2,1)

**iv) Joint Safety and Welfare Committee**

The Cabinet representatives on the Joint Safety and Welfare Committee for 2011/12 were: Councillors N Daubney, B Long and D Tyler. Cabinet is invited to agree its representation for 2012/13.

**v) Joint Employee Committee**

The Cabinet representatives on the Joint Employee Committee for 2011/12 were: Councillors N Daubney, M Chenery of Horsbrugh, M Langwade, B Long and M Pitcher. Cabinet is invited to agree its representation for 2012/13.

**4 POLICY IMPLICATIONS**

None

**5 FINANCIAL IMPLICATIONS**

None

**6 STATUTORY CONSIDERATION**

It is a statutory requirement to have a Joint Safety Committee.

**7 RISK ASSESSMENT**

None

**8 ACCESS TO INFORMATION**

Previous reports and Minutes