

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



CABINET

Agenda

**TUESDAY, 5 MARCH 2013
at 5.30pm**

in the

**Committee Suite
King's Court
Chapel Street
King's Lynn
PE30 1EX**



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



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CABINET AGENDA

DATE: CABINET – TUESDAY, 5 MARCH 2013

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

TIME: 5.30 pm

This agenda gives notice of an item to be considered in private as required by Regulations 5 (4) and (5) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

1. MINUTES

To approve the Minutes of the Meeting held on 8 January 2013.

2. APOLOGIES

To receive apologies for absence.

3. URGENT BUSINESS

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

4. DECLARATION OF INTEREST

Please indicate if there are any interests which should be declared. A declaration of an interest should indicate the nature of the interest (if not already declared on the Register of Interests) and the agenda item to which it relates. If a

disclosable pecuniary interest is declared, the member should withdraw from the room whilst the matter is discussed.

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

5. CHAIRMAN'S CORRESPONDENCE

To receive any Chairman's correspondence.

6. MEMBERS PRESENT PURSUANT TO STANDING ORDER 34

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

7. CALLED IN MATTERS

To report on any Cabinet decisions called in.

8. FORWARD DECISIONS LIST

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

9. MATTERS REFERRED TO CABINET FROM OTHER COUNCIL BODIES

To receive any comments and recommendations from other Council bodies 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 – 26 February 2013
- Regeneration, Community and Environment Panel – 27 February 2013

10. REPORTS

i) Treasury Management Strategy (page 10)

The Council is required to receive and approve a Treasury Management Strategy Statement, Minimum Revenue Provision Policy Statement and Annual Investment Strategy which covers –

- Capital plans, including prudential indicators
- A Minimum Revenue Provision (MRP) Policy
- The Treasury Management Strategy
- An Investment Strategy

This report covers the requirements of the Local Government Act 2003, the Chartered Institute of Public Finance Accountants (CIPFA) Prudential Code, the Department of Communities and Local Government (DCLG) MRP Guidance, the CIPFA Treasury Management Code and the DCLG Investment Guidance.

This report looks at the period 2013/2016 which fits with the Council's Financial Plan and capital programme. The report is based upon the Treasury officers' views on interest rates, supplemented with leading market forecasts provided by the Council's treasury advisor, Sector Treasury Services Ltd.

ii) Annual Pay Policy Statement (Page 41)

Section 38 of the Localism Act 2011 requires English and Welsh local authorities to produce an annual pay policy statement.

The report summarises the Borough Council's relevant policies relating to levels and elements of remuneration for Chief Officers and includes the relationship between the remuneration of Chief Officers and other officers as recommended within the Hutton report. This report does not change any policies relating to remuneration.

iii) Affordable Housing Investment (page 48)

This report details a new approach to affordable housing investment and details one specific opportunity to trial an approach with Freebridge Community Housing. This proposal follows a report to Cabinet on 6th December 2011 where it was agreed that further work would be undertaken on exploring new approaches to affordable housing investment. The proposal represents a shift towards a 'something for something' approach to affordable housing investment and a move away from direct subsidy. Whilst recognising the need for new approaches it is important that the Councils exposure to risk and liability is limited. It is therefore proposed that the new area discussed in this report is carried out on a trial basis.

iv) Holiday/Touring/Residential Caravan Sites – Licensing Procedures and Standard Conditions (Page 52)

The Council (through the Environmental Health and Housing Department) is responsible for the licensing and regulation of caravan sites within the Borough. Housing Standards have regulatory responsibility for residential

sites and Licensing that of holiday sites. Operational procedures and revised site licence conditions are recommended for adoption by the Council. The proposals reflect new statutory government guidance and look to bring the Council's practices in line with current government policy. Two options are provided regarding the implementation of the residential site licence conditions.

v) Clarification on the Policy on Unreasonably Persistent Complaints (page 94)

In May 2007 the Council adopted a policy for dealing with unreasonably persistent complainants. The report sets out some minor additional wording to clarify where senior officers will cease responding to those complainants after every avenue of complaint has been considered and exhausted.

vi) Amendments to the Scheme of Delegation (page 100)

The report recommends an updated scheme of delegation for approval. The Scheme has been amended to take account of the changes in the Executive Director responsibilities following the Departure of the Executive Director Health and Housing at the end of March.

EXCLUSION OF PUBLIC

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

PRIVATE ITEMS

Details of any representations received by the Executive about why the following report should be considered in public will be reported.

vii) Leisure Service Provision (page 134)

The report considers the financial case for the introduction of a Charitable Company and Local Authority Company (LAC) to operate the Council Leisure Services.

To: Members of the Cabinet

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

Cabinet Scrutiny Committee

For further information, please contact:

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FORWARD DECISIONS LIST

Date of meeting	Report title	Description of report	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
5 March 2013	Local Authority Leisure Trust – Project Plan and Follow Up report	Update on discussions re Leisure Trust	Key	Cabinet	Leader/ Assets Chief Executive	Previous published reports	Private Contains exempt information under para 1- information relating to any individual
	Holiday Caravan Sites/Touring Caravan Sites/Residential Caravan Sites – Licensing Procedures & Standard Conditions	Review of the Policies and procedures	Non	Council	Community Exec Dir Environmental Health & Housing	Published legislation and Guidance	Public
	Amendments to the Scheme of Delegation	Amendments to the scheme following the retirement of the Exec Director Health and Housing	Non	Council	Leader Chief Executive	Previous Scheme	Public
	Treasury Management Strategy	Update to the strategy	Key	Council	Leader Deputy Chief Executive	Published reports	Public
	Annual Pay Policy Statement	Statement as required	Non	Council	Leader Exec Dir Central Services	Legislation	Public
	Clarification on the Policy on Unreasonably Persistent Complainants	Clarification on dealing with such complaints	Non	Cabinet	Chief Executive Leader	Policy in place May 2007	Public
	Affordable Housing Investment (Freebridge Community Housing Capital Investment)	New approach to affordable housing investment and	Non	Cabinet	Community Exec Dir Environmental Health & Housing	Cabinet Report - 6 th December 2011	Public

		details of one specific trial with Freebridge Community Housing					
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Date of meeting	Report title	Description of report	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
9 April 2013	Materials Recycling Facility (MURF) Contract	Report on the outcome of the of the MURF contract negotiations	Key	Cabinet	Dep Leader Exec Dir Leisure and Public Space		Private - Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority) a third
	Tuesday Market Place Scheme	Final Costings and scheme for consideration	Key	Cabinet	Regeneration & Health and Wellbeing Exec Dir Leisure and Public Space	Consultation events results	Public
	Crematorium Contract Update	Update to the tender process for the works to the crematorium	Non	Cabinet	Deputy Leader Exec Dir C Bamfield	Specification.	Public
	Notice of Motion 2/12 Cllr A Tyler -	This Council calls on the Cabinet to investigate the opportunities that exist for this Council to revert to a committee system. This	Non	Council	Chief Executive Leader		Public

		Council further calls on the Cabinet to report back on its findings to this Council					
	Community Governance – Numbers of Parish Councillors	Report to give consideration to the request from Pentney Parish Council	Non	Cabinet	Leader Exec Dir Central Services	Request from parish council	Public
	Social Housing Allocation Policy Review	Review of policy	Key	Council	Community Chief Executive		Public
	Asset Management – Commercial Portfolio	Report to consider a variation to Scheme of Delegation in respect of a Lease variation request.	Non	Cabinet	Regeneration Deputy Chief Executive	Cabinet Report – January 2009	Private Contains exempt information under para 1, 2 and 3 – information relating to any individual, reveal the identity of an information and financial affairs of any person.
	Tenant Finder Scheme		Non	Cabinet	Community Chief Executive		Public
	Community Assets Register	Report setting out proposed arrangements for the Register	Non	Cabinet	Community Exec Dir – Central Services		Public
	Staffing – Housing Services		Non	Cabinet	Community Chief Executive		Public
	Request to loan Council Artefact	Request from UEA to display	Non	Council	Health and Wellbeing	Request to loan	Public

		Council Artefact					
	Works to Hunstanton promenade and Sea Wall	Report to set out programme of minor works to promenade	Non	Council	Environment		Public
	Landlord Accreditation Scheme		Non	Cabinet	Community Chief Executive		Public

REPORT TO CABINET

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

Date of meeting: 5 March 2013

1 TREASURY MANAGEMENT STRATEGY STATEMENT, MINIMUM REVENUE PROVISION POLICY STATEMENT AND ANNUAL INVESTMENT STRATEGY 2013/2014

Summary

The Council is required to receive and approve a Treasury Management Strategy Statement, Minimum Revenue Provision Policy Statement and Annual Investment Strategy which covers –

- Capital plans, including prudential indicators
- A Minimum Revenue Provision (MRP) Policy
- The Treasury Management Strategy
- An Investment Strategy

This report covers the requirements of the Local Government Act 2003, the Chartered Institute of Public Finance Accountants (CIPFA) Prudential Code, the Department of Communities and Local Government (DCLG) MRP Guidance, the CIPFA Treasury Management Code and the DCLG Investment Guidance.

This report looks at the period 2013/2016 which fits with the Council's Financial Plan and capital programme. The report is based upon the Treasury officers' views on interest rates, supplemented with leading market forecasts provided by the Council's treasury advisor, Sector Treasury Services Ltd.

Recommendations

Cabinet is asked to recommend to Council:

- 1 The Treasury Management Strategy Statement 2013/2014, including treasury indicators for 2013/2016.**
- 2 The Investment Strategy 2013/2014.**
- 3 The Minimum Revenue Provision Policy 2013/2014.**
- 4 Adopt the revised Treasury Management Practices (TMPs).**

Reason for the Decision

The Council must produce a Treasury Management Strategy Statement, Minimum Revenue Provision Policy Statement and Annual Investment Strategy 2013/2014 by 31 March 2013.

1. Background

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

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

2. Reporting Requirements

- 2.1 The Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management (revised November 2009) was adopted by this Council in March 2010.

The primary requirements of the Code are as follows:

1. Creation and maintenance of a Treasury Management Policy Statement which sets out the policies and objectives of the Council's treasury management activities.
2. Creation and maintenance of Treasury Management Practices (TMPs) which set out the manner in which the Council will seek to achieve those policies and objectives.
3. Receipt by the full Council of:
 - a. **An annual Treasury Management Strategy Statement - including the Annual Investment Strategy and Minimum Revenue Provision Policy - for the year ahead. This report covers**
 - the capital plans (including prudential indicators);
 - a Minimum Revenue Provision Policy (how residual capital expenditure is charged to revenue over time);
 - the Treasury Management Strategy (how the investments and borrowings are to be organised) including treasury indicators;
 - an investment strategy (the parameters on how investments are to be managed).
 - b. A Mid-year Review Report - This will update members with the progress of the capital position, amending prudential indicators as necessary, and whether the treasury strategy is meeting the strategy or whether any policies require revision.
 - c. An Annual Report - This provides details of a selection of actual prudential and treasury indicators and actual treasury operations compared to the estimates within the strategy.
4. Delegation by the Council of responsibilities for implementing and monitoring treasury management policies and practices and for the execution and administration of treasury management decisions. For this Council the delegated officer is the Deputy Chief Executive/Executive Director of Finance and Resources.
5. Delegation by the Council of the role of scrutiny of treasury management strategy and policies to a specific named body. For this Council the delegated body is the Resources and Performance Panel.

2.2 Training

The CIPFA code requires the responsible officer to ensure that members with responsibility for treasury management receive adequate training in Treasury Management. This especially applies to members responsible for scrutiny. Training has been undertaken by members, although the number of members attending was low. Further training will be arranged as required.

2.3 Treasury Management Consultants

The Council uses Sector as its external treasury management advisors.

The Council recognises that responsibility for treasury management decisions remains within the organisation at all times and will ensure that undue reliance is not placed upon our external service providers.

The Council also recognises that there is value in employing external providers of treasury management services in order to acquire access to specialist skills and resources. The Council will ensure that the terms of their appointment and the methods by which their value will be assessed are properly agreed and documented, and subjected to regular review.

2.4 The Treasury Management Strategy Statement for 2013/2014 covers two main areas:

Capital Issues

- the capital plans and the prudential indicators;
- the MRP strategy.

Treasury management Issues

- the current treasury position;
- treasury indicators which will limit the treasury risk and activities of Council;
- prospects for interest rates;
- the borrowing strategy;
- policy on borrowing in advance of need;
- debt rescheduling;
- the investment strategy;
- creditworthiness policy; and
- policy on use of external service providers.

These elements cover the requirements of the Local Government Act 2003, the CIPFA Prudential Code, the DCLG MRP Guidance, the CIPFA Treasury Management Code and the DCLG Investment Guidance.

3. The Capital Prudential Indicators 2013/14 – 2015/16

- 3.1 The Council's capital expenditure plans are one of the key drivers of treasury management activity. The output of the capital expenditure plans are reflected in prudential indicators, which are designed to assist members overview and confirm capital expenditure plans.

Capital Expenditure. This prudential Indicator is a summary of the Council's capital expenditure plans approved at Council on 8 January 2013:

	Revised Budget 2012/2013 £000s	Revised Budget 2013/2014 £000s	Revised Budget 2014/2015 £000s	Revised Budget 2015/2016 £000s
Community & Democracy	1,608	1,070	1,108	1,043
Environmental Improvement & Protection	1,203	223	88	97
Housing General Fund	2,203	1,401	1,301	1,331
Performance & Resources	682	500	230	220
Regeneration	2,274	2,793	800	185
Safer & Healthy Communities	63	1,140	1,300	0
Total	8,033	7,127	4,827	2,876

The above financing need excludes other long term liabilities, such as leasing arrangements which already include borrowing instruments.

The table below summarises the above capital expenditure plans and how these plans are being financed by capital or revenue resources. Any shortfall of resources results in a funding need (borrowing).

	Revised Budget 2012/2013 £000s	Revised Budget 2013/2014 £000s	Revised Budget 2014/2015 £000s	Revised Budget 2015/2016 £000s
Capital Expenditure	8,033	7,127	4,827	2,876
Financed by:				
Capital receipts	2,556	3,479	1,245	2,350
Capital grants	754	577	577	577
Capital reserves	2,957	1,304	1,729	(856)
Revenue	693	840	276	805
Net financing need for the year	1073	927	1,000	0

- 3.2 The Council's Borrowing Need (the Capital Financing Requirement)

The second prudential indicator is the Council's Capital Financing Requirement (CFR). The CFR is simply the total historic outstanding capital expenditure which has not yet been paid for from either revenue or capital resources. It is essentially a measure of the Council's underlying borrowing need. Any capital

expenditure above, which has not immediately been paid for, will increase the CFR.

Following accounting changes the CFR now includes any other long term liabilities (e.g. PFI -private finance Initiatives schemes, finance leases) brought onto the balance sheet. Whilst this increases the CFR, and therefore the Council's borrowing requirement, these types of scheme include a borrowing facility and so the Council is not required to separately borrow for these schemes. The Council currently has £165,000 of finance leases within the CFR.

The Council is asked to approve the CFR projections below:

	2012/13 Estimate £000s	2013/14 Estimate £000s	2014/15 Estimate £000s	2015/16 Estimate £000s
Total CFR	11,866	12,397	12,928	12,979
Net financing need for the year (above)	1,684	1,538	1246	775
Less MRP and other financing movements	(1,153)	(1,007)	(1,195)	(1,276)
Movement in CFR	531	531	51	501
Closing CFR	12,397	12,928	12,979	12,478

Note the MRP includes finance lease annual principal payments

3.3 MRP Policy Statement – (Minimum Revenue Provision)

The Council is required to pay off an element of the accumulated General Fund capital spend each year (the CFR) through a revenue charge (the minimum revenue provision - MRP), although it is also allowed to undertake additional voluntary payments if required (voluntary revenue provision - VRP).

DCLG Regulations have been issued which require the full Council to approve **an MRP Statement** in advance of each year. A variety of options are provided to councils, so long as there is a prudent provision. The Council is recommended to approve the following MRP Statement:

For capital expenditure incurred before 1 April 2008 or which in the future will be Supported Capital Expenditure, the MRP policy will be:

- **Existing practice** - MRP will follow the existing practice outlined in former DCLG regulations (option 1); which provides for an approximate 4% reduction in the borrowing need (CFR) each year.

From 1 April 2008 for all unsupported borrowing (including PFI and finance leases) the MRP policy will be:

- **Asset Life Method** – MRP will be based on the estimated life of the assets, in accordance with the proposed regulations (this option must be applied for any expenditure capitalised under a Capitalisation Direction)

(option 3) which provides for a reduction in the borrowing need over approximately the asset's life.

Local Authority Mortgage Scheme (LAMS) –The Council is to support lending to first time buyers and add a stimulus to the local housing market. One option is LAMS and a report was approved by Cabinet on 6 June 2012. The Council will participate in LAMS using the cash backed option, the mortgage lenders will require a 5 year deposit from the local authority to match the 5 year life of the indemnity. The deposit placed with the mortgage lender provides an integral part of the mortgage lending, and is treated as capital expenditure and a loan to a third party. The Capital Financing Requirement (CFR) will increase by the amount of the total indemnity. The deposit is due to be returned in full at maturity, with interest paid either annually or on maturity. Once the deposit matures and funds are returned to the local authority, the returned funds are classed as a capital receipt, and the CFR will reduce accordingly. As this is a temporary (5 year) arrangement and the funds will be returned in full, there is no need to set aside prudent provision to repay the debt liability in the interim period, so there is no MRP application.

However, the Council is currently working with Sector to find a bank which will provide mortgages on new properties and this is proving difficult to secure. Therefore, no arrangement is currently in force.

3.4 The Use of the Council's Resources and the Investment Position

The application of resources (capital receipts, reserves etc.) to either finance capital expenditure or other budget decisions to support the revenue budget will have an ongoing impact on investments unless resources are supplemented each year from new sources (asset sales etc.). Detailed below are estimates of the year end balances for each resource and anticipated day to day cash flow balances.

Year End Resources	2012/13 Estimate £000s	2013/14 Estimate £000s	2014/15 Estimate £000s	2015/16 Estimate £000s
Fund balances / reserves	14,980	14,631	13,200	11,246
Capital receipts	1,306	185	227	486
Unapplied Grants	1,019	1,019	1,019	1,019
Other	339	339	339	339
Total core funds	17,644	16,174	14,785	13,090
Working capital*	5,800	5,800	5,800	5,800
Expected investments	23,444	21,974	20,585	18,890

*Working capital consists of debtors/creditors/stock and capital grants received in advance. Working capital balances shown are as at the latest balance sheet date 31st March 2012; these may be higher mid year and change at subsequent balance sheet dates.

3.5 Affordability Prudential Indicators

The previous sections cover the overall capital and control of borrowing prudential indicators, but within this framework prudential indicators are required to assess the affordability of the capital investment plans. These provide an indication of the impact of the capital investment plans on the Council's overall finances. The Council is asked to approve the following indicators:

Actual and estimates of the ratio of financing costs to net revenue stream. This indicator identifies the trend in the cost of capital (borrowing and other long term obligation costs net of investment income) against the net revenue stream.

%	2012/13 Estimate	2013/14 Estimate	2014/15 Estimate	2015/16 Estimate
General Fund	4.10	4.04	4.24	3.45

The estimates of financing costs include current commitments and the proposals in this budget report.

3.6 Estimates of the incremental impact of capital investment decisions on council tax

This indicator identifies the revenue costs associated with proposed changes to the three year capital programme recommended in this budget report compared to the Council's existing approved commitments and current plans. The assumptions are based on the budget, but will invariably include some estimates, such as the level of Government support, which are not published over a three year period.

Incremental impact of capital investment decisions on the band D council tax

£	2012/13 Estimate	2013/14 Estimate	2014/15 Estimate	2015/16 Estimate
Council tax - band D	0.35	*4.2	0.04	(0.41)

*incremental impact due to change of calculation of Council Tax Base

4. Treasury Management Strategy

The capital expenditure plans set out in Section 3 provide details of the service activity of the Council. The treasury management function ensures that the Council's cash is organised in accordance with the the relevant professional codes, so that sufficient cash is available to meet this service activity. This will involve both the organisation of the cash flow and, where capital plans require, the organisation of appropriate borrowing facilities. The strategy covers the relevant treasury / prudential indicators, the current and projected debt positions and the annual investment strategy.

4.1 Current Portfolio Position

The Council's treasury portfolio position at 31 March 2012, with forward projections are summarised below. The table shows the actual external debt (the treasury management operations), against the underlying capital borrowing need (the Capital Financing Requirement - CFR), highlighting any over or under borrowing.

	2012/13 Estimate £000s	2013/14 Estimate £000s	2014/15 Estimate £000s	2015/16 Estimate £000s
External Debt				
Debt at 1 April	17,620	17,420	18,220	19,020
Expected change in Debt	(200)	800	800	(200)
Actual debt at 31 March	17,420	18,220	19,020	18,820
The Capital Financing Requirement				
	12,397	12,928	12,979	12,478
Under / (over) borrowing	(5,023)	(5,292)	(6,041)	(6,342)
Total Investments 31 March	25,700	24,000	22,500	22,500
Net Debt (Actual Debt 31st March minus investments)	(8,280)	(5,780)	(3,480)	(3,680)

Within the prudential indicators there are a number of key indicators to ensure that the Council operates its activities within well defined limits. One of these is that the Council needs to ensure that its total debt, net of any investments, does not, except in the short term, exceed the total of the CFR in the preceding year plus the estimates of any additional CFR for 2013/14 and the following two financial years (shown as net borrowing above). This allows some flexibility for limited early borrowing for future years, but ensures that borrowing is not undertaken for revenue purposes. The Deputy Chief Executive ensured that the Council complied with this prudential indicator in the current year and does not envisage difficulties for the future. This view takes into account current commitments, existing plans, and the proposals in this budget report.

4.2 Treasury Indicators: Limits to Borrowing Activity

The Operational Boundary. This is the limit beyond which external debt is not normally expected to exceed. In most cases, this would be a similar figure to the CFR, but may be lower or higher depending on the levels of actual debt.

Operational boundary	2012/13 Estimate £000's	2013/14 Estimate £000's	2014/15 Estimate £000's	2015/16 Estimate £000's
Debt	20,000	20,000	20,000	20,000

The Authorised Limit for external debt. A further key prudential indicator represents a control on the maximum level of borrowing. This represents a

limit beyond which external debt is prohibited, and this limit needs to be set or revised by the full Council. It reflects the level of external debt which, while not desired, could be afforded in the short term, but is not sustainable in the longer term. The Authorised Limit allows for any potential overdraft position.

- This is the statutory limit determined under section 3 (1) of the Local Government Act 2003. The Government retains an option to control either the total of all councils' plans, or those of a specific council, although this power has not yet been exercised.
- The Council is asked to approve the following Authorised Limit:

Authorised limit	2012/13 Estimate £000's	2013/14 Estimate £000's	2014/15 Estimate £000's	2015/16 Estimate £000's
Debt	25,000	30,000	30,000	25,000

In years 2013/14 and 2014/15, the Authorised limit has been increased to take account of possible borrowing which might be required in relation to the joint venture project (houses which are to be built on the Nora Site). The cashflow forecast for the project recognises that the amount of borrowing will be dependant upon how quickly the houses will sell. If the houses do not sell as forecast, additional short term borrowing will be required to fund the project.

4.3 Current Treasury Position – January 2013

Before looking at future borrowing and investment strategies it is worth noting the Council's current treasury portfolio (31 January 2013):

		Principal £'000	Average Rate %
Fixed Rate Funding	- PWLB	1,400	2.92
	- Market Loans	10,000	3.81
Variable Rate Funding	- Market Loans	20	0.00
Total Debt		11,420	3.70
Total Investments		28,250	1.41

The current low level of debt follows from the effect of the current spending on the capital programme.

4.4 Prospects for Interest Rates

The Council has appointed Sector as its treasury advisor and part of their service is to assist the Council to formulate a view on interest rates. Appendix 1 draws together a number of current City forecasts for short term (Bank Rate)

and longer fixed interest rates. The following table gives the Sector central view.

Annual Average %	Bank Rate	PWLB Borrowing Rates (including certainty rate adjustment)		
		5 year	25 year	50 year
Dec 2012	0.50	1.50	3.70	3.90
March 2013	0.50	1.50	3.80	4.00
June 2013	0.50	1.50	3.80	4.00
Sept 2013	0.50	1.60	3.80	4.00
Dec 2013	0.50	1.60	3.80	4.00
March 2014	0.50	1.70	3.90	4.10
June 2014	0.50	1.70	3.90	4.10
Sept 2014	0.50	1.80	4.00	4.20
Dec 2014	0.50	2.00	4.10	4.30
March 2015	0.75	2.20	4.30	4.50
June 2015	1.00	2.30	4.40	4.60
Sept 2015	1.25	2.50	4.60	4.80
Dec 2015	1.50	2.70	4.80	5.00
March 2016	1.75	2.90	5.00	5.20

4.5 The economic recovery in the UK since 2008 has been the worst and slowest recovery in recent history, although the economy returned to positive growth in the third quarter of 2012. Growth prospects are weak and consumer spending, the usual driving force of recovery, is likely to remain under pressure due to consumers focusing on repayment of personal debt, inflation eroding disposable income, general malaise about the economy and employment fears.

The primary drivers of the UK economy are likely to remain external. 40% of UK exports go to the Eurozone so the difficulties in this area are likely to continue to hinder UK growth. The US, the main world economy, faces similar debt problems to the UK, but urgently needs to resolve the fiscal cliff now that the Presidential elections are out of the way. The resulting US fiscal tightening and continuing Eurozone problems will depress UK growth and is likely to see the UK deficit reduction plans slip.

4.6 This challenging and uncertain economic outlook has several key treasury management implications:

- The Eurozone sovereign debt difficulties provide a clear indication of high counterparty risk. This continues to suggest the use of higher quality counterparties for shorter time periods;

- Investment returns are likely to remain relatively low during 2013/14 and beyond;
- Borrowing interest rates continue to be attractive and may remain relatively low for some time. The timing of any borrowing will need to be monitored carefully;
- There will remain a cost of carry – any borrowing undertaken that results in an increase in investments will incur a revenue loss between borrowing costs and investment returns.

5. **Borrowing Strategy 2013/2016**

The Council is currently maintaining an under-borrowed position. This means that the capital borrowing need (the Capital Financing Requirement), has not been fully funded with loan debt as cash supporting the Council's reserves, balances and cash flow has been used as a temporary measure. This strategy is prudent as investment returns are low and counterparty risk is relatively high.

Against this background and the risks within the economic forecast, caution will be adopted with the 2013/14 treasury operations. The Council officers will monitor interest rates in financial markets and adopt a pragmatic approach to changing circumstances:

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

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

- The cheapest borrowing will be internal borrowing by running down cash balances and foregoing interest earned at historically low rates. However, in view of the overall forecast for long term borrowing rates to increase over the next few years, consideration will also be given to weighing the short term advantage of internal borrowing against potential long term costs if the opportunity is missed for taking loans at long term rates which will be higher in future years
- Temporary borrowing from the money markets or other local authorities
- PWLB (Public Works Loan Board) variable rate loans for up to 10 years
- Short dated borrowing from non PWLB below sources
- Long term fixed rate market loans at rates significantly below PWLB rates for the equivalent maturity period (where available) and to maintaining an appropriate balance between PWLB and market debt in the debt portfolio.
- PWLB borrowing for periods under 10 years where rates are expected to be significantly lower than rates for longer periods. This offers a range of options for new borrowing which will spread debt maturities away from a concentration in longer dated debt.

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

5.1 Treasury Management Limits on Activity

There are three debt related treasury activity limits. The purpose of these are to restrain the activity of the treasury function within certain limits, thereby managing risk and reducing the impact of any adverse movement in interest rates. However, if these are set to be too restrictive they will impair the opportunities to reduce costs / improve performance. The indicators are:

- Upper limits on variable interest rate exposure. This identifies a maximum limit for variable interest rates based upon the debt position net of investments.
- Upper limits on fixed interest rate exposure. This is similar to the previous indicator and covers a maximum limit on fixed interest rates;
- Maturity structure of borrowing. These gross limits are set to reduce the Council's exposure to large fixed rate sums falling due for refinancing, and are required for upper and lower limits.

The Council is asked to approve the following treasury indicators and limits:

	2013/14 £000's	2014/15 £000's	2015/16 £000's
Interest rate Exposures			
	Upper	Upper	Upper
Limits on fixed interest rates based on net debt	30,000	30,000	30,000
Limits on variable interest rates based on net debt	20,000	20,000	20,000

Maturity Structure of fixed interest rate borrowing 2012/13		
	Lower	Upper
Under 12 months	0%	100%
12 months to 2 years	0%	100%
2 years to 5 years	0%	100%
5 years to 10 years	0%	100%
10 years and above	0%	100%

5.2 Policy on Borrowing in Advance of Need

The Council will not borrow more, than or in advance of its needs, purely in order to profit from the investment of the extra sums borrowed. Any decision to borrow in advance will be within forward approved Capital Financing Requirement estimates, and will be considered carefully to ensure that value for money can be demonstrated and that the Council can ensure the security of such funds.

Risks associated with any borrowing in advance activity will be subject to prior appraisal and subsequent reporting through the mid-year or annual reporting mechanism.

5.3 Debt Rescheduling

The Deputy Chief Executive/Executive Director, Finance and Resources will continue to monitor the situation and take advantage of market conditions if they exist to produce revenue savings.

As short term borrowing rates will be considerably cheaper than longer term fixed interest rates, there may be potential opportunities to generate savings by switching from long term debt to short term debt. However, these savings will need to be considered in the light of the current treasury position and the size of the cost of debt repayment (premiums incurred).

The reasons for any rescheduling to take place will include:

- the generation of cash savings and / or discounted cash flow savings;
- helping to fulfil the treasury strategy;
- enhance the balance of the portfolio (amend the maturity profile and/or the balance of volatility).

All rescheduling will be reported to the Cabinet at the earliest meeting following its action.

6. **Annual Investment Strategy**

Investment Policy

The Council's investment policy has regard to the CLG's (Communities and Local Government) Guidance on Local Government Investments ("the Guidance") and the 2011 revised CIPFA Treasury Management in Public Services Code of Practice and Cross Sectoral Guidance Notes ("the CIPFA TM Code"). The Council's investment priorities will be security first, liquidity second, then return.

In accordance with guidance from the CLG and CIPFA, and in order to minimise the risk to investments, the Council has below clearly stipulated the minimum acceptable credit quality of counterparties for inclusion on the lending list. The creditworthiness methodology used to create the counterparty list fully accounts for the ratings, watches and outlooks published by all three ratings agencies with a full understanding of what these reflect in the eyes of each agency. Using the Sector ratings service banks' ratings are monitored on a real time basis with knowledge of any changes notified electronically as the agencies notify modifications.

Further, the Council's officers recognise that ratings should not be the sole determinant of the quality of an institution and that it is important to continually assess and monitor the financial sector on both a micro and macro basis and in relation to the economic and political environments in which institutions operate. The assessment will also take account of information that reflects the opinion of the markets. To this end the Council will engage with its advisors to maintain a monitor on market pricing such as "Credit Default Swaps" and overlay that information on top of the credit ratings. This is fully integrated into the credit methodology provided by the advisors, Sector in producing its colour codings which show the varying degrees of creditworthiness.

Other information sources used will include the financial press, share price and other such information pertaining to the banking sector in order to establish the most robust scrutiny process on the suitability of potential investment counterparties.

The aim of the strategy is to generate a list of highly creditworthy counterparties which will also enable diversification and thus avoidance of concentration risk.

The intention of the strategy is to provide security of investment and minimisation of risk.

Investment instruments identified for use in the financial year are listed in appendix 3 under the 'Specified' and 'Non-Specified' Investments categories. Counterparty limits will be as set through the Council's Treasury Management Practices – Schedules.

6.1 Creditworthiness policy

This Council applies the creditworthiness service provided by Sector. This service employs a sophisticated modelling approach utilising credit ratings from the three main credit rating agencies - Fitch, Moodys and Standard and Poors. The credit ratings of counterparties are supplemented with the following overlays:

- credit watches and credit outlooks from credit rating agencies;
- CDS (credit default swaps) spreads to give early warning of likely changes in credit ratings;
- sovereign ratings to select counterparties from only the most creditworthy countries.

This modelling approach combines credit ratings, credit watches and credit outlooks in a weighted scoring system which is then combined with an overlay of CDS spreads for which the end product is a series of colour coded bands which indicate the relative creditworthiness of counterparties. These colour codes are used by the Council to determine the duration for investments. The Council will therefore use counterparties within the following durational bands:

- Yellow 5 years
- Purple 2 years
- Blue 1 year (only applies to nationalised or semi nationalised UK Banks)
- Orange 1 year
- Red 6 months
- Green 3 months
- No Colour not to be used

The Sector creditworthiness service uses a wider array of information than just primary ratings and by using a risk weighted scoring system, does not give undue preponderance to just one agency's ratings.

Typically the minimum credit ratings criteria the Council use will be a short term rating (Fitch or equivalents) of Short Term rating F1, Long Term rating A-, Viability ratings of BB+, and a Support rating of 3. There may be occasions when the counterparty ratings from one rating agency are marginally lower than these ratings but may still be used. In these instances consideration will be given to the whole range of ratings available, or other topical market information, to support their use.

All credit ratings will be monitored daily. The Council is alerted to changes to ratings of all three agencies through its use of the Sector creditworthiness service.

- if a downgrade results in the counterparty / investment scheme no longer meeting the Council's minimum criteria, its further use as a new investment will be withdrawn immediately.
- in addition to the use of credit ratings the Council will be advised of information in movements in Credit Default Swap against the iTraxx benchmark and other market data on a weekly basis. Extreme market movements may result in downgrade of an institution or removal from the Council's lending list.

Sole reliance will not be placed on the use of this external service. In addition this Council will also use market data and market information, information on government support for banks and the credit ratings of that government support.

6.2 Country limits

The Council has determined that it will only use approved counterparties from countries with a minimum sovereign credit rating of AA+ from Fitch. The list of countries that qualify using this credit criteria as at the date of this report are shown in Appendix 4.

This list will be added to or deducted from by officers should ratings change in accordance with this policy.

6.3 Investment Strategy

Investments will be made with reference to the core balance and cash flow requirements and the outlook for short-term interest rates (i.e. rates for investments up to 12 months).

6.4 **Investment returns expectations.** Bank Rate is forecast to remain unchanged at 0.5% before starting to rise from quarter 4 of 2014. Bank Rate forecasts for financial year ends (March) are:

- 2012/ 2013 0.50%
- 2013/ 2014 0.50%
- 2014/ 2015 0.75%
- 2015/ 2016 1.75%

There are downside risks to these forecasts (i.e. start of increases in Bank Rate is delayed even further) if economic growth remains weaker for longer

than expected. However, should the pace of growth pick up more sharply than expected there could be upside risk, particularly if Bank of England inflation forecasts for two years ahead exceed the Bank of England's 2% target rate.

- 6.5 The suggested budgeted investment earnings rates for returns on investments placed for periods up to three months during each financial year for the next five years are as follows:

2012/13	0.50%
2013/14	0.50%
2014/15	0.60%
2015/16	1.50%

- 6.6 **Investment treasury indicator and limit** - total principal funds invested for greater than 364 days. These limits are set with regard to the Council's liquidity requirements and to reduce the need for early sale of an investment, and are based on the availability of funds after each year-end.

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

Maximum principal sums invested > 364 days			
	2013/14	2014/15	2015/16
Principal sums invested > 364 days	£m 0	£m 0	£m 0

Sector, the Council's treasury advisors, recommend that due to current market conditions, all investments should be made for periods less than 364 days, due to risk as detailed in 6.1. The Council will continue to monitor creditworthiness on a daily basis.

For its cash flow generated balances, the Council will seek to utilise its business reserve accounts, 15 and 30 day notice accounts, money market funds and short-dated deposits in order to benefit from the compounding of interest.

In-house managed Investments held as at 31 January 2013 are as follows:

Institution	Long Term Rating	Expires:	Principal £000's	Rate of interest %
Wyre Forest DC	AAA	13 July 2013	2,000	0.75
Standard Chartered CD	AA-	20 January 2014	2,000	0.62
**Nationwide	A+	20 June 2013	2,000	0.59
Natwest Fixed Term Deposit	A	22 May 2013	3,000	2.25
Natwest Fixed Term Deposit	A	4 April 2013	1,300	2.25
Barclays	A	12 November 2013	2,400	0.70
Barclays	A	20 December 2013	2,600	0.70
Natwest Fixed Term	A	21 August 2013	2,500	2.25

Deposit				
Natwest Call account	A	21 March 2013	200	0.90
Bank of Scotland	A	26 November 2013	3,000	1.90
Bank of Scotland	A	22 November 2013	2,000	1.90
Bank of Scotland	A	11 April 2013	2,000	3.00
Prime Rate	AAA		1,350	0.41
Birmingham CC	AAA	27 January 2014	1,900	0.52
Total Investments			28,250	1.41

**After consultation with Sector and the Sector Benchmarking group, an investment was placed with Nationwide in December for a period of 6 months (instead of the recommended 3 months), taking into account credit risk and possible future rate change. On the Credit Listing for 28th January 2013 from Sector, Nationwide has now been extended to 6 months terms.

- 6.7 Alternative options for investment will be considered during the year including a review of property investments as an alternative to “traditional” investments. These will be assessed in conjunction with Sector, our Treasury Management Advisors. Further reports will be brought to Cabinet if these types of investment are to be used.

7. End of year investment report

At the end of the financial year, the Council will report on its investment activity as part of its Annual Treasury Report.

8 Treasury Management Practises (TMPs)

- 8.1 Good practise requires TMPs to be reviewed on an annual basis and any changes made to be reported to members. Changes that have been made include:

- revised country counterparties listing
- revised investment vehicles, i.e Multilateral Development Funds
- revised minimum lending criteria
- revised authorised limit

- 8.2 TMPs are reviewed as risks and market conditions change. In particular credit risk is monitored using our Treasury advisors on a daily basis. A copy of the TMPs are available on the Councils website.

9. Financial Implications

The financial implications of the borrowing and investment strategy and MRP are reflected in the financing adjustment figure included in the Financial Plan 2012/2016 approved at Cabinet on 5 February 2013.

10. **Risk Management Implications**

There are elements of risk in dealing with the treasury management function although the production and monitoring of such controls as Prudential Indicators and Treasury Management Strategies help to reduce the exposure of the Council to the market. The costs and returns on borrowing and investment are in themselves a reflection of risk that is seen by the market forces. The action and controls outlined in the report will provide for sound financial and performance management procedures.

11. **Policy Implications**

There are no other changes in the Treasury Management policy at present, other than those outlined in this report.

12. **Statutory Considerations**

The Council must set Prudential Indicators and adopt a Treasury Management Strategy and Annual investment Strategy before 31 March 2013.

Access to information

Monthly Monitoring reports 2012/2013

Treasury Management Strategy and Annual investment Strategy 2012

The Budget 2012/2016 – A Financial Plan

Capital Programme 2012/2016

Council Website – Treasury Management Practices

Appendices

1. Interest rate forecasts
2. Economic background
3. Treasury Management practice - Specified and non specified investments and limits
4. Approved countries for investments
5. Treasury management scheme of delegation
6. The treasury management role of the section 151 officer

APPENDIX 1 - Interest Rate Forecast 2012/2016

Sector's Interest Rate View														
	Now	Mar-13	Jun-13	Sep-13	Dec-13	Mar-14	Jun-14	Sep-14	Dec-14	Mar-15	Jun-15	Sep-15	Dec-15	Mar-16
Sector's Bank Rate View														
Sector's Bank Rate View	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.75%	1.00%	1.25%	1.50%	1.75%
3 Month LIBID	0.39%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.60%	0.60%	0.70%	0.80%	1.10%	1.40%	1.70%
6 Month LIBID	0.54%	0.70%	0.70%	0.70%	0.70%	0.70%	0.70%	0.80%	0.90%	1.00%	1.10%	1.30%	1.60%	1.90%
12 Month LIBID	0.88%	1.00%	1.00%	1.00%	1.00%	1.00%	1.10%	1.10%	1.20%	1.30%	1.30%	1.50%	1.80%	2.10%
5yrPW IB Rate	1.85%	1.50%	1.50%	1.60%	1.60%	1.70%	1.70%	1.80%	2.00%	2.20%	2.30%	2.50%	2.70%	2.90%
10yrPW IB Rate	2.87%	2.50%	2.50%	2.60%	2.60%	2.70%	2.70%	2.80%	3.00%	3.20%	3.30%	3.50%	3.70%	3.90%
25yrPW IB Rate	4.02%	3.80%	3.80%	3.80%	3.80%	3.90%	3.90%	4.00%	4.10%	4.30%	4.40%	4.60%	4.80%	5.00%
50yrPW IB Rate	4.15%	4.00%	4.00%	4.00%	4.00%	4.10%	4.10%	4.20%	4.30%	4.50%	4.60%	4.80%	5.00%	5.20%
Bank Rate														
Sector's View														
Sector's View	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.75%	1.00%	1.25%	1.50%	1.75%
UBS	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	-	-	-	-	-
Capital Economics	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	-	-	-	-	-
5yrPW IB Rate														
Sector's View														
Sector's View	1.85%	1.50%	1.50%	1.60%	1.60%	1.70%	1.70%	1.80%	2.00%	2.20%	2.30%	2.50%	2.70%	2.90%
UBS	1.85%	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital Economics	1.85%	1.55%	1.30%	1.30%	1.30%	1.30%	1.30%	1.50%	1.60%	-	-	-	-	-
10yrPW IB Rate														
Sector's View														
Sector's View	2.87%	2.50%	2.50%	2.60%	2.60%	2.70%	2.70%	2.80%	3.00%	3.20%	3.30%	3.50%	3.70%	3.90%
UBS	2.87%	3.00%	3.10%	3.20%	3.40%	3.50%	3.60%	3.70%	3.80%	-	-	-	-	-
Capital Economics	2.87%	2.55%	2.30%	2.30%	2.30%	2.30%	2.30%	2.30%	2.30%	-	-	-	-	-
25yrPW IB Rate														
Sector's View														
Sector's View	4.02%	3.80%	3.80%	3.80%	3.80%	3.90%	3.90%	4.00%	4.10%	4.30%	4.40%	4.60%	4.80%	5.00%
UBS	4.02%	4.20%	4.30%	4.40%	4.50%	4.50%	4.50%	4.50%	4.50%	-	-	-	-	-
Capital Economics	4.02%	3.70%	3.50%	3.50%	3.50%	3.50%	3.50%	3.50%	3.50%	-	-	-	-	-
50yrPW IB Rate														
Sector's View														
Sector's View	4.15%	4.00%	4.00%	4.00%	4.00%	4.10%	4.10%	4.20%	4.30%	4.50%	4.60%	4.80%	5.00%	5.20%
UBS	4.15%	4.30%	4.40%	4.50%	4.60%	4.60%	4.60%	4.60%	4.60%	-	-	-	-	-
Capital Economics	4.15%	4.00%	3.80%	3.80%	3.80%	3.80%	3.80%	3.80%	3.80%	-	-	-	-	-

APPENDIX 2 Economic Background

The Global economy

The Eurozone debt crisis has continued to cast a pall over the world economy and has depressed growth in most countries. This has impacted the UK economy which is unlikely to have grown significantly in 2012 and is creating a major headwind for recovery in 2013. Quarter 2 of 2012 was the third quarter of contraction in the economy; this recession is the worst and slowest recovery of any of the five recessions since 1930. A return to growth @ 0.9% in quarter 3 is unlikely to prove anything more than a washing out of the dip in the previous quarter before a probable return to negative growth in quarter 4; this would leave overall growth in 2012 close to zero and could then lead into negative growth in quarter 1 of 2013, which would then mean that the UK was in its first triple dip recession since records began in 1955.

The **Eurozone sovereign debt crisis** abated following the ECB's commitment to a programme of Outright Monetary Transactions i.e. a pledge to buy unlimited amounts of bonds of countries which ask for a bailout. The immediate target for this statement was Spain which continues to prevaricate on making such a request, (for a national bailout), and so surrendering its national sovereignty to IMF supervision. However, the crisis in Greece has subsided, for the time being, as a result of the Eurozone agreement to provide a further €50bn financial support package in December. Many commentators, though, still view a Greek exit from the Euro as being likely in the longer term as successive rounds of austerity packages could make it more difficult to bring down the annual deficit and total debt as ratios of GDP due to the effect they have on shrinking the economy and reducing employment and tax revenues. However, another possible way out would be a major write down of total Greek debt; this has now been raised by the German Chancellor as a possible course of action, but not until 2014-15, and provided the Greek annual budget is in balance.

Sentiment in financial markets has improved considerably since this ECB action and additional financial support for Greece to ensure that the Eurozone remained intact during 2012. However, the foundations to this "solution" to the Eurozone debt crisis are still weak and do not address the huge obstacle of unemployment rates of over 25% in Greece and Spain. It is also possible that the situations in Portugal and Cyprus could deteriorate further in 2013 and, although they are minor economies, such developments could unnerve financial markets. There are also general elections coming up in Italy and Germany which could potentially produce some upsets on the political scene. It is, therefore, quite possible that sentiment in financial markets could turn during 2013 after the initial burst of optimism at the start of the year. While equity prices have enjoyed a strong start to 2013, the foundations for this stock market recovery are shallow given the economic fundamentals in western economies. In addition, QE has to come to an end at some point in time and there is a distinct increase in doubt in the central banks of the US and UK as to the effectiveness of any further QE in stimulating economic growth. An end to central purchases of bonds may lead to a fall in bond prices.

The US economy has only been able to manage weak growth in 2012 despite huge efforts by the Federal Reserve to stimulate the economy by liberal amounts of quantitative easing (QE) combined with a commitment to a continuation of ultra low interest rates into 2015. Unemployment levels have been slowly reducing but against a background of a fall in the numbers of those available for work. The fiscal cliff facing the President at the start of 2013 has been a major dampener discouraging business from spending on investment and increasing employment more significantly in case there is a sharp contraction in the economy in the pipeline. The fiscal cliff, and raising the total debt ceiling, still await final resolution by the end

of February. The housing market, though, does look as if it has, at long last, reached the bottom and house prices are now on the up.

Hopes for a broad based recovery have, therefore, focused on the **emerging markets**. Recent news from China appears to indicate that the economy has returned to a healthier rate of growth. However, there are still concerns around the unbalanced nature of the economy which is heavily dependent on new investment expenditure. The potential for the bubble in the property sector to burst, as it did in Japan in the 1990s, could have a material impact on the economy as a whole.

The UK economy

The Government's austerity measures, aimed at getting the public sector deficit into order, have now had to be extended, in the autumn statement, over a longer period than the original four years. Achieving this new extended timeframe will still be dependent on the UK economy returning to a reasonable pace of growth towards the end of this period.

Currently, the UK is enjoying a major financial benefit from some of the lowest sovereign borrowing costs in the world as the UK is seen as a safe haven from Eurozone debt. However, the subsiding of market concerns over the Eurozone has unwound some of the attractiveness of gilts as a safe haven and led to a significant rise in gilt yields. There is little evidence that UK consumer confidence levels are recovering, nor that the manufacturing sector is picking up. The dominant services sector disappointed in December with the PMI survey indicating the first fall in activity in two years. On the positive side, banks have made huge progress since 2008 in shrinking their balance sheets to more manageable levels and also in reducing their dependency on wholesale funding. However, availability of credit remains tight in the economy and the Funding for Lending scheme, which started in August 2012, has not yet had time to make a significant impact in respect of materially increasing overall borrowing in the economy. Finally, the housing market remains tepid and the outlook is for house prices to be little changed for a prolonged period.

Economic Growth. Economic growth has basically flat lined since the election of 2010 and, worryingly, the economic forecasts for 2012 and beyond were revised substantially lower in the Bank of England Inflation quarterly report for August 2012 and were then further lowered in the November Report. Quantitative Easing (QE) increased by £50bn in July 2012 to a total of £375bn. Many forecasters are expecting the MPC to vote for a further round of QE in early 2013 to try to stimulate economic activity. The announcement in November 2012 that £35bn will be transferred from the Bank of England's Asset Purchase Facility to the Treasury (representing coupon payments to the Bank by the Treasury on gilts held by the Bank) was also effectively a further addition of QE.

Unemployment. The Government's austerity strategy has resulted in a substantial reduction in employment in the public sector. Despite this, total employment has increased to the highest level for four years as over one million jobs have been created in the private sector in the last two years.

Inflation and Bank Rate. Inflation has fallen sharply during 2012 from a peak of 5.2% in September 2011 to 2.2% in September 2012. However, inflation increased back to 2.7% by the end of the year, though it is expected to fall back to reach the 2% target level within the two year horizon.

AAA rating. The UK continues to enjoy an AAA sovereign rating. However, the three main credit rating agencies have stated that they will be reviewing this rating in early 2013; they will, thereafter, also be carefully monitoring the rate of growth in the economy as a disappointing performance in that area could lead to a major

derailment of the plans to contain the growth in the total amount of Government debt over the next few years.

Sector's forward view

Economic forecasting remains difficult with so many external influences weighing on the UK. There does, however, appear to be consensus among analysts that the economy remains relatively fragile and whilst there is still a broad range of views as to potential performance, expectations have all been downgraded during 2012. Key areas of uncertainty include:

- the potential for the Eurozone to withdraw support for Greece at some point if the Greek government was unable to eliminate the annual budget deficit and the costs of further support were to be viewed as being prohibitive, so causing a worsening of the Eurozone debt crisis and heightened risk of the breakdown of the bloc or even of the currency itself. The same considerations could also apply to Spain;
- inter government agreement on how to deal with the overall Eurozone debt crisis could fragment;
- the impact of the Eurozone crisis on financial markets and the banking sector;
- the impact of the Government's austerity plan on confidence and growth and the need to rebalance the economy from services to manufactured goods;
- the under-performance of the UK economy which could undermine the Government's policies that have been based upon levels of growth that are unlikely to be achieved;
- the risk of the UK's main trading partners, in particular the EU and US, falling into recession;
- stimulus packages failing to stimulate growth;
- elections due in Italy and Germany in 2013;
- potential for protectionism i.e. an escalation of the currency war / trade dispute between the US and China;
- the potential for action to curtail the Iranian nuclear programme;
- the situation in Syria deteriorating and impacting other countries in the Middle East.

The focus of so many consumers, corporates and banks on reducing their borrowings, rather than spending, will continue to act as a major headwind to a return to robust growth in western economies.

Given the weak outlook for economic growth, Sector sees the prospects for any changes in Bank Rate before 2015 as very limited. There is potential for the start of Bank Rate increases to be even further delayed if growth disappoints.

Sector believes that the longer run trend is for gilt yields and PWLB rates to rise due to the high volume of gilt issuance in the UK, and the high volume of debt issuance in other major western countries. The interest rate forecast in this report represents a

balance of downside and upside risks. The downside risks have already been commented on. However, there are specific identifiable upside risks as follows to PWLB rates and gilt yields, and especially to longer term rates and yields: -

- UK inflation being significantly higher than in the wider EU and US causing an increase in the inflation premium in gilt yields;
- Reversal of QE; this could initially be allowing gilts held by the Bank to mature without reinvesting in new purchases, followed later by outright sale of gilts currently held;
- Reversal of Sterling's safe haven status on an improvement in financial stresses in the Eurozone;
- Investors reverse de-risking by moving money from government bonds into shares in anticipation of a return to worldwide economic growth;
- The possibility of a UK credit rating downgrade.

APPENDIX 3 - Treasury Management Practice (TMP1) – Credit and Counterparty Risk Management Specified and Non-Specified Investments and Limits

SPECIFIED INVESTMENTS: All such investments will be sterling denominated, with **maturities up to maximum of 1 year**, meeting the minimum 'high' quality criteria where applicable.

NON-SPECIFIED INVESTMENTS: These are any investments which do not meet the Specified Investment criteria. A maximum of 50% will be held in aggregate in non-specified investment.

A variety of investment instruments will be used, subject to the credit quality of the institution, and depending on the type of investment made it will fall into one of the above categories.

The criteria, time limits and monetary limits applying to institutions or investment vehicles are:

Specified Investments (for maximum of 1 year only)	* Minimum credit criteria / colour band	** Max % of total investments per institution	Max. maturity period
DMADF – UK Government	N/A	100%	6 months
UK Government gilts	UK sovereign rating	50%	1 year
UK Government Treasury bills	UK sovereign rating	50%	6 months
Bonds issued by multilateral development banks	UK sovereign rating	50%	1 year
Money market funds	AAA	100%	Liquid
Local authorities	N/A	Set out in TMP1	1 year
Term deposits with banks and building societies	Yellow Purple Blue Orange Red Green No Colour		Up to 5 years Up to 2 years Up to 1 year Up to 6 Months Up to 3 months Not for use

CDs or corporate bonds with banks and building societies	Yellow Purple Blue Orange Red Green No Colour		Up to 5 years Up to 2 years Up to 1 year Up to 6 Months Up to 3 months Not for use
Enhanced cash funds	AAA	50%	1 year
Corporate bond funds	AAA	50%	1 year
Gilt funds	UK sovereign rating	50%	1 year
Property funds unit trusts	Considered on an individual basis	50%	
Local Authority Mortgage Scheme. Under LAMS the Council is required to place funds with the lender for a period of 5 years. This is classified as being a service investment, rather than a treasury management investment, and is therefore outside of the Specified / Non specified categories.			

Non Specified Investments (can be longer than 1 year)	Minimum Credit Criteria	Use	Max % of total investments	Max. maturity period
Term deposits – UK government (with maturities in excess of 1 year)	Credit rating in TMP's	In-house	100%	5 yrs
Term deposits – other LA's (with maturities in excess of 1 year)	Credit rating in TMP's	In-house	100%	5 yrs
Term deposits – banks and building societies (with maturities in excess of 1 year)	Credit rating in TMP's	In-house	As set out in TMP 1	5yrs
Term deposits with unrated counterparties : any maturity	Credit rating in TMP's	In-house	As set out in TMP 1	5yrs
Certificates of deposits issued by banks and building societies with maturities in excess of 1 year	Credit rating in TMP's	In house on a 'buy and hold basis' and Fund managers	As set out in TMP 1	2 yrs
UK Government Gilts with maturities in excess of 1 year	AAA	In house on a 'buy and hold basis' and Fund	As set out in TMP 1	Overall duration of 3 years

		Managers		
Bonds issued by multilateral development banks with maturities in excess of 1 year	AAA	In-house on a 'buy-and-hold' basis. Also for use by fund managers	50% of the total fund	Overall duration of 3 years
Bonds issued by a financial institution which is guaranteed by the UK government with maturities in excess of 1 year	AAA	In-house on a 'buy-and-hold' basis. Also for use by fund managers	50% of the total fund	Overall duration of 3 years
Sovereign bond issues (i.e. other than the UK govt) with maturities in excess of 1 year	AAA	In house on a 'buy and hold basis' and Fund Managers	50% of the total fund	Overall duration of 3 years
Corporate Bonds : <i>the use of these investments would constitute capital expenditure</i>		In house on a 'buy and hold basis' and Fund Managers	50% of the total fund	Overall duration of 3 years
Floating Rate Notes : <i>the use of these investments would constitute capital expenditure unless they are issued by a multi lateral development bank</i>		Fund managers	50% of the total fund	Overall duration of 3 years

Accounting treatment of investments. The accounting treatment may differ from the underlying cash transactions arising from investment decisions made by this Council. To ensure that the Council is protected from any adverse revenue impact, which may arise from these differences, we will review the accounting implications of new transactions before they are undertaken.

APPENDIX 4 - Approved countries for investments

AAA

- Australia
- Canada
- Denmark
- Finland
- France
- Germany
- Luxembourg
- Netherlands
- Norway
- Singapore
- Sweden
- Switzerland
- U.K.
- U.S.A

AA+

- Hong Kong

APPENDIX 5 Treasury management scheme of delegation

(i) Full board/council

- receiving and reviewing reports on treasury management policies, practices and activities;
- approval of annual strategy.

(ii) Boards/committees/council/responsible body

- approval of/amendments to the organisation's adopted clauses, treasury management policy statement and treasury management practices;
- budget consideration and approval;
- approval of the division of responsibilities;
- receiving and reviewing regular monitoring reports and acting on recommendations;
- approving the selection of external service providers and agreeing terms of appointment.

(iii) Body/person(s) with responsibility for scrutiny

- reviewing the treasury management policy and procedures and making recommendations to the responsible body.

APPENDIX 6 The treasury management role of the section 151 officer

The S151 (responsible) officer

- recommending clauses, treasury management policy/practices for approval, reviewing the same regularly, and monitoring compliance;
- submitting regular treasury management policy reports;
- submitting budgets and budget variations;
- receiving and reviewing management information reports;
- reviewing the performance of the treasury management function;
- ensuring the adequacy of treasury management resources and skills, and the effective division of responsibilities within the treasury management function;
- ensuring the adequacy of internal audit, and liaising with external audit;
- recommending the appointment of external service providers.

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Mandatory/	Need to be recommendations to Council Yes		
		Is it a Key Decision No		
Lead Member: Councillor Nick Daubney E-mail: Cllr.nick.daubney@west-norfolk.gov.		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Debbie Gates E-mail: Debbie.gates@west-norfolk.gov.uk Direct Dial: 01553 616605		Other Officers consulted: Management Team		
Financial Implications NO	Policy/Personnel Implications YES	Statutory Implications YES	Equal Opportunities Implications NO	Risk Management Implications NO

Date of meeting: 5 March 2013

2 ANNUAL PAY POLICY STATEMENT 2013/14

Summary:

Section 38 of the Localism Act 2011 requires English and Welsh local authorities to produce an annual pay policy statement.

The attached report summarises the Borough Council's relevant policies relating to levels and elements of remuneration for Chief Officers and includes the relationship between the remuneration of Chief Officers and other officers as recommended within the Hutton report. This report does not change any policies relating to remuneration.

Recommendation:

That Cabinet recommend to Council the attached Pay Policy Statement for 2013/14.

Reason for Decision

To comply with the requirements of the Localism Act 2011.

1. Introduction

1.1 Section 38 of the Localism Act 2011 requires English and Welsh Local Authorities to produce a pay policy statement for each financial year.

1.2 This statement sets out the Council's policy with regards to:

- Pay and remuneration of Chief Officers
- Pay and remuneration for all other employees including the lowest paid.

- The relationship between the remuneration of Chief Officers and other officers.
- Other specific aspects of remuneration for Chief Officers and all other employees.

1.3 The Council regards the following as its Chief Officers:

- Chief Executive
- Deputy Chief Executive
- Directors

1.4 The Authority's website includes salary information for senior Managers who earn more than £58,200 and this can be accessed at www.west-norfolk.gov.uk

1.5 This statement does not change any policies relating to remuneration and does not outline specific data relating to particular individuals.

1.6 Over the past years the Council's Management Team has been reduced by 40%, delivering significant savings for the Authority. Whilst this has limited capacity at senior Management level and reduced the ability to develop new initiatives, available resources have been focused upon achieving budget savings and continued delivery of good quality front line services.

2 Pay and Performance Management

2.1 The Council recognises that, in the context of managing scarce public resources, remuneration at all levels needs to be adequate to secure, retain and motivate high quality employees with a flexible approach to working arrangements and duties. At the same time, pay and related policies must be transparent, coherent and reflective of national, regional and local labour market information and must not be excessive or generous.

2.2 The Council has operated a comprehensive system of performance management strongly linked to appraisal and target setting since 1981 and does not have a system of automatic incremental progression for any category of employee.

3 Financial Implications

There are no financial implications arising from this report, as it is a summary of existing policies relating to remuneration.

4 Statutory Considerations

Section 38 of the Localism Act 2011 requires English and Welsh Local Authorities to produce a Pay Policy Statement.

5 Equalities Impact

A full Equalities Impact Assessment is not considered necessary for this report as it is reporting not amending, existing policies. Specific aspects of the Council's pay policies are regularly monitored to ensure that there is no discriminatory impact.

6 Background Papers

Openness and accountability in local pay; Draft guidance under section 30 of the Localism Act - Communities and Local Government.

BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK

PAY POLICY STATEMENT

1. Background

Section 38 of the Localism Act 2011 requires English and Welsh local authorities to produce a pay policy statement for each financial year.

Matters that must be included within the statutory pay policy are as follows:

- Policy on the level and elements of remuneration for each Chief Officer.
- Policy on the remuneration of lowest paid employees (together with the definition of “lowest paid employees”).
- Policy on the relationship between the remuneration of its Chief Officers and other officers.
- Policy on other specific aspects of Chief Officers’ remuneration (remuneration on recruitment, increases and additions to remuneration, use of performance-related pay and bonuses, termination payments and transparency).

The pay policy statement:

- Must be approved formally by the Council.
- Must be approved by the end of March each year.
- Can be amended in-year.
- Must be published on the authority’s website.
- Must be compiled when the authority sets the terms and conditions for a Chief Officer.

The Authority’s website includes salary information for Senior Managers who earn more than £58,200 and this can be accessed at www.west-norfolk.gov.uk

2. Performance Management

This Authority operates a comprehensive Performance Management system for all employees, which includes:

- Local salary scales
- A process of employee appraisal linked to objectives
- A formal process for identifying learning and development needs
- A system of performance related pay

There are 13 local grades within the Borough Council’s pay scheme all linked to formal evaluation using the PE Inbucon job evaluation system.

For the purpose of comparisons within this Policy Statement, employees on PG13 are defined as our lowest-paid employees. The salary band for PG13 as at 01.04.2013 is £12,390-£18,237 (Mid Point £15,315). An exception to

this is 6 Apprentices who are supernumerary to the establishment and engaged on Fixed Term contracts. They are paid in line with Government guidelines on Apprentices.

Progression through the grades is linked to the achievement of agreed target areas each year - there is no system of automatic incremental progression. Performance ratings are given as follows:

- 1 Partially met targets to agreed standards – No performance payment.
- 2 Consistently met targets to agreed standards – Performance payment equivalent to 1.5% of the grade mid-point.
- Consistently exceeded agreed standards across target areas – Performance payment equivalent to 2.5% of the grade mid-point.

All associated payments will be granted as progression within salary bands until the grade maximum (or any agreed qualification/experience “bars” within grades) is reached. After this a non-consolidated lump sum, equivalent to half the progression payment will be made. No other form of bonus payment is made to staff at any level within the organisation.

Cost of living pay increases are locally determined having regard to national, regional and local pay and labour market information. Increases for the last 5 years are detailed below and have applied to all staff:

2009/10	Pay Freeze
2010/11	1%
2011/12	Pay Freeze
2012/13	Pay Freeze
2013/14	1%

3. Remuneration of Chief Executive

The Chief Executive is the Council’s Head of Paid Service. The salary band for this post as at 01.04.2013 is SM01 £91,710 - £121,424 (Mid Point £106,567). Progression through the grade is linked to performance against agreed targets, with no automatic annual increments.

The mid point of SM01 is currently 7 times the mid point of PG13 on which the Council’s lowest paid employees are paid.

The Chief Executive also receives a (Deputy) Returning Officer fee in respect of European, General, County, District and Parish Elections. The fee for undertaking County, District and Parish elections within the Borough Council of King’s Lynn and West Norfolk is calculated in accordance with a formula approved annually by the Chairs of the Norfolk Local Authorities’ Member Remuneration Panels, supported by the County Electoral Officers’ Group. Fees for conducting Parliamentary and European Elections are determined by the relevant government department.

4. Remuneration of Deputy Chief Executive

The Deputy Chief Executive is also the Council's Executive Director (Finance and Resources). The salary band for this post as at 01.04.2013 is SM02 £63,456 - £91,665 (Mid Point £77,559). Progression through the grade is linked to performance against agreed targets, with no automatic annual increments.

The mid point of SM02 is currently 5 times the mid point of PG 13.

5. Remuneration of Executive Directors

The Council's 4 Executive Directors are paid on salary band SM03 £49,353-£72,858 (Mid Point £61,107). Progression through the grade is linked to performance against agreed targets, with no automatic annual increments.

The mid point of SM03 is currently 4 times the mid point of PG13.

6. Remuneration of Service Managers

Service Managers within the Authority are paid on the following grades:

SM04 £42,303- £61,107 (Mid Point £51,705)
PG05 £39,975 - £56,478 (Mid Point £48,228)
PG06 £34,833 – 49,179 (Mid Point £42,006)

The Council's Monitoring Officer and Section 151 Officer are Service Managers included within range SM04 set out above.

7. Salary on Recruitment

Individuals are normally recruited between the bottom and the mid point of the grade for their post at a salary level appropriate to their existing qualifications, skills and experience. Recruitment to Chief Executive, Deputy Chief Executive and Executive Director posts and related salary arrangements on appointment are delegated to the Appointments Board. Access to appropriate elements of the Council's Relocation Scheme may also be granted when new starters need to move to the area.

8. Car Allowances

Essential and casual user car allowances are payable in appropriate circumstances. The Essential lump sum allowance is paid in accordance with rates agreed by the NJC for Local Government Services, but mileage rates for both essential and casual users are paid in accordance with the HMRC's Approved Mileage Allowance Payments (currently 45 pence per mile).

The Council operates a 'contract hire' scheme for designated posts (as an alternative to Essential user allowances) with mileage rates being paid in accordance with HMRC Advisory Fuel Rates (currently 12 – 18 pence per mile for diesel vehicles and 15 - 26 pence per mile for petrol vehicles, depending on engine size).

9. Pension Provision

All employees may join the local government pension scheme. The scheme is a statutory scheme with contributions from employees and from employers. For more comprehensive details of the local government pension scheme see:

www.norfolkpensionfund.org.uk or www.lgps.org.uk

Neither the scheme nor the council adopt differing policies with regard to pension benefits for any category of staff.

10. Severance Arrangements

The Authority operates a standard approach to the award of compensation for relevant staff in the event of redundancy in accordance with our published Policy Statement on how we exercise the various employer discretions provided by the Local Government Pension Scheme. No special arrangements are made for Senior Managers.

All requests for Early Retirement/Voluntary Redundancy are considered by the Chief Executive and where appropriate the Cabinet and are normally only granted when they represent net savings to the salary bill over a maximum period of 5 years.

11. Flexible Retirement

Flexible Retirement may be offered to employees aged 55 or over who reduce their grade or hours of work (or both). It enables them to receive all or part of their Local Government Pension Scheme benefits immediately, even though they have not left the Council's employment. The Council recognises that Flexible Retirement has potential benefits for both employer and employee, but it can represent a cost for the employer. All requests are therefore considered by Cabinet and are normally only granted when the overall financial impact is neutral for the Authority. No special arrangements are made for Senior Managers.

12. Re-employment of Senior Managers

Whilst recruitment decisions are made on merit, there are no instances over the last ten years of the Authority re-employing a Senior Manager who had previously left the organisation in receipt of a severance or redundancy payment, either directly or under a contract for services

13. Review

The Localism Act 2011 requires relevant authorities to prepare a Pay Policy Statement for each subsequent financial year. Our Statement for 2014/15 will be submitted to Full Council for approval by 31st March 2014.

REPORT TO CABINET FOR DECISION

Open		Would any decisions proposed :		
Any especially affected Wards	Operational	(a) Be entirely within cabinet's powers to decide YES		
		(b) Need to be recommendations to Council NO		
		(c) Be partly for recommendations to Council and partly within Cabinets powers – NO		
Lead Member: Cllr A Lawrence E-mail: cllr.adrian.lawrence@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Nikki Patton E-mail: Nikki.patton@west-norfolk.gov.uk Direct Dial:01553 616445		Other Officers consulted: Dave Thomason, Duncan Hall, Matthew Henry & Lorraine Gore		
Financial Implications YES	Policy/Personnel Implications NO	Statutory Implications NO	Equal Impact Assessment Pre-screening	Risk Management Implications Yes

Cabinet Meeting: 5th March 2013

3 AFFORDABLE HOUSING INVESTMENT (FREEBRIDGE COMMUNITY HOUSING CAPITAL INVESTMENT)

<p>Summary</p> <p>This report details a new approach to affordable housing investment and details one specific opportunity to trial an approach with Freebridge Community Housing. This proposal follows a report to Cabinet on 6th December 2011 where it was agreed that further work would be undertaken on exploring new approaches to affordable housing investment. The proposal represents a shift towards a 'something for something' approach to affordable housing investment and a move away from direct subsidy. Whilst recognising the need for new approaches it is important that the Councils exposure to risk and liability is limited. It is therefore proposed that the new area discussed in this report is carried out on a trial basis.</p> <p>Recommendation</p> <p>To agree the Freebridge Capital Investment model outlined in this report and to delegate authority to the Chief Executive in consultation with Portfolio Holder Community to authorise further investment beyond the trial.</p> <p>Reason for Decision</p> <p>To ensure that the supply of affordable housing continues to increase, but at the same time that the Council responds to investment opportunities, or creates opportunities to invest in affordable housing in appropriate circumstances.</p>
--

1. Background

The previous report to Cabinet (6th Dec 2011) detailed how nationally the way in which affordable housing investment is dealt with has changed over the last

18 months. In light of this and in the context of other reforms to social housing it was recommended that the Council's approach to affordable housing investment was reviewed. The previous report set out the principles of a new approach to reflect both the need for continued investment in new affordable housing, but at the same time the need to ensure returns on investment would benefit the Council and its communities in the future.

2. Aims

The overall aims of the new approach are to ensure that investment in affordable housing continues, but that the Council responds to investment opportunities, or creates opportunities to invest in affordable housing. In recognition that private forms of funding and investment are becoming more important in delivering affordable housing, and recognising that a more market price driven approach is being taken it is clear that directly subsidising the affordable housing sector is no longer always appropriate.

A number of key principles were highlighted in the report of 6 December 2011:-

- Commit funding to sustainable affordable housing, whilst retaining an interest and benefitting from some form of return
- Follow a 'something for something' approach to investment
- Ensure that the benefits of available resources are maximised.
- Seek ways to ensure that resources available to the Council and other partners are re-cycled in West Norfolk for the benefit of local communities.

3. Introduction

In addition to providing new build affordable housing and to further increase stock levels within the Borough, Freebridge Community Housing (FCH) are interested in purchasing additional properties that are currently available on the open market in predominantly ex Local Authority housing areas. It is proposed that initially they could commit to purchasing ten properties within the next financial year and the same each year after. In order to do so they would require an average £20,000 per property of capital assistance to support the purchase. The model is not eligible for central government funding (HCA funding) as the properties are not new build. All properties purchased would be brought up to meet decent homes standard and let at affordable rents via the Councils Allocation team (West Norfolk Homechoice). To ensure that strategic housing priorities are met Freebridge would seek to purchase properties that meet with the criteria set by the Council in order to best meet an identified housing need in terms of number of bedrooms and location. It is likely that initially the main type of accommodation sought will be two and three bedroom properties within the town area of Kings Lynn. This requirement will not preclude Freebridge from considering other properties in other areas within the Borough.

4. Proposal

Freebridge have approached the Council to provide the capital assistance. The proposal would involve the Council investing £200,000 in the next financial year (10 properties at £20k) over a five year period. In return for the investment the Council would receive a 5% return per annum (£10,000 pa) with the original investment being returned in full at the end of the five year period plus the appreciation of capital. To secure the investment a charge would be secured against each property purchased and via a relevant legal agreement.

It is proposed that we trial the proposal on the first ten properties and if successful there would be the potential to invest a further £200,000 on annual basis over five years (£1 million), resulting in fifty properties being brought back into use as affordable housing in the Borough. This in turn could provide a potential return of £250,000 for the Council plus the original investment and capital appreciation. Initial funding for the trial would come from the Councils Capital Reserves.

5. Benefits to the Council

- Return on investment
- Provide a more favorable return on investment and capital growth
- Opportunity to increase affordable housing stock in areas of high housing need.
- Assist with stimulating the local second hand property market
- In keeping with the 'something for something' approach agreed by Cabinet in Dec 2011

6. Risks Management

- To ensure that any exposure to risk is limited a charge would be secured against each property purchased at a percentage of the open market value to reflect the Councils capital investment.
- Payment of the £20,000 per property would be provided at the time of purchase rather than an initial lump sum
- A legal agreement between the Council and Freebridge would be drawn up setting out the terms of the investment

7. Policy implications

None

8. EIA

There is no requirement for a detailed EIA assessment.

9. Financial Implications

Costs associated with any advice on preparing the legal agreement will be met from within existing budgets

10. Staffing Implications

None

11. Statutory Considerations

None

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Mandatory/ Operational	Be entirely within Cabinet's powers to decide	NO	
		Need to be recommendations to Council	YES	
		Is it a Key Decision	NO	
Lead Member: Adrian Lawrence E-mail: cllr.adrian.lawrence@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Hannah Martin E-mail: Hannah.martin@west-norfolk.gov.uk Direct Dial: 616446		Other Officers consulted: Management Team		
Financial Implications NO	Policy/Personnel Implications NO	Statutory Implications NO	Equal Impact Assessment NO	Risk Management Implications NO

Date of meeting: 5 March 2013

4 RESIDENTIAL AND HOLIDAY CARAVAN SITE LICENSING

Summary

The Council (through the Environmental Health and Housing Department) is responsible for the licensing and regulation of caravan sites within the Borough. Housing Standards have regulatory responsibility for residential sites and Licensing that of holiday sites. Operational procedures and revised site licence conditions are recommended for adoption by the Council. The proposals reflect new statutory government guidance and look to bring the Council's practices in line with current government policy. Two options are provided regarding the implementation of the residential site licence conditions.

Recommendation

Members approve the site licence conditions for residential and holiday caravan sites to all sites (new and existing) across the Borough.

Reason for Decision

To ensure residential and holiday caravan site licence conditions are up to date.

1.0 Background

- 1.1 Any person wishing to place one or more caravans on land for residential or holiday purposes requires planning permission to do so. Through the planning process, conditions can be imposed to control the use and occupation of the site. Once planning permission has been granted, the relevant person (be they the land owner, occupier or manager) needs to apply for a site licence.
- 1.2 The Caravan Sites and Control of Development Act 1960 gives local authorities the power to grant a site licence, incorporating conditions designed to protect the safety and amenity of site users and the wider general public. A set of model standards (in the form of conditions) were published alongside the legislation to ensure a consistent approach to site licensing. Central government has revised the standards intermittently, with the most recent being issued in 2008.
- 1.3 The definition of a caravan under the 1960 Act is expansive and includes park homes (that remain in-situ) and touring caravans (that are not onsite all year round), and any unit that meets this definition requires a licence.
- 1.4 Exemptions from licensing under the 1960 Act include:
 - The use of land within the curtilage of a dwelling house if the use is incidental to the enjoyment of the dwelling (parking a touring caravan on a driveway whilst not in use for example)
 - The use of land by an exempt organisation
 - The use of agricultural/forestry land to accommodate seasonal workers (so long as the units are not occupied all year round)
 - The use of land for travelling showpeople
 - The use of land owned and/or occupied by the authority or county council (including gypsy and traveller sites owned by the authority)
- 1.5 As it is the conditions within the licence that protect the occupants, it is important that sites are licensed appropriately. Residential site licence conditions are more stringent than holiday site licence conditions as people occupy the site permanently all year round. Therefore it is of greater importance that the supply of water, electricity, gas, drainage be uninterrupted, and that appropriate provisions are made for fire safety.
- 1.6 Where complaints are received or information brought to light about the improper occupation of caravans (for residential use rather than holiday use or where planning permission has not been granted for example) investigations will be made and appropriate action will be taken on a case by case basis. A separate report will be submitted regarding the investigation into alleged permanent occupation of holiday sites in due course.
- 1.7 At present there are site licences issued for 11 multi-occupancy residential sites, 11 single occupancy residential sites, and 153 holiday sites (103 of which have 3 or less caravans).

2.0 Residential Sites

- 2.1 The conditions that form the basis of existing residential site licences were issued in 1989 and make reference to legislation and guidance that is outdated, making

sites potentially difficult to regulate and the conditions difficult to enforce. The 2008 model standards, which were published by the Department for Communities and Local Government after extensive consultation with local authorities and other relevant organisations, seek to rectify this issue and be more practical, reasonable and enforceable.

- 2.2 The proposed standards are based on the 2008 model standards and their introduction would bring licences in line with current legislation and guidance and would enable site owners to have a clearer understanding of what is expected of them.
- 2.3 The requirements of the revised standards are not significantly more demanding than the previous standards and responsible site owners should not experience substantial additional regulatory burden or expense as a result of introducing these conditions.
- 2.4 Guidance recommends the implementation of the 2008 model standards as and when new applications come in, however some local authorities have chosen to apply the conditions across all new and existing sites in order to achieve a “level playing field” and consistent stance on caravan site regulation. The application of the proposed licence conditions to all sites, be they new and existing, is consistent with other licensing duties carried out by the Council, such as houses in multiple occupation and taxi licensing. Both options have been put forward for consideration in this report.
- 2.5 If agreed that the revised standards should be applied to all sites retrospectively, the implementation process would be managed carefully and would involve a lead-in period to allow site owners/managers adequate time to carry out any (albeit minimal) works necessary to meet the requirements of the new conditions.
- 2.6 Any serious and/or persistent non-compliance with site licence conditions could leave the licence holder subject to enforcement action. The only means of enforcing the site licence conditions available in the 1960 Act is prosecution. Attempts would be made to work informally with licence holders before resorting to enforcement action, and any action taken in accordance with the Corporate Enforcement Policy.
- 2.7 The proposed conditions are detailed in Appendix 1.

3.0 Gypsies and Travellers

- 3.1 The proposed standards for caravan site licences have regard to the lifestyle choices of the gypsy and traveller community, such as:
 - Having separate toilet/amenity blocks onsite
 - The siting and use of touring caravans
 - Living together in extended family units
- 3.2 The proposed conditions allow for the needs of the community and any proposed conditions that are not applicable would be removed/amended accordingly as part of the standard consultation process with the applicant.

4.0 Holiday Sites

- 4.1 Holiday sites in the Borough are a mix of large multi-caravan sites and smaller sites where up to 3 caravans are sited. The larger sites have moved away from having a fully rental fleet of caravans to having either: a part rental and part owned fleet, or caravans that are all owned. Small sites with 3 or less caravans are generally privately owned and often used by family and friends at various times throughout the licence period.
- 4.2 Planning permissions for holiday sites vary, with some allowing occupation during an 11 month period (often closing for one of the winter months). This planning permission does not allow the caravan owners to occupy the caravan for the entire period, just for holiday or recreational purposes.
- 4.3 Licensing requirements for holiday sites are less stringent than for residential sites and the 2008 model conditions are not applicable. Holiday sites are governed by separate guidance and the standards that were issued in 1983 (for touring sites) and 1989 (for holiday sites) apply. Moveable tents and dwellings are also covered by separate legislation, namely the Public Health Act 1936. It is therefore timely that the Council review existing policies and conditions to ensure that standards onsite still reflect current good practice and guidance.
- 4.4 Since 1983 (and 1989) there have been many changes to the safety aspects of operating holiday sites, especially in relation to fire safety, gas and electrical safety and flood risk guidance. It is important to ensure that the conditions are reviewed on a regular basis and updated when changes in legislation make it necessary to do so.
- 4.5 The proposed conditions are detailed in Appendix 2.

5.0 Consultation

- 5.1 This report and the associated appendices went out for consultation with the following bodies, the British Holiday & Park Home Association, National Park Homes Council, Independent Park Homes Advisory Service, National Caravan Council, and the Park Homes Residents Action Alliance. The Environment Agency, Anglian Water and the Norfolk Fire and Rescue Service were also consulted with.
- 5.2 Feedback from the consultation process has been considered and amendments have been made where appropriate.

6.0 Adoption of New Standards

- 6.1 With respect to holiday sites, it is proposed that the operational procedures and site licence conditions outlined in appendix 2 are adopted for both new and existing sites.
- 6.2 In relation to residential sites, the issue of retrospective applicability of the new

conditions needs to be considered (see paras 2.4 and 2.5). Members are therefore requested to adopt the operational procedure within Appendix 1 and agree one of the following options:

- a) Agree the proposed conditions and apply those conditions to new sites and where there are applications to significantly increase the size of an existing site (see Appendix 1). This option is in line with guidance set out in the model standards document; or,
- b) Agree the proposed conditions and apply those conditions to all new *and* existing sites across the Borough (see Appendix 1). This option is line with other licensing regimes such as houses in multiple occupation and taxi licensing.

6.3 The preferred option is b) as it provides a consistent standard for all existing and future residential sites across the Borough.

Policy Implications

The policy implications arising from the adoption of these reviewed conditions are restricted to the issue of retrospective application.

Financial Implications

None

Personnel Implications

None

Statutory Considerations

The proposed changes take into account current Government guidance.

Appendices:

Appendix 1 – Residential Caravan Site Licensing Policy and Conditions (see page ?)

Appendix 2 – Holiday Caravan Site Licensing Policy and Conditions (see page ?)

Appendix 1 – Residential Caravan Site Licensing Procedure and Conditions

Procedure Objective:	To provide guidance on the licensing, inspection and enforcement of residential caravan sites and conditions
Scope:	Multi-occupancy residential caravan sites Single occupancy residential caravan sites
References	Caravan Sites and Control of Development Act 1960 Model Standards 2008

1.0 Introduction

- 1.1 This procedure sets out the Borough Council's requirements for residential caravan sites within the meaning of the Act.
- 1.2 Applicants are strongly advised to seek their own legal advice if they are unsure of the requirements of the Act mentioned in this document.

2.0 Definitions

- 2.1 *Caravan.* Any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted.
- 2.2 *Authorised Officer.* Means an officer of the Borough Council authorised in writing for the purposes of the Act mentioned in this document.
- 2.3 *Twin-Unit Caravan.* Means a structure which consists of not more than two sections assembled together on site and when assembled is physically capable of being moved from one place to another. The total measurements when assembled shall not exceed:
- Length: 20 metres (65.616 feet);
 - Width: 6.8 meters (22.309 feet); and
 - Overall height: 3.05 metres (10 feet).
- 2.4 *Gypsy and Traveller* - Defined by section 24 of the Caravan Sites and Control of Development Act 1960 as meaning "persons of nomadic habit of life, whatever their race or origin".
- 2.5 *Multi-occupancy Residential Caravan Site* - This refers to a permanent residential site occupied by people as their main place of residence.
- 2.6 *Single-occupancy Residential Caravan Site* - This refers to a permanent residential site occupied by a family unit as their main place of residence.

3.0 Making an application

3.1 An application for the grant or transfer of a licence must be made in writing to the Borough Council in accordance with the requirements set out below.

3.2 The application must be accompanied by plans which meet the following requirements:

A lay-out plan of the site to a scale of not less than 1/500 should clearly show:

- all boundaries of the site;
- the position of the caravans;
- all roads and footpaths;
- any foul and surface water drainage;
- any recreational spaces;
- any parking spaces;
- any toilet blocks;
- stores and other buildings; and
- any water points and any fire points.

3.3 Applications can be made in the following ways:

3.3.1 By post/personal service to:

Housing Standards
Borough Council of King's Lynn & West Norfolk
King's Court
Chapel Street
King's Lynn
PE30 1EX

3.3.2 On line at: www.west-norfolk.gov.uk

4.0 Grant or transfer of licences

4.1 The Borough Council may grant to an applicant a licence for the use of any land for the stationing of a 'caravan' on such terms and conditions as may be specified.

4.2 A licence will remain in force indefinitely unless cancelled or revoked. However, where planning permission is granted for a fixed period, the licence will also expire at the end of that fixed period.

4.3 The Borough Council may, if they think fit, transfer a licence to any other person upon application by that person.

5.0 Determining applications

5.1 When considering applications, the Borough Council will have regard to:

- 5.1.1 the Caravan Sites & Control of Development Act 1960 (as amended);
- 5.1.2 any supporting regulations;
- 5.1.3 The terms of the planning consent; and
- 5.1.4 This Document.

5.2 The Borough Council will only refuse a licence in the following circumstances:

- 5.2.1 if the site does not have planning permission; or
- 5.2.1 The applicant has held a licence in the past three years which has been revoked.

- 5.3 Once the Borough Council are in full receipt of the application documentation, Housing Standards will determine applications within the following time-scales:
- 5.3.1 For sites with planning permission – two months;
 - 5.3.2 For sites awaiting the determination of a planning application – within six weeks of the planning permission being granted.
 - 5.3.3 For the transfer of a licence – 4 weeks

6.0 Conditions

- 6.1 The Borough Council will attach specific conditions, taken from the standard conditions adopted by the Borough Council, to all site licences as is deemed appropriate.
- 6.2 Licence holders who wish to be exempt from the requirements of any of the 'standard conditions' should state in writing, giving full reasons why they should be so exempted. These representations may be made during the consultation period with the applicant.
- 6.3 The standard conditions will be reviewed on an annual basis to determine their relevance and appropriateness. Where changes are required these will be referred to the Strategic Housing and Community Safety Manager for consideration before presentation to the Council for approval where necessary.

7.0 Revocation of licences

- 7.1 Failure to comply with site licence conditions may result in the revocation of a site licence.
- 7.2 Only a Magistrates' Court may revoke a site licence where there have been two or more previous convictions for failing to comply with conditions.
- 7.3 Where a licence is revoked, its holder shall be disqualified from holding or obtaining a licence for a period of three years from date of revocation.

8.0 Cancellation of licences

- 8.1 The licence-holder may surrender the licence at any time and may request the Council in writing to cancel the licence.
- 8.2 In the event of the death of a licence-holder, the licence may be transferred, upon application, to any person entitled to an estate or interest, by operation of law, in compliance with the application.

9.0 Complaints

- 9.1 Where possible and appropriate the Borough Council will give an early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.

10.0 Enforcement

- 10.1 The Borough Council recognises that most licence holders seek to comply with the law. Notwithstanding, any enforcement action will be in accordance with the Borough Council's Corporate Enforcement Policy. Enforcement action will be considered where there is a serious and or persistent breaches of site licence conditions.

11.0 Exchange of Information

- 11.1 The Borough Council may exercise its power under Section 115 of the Crime & Disorder Act 1998 to exchange data and information with the Police and other partners.

12.0 Administration

- 12.1 Information and advice on all aspects of licensing can be obtained by either:
- Visiting the website on www.west-norfolk.gov.uk, or
 - Telephoning the Borough Council's Information Centre on (01553) 616200, or
 - By email to housingstandards@west-norfolk.gov.uk or
 - By writing to:
 - Housing Standards
 - Borough Council of King's Lynn & West Norfolk
 - King's Court
 - Chapel Street
 - King's Lynn
 - PE30 1EX
 - In person at King's Court
- 12.2 Caravan Sites and Control of Development Act 1960:
<http://www.legislation.gov.uk/ukpga/Eliz2/8-9/62>

Multi Occupancy Residential Caravan Site Licence Conditions

These conditions shall apply to the land shown on the plan attached to the most recent site licence application form.

1. The Boundaries and Plan of the Site

- (i) The boundaries of the site from any adjoining land shall be clearly marked by a man made or natural feature.
- (ii) No caravan or combustible structure shall be positioned within 3 metres of the boundary of the site.
- (iii) (a) A plan of the site shall be supplied to the local authority upon the application for a licence and, thereafter whenever there is a material change to the boundaries or layout of the site, or at any other time on the demand of the local authority.

(b) The plan supplied must clearly illustrate the layout of the site including all relevant structures, features and facilities on it and shall be of suitable quality.

2. Density, Spacing and Parking Between Caravans

- (i) Except in the case mentioned in sub paragraph (iii) and subject to sub paragraph (iv), every caravan must where practicable be spaced at a distance of no less than 6 metres (the separation distance) from any other caravan which is occupied as a separate residence.
- (ii) No caravan shall be stationed within 2 metres of any road or communal car park within the site or more than 50 metres from such a road within the site.
- (iii) Where a caravan has retrospectively been fitted with cladding from Class 1 fire rated materials to its facing walls, then the separation distance between it and an adjacent caravan may be reduced to a minimum of 5.25 metres.
- (iv) In any case mentioned in subparagraph (i) or (iii):
 - (a) A porch attached to the caravan may protrude one metre into the separation distance and must not exceed 2 metres in length and 1 metre in depth. The porch must not exceed the height of the caravan. Where a porch is installed only one door may be permitted at that entrance to the home, either on the porch or on the home.
 - (b) Eaves, drainpipes and bay windows may extend into the separation distance provided the total distance between the extremities of two facing caravans is not less than 5 metres, except where sub paragraph (iii) applies in which case the extension into the separation distance shall not exceed 4.25 metres.
 - (c) Any structure including steps, ramps, etc (except a garage or car port), which extends more than 1 metre into the separation distance shall be of non-combustible construction. There should be a 4.5 metre clear distance between any such structure and any adjacent caravan.
 - (d) A garage or car port may only be permitted within the separation distance if it is of non-combustible construction.
 - (e) Windows in structures within the separation distance shall not face towards the caravan on either side.
 - (f) Fences and hedges, where allowed and forming the boundary between adjacent caravans, should be a maximum of 1 metre high.

- (g) Private cars may be parked within the separation distance provided that they do not obstruct entrances to caravans or access around them and they are a minimum of 3 metres from an adjacent caravan.
- (v) The density of caravans on a site shall be determined in accordance with relevant health and safety standards and fire risk assessments.

3. Roads, Gateways and Overhead Cables

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

4. Footpaths and Pavements

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

5. Lighting

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

6. Bases

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

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

- (i) Every part of the site to which the public have access shall be kept in a clean and tidy condition.

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

8. Supply & Storage of Gas etc

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

9. Electrical Installations

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

10. Water Supply

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

11. Drainage and Sanitation

- (i) Surface water drainage shall be provided where appropriate to avoid standing pools of water.
- (ii) There shall be satisfactory provision for foul and waste water drainage either by connection to a public sewer or sewage treatment works or by discharge to a properly constructed septic tank or cesspool approved by the local authority.

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

12. Domestic Refuse Storage & Disposal

- (i) Where communal refuse bins are provided these shall be non-combustible and housed within a properly constructed bin store.
- (ii) All refuse disposal shall be in accordance with all current legislation and regulations.

13. Communal Vehicular Parking

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

14. Communal Recreation Space

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

15. Notices and Information

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

16. Flooding

- (i) The site owner shall establish whether the site is at risk from flooding by referring to the Environment Agency's Flood Map.

- (ii) Where there is risk from flooding the site owner shall consult the Environment Agency for advice on the likelihood of flooding, the depths and velocities that might be expected, the availability of a warning service and on what appropriate measures to take.

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

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

18. Fire safety measures where the Regulatory Reform (Fire Safety) Order 2005 does not apply (such as single unit sites and those sites solely occupied by family groups)

- (i) The standards in this paragraph only apply if the site is **not** subject to the Regulatory Reform (Fire Safety) Order 2005.

Fire Points

- (ii) These shall be located so that no caravan or site building is more than 30 metres from a fire point. Equipment provided at a fire point shall be housed in a weather-proof structure, easily accessible and clearly and conspicuously marked "FIRE POINT".

Fire Fighting Equipment

- (iii) Where water standpipes are provided:
 - (a) The water supply shall be of sufficient pressure to project a jet of water not less than 5 metres from the nozzle.
 - (b) There shall be a reel that complies with the current British or European Standard, with a hose not less than 35 metres long, having a means of connection to a water standpipe (preferably a screw thread connection) with a water supply of sufficient pressure and terminating in a small hand nozzle.
 - (c) Hoses shall be housed in a red box and marked "HOSE REEL". Access to the fire point shall not be obstructed or obscured.
- (iv) Where hydrants are provided, hydrants shall conform to the current British or European Standard.
- (v) Access to hydrants and other water supplies shall not be obstructed or obscured.
- (vi) Where standpipes are not provided or the water pressure or flow is not sufficient, each fire point shall be provided with water extinguishers (2 x 9 litres) which comply with the current British or European Standard.

Fire Warning

- (vii) A suitable means of raising the alarm in the event of a fire shall be provided at each fire point.

Maintenance and Testing of Fire Fighting Equipment

- (viii) All alarm and fire fighting equipment shall be installed, tested and maintained in working order by persons who are qualified in the particular type of work being undertaken and be available for inspection by, or on behalf of, the licensing authority or the Fire and Rescue Service.
- (ix) A record shall be kept of all testing and remedial action taken.
- (x) All equipment susceptible to damage by frost shall be suitably protected.

Fire Notices

(xi) A clearly written and conspicuous notice shall be provided and maintained at each fire point to indicate the action to be taken in case of fire. This notice should include the following:

“On discovering a fire:

I. Ensure the caravan or site building involved is evacuated.

II. Raise the alarm.

III. Call the fire brigade (the nearest phone is sited at).”

IMPORTANT ADDITIONAL INFORMATION

Section 7 (1) of the Caravans Sites and Control of Development Act 1960 states that any person aggrieved by any condition of this licence may, within twenty-eight days of the date on which the licence was so issued, appeal to a magistrates' court acting for the petty sessions area in which the land is situated; and the court, if satisfied (having regard amongst other things to any standards which may have been specified by the Minister of State) that the condition is unduly burdensome, may vary or cancel the condition.

Section 7 (2) of the Act states in so far as the effect of a condition (in whatever words expressed) subject to which a site licence is issued in respect of any land is to require the carrying out on the land of any works, the condition shall not have effect during the period within which the person to whom the site licence is issued is entitled by virtue of the foregoing subsection to appeal against the condition nor, thereafter, whilst an appeal against the condition is pending.

Single-Occupancy Caravan Site Licence Conditions

These conditions shall apply to the land shown on the plan attached to the most recent site licence application form.

1. Boundaries

- (i) The boundaries of the site from any adjoining land shall be clearly marked by a man made or natural feature.
- (ii) No caravan or combustible structure shall be positioned within 3 metres of the boundary of the site.
- (iii) (a) A plan of the site shall be supplied to the local authority upon the application for a licence and, thereafter whenever there is a material change to the boundaries or layout of the site, or at any other time on the demand of the local authority.

(b) The plan supplied must clearly illustrate the layout of the site including all relevant structures, features and facilities on it and shall be of suitable quality.

2. Density, Spacing and Parking Between Caravans

- (i) Except in the case mentioned in sub paragraph (iii) and subject to sub paragraph (iv), every caravan must where practicable be spaced at a distance of no less than 6 metres (the separation distance) from any other caravan which is occupied as a separate residence.
- (ii) No caravan shall be stationed within 2 metres of any road or communal car park within the site or more than 50 metres from such a road within the site.
- (iii) Where a caravan has retrospectively been fitted with cladding from Class 1 fire rated materials to its facing walls, then the separation distance between it and an adjacent caravan may be reduced to a minimum of 5.25 metres.
- (iv) In any case mentioned in subparagraph (i) or (iii):
 - (a) A porch attached to the caravan may protrude one metre into the separation distance and must not exceed 2 metres in length and 1 metre in depth. The porch must not exceed the height of the caravan. Where a porch is installed only one door may be permitted at that entrance to the home, either on the porch or on the home.
 - (b) Eaves, drainpipes and bay windows may extend into the separation distance provided the total distance between the extremities of two facing caravans is not less than 5 metres, except where sub paragraph (iii) applies in which case the extension into the separation distance shall not exceed 4.25 metres.
 - (c) Any structure including steps, ramps, etc (except a garage or car port), which extends more than 1 metre into the separation distance shall be of non-combustible construction. There should be a 4.5 metre clear distance between any such structure and any adjacent caravan.
 - (d) A garage or car port may only be permitted within the separation distance if it is of non-combustible construction.
 - (e) Windows in structures within the separation distance shall not face towards the caravan on either side.
 - (f) Fences and hedges, where allowed and forming the boundary between adjacent caravans, should be a maximum of 1 metre high.

- (g) Private cars may be parked within the separation distance provided that they do not obstruct entrances to caravans or access around them and they are a minimum of 3 metres from an adjacent caravan.

3. Roads, Gateways and Overhead Cables

- (i) Roads shall be designed to provide adequate access for emergency vehicles and routes within the site for such vehicles must be kept clear of obstruction at all times.
- (ii) Roads shall be maintained in a good condition.
- (iii) Cable overhangs must meet the statutory requirements.

4. Bases

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

5. Supply & Storage of Gas etc

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

6. Electrical Installations

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

7. Water Supply

- (i) All pitches on the site shall be provided with a water supply sufficient in all respects to meet all reasonable demands of the caravans situated on them.
- (ii) All new water supplies shall be in accordance with all current legislation, regulations and relevant British or European Standards.
- (iii) All repairs and improvements to water supplies and installations shall be carried out to conform with current legislation and British or European Standards.

- (iv) Work on water supplies and installations shall be carried out only by persons who are qualified in the particular type of work being undertaken and in accordance with current relevant legislation and British or European Standards.

8. Drainage and Sanitation

- (i) There shall be satisfactory provision for foul and waste water drainage either by connection to a public sewer or sewage treatment works or by discharge to a properly constructed septic tank or cesspool approved by the local authority.
- (ii) All drainage and sanitation provision shall be in accordance with all current legislation and British or European Standards.
- (iii) Work on drains and sewers shall be carried out only by persons who are qualified in the particular type of work being undertaken and in accordance with current legislation and British or European standards.

9. Domestic Refuse Storage & Disposal

- (i) All refuse disposal shall be in accordance with all current legislation and regulations.

10. Notice

- (i) A copy of the current site licence shall be available for inspection onsite.

11. Flooding

- (i) The site owner shall establish whether the site is at risk from flooding by referring to the Environment Agency's Flood Map.
- (ii) Where there is risk from flooding the site owner shall consult the Environment Agency for advice on the likelihood of flooding, the depths and velocities that might be expected, the availability of a warning service and on what appropriate measures to take.

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

Fire Fighting Equipment

- (i) Where water standpipes are provided:
 - (a) The water supply shall be of sufficient pressure to project a jet of water not less than 5 metres from the nozzle.
 - (b) There shall be a reel that complies with the current British or European Standard, with a hose not less than 35 metres long, having a means of connection to a water standpipe (preferably a screw thread connection) with a water supply of sufficient pressure and terminating in a small hand nozzle.
 - (c) Hoses shall be housed in a red box and marked "HOSE REEL". Access to the fire point shall not be obstructed or obscured.
- (ii) Where hydrants are provided, hydrants shall conform to the current British or European Standard.
- (iii) Access to hydrants and other water supplies shall not be obstructed or obscured.

- (iv) Where standpipes are not provided or the water pressure or flow is not sufficient, each caravan shall be provided with fire extinguishers (2 x 9 litres) which comply with the current British or European Standard.

Fire Warning

- (v) A suitable means of raising the alarm in the event of a fire shall be provided.

Maintenance and Testing of Fire Fighting Equipment

- (vi) All fire fighting equipment shall be installed, tested and maintained in working order by persons who are qualified in the particular type of work being undertaken and be available for inspection by, or on behalf of, the licensing authority or the Fire and Rescue Service.
- (vii) A record shall be kept of all testing and remedial action taken.
- (viii) All equipment susceptible to damage by frost shall be suitably protected.

IMPORTANT ADDITIONAL INFORMATION

Section 7 (1) of the Caravans Sites and Control of Development Act 1960 states that any person aggrieved by any condition of this licence may, within twenty-eight days of the date on which the licence was so issued, appeal to a magistrates' court acting for the petty sessions area in which the land is situated; and the court, if satisfied (having regard amongst other things to any standards which may have been specified by the Minister of State) that the condition is unduly burdensome, may vary or cancel the condition.

Section 7 (2) of the Act states in so far as the effect of a condition (in whatever words expressed) subject to which a site licence is issued in respect of any land is to require the carrying out on the land of any works, the condition shall not have effect during the period within which the person to whom the site licence is issued is entitled by virtue of the foregoing subsection to appeal against the condition nor, thereafter, whilst an appeal against the condition is pending.

Appendix 2 – Holiday Caravan Site Licensing Procedure and Conditions

Procedure Objective:	To provide guidance on the licensing, inspection and enforcement of holiday caravan sites and conditions
Scope:	Holiday Caravan Sites (single or multi-occupancy) Touring Caravan Sites Moveable Dwellings
References	Caravan Sites and Control of Development Act 1960 Public Health Act 1936 Model Standards (up to and including 1989)

1.0 Introduction

- 1.1 This procedure sets out the Borough Council's requirements for land to be licensed as 'Holiday Caravan Sites', 'Touring Caravan Sites' and 'Moveable Dwellings' within the meaning of the Acts (as amended).
- 1.2 Applicants are strongly advised to seek their own legal advice if they are unsure of the requirements of the Acts mentioned in this document.

2.0 Definitions

- 2.1 *Caravan.* Any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted.
- 2.2 *Holiday Site.* Means a site which because of the terms of their planning permission or site licence must be occupied for the purpose of holidays only.
- 2.3 *Authorised Officer.* Means an officer of the Borough Council authorised in writing for the purposes of the Acts mentioned in this document.
- 2.4 *Moveable Dwelling.* Means any tent, any van or other conveyance (other than a caravan) whether on wheels or not, and any shed or similar structure, being a tent, conveyance or structure which is used either regularly or at seasons only, or intermittently, for human habitation but does not include a structure to which building regulations apply.
- 2.5 *Touring Caravan Site.* Is defined as 'a site on which people touring with caravans stay temporarily'.
- 2.6 *Tent.* Means a portable shelter and is commonly, but not exclusively, made of canvas stretched over a supporting framework.
- 2.7 *Twin-Unit Caravan.* Means a structure which consists of not more than two sections assembled together on site and when assembled is physically capable of being moved from one place to another. The total measurements when assembled shall not exceed:
 - Length: 20 metres (65.616 feet);
 - Width: 6.8 meters (22.309 feet); and
 - Overall height: 3.05 metres (10 feet).
- 2.8 *Holiday.* For the purpose of these conditions, the Borough Council defines a 'holiday' as a break away from a person's normal place of residence. A person's sole or main residence will be regarded as any place they occupy for more than 182 days in any 12-month period.

3.0 Making an application

3.1 An application for the grant or transfer of a licence must be made in writing to the Borough Council in accordance with the requirements set out below. An application form is available separately.

3.2 The application must be accompanied by plans which meet the following requirements:

A lay-out plan of the site to a scale of not less than 1/500 should clearly show:

- all boundaries of the site;
- the position of the caravans;
- all roads and footpaths;
- any foul and surface water drainage;
- any recreational spaces;
- any parking spaces;
- any toilet blocks;
- stores and other buildings; and
- any water points and any fire points.

3.3 Applications can be made in the following ways:

3.3.1 By post/personal service to:

Licensing
Borough Council of King's Lynn & West Norfolk
King's Court
Chapel Street
King's Lynn
PE30 1EX

3.3.2 On line at: www.west-norfolk.gov.uk

4.0 Grant or transfer of licences

4.1 The Borough Council may grant to an applicant a licence for the use of any land for the stationing of a Caravan (under the Caravan Sites and Control of Development Act 1960) or Moveable Dwelling (under the Public Health Act 1936) on such terms and conditions as may be specified.

4.2 A licence will remain in force indefinitely unless cancelled or revoked. However, where planning permission is granted for a fixed period then the licence will also expire at the end of that fixed period.

4.3 The Borough Council may, if they think fit, transfer a licence to any other person, entitled to it by law, upon application by that person.

5.0 Determining applications

5.1 When considering applications, the Borough Council will have regard to:

- 5.1.1 The Caravan Sites & Control of Development Act 1960 (as amended);
- 5.1.2 The Public Health Act 1936
- 5.1.3 Any supporting regulations, including the Standard Conditions;
- 5.1.4 The terms of the planning consent: and
- 5.1.5 This Document.

5.2 The Borough Council will only refuse a licence in the following circumstances:

- 5.2.1 If the site does not have planning permission; or
- 5.2.1 The applicant has held a licence in the past three years which has been revoked.

- 5.3 The Borough Council will determine applications within the following time-scales:
- 5.3.1 For sites with planning permission – two months;
 - 5.3.2 For sites awaiting the determination of a planning application – within six weeks of the planning permission being granted.
 - 5.3.3 For the transfer of a licence – within 4 weeks

6.0 Conditions

- 6.1 The Borough Council will attach specific conditions, taken from the standard conditions adopted by the Borough Council, to all site licences as is deemed appropriate
- 6.2 Additional or alternative conditions may be added in the following circumstances:
- 6.2.1 When offered by the applicant as part of the application;
 - 6.2.2 By agreement following recommendations made by the Licensing Authority;
 - 6.2.3 Following any changes to relevant legislation or guidance.
- 6.3 Licence holders who wish to be exempt from the requirements of any of the standard conditions should state in writing, giving full reasons why they should be so exempted. These representations may be made at any time.
- 6.4 The standard conditions will be reviewed on an annual basis to determine their relevance and appropriateness. Where changes are required these will be referred to the Environmental Health Manager (Commercial) for consideration before presentation to the Council for approval where necessary.

7.0 Revocation of licences

- 7.1 Failure to comply with site licence conditions may result in the revocation of a site licence.
- 7.2 Only a Magistrates' Court may revoke a site licence and only when the licence holder has had two or more previous convictions for failing to comply with conditions.
- 7.3 Where a licence is revoked, its holder shall be disqualified from holding or obtaining a licence for a period of three years from date of revocation.

8.0 Cancellation of licences

- 8.1 The licence-holder may surrender the licence at any time and may request the Council in writing to cancel the licence.
- 8.2 In the event of the death of a licence-holder, the licence may be transferred, upon application, to any person entitled to an estate or interest, by operation of law, in compliance with the application.

9.0 Complaints

- 9.1 Where possible and appropriate the Borough Council will give an early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.

10.0 Enforcement

- 10.1 The Borough Council recognises that most licence holders seek to comply with the law. Notwithstanding, any enforcement action will be in accordance with the Borough Council's Corporate Enforcement Policy.

11.0 Exchange of Information

- 11.1 The Borough Council may exercise its power under Section 115 of the Crime & Disorder Act 1998 to exchange data and information with the Police and other partners.
- 11.2 Details of applications which are referred to the Licensing Sub-Committee will be published in reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000.

12.0 Administration

- 12.1 Information and advice on all aspects of licensing can be obtained by either:
- Visiting the website on www.west-norfolk.gov.uk, or
 - Telephoning the Borough Council's Information Centre on (01553) 616200, or
 - By email to EhLicensing@west-norfolk.gov.uk or
 - By writing to:
Licensing
Borough Council of King's Lynn & West Norfolk
King's Court
Chapel Street
King's Lynn
PE30 1EX
 - In person at King's Court
- 12.2 Caravan Sites & Control of Development Act 1960:
<http://www.legislation.gov.uk/ukpga/Eliz2/8-9/62>

Static Holiday Caravan Sites **(for sites licensed for more than three caravans)**

These conditions shall apply to the land shown on the plan attached to the most recent site licence application form

1. General

- (i) The boundaries of the site shall be clearly marked, for example by fences or hedges. In addition, the site owner shall provide the local authority with a copy of the plan of its layout upon reasonable request. It is recommended that a 3 metre wide area should be kept clear within the inside of all boundaries.
- (ii) The use of land shall be restricted to the use of caravans as defined by Section 29 of the Caravan Sites and Control of Development Act, 1960 as amended by Section 13 of Caravans Sites Act 1968.
- (iii) No railway vehicle, tramcar, omnibus body, aeroplane fuselage, packing case or similar structure, whether on wheels or not, and howsoever adapted, shall be stationed or erected on the site, and no shed or shelter, other than properly designed canvas awnings, shall be erected beside any caravan.
- (iv) Roads and footpaths shall be designed to provide adequate access for fire appliances. Roads of suitable material should be provided so that no caravan is more than 50 metres from a road. Where the approach to the caravan is across ground that may become difficult or dangerous to negotiate in wet weather, each standing should be connected to a carriageway by a footpath with a hard surface. Roads should not be less than 3.7 metres wide, or, if they form part of a clearly marked one-way traffic system, 3 metres wide. Gateways should be a minimum of 3.1 metres wide and have a minimum height clearance of 3.7 metres. Footpaths should not be less than 0.75 metres wide. Roads should have no overhead cable less than 4.5 metres above the ground. Roads and footpaths should be suitably lit. Emergency vehicle routes within the site should be kept clear of obstruction at all times.
- (v) Every caravan shall stand on a concrete hard standing which extends over the whole area of the caravan placed upon it, and should project a sufficient distance outwards from the entrance or entrances of the caravan to enable occupants to enter and leave safely.
- (vi) Hard standings may be dispensed with if the caravans are removed during the winter, or if they are situated on ground which is firm and safe in poor weather conditions. However, this condition cannot be dispensed with if the provision of hard standings is a condition of planning permission.
- (vii) Where children are on the site, space equivalent to approximately 10% of the total area must be allocated for children's games and/or other recreational purposes. This provision will normally be necessary because of the limited space available round the caravans, but may be omitted where there are suitable alternative publicly provided recreational facilities which are readily available.
- (viii) A suitable sign must be prominently displayed at the site entrance indicating the name of the site.
- (ix) A copy of the site licence, together with relevant licence conditions, must be displayed prominently on the site.
- (x) All notices should be suitably protected from the weather and displayed where possible out of the direct rays of the sun, preferably in areas lit by artificial lighting.
- (xi) Each caravan standing is to be numbered for identification purposes and such number shall be maintained in a legible condition.

- (xii) Information relating to the names and addresses of owners and agents of each caravan must be provided to an authorised officer of the Borough Council, upon reasonable request.
- (xiii) A register shall be kept by the operator showing use of each caravan retained on site. To demonstrate that the caravan is not their main residence, site operators must obtain proof of main residence by way of one of the following:
 - ❖ A current Council Tax bill; or
 - ❖ A driving licence (if held) showing the same address; or
 - ❖ A current NHS card showing doctors details.

Where site visitors intend to remain on site in excess of 28-days they will be required to produce additional evidence as follows:

- ❖ A copy of the insurance cover showing that the caravan is insured for holiday use only;
 - ❖ Details of any persons remaining at their main place of residence.
- (xiv) Any site occupied between 1st November and 20th March in the following calendar year shall ensure that a full time site warden is present and that all caravans are suitably insulated to meet BS EN 3632 standards. Sites will also be subject to the following conditions:
 - (a) A public telephone for emergency purposes must be available on site at all times.
 - (b) A hard surface footpath, connected to a carriageway, must be provided to all caravans.
 - (c) Mains services i.e. electricity, water and sewage disposal must be provided to caravans and be protected against frost damage.
 - (d) Site roads should be hard surfaced and provided with artificial lighting from dusk to dawn.
 - (e) Notices and a plan must be displayed on the site, including the details of risk assessments carried out in accordance with the Regulatory Reform (Fire Safety) Order 2005, any risk of flooding and the appropriate flood warning system and contact details of a local doctor. A written copy of these must be produced upon reasonable request by an authorised officer of the Borough Council.
 - (f) A complete slab/concrete surround must be provided to each caravan and an impervious membrane covered with gravel or a complete concrete base should be provided beneath each caravan.
 - (g) A regular weekly refuse collection and disposal service must be maintained.
 - (h) A register of all persons on the site after 6.00pm must be maintained by the site operator and must be open for inspection by an authorised officer.
 - (i) All caravan occupiers must provide a Council tax reference number as proof of residential status at a permanent address other than the caravan site.
 - (xv) All caravans stationed on the site shall be maintained in a good state of decorative, structural and mechanical repair, to the satisfaction of the Licensing Authority.
 - (xvi) The Licensee shall be responsible for ensuring that caravans are not occupied by a greater number of persons than the caravan is designed to accommodate.
 - (xvii) The Licensee shall take all reasonable steps to prevent disorderly conduct on the site and to prevent noise or other nuisance likely to disturb the neighbourhood.
 - (xviii) The Licensee shall ensure that grass, hedges, trees and ditches are kept in a satisfactory safe condition. Toilet blocks, disposal points, fire points, standpipes and electrical or other equipment shall be maintained in a satisfactory condition. The site shall be kept clear of litter. All roads shall be adequately maintained and shall be cleaned as often as is necessary to ensure healthy conditions on the site. Adequate drainage for surfaces of roads, carriageways, car parking spaces and the site in general shall be provided.

- (xix) Flood risk - any site considered to be in a location regarded as high risk of flooding must be registered with Flood Watch Direct or any subsequent scheme.
- (xx) Every caravan standing should have an adequate number of suitable non-combustible refuse bins with close-fitting lids or plastic bags. Arrangements should be made for the bins to be emptied regularly. Where communal bins are also provided these should be of similar construction and housed within a communal bin store.

2. Spacing

- (i) Subject to the following variations, the minimum spacing distance between caravans shall be not less than 5 metres between units, 3.5 metres at the corners as illustrated at Annex A. For those with a plywood or similar skin, or where there is a mixture aluminium and non-aluminium units, suitable distances must not be less than 6 metres. Where there is a mixture of permanent residential homes and holiday caravans, the separation distance shall not be less than 6 metres. The point of measurement for porches, awnings etc is the exterior cladding of the caravan.
 - (a) Porches may protrude 1 metre into the 5 metre space and shall be of the open type.
 - (b) Where awnings are used, the distance between any part of the awning and adjoining caravan shall not be less than 3 metres. They shall not be of the type which incorporates sleeping accommodation and they shall not face each other or touch.
 - (c) Eaves, drainpipes and bay windows may extend into the 5 metre space provided the total distance between the extremities of 2 adjacent units is not less than 4.5 metres.
 - (d) Where there are ramps for the disabled, verandas and stairs extending from the unit, there shall be 3.5 metres clear space between them (these distances may be greater if mixture of caravans) and the nearest caravan. Any such items shall not face each other in any space. If they are enclosed, they will be considered as part of the unit and, as such, shall not intrude into the separation space.
 - (e) A garage, a shed or a covered storage space will be permitted between units only if it is of non-combustible construction (including non-combustible roof) and sufficient space is maintained around each unit so as not to prejudice means of escape in case of fire. Windows in such structures shall not face towards the unit on either side. Car ports and covered walkways shall in no circumstances be allowed within the separation space.
- (ii) No caravan is to be stationed within 3 metres of a carriageway; this distance may be varied in exceptional circumstances. No caravan is to be stationed within 3 metres of the boundary of the site; this distance may be reduced to 1.5 metres when the caravans are constructed of non-combustible material.
- (iii) The density shall be consistent with safety standards and health and safety requirements. The gross density shall not exceed 60 caravans to the hectare, calculated on the basis of the useable area (i.e. excluding lakes, roads, communal services and other areas unsuitable for the siting of caravans) rather than the total site area.

3. Vehicles & Parking

- (i) Only one vehicle may be parked between adjoining caravans provided that the door to the caravan is not obstructed. Suitably surfaced parking spaces should be provided where necessary to meet the additional requirements of occupants and their visitors. The operator shall record the registration number of any vehicle remaining on the site during an overnight period. Plastic or wooden boats should not be parked between units.
- (ii) Hard surface car parking must be available within 45 metres of all caravans.

4. Fire Safety

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

- (i) Fire Points. Fire points should be located throughout the site; as a guide within 50 metres of any caravan. Unless a person is trained in fire fighting there should be NO encouragement to any person to act in any manner to fight a fire. Fire points should be clearly visible, appropriately signed 'fire points' and the following advice should be followed at all times and details should appear in writing at each fire point in clear black letters:-

Do not take personal risks or attempt to tackle the fire

Raise the alarm by activation of the alarm mechanism provided in the location of but not in close vicinity to the fire effected area.

Ensure the fire and rescue service is called

The nearest public telephone is sited at

The address and post code of this site is

Meet the fire and rescue service on their arrival in order to give access, directions and report if any persons are missing or trapped.

- (ii) Each Fire Point must consist of red hi-viz waterproof housing bearing a fixed weatherproof action instruction notice on the outside and a smaller usable waterproof notice on the inside attached to the warning device. The fire action instruction must read (in clear black letters) 'Do not take personal risks'. They must also contain inside:

A portable air warning horn or other similar warning device which must be securely attached to the housing.

A fully working hand held torch.

- (iii) Suitable advice on action in the case of fire shall be placed on the inside of each main access door to each caravan. A conspicuous information leaflet should be left in each caravan at the commencement of each new occupation. All privately owned caravans must have a leaflet at the beginning of each new season.
- (iv) Each caravan shall have a Smoke Detector and a Fire Blanket to use in the case of an emergency and provision of a Fire Extinguisher is optional. A weekly check of this equipment must be carried out to ensure it is in good working order condition and those checks must be recorded in a suitable log.
- (v) The maximum number of 47kg LPG cylinders permitted alongside any caravan is two at any one time.

- (vi) At least one smoke detector and a fire blanket MUST be fitted inside all caravans for use in case of an emergency. The provision of a fire extinguisher is optional.
- (vii) An immediately assessable telephone should be available on the site for calling the emergency services. Notices giving details of the site address and post code must be on display.
- (viii) All alarm and fire fighting equipment should be installed, tested and maintained in working order by a competent person and be available for inspection by or on behalf of the Borough Council of King's Lynn & West Norfolk. A log book must be kept to record all tests and any remedial action.
- (ix) All alarm and fire fighting equipment susceptible to damage by frost should be suitably protected.
- (x) Grass and vegetation should be cut at frequent and regular intervals where necessary to prevent it becoming a fire hazard to caravans, buildings or other installations on the site. Any such cuttings should be removed from the vicinity of caravans. The space beneath and between caravans should not be used for the storage of combustible materials.
- (xi) A Fire Risk Assessment MUST be carried out and reviewed at least once a year. A written copy of that assessment must be available for inspection by an authorised officer.

5. Gas & Electricity

- (i) Gas safety guidance the latest guidance is provided by the Health and Safety Executive under Operational Circular OC 440/34 and is due for review on 28/08/2015. The Borough Council will require evidence that the site owner has referred to this guidance.
- (ii) Sites shall be provided with an electricity supply sufficient to meet all reasonable demands of the caravans situated on them.
- (iii) Electrical installations (other than Electricity Supplier works) and circuits shall be subject to regulations made by the Secretary of State under any Act of Parliament or suitable Regulation shall be installed, tested and maintained in accordance with the provisions of current British or European Standards.
- (iv) Work on electrical installations and appliances shall be carried out only by competent persons such as the manufacturer's appointed agent, the electricity supplier, a professionally qualified electrical engineer, a member of the Electrical Contractor's Association, a contractor approved by the National Inspection Council for Electrical Installation Contracting, or a qualified person acting on behalf of one of the above. The installations shall be inspected periodically by a similarly qualified person under current British or European Regulations, every year or such longer period (not exceeding 3 years) as is considered appropriate in each case.
- (v) The inspector should, within 1 month of such an inspection, issue an inspection certificate in the form prescribed in the current Regulations which should be retained by the site operator and displayed, supplemented or replaced by subsequent certificates, with a site licence. The cost of the inspection and report shall be met by the site operator or licence holder. The Borough Council shall, from time to time, require proof of these inspections.
- (vi) If an inspection reveals that an installation no longer complies with the regulations extant at the time it was first installed, any deficiencies shall be rectified. Any major alterations and extensions to an installation and all parts of the existing installation affected by them shall comply with the latest version of the current wiring regulations.
- (vii) If there are overhead electric lines on the site, suitable warning notices shall be displayed at the entrance to the site and on supports for the line. Where appropriate, attention shall be drawn to the danger of masts of yachts or dinghies contacting the line.

6. Water & Sewerage

- (i) All sites shall be provided with a water supply in accordance with appropriate Water Byelaws and statutory quality standards
- (ii) Satisfactory provision shall be made for foul drainage, either by connection to a public sewer or sewage treatment works or by discharge to a properly constructed septic tank or cesspool approved by the local authority
- (iii) Properly designed disposal points for the contents of chemical closets should be provided with an adequate supply of water for cleaning the containers.
- (iv) For caravans without their own water supply and water closets, communal toilet blocks should be provided, with adequate supplies of water, on at least the following scales:
 - Men: 1 WC and 1 urinal per 15 caravans Women: 2 WCs per 15 caravans
 - 1 wash basin for each WC or group WCs
 - 1 shower or bath (with hot and cold water) for each sex per 20 caravans
- (v) Toilet blocks should be sited conveniently so that all site occupants may have reasonable access to one by means of a road or footpath on a 24 hour basis.
- (vi) Laundry Facilities are to be provided in a separate room and to be fitted with one deep sink with hot and cold running water per 100 caravans.
- (vii) There shall be provided one or more properly designed point(s) for chemical closets contents, fitted with a flushing cistern and an adequate supply of water for cleaning containers. Such disposal points shall be connected to a sealed cesspool (independent of any public sewerage system) and shall be provided at a rate of one to each toilet block on the site, this condition may be dispensed with when the use of chemical closets is specifically prohibited or where all units on site are independently connected to a sewerage system.
- (viii) A sufficiently effective ground water drainage system must be provided to prevent any flooding problems occurring. Any new system must be approved by the local authority.

IMPORTANT ADDITIONAL INFORMATION

Section 7 (1) of the Caravans Sites and Control of Development Act 1960 states that any person aggrieved by any condition of this licence may, within twenty-eight days of the date on which the licence was so issued, appeal to a magistrates' court acting for the petty sessions area in which the land is situated; and the court, if satisfied (having regard amongst other things to any standards which may have been specified by the Minister of State) that the condition is unduly burdensome, may vary or cancel the condition.

Section 7 (2) of the Act states in so far as the effect of a condition (in whatever words expressed) subject to which a site licence is issued in respect of any land is to require the carrying out on the land of any works, the condition shall not have effect during the period within which the person to whom the site licence is issued is entitled by virtue of the foregoing subsection to appeal against the condition nor, thereafter, whilst an appeal against the condition is pending.

Static Holiday Caravan Sites

(for sites licensed for three caravans or less)

These conditions shall apply to the land shown on the plan attached to the most recent site licence application form

1. General

- (i) The boundaries of the site shall be clearly marked, for example by fences or hedges. In addition, the site owner shall provide the local authority with a copy of the plan of its layout upon reasonable request. It is recommended that a 3 metre wide area should be kept clear within the inside of all boundaries.
- (ii) The use of land shall be restricted to the use of caravans as defined by Section 29 of the Caravan Sites and Control of Development Act, 1960 as amended by Section 13 of Caravans Sites Act 1968.
- (iii) No railway vehicle, tramcar, omnibus body, aeroplane fuselage, packing case or similar structure, whether on wheels or not, and howsoever adapted, shall be stationed or erected on the site, and no shed or shelter, other than properly designed canvas awnings, shall be erected beside any caravan.
- (iv) Every caravan shall stand on a concrete hard standing which extends over the whole area of the caravan placed upon it, and should project a sufficient distance outwards from the entrance or entrances of the caravan to enable occupants to enter and leave safely.
- (v) Hard standings may be dispensed with if the caravans are removed during the winter, or if they are situated on ground which is firm and safe in poor weather conditions. However, this condition cannot be dispensed with if the provision of hard standings is a condition of planning permission.
- (vi) Each caravan standing is to be numbered for identification purposes and such number shall be maintained in a legible condition.
- (vii) Information relating to the names and addresses of owners and agents of each caravan must be provided to an authorised officer of the Borough Council, upon reasonable request.
- (viii) Any site occupied between 1st November and 20th March in the following calendar year shall ensure that all caravans are suitably insulated to meet BS EN 3632 standards. Sites will also be subject to the following conditions:
 - (a) Mains services i.e. electricity, water and sewage disposal must be provided to caravans and be protected against frost damage.
 - (b) A complete slab/concrete surround must be provided to each caravan and an impervious membrane covered with gravel or a complete concrete base should be provided beneath each caravan.
 - (c) A regular weekly refuse collection and disposal service must be maintained.
 - (d) All caravan occupiers must provide a Council tax reference number as proof of residential status at a permanent address other than the caravan site upon reasonable request.

- (ix) All caravans stationed on the site shall be maintained in a good state of decorative, structural and mechanical repair, to the satisfaction of the Licensing Authority.
- (x) The Licensee shall be responsible for ensuring that caravans are not occupied by a greater number of persons than the caravan is designed to accommodate.
- (xi) The Licensee shall take all reasonable steps to prevent disorderly conduct on the site and to prevent noise or other nuisance likely to disturb the neighbourhood.
- (xii) The Licensee shall ensure that grass, hedges, trees and ditches are kept in a satisfactory safe condition. Electrical or other equipment shall be maintained in a satisfactory condition and the site shall be kept clear of litter.
- (xiii) Flood risk - any site considered to be in a location regarded as high risk of flooding must be registered with Flood Watch Direct or subsequent scheme.
- (xiv) Every caravan standing should have an adequate number of suitable non-combustible refuse bins with close-fitting lids or plastic bags. Arrangements should be made for the bins to be emptied regularly. Where communal bins are also provided these should be of similar construction and housed within a communal bin store.

2. Spacing

- (i) Subject to the following variations, the minimum spacing distance between caravans shall be not less than 5 metres between units, 3.5 metres at the corners as illustrated at Annex A. For those with a plywood or similar skin, or where there is a mixture aluminium and non-aluminium units, suitable distances must not be less than 6 metres. Where there is a mixture of permanent residential homes and holiday caravans, the separation distance shall not be less than 6 metres. The point of measurement for porches, awnings etc is the exterior cladding of the caravan.
 - (a) Porches may protrude 1 metre into the 5 metre space and shall be of the open type.
 - (b) Where awnings are used, the distance between any part of the awning and adjoining caravan shall not be less than 3 metres. They shall not be of the type which incorporates sleeping accommodation and they shall not face each other or touch.
 - (c) Eaves, drainpipes and bay windows may extend into the 5 metre space provided the total distance between the extremities of 2 adjacent units is not less than 4.5 metres.
 - (d) Where there are ramps for the disabled, verandas and stairs extending from the unit, there shall be 3.5 metres clear space between them (these distances may be greater if mixture of caravans) and the nearest caravan. Any such items shall not face each other in any space. If they are enclosed, they will be considered as part of the unit and, as such, shall not intrude into the separation space.
 - (e) A garage, a shed or a covered storage space will be permitted between units only if it is of non-combustible construction (including non-combustible roof) and sufficient space is maintained around each unit so as not to prejudice means of escape in case of fire. Windows in such structures shall not face towards the unit on either side. Car ports and covered walkways shall in no circumstances be allowed within the separation space.
- (ii) No caravan is to be stationed within 3 metres of a carriageway; this distance may be varied in exceptional circumstances. No caravan is to be stationed within 3 metres of the boundary of the site; this distance may be reduced to 1.5 metres when the caravans are constructed of non-combustible material.

3. Vehicles & Parking

- (i) Only one vehicle may be parked between adjoining caravans provided that the door to the caravan is not obstructed. Suitably surfaced parking spaces should be provided where necessary to meet the additional requirements of occupants and their visitors. The operator shall record the registration number of any vehicle remaining on the site during an overnight period. Plastic or wooden boats should not be parked between units.

4. Fire Safety

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

- (i) Suitable advice on action in the case of fire shall be placed on the inside of each main access door to each caravan. Where any caravan is subject to a formal letting agreement Conditions 16.1 to 16.6 above will apply.
- (ii) Each caravan shall have a Smoke Detector and a Fire Blanket to use in the case of an emergency and provision of a Fire Extinguisher is optional
- (iii) Grass and vegetation should be cut at frequent and regular intervals where necessary to prevent it becoming a fire hazard to caravans, buildings or other installations on the site. Any such cuttings should be removed from the vicinity of caravans. The space beneath and between caravans should not be used for the storage of combustible materials.
- (iv) The maximum number of 47kg LPG cylinders permitted alongside any caravan is limited to two at any one time.

5. Gas & Electricity

- (i) Gas safety guidance the latest guidance is provided by the Health and Safety Executive under Operational Circular OC 440/34 and is due for review on 28/08/2015. The Borough Council will require evidence that the site owner has referred to this guidance.
- (ii) Sites shall be provided with an electricity supply sufficient to meet all reasonable demands of the caravans situated on them.
- (iii) Electrical installations (other than Electricity Supplier works) and circuits shall be subject to regulations made by the Secretary of State under any Act of Parliament or suitable Regulation shall be installed, tested and maintained in accordance with the provisions of current British or European Standards.
- (iv) Work on electrical installations and appliances shall be carried out only by competent persons such as the manufacturer's appointed agent, the electricity supplier, a professionally qualified electrical engineer, a member of the Electrical Contractor's Association, a contractor approved by the National Inspection Council for Electrical Installation Contracting, or a qualified person acting on behalf of one of the above. The installations shall be inspected periodically by a similarly qualified person under current British or European Regulations, every year or such longer period (not exceeding 3 years) as is considered appropriate in each case.

- (v) The inspector should, within 1 month of such an inspection, issue an inspection certificate in the form prescribed in the current Regulations which should be retained by the site operator and displayed, supplemented or replaced by subsequent certificates, with a site licence. The cost of the inspection and report shall be met by the site operator or licence holder. The Borough Council shall, from time to time, require proof of these inspections.
- (vi) If an inspection reveals that an installation no longer complies with the regulations extant at the time it was first installed, any deficiencies shall be rectified. Any major alterations and extensions to an installation and all parts of the existing installation affected by them shall comply with the latest version of the current wiring regulations.

6. Water & Sewerage

- (i) All sites shall be provided with a water supply in accordance with appropriate Water Byelaws and statutory quality standards
- (ii) Satisfactory provision shall be made for foul drainage, either by connection to a public sewer or sewage treatment works or by discharge to a properly constructed septic tank or cesspool approved by the local authority
- (iii) A sufficiently effective ground water drainage system must be provided to prevent any flooding problems occurring. Any new system must be approved by the local authority.

IMPORTANT ADDITIONAL INFORMATION

Section 7 (1) of the Caravans Sites and Control of Development Act 1960 states that any person aggrieved by any condition of this licence may, within twenty-eight days of the date on which the licence was so issued, appeal to a magistrates' court acting for the petty sessions area in which the land is situated; and the court, if satisfied (having regard amongst other things to any standards which may have been specified by the Minister of State) that the condition is unduly burdensome, may vary or cancel the condition.

Section 7 (2) of the Act states in so far as the effect of a condition (in whatever words expressed) subject to which a site licence is issued in respect of any land is to require the carrying out on the land of any works, the condition shall not have effect during the period within which the person to whom the site licence is issued is entitled by virtue of the foregoing subsection to appeal against the condition nor, thereafter, whilst an appeal against the condition is pending.

Touring Caravan Sites

Conditions for caravans used for the purposes of touring from one location to another and not to remain static in any single location.

1. General

- (i) Site Density should not exceed 75 units (caravans or motor caravans) per hectare (30 units per acre) calculated on the basis of the useable area rather than the total site area (i.e. excluding crags, lakes, roads, communal services etc.), provided that, where tent camping is also permitted, the maximum number of units stationed on the site at any time should be reduced by the number of pitches occupied by main tents stationed for human habitation.
- (ii) The site owner shall provide a scale plan of the site upon reasonable request of an authorised officer (site boundaries and all relevant facilities must be shown on this plan)
- (iii) Where the number of units on the site is to be limited by condition, it may be appropriate to prescribe maximum by references to specified periods so as to permit up to 10 more units during such peak holiday periods as may be agreed between the site licensing authority and the licence holder without the provision of additional facilities, provided that:
 - (a) The provisions of paragraph 19.1 above are complied with; and
 - (b) The standards relating to spacing, as set out in paragraph 26.0 below, are complied with.
 - (c) No unit shall be closer than 6 metres.
- (iv) Vehicles and other ancillary equipment should be permitted within the 6 metres space between units in separate family occupation but, in order to restrict the spread of fire, there should always be 3 metres clear space within the 6 metres separation. (No unit shall be stationed within 3 metres of a carriageway)
- (v) Emergency vehicles should be able to secure access at all times to within 90 metres of any unit on the site.
- (vi) Refuse Disposal - Adequate provision should be made for the storage, collection and disposal of refuse. (It is expected that site operators should normally be able to meet their responsibilities by making arrangements with the local authority).
- (vii) A sign indicating the name of the site should be displayed at the site entrance.
- (viii) Notices should be displayed prominently on the site indicating the action to be taken in the event of an emergency indicating where local doctors can be contacted and the location of the nearest public telephone. Where practicable a telephone should be provided on the site and the full address of the site should be displayed near the telephone.
- (ix) At sites subject to flood risk, warning notices should be displayed giving advice about the operation of the flood warning system and any site operated within a high risk flood zone must be registered with Flood watch Direct (or its equivalent flood warning system).
- (x) A copy of the site licence with its conditions must be displayed prominently on the site when the site is open.
- (xi) Roads and carriageways shall be designed to afford adequate access to all emergency vehicles
- (xii) Parking shall be provided in order for adequate numbers of vehicles to park safely and avoid more than one vehicle being parked between caravans.

- (xiii) The licence holder shall ensure that grass, hedges, trees and ditches are kept in a satisfactory condition. Toilet blocks, disposal points, fire points, standpipes and electrical or other equipment shall be maintained in a satisfactory condition.
- (xiv) The licence holder shall take all reasonable steps to prevent disorderly conduct on the site and to prevent noise or other nuisance likely to disturb the neighbourhood. No apparatus or equipment shall be so operated at any time in such a manner as to cause nuisance by noise.
- (xv) All notices shall be suitably protected from the weather and displayed where possible out of direct rays of sun, preferably in areas lit by artificial lighting.

2. Spacing

- (i) Spacing - Every unit should be not less than 6 metres from any other unit in separate family occupation and not less than 3 metres should be permitted between units in any circumstances. (Where awnings are used, the minimum distance between any part of the awning and nearest caravan will be 3 metres)

3. Fire Safety

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

- (i) Fire Precautions - No unit should be further than 90 metres from a fire point. At each point there should be two water (gas expelled) extinguishers each of 10 litres capacity and complying with current British Standards, together with a means of raising the alarm in the event of fire (e.g. a manually operated sounder, gong or hand operated siren). All fire fighting equipment susceptible to damage by frost should be suitably protected.
- (ii) Wherever there is a likelihood of fire spreading due to vegetation catching fire, suitable beaters, of a type used by the Forestry Commission, should also be provided at each fire point.
- (iii) The fire points should be clearly marked and easily accessible. All firefighting equipment should be maintained in working order and kept available for use and for inspection by the licensing authority.
- (iv) Each fire point should exhibit a conspicuous notice indicating the action to be taken in case of fire and the location of the nearest telephone. The notice should include the following:

Do not take personal risks or attempt to tackle the fire

Raise the alarm by activation of the warning system provided

Ensure the fire and rescue service is called

The nearest public telephone is

The address and postcode of this site is

Meet the fire and rescue service on their arrival in order to give access, directions and report if any persons are missing or trapped

- (v) The licence holder will carry out a fire risk assessment in accordance with the Regulatory Reform (Fire Safety) Order 2005 and a written copy of that assessment shall be displayed on the public notice board.

4. Gas & Electricity

- (i) Liquefied petroleum gas - Arrangements for the storage and provision of Liquefied Petroleum Gas (LPG) on the site should be in accordance with the current guidance provided by the Health and Safety Executive under Operational Circular OC 440/34, this advice is due to be reviewed on 26/08/2015. Proof of this must be produced upon reasonable request.
- (ii) At sites with overhead electric lines, warning notices should be displayed on the supports for the lines and at the site entrance. Where appropriate, these should warn against the danger of contact between the lines and the masts of yachts or dinghies.
- (iii) Electrical Installations - Where there is an electrical installation other than Electricity supplier works and circuits subject to current regulations, it should be installed to the requirements of the Institution of Electrical Engineers' Regulations for Electrical Installations (the IEE Wiring Regulations) for the time being in force and, where appropriate, to the standard. Any installation should be maintained in such a way as to prevent danger as far as reasonably practicable and should be periodically inspected and tested by a competent person in accordance with the IEE Wiring Regulations. Proof of this (certificate) must be produced upon reasonable request.

5. Water & Sewerage

- (i) Drinking water supply and Waste Water disposal - There should be an adequate supply of drinking water. Each pitch on a site should be no further than 90 metres from a water tap. At each tap there should be a soak-away or gully.
- (ii) Waste water disposal points should be provided so that each pitch is no further than 90 metres from a waste water disposal point. Satisfactory provisions are to be made for foul drainage either by connection to a public sewer, private treatment plant, properly constructed cesspool or septic tank. The appropriate Water Authority should be consulted about the arrangements for disposal of water likely to be contaminated.
- (iii) Toilet Facilities: - The scale of provision should be 1 WC and 1 urinal for men and 2 WCs for women per 30 pitches and their location should be to the satisfaction of the licensing authority, being clearly marked and accessible 24 hours a day.
 - (a) The pro rata scale can be reduced where sites have over 120 pitches (see also paragraph 9 below). Toilets may not be justified where sites have less than 10 pitches but on sites with between 10 and 30 pitches at least one WC and 1 urinal for men and 2 WCs for women should be provided.
 - (b) Toilet blocks are to be constructed in such a manner and of such materials that they are easily cleansed. Walls and floors are to be constructed to ensure adequate privacy and all sanitary facilities to be provided free of charge. All toilet blocks shall be maintained in a clean and sanitary condition. Separate entrances to the toilet blocks shall be provided for men and women, adequately screened and legibly identified.
 - (c) All toilet blocks shall be provided with a satisfactory form of artificial lighting during the hours of darkness.
 - (d) All sanitary fittings shall be made to discharge into the drainage system in an approved manner
- (iv) Where the provision of WCs is not feasible or justified entry should be confined to units with their own toilets or chemical closets should be provided.

- (v) Disposal point for chemical closets - Whether or not WCs are provided, a properly designed disposal point for the contents of chemical closets should be provided together with an adjacent adequate supply of water for cleansing containers. The method of disposal will need to be considered in the light of the particular circumstances and should be to the satisfaction of the local authority and the appropriate Water Authority. Where appropriate, the water supply should be clearly labelled as non-potable.
- (vi) Washing Points - There should be a minimum of 4 wash basins supplied with water per 30 units; 2 each for men and women. They should be adjacent to the toilets. Laundry facilities are to be provided in a separate room attached to the toilet block and to be fitted with one deep sink and hot and cold running water per 100 caravans.
- (vii) Hot water: showers - Showers should not be obligatory on sites with less than 70 pitches. If showers are required, provision should be on the basis of 1 shower per 25 pitches and hot water should be available.
- (viii) Disabled persons - Particular consideration should be given to the needs of the disabled in the provision made for water points, toilets, washing points and showers.

IMPORTANT ADDITIONAL INFORMATION

Section 7 (1) of the Caravans Sites and Control of Development Act 1960 states that any person aggrieved by any condition of this licence may, within twenty-eight days of the date on which the licence was so issued, appeal to a magistrates' court acting for the petty sessions area in which the land is situated; and the court, if satisfied (having regard amongst other things to any standards which may have been specified by the Minister of State) that the condition is unduly burdensome, may vary or cancel the condition.

Section 7 (2) of the Act states in so far as the effect of a condition (in whatever words expressed) subject to which a site licence is issued in respect of any land is to require the carrying out on the land of any works, the condition shall not have effect during the period within which the person to whom the site licence is issued is entitled by virtue of the foregoing subsection to appeal against the condition nor, thereafter, whilst an appeal against the condition is pending.

Moveable Dwellings (including Tents) Sites (Public Health Act 1936 Section 269)

These conditions shall apply to the land shown on the plan attached to the site licence application.

The term 'unit' is used to describe a moveable dwelling as defined in paragraph 2.4 of the Caravan Site Procedure.

1. General

- (i) Roads and Carriageways. Roads and carriageways where required shall be constructed of suitable materials, with an impervious surface if necessary, having in mind the nature of the subsoil and the volume of traffic.
- (ii) One car parking space is to be provided beside the unit. Additional car parking, separate from the units, is to be provided at the rate of at least one space per 5 units.
- (iii) The licensee shall ensure that grass, hedges, trees and ditches are kept in a satisfactory condition. Toilet blocks, disposal points, fire points, standpipes and electrical or other equipment shall be maintained in a satisfactory condition. The site shall be kept clear of litter. All roads shall be adequately maintained and shall be cleaned as often as necessary to ensure healthy conditions on the site. Adequate drainage for surfaces of roads, carriageways, car parking spaces and the site in general shall be provided.
- (iv) The licensee shall take all reasonable steps to prevent disorderly conduct on the site and to prevent noise or other nuisance likely to disturb the neighbourhood.
- (v) At all times when the units are in use, the site licence is to be displayed in a properly constructed case, fixed near the entrance to the site.
- (vi) A recreational space equivalent to one tenth of the total area shall be allocated for children's games and other recreational purposes unless a specific exemption is granted.
- (vii) During the period from 1st November to 19th March, unless otherwise specified on the site licence, the site shall be cleared of units.
- (viii) Medical Services. A notice showing the name and addresses of all medical practitioners in the area together with telephone numbers is to be clearly displayed at all times.
- (ix) Emergency Telephone. A telephone should be available on the site, at all times, for calling Police, Fire, Ambulance or other Emergency Service.
- (x) Identification. Each available pitch is to be numbered for identification purposes and such number is to be maintained in a legible condition. These records must be kept for a minimum of five years and be made available to an authorised officer of the Borough Council upon reasonable request.
- (xi) If paraffin or bottled gas cylinders are kept by the site operator, or any other person, for supplying the needs of occupants of units on the site, they shall be kept in accordance with the requirements of the Health & Safety Executive code of practice for keeping L.P.G. in cylinders and similar containers. A warning notice "Danger Highly Inflammable, No Smoking or Naked Lights" is to be displayed. For further guidance – see paragraph 28.0.
- (xii) Transfer of Site Licence. A Site Licence may be transferred to another owner of the site. Please notify the Borough Council if you intend to give up your right of occupation in respect of the land in question.

2. Spacing

- (i) Space between Units. No unit may be stationed within:
 - (a) 6 metres of any other unit.
 - (b) 3 metres of a carriageway.
 - (c) 3 metres of a boundary of the site.

3. Fire Prevention

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

- (i) All site operators must have a suitable and sufficient fire risk assessment carried out which must be available for inspection
- (ii) Fire Points – should be located throughout the site, as a guide within 50 metres of any moveable dwelling.
- (iii) The fire points should be clearly visible and appropriately signed 'Fire Point'. They should contain inside:
 - (a) Portable air warning horn or other approved warning device.
 - (b) Fire action instruction notice
 - (c) Hand held torch
- (iv) The fire point should consist of a red hi-viz waterproof housing bearing a fixed weatherproof fire action instruction notice on the outside and a smaller usable waterproof one on the inside attached to the warning device.
- (v) The fire action instruction notice should read as follows:

Fire Action Instruction Notice

Do not take personal risks or attempt to tackle the fire

Raise the alarm by activation of the air horn (located inside) or other similar device (must be approved by the fire service) in the location of but not in close vicinity to the fire affected area

Ensure the fire and rescue service is called

The nearest telephone is sited

The address of this site is

Meet the fire and rescue service on their arrival to give:

Access (open gates)

Directions to incident

Report if it is known if there are any persons missing/trapped

- (vi) A weekly check should be carried out to ensure equipment is still in position and in good working condition.
- (vii) It is hoped that the equipment will not be misused or stolen from the fire points. This would need to be monitored and dealt with as appropriate
- (viii) Where regular staff are on site appropriate fire fighting equipment within the office/shop for that particular risk and appropriate potable fire fighting equipment available to deal with a small fire

must be available. The staff must have regular appropriate fire training before being allowed to use the extinguishers

- (ix) Fire extinguishers are not required to be located around the site for staff use (unless secured) as it would lead to temptation for members of the public to try and use them

4. Water, Sewerage, Drainage & Refuse

- (i) The site shall be provided with a water supply complying with current British Standards.
- (ii) A sufficient number of standpipes with taps are to be provided on the site, so that no unit is more than 30 metres from any standpipe. Each standpipe is to be provided with a concrete surround of a minimum size 1.25 metres x 1.25 metres laid to a proper fall to allow water to drain quickly and effectively into the gully. A gully connected to the foul drainage system shall be located under each standpipe.
- (iii) Satisfactory provision is to be made for drainage, either by connection to public sewer, properly constructed cesspool or septic tank. Standard is to be in accordance with Building Regulations. All sanitary fittings shall be made to discharge into the drainage system in an approved manner.
- (iv) Waste disposal must be compliant with the most recent guidance provided by the Environment Agency or other similar enforcement agency.
- (v) Each site is to be provided with water closets in the following proportions.
 - (a) Men – 1 WC and 1 urinal per 15 units or part thereof
 - (b) Women – 2 WC's per 15 units or part thereof
- (vi) Except in the case of 3 units or less when the licensing authority may accept a lower standard.
- (vii) No unit shall be stationed at a greater distance than 100 metres from a toilet block.
- (viii) Toilet blocks are to be constructed in strict accordance with the requirements of the Building Regulations. Walls and floors are to be of an impervious material. All toilets are to be constructed to ensure adequate privacy and all sanitary facilities are to be provided free of charge.
- (ix) Each block of WC's are to be provided with a proportionate number of wash basins and the total number of wash basins on the site must be in accordance with the following scale:-
 - (a) 1 wash hand basin for each sex per 15 tents or part thereof, except in the case of 3 units or less when the licensing authority may accept a lower standard.
 - (b) Each wash hand basin is to be supplied with running hot and cold water.
- (x) There shall be provided one bath, or shower, with hot and cold water for each sex per 30 units.
Note: where there are 5 or less units this requirement may be dispensed with, subject to written confirmation from the Borough Council's Licensing Team.
- (xi) There shall be provided one or more properly designed disposal points for chemical closets contents, fitted with a flushing cistern, with an adequate supply of water for cleaning the containers. Such disposal points shall be connected to a sealed cesspool (independent of any public sewerage system) and shall be provided at the rate of one to each toilet block on the site, this condition may be dispensed with when the use of chemical toilets is specifically prohibited.
- (xii) Laundry facilities are to be provided in a separate room attached to the toilet block and are to be fitted with one deep sink with hot and cold running water per 100 units.
Note: where there are 5 or less units this requirement may be dispensed with, subject to written confirmation from the Borough Council's Licensing Team.

- (xiii) Sufficient refuse containers of an approved design, complete with close fitting lids are to be kept clean and placed in an approved position.

IMPORTANT ADDITIONAL INFORMATION

Section 7 (1) of the Caravans Sites and Control of Development Act 1960 states that any person aggrieved by any condition of this licence may, within twenty-eight days of the date on which the licence was so issued, appeal to a magistrates' court acting for the petty sessions area in which the land is situated; and the court, if satisfied (having regard amongst other things to any standards which may have been specified by the Minister of State) that the condition is unduly burdensome, may vary or cancel the condition.

Section 7 (2) of the Act states in so far as the effect of a condition (in whatever words expressed) subject to which a site licence is issued in respect of any land is to require the carrying out on the land of any works, the condition shall not have effect during the period within which the person to whom the site licence is issued is entitled by virtue of the foregoing subsection to appeal against the condition nor, thereafter, whilst an appeal against the condition is pending.

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Operational	Be entirely within Cabinet's powers to decide		YES
		Need to be recommendations to Council		/NO
		Is it a Key Decision		NO
Lead Member: Councillor N 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:		Other Officers consulted:		
Financial Implications NO	Policy/Personnel Implications NO	Statutory Implications NO	Equal Impact Assessment NO	Risk Management Implications NO

Date of meeting: 5 March 2013

5 CLARIFICATION ON THE POLICY ON UNREASONABLY PERSISTENT COMPLAINANTS

Summary

In May 2007 the Council adopted a policy for dealing with unreasonably persistent complainants. The report sets out some minor additional wording to clarify where senior officers will cease responding to those complainants after every avenue of complaint has been considered and exhausted.

Recommendation

That the minor additional points be approved.

Reason for Decision

To provide clarity for Officers in dealing with such situations.

Background

In May 2007, the Council adopted a policy which guided Officers in dealing with Persistent unreasonable complainants and unreasonable complainant behaviour.

The existing policy requires some minor changes to clarify what action will be taken when officers will cease to respond to an unreasonably persistent complainer. The change in title from Head of Service to Executive Director has automatically been updated in the document.

Policy Implications

The policy is already in place for the Council.

Financial Implications

There are no specific financial implications arising from this report, except the considerable amount of officer time spent in dealing with the persistent complainants once they have exhausted all avenues in the complaints process.

Statutory Consideration

None

Risk Assessment

By making these minor amendments the Council will continue to give full consideration to all aspects of the complaints process.

Declarations of Interest / Dispensations Granted

None

Access To Information

Local Government Ombudsman Guidance note on “unreasonably persistent complaints” and “unreasonable complainant behaviour”

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BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK

POLICY ON UNREASONABLY PERSISTENT COMPLAINANTS

UNACCEPTABLE COMPLAINTS POLICY

This policy sets out our approach to the relatively few complainants whose actions or behaviour we consider to be unacceptable. We aim to deal fairly, honestly, consistently and appropriately with all complainants, but we retain the right to restrict or change access to our services where we consider a complainant's actions to be unacceptable. Our aim in doing this is to ensure that other complainants and our staff do not suffer any disadvantage from complainants who act in an unacceptable manner.

This policy will not affect anyone's rights under the Data Protection Act 1998 or the Freedom of Information Act 2000.

DEFINING UNACCEPTABLE ACTIONS

People may act out of character when under stress and we do not view behaviour as unacceptable just because a complainant is forceful or determined. However, the actions of complainants who are angry, demanding or persistent may result in unreasonable demands on workloads and behaviour towards staff. Such actions have been grouped under three headings:

1. Unreasonable Persistence

Examples include:

- Refusing to specify the grounds of a complaint, despite offers of assistance with this from the authority's staff.
- Refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure's scope.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making what appear to be groundless complaints about the staff dealing with the complaints, and seeking to have them replaced.

- Changing the basis of the complaint as the investigation proceeds and/or denying statements he or she made at an earlier stage.
- Introducing trivial or irrelevant new information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed but unimportant questions and insisting they are all fully answered.
- Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.
- Adopting a 'scattergun' approach: pursuing a complaint or complaints with the authority and, at the same time, with a Member of Parliament/a councillor/the authority's independent auditor/the Standards Board/local police/solicitors/the Ombudsman.
- Making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being looked into, by for example excessive telephoning or sending emails to numerous council staff, writing lengthy complex letters every few days and expecting immediate responses.
- Submitting repeat complaints, after complaints processes have been completed, essentially about the same issues, with additions/variations which the complainant insists make these 'new' complaints which should be put through the full complaints procedure.
- Refusing to accept the decision – repeatedly arguing the point and complaining about the decision.
- Combinations of some or all of these.

When we find a complainant to be unreasonably persistent, we will tell them why and ask them to change their behaviour. If the behaviour continues, we will take action to restrict the complainant's contact with the Council. Any such restrictions will be appropriate and proportionate after consideration by the appropriate Head of Service/Executive Director. The most likely options would be:-

- a) ___ requesting contact in a particular form (eg by letter only)
- b) ___ requiring contact to take place with a named member of staff and by prior appointment
- c) ___ restricting telephone calls to specific days and times; and /or
- d) ___ asking the complainant to enter into an agreement about their contact.
- e) ___ where a) to d) fail to stem unacceptable behaviour to advise the complainant that all further correspondence and complaints on or closely related to the same subject will be read and filed without acknowledgement and no further response will be sent by officers of the Council.

2. Aggressive or Abusive Behaviour

The Council recognises that customers who feel dissatisfied with the service they have received may feel angry about their treatment. However, the Council has a duty of care towards the safety and welfare of its staff.

Examples of unacceptable behaviour include any action or series of actions which are perceived by the staff member to be abusive, threatening or offensive whether they are delivered verbally or in writing or a combination of the two. This includes not only behaviour directed at them, but also their families or associates.

If a staff member feels threatened by a complainant they should report their fears, and the reason for them, to their line manager. The line manager will record the details and as part of the action arising from his/her investigation will consider:-

- *Writing to the perpetrator requiring no repetition of the behaviour and, if necessary, setting conditions and restrictions for further contact with staff.*
- *Whether to report the matter to the Police.*

If dealing with such behaviour in a telephone conversation, the staff member should tell the complainant that they will terminate the call if the behaviour continues. If despite this warning the behaviour continues, the contact should be terminated and a note placed on the case file recording the circumstances of the termination. Staff will respond to repeated calls in the same way.

Repeated calls may be deemed to be harassment, which, after consultation with the ~~head of service~~[Executive Director](#), may be reported to the Police.

3. Unreasonable Demands

Complainants may make unreasonable demands through the amount of information they seek, the nature and scale of service they expect or the number of approaches they make. What amounts to unreasonable demands will depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the complainant.

Examples, might include demanding responses within an unreasonable timescale, insisting on speaking to or seeing a particular member of staff, continual phone calls or letters.

We consider these demands to be unreasonable if they start to impact substantially on the work of staff, such as taking up an excessive amount of staff time to the disadvantage of other customers or services. Actions falling within this category will be dealt with as set out in "Unreasonable Persistence" above.

4. Implementation of the Policy

In cases where this becomes necessary, we will write to the complainant saying why we believe their behaviour is unacceptable, what action we are taking and the duration thereof.

We will also tell them how to challenge the decision if they disagree with it and to whom such an appeal should be addressed.

Where a complainant continues to behave in an unacceptable fashion, the ~~Head of Service~~Executive Director may authorise staff to terminate contact with the complainant on the subject of the complaint(s) and discontinue any further investigation. Any further contacts regarding the complaint in writing will be read and placed on file without acknowledgement. Telephone calls will be terminated and logged.

In taking the action described above, it is emphasised that this policy will only be used as a last resort and after all other reasonable measures have been taken to resolve complaints following the appropriate procedure. Judgement and discretion will need to be applied to ensure that contacts from the complainant about matters other than the complaint are not ignored and that as a result there is a failure to respond to a request for service or other information.

New complaints from customers who have been regarded as unreasonable persistent complainants will be treated on their merits.

Withdrawal of any action taken under this policy must be undertaken in consultation with the ~~Head of Service~~Executive Director who authorised it.

5. Appeals Procedure

A complainant can appeal a decision to restrict contact. A senior member of staff who was not involved in the original decision will consider the appeal. They will then advise the complainant in writing that either the original decision has been upheld or if a different course of action has been agreed.

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Operational	(a) Be entirely within cabinet's powers to decide NO		
		(b) Need to be recommendations to Council YES		
		(c) Is it a Key Decision NO		
Lead Member: Cllr Nick Daubney E-mail: cllr.nick.daubney@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: 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: 5 March 2013

6 SCHEME OF DELEGATION - 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 Executive Director responsibilities following the Departure of the Executive Director Health and Housing at the end of March.

Recommendation

- 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 to resolve any anomalies which may occur.

Reason for Decision

To ensure that the Delegation Scheme mirrors the decision making structure

1 Background

1.1 The Scheme of Delegation was last amended in June 2012. The amended version now incorporates the changes in the Executive Directors areas of responsibility following the departure of the Executive Director Environmental Health and Housing.

2 Policy Implications

2.1 The alterations to the scheme are within current policies.

3 Financial Implications

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

4 Statutory Consideration

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

5 Risk Assessment

5.1 Updating the Scheme ensures decisions are taken in accordance with correct procedures and structures.

6 Access To Information

6.1 Previous Scheme of Delegation.

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



SCHEME OF DELEGATION

February 2013

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.

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 is to 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.

Portfolio Holder	Functions	Portfolio Holder Consultations	Officer Delegation	Limits on Delegation
1 Corporate /Strategic Issues, Resources THE LEADER	1.1 Review of Corporate Policy including the budget or the Corporate Plan having first been recommended by Cabinet and approved by Council	CE/DCE/MO Requires rec to Council for any change	1.1.1 Monitoring Officer/Deputy Chief Executive – Ensure Executive decisions are taken in accordance with the law and financial and policy guidelines.	
	1.2 Audit	DCE, External Audit, Internal Audit, MO as necessary	1.2.1 Deputy Chief Executive Responsibilities under S.151 and S114 (Chief Accountant). Enforcement of Financial Regulations Day to day management of the Internal Audit function and process.	
	1.3 Democratic Processes	MO	1.3.1 Executive Director – D Gates Day to day management of the Council’s democratic processes. Timetable of Meetings	
	1.4 Civics	CE, Comms officer, Civics Officer Mayor or Deputy Mayor	1.4.1 Chief Executive To determine applications to use the Council’s coat of arms 1.4.2 Executive Director – D Gates Day to management of the office of the Mayor and Deputy Mayor and civic ceremony	
	1.5 Legal	CE and MO	1.5.1 Deputy Chief Executive 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	

			<p>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>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 property.</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>1.6.1 Deputy Chief Executive</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>1.6.2 Deputy Chief Executive</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

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

	1.11 Equal Opportunities (not as the employer)		1.11.1 Executive Director – D Gates Day to day management	
	1.12 Communication	ED, Communication s Manager	1.12.1 Executive Director – D Gates Day to day management of communications on behalf of the Council, in accordance with Council Policy	
	1.13 Performance Management	EDCS	1.13.1 Executive Director – D Gates Implementation of performance management reviews and production of performance management information.	
	1.14 Procurement	ED	1.14.1 Deputy Chief Executive Day to day management and enforcement of the Council’s Procurement Strategy.	

Portfolio Holder	Functions	Portfolio Holder Consultations	Officer Delegations	Limits on delegation
2 Assets				
	2.1 Asset Management including ancient Corporate Estates	Property Services Manager	2.1.1 Deputy Chief Executive Day to day management of the Asset Register, and matters arising therefrom	
	2.2 Office Accommodation	Property Services Manager	2.2.1 Executive Director – D Gates Day to day management of the CICs 2.2.2 Executive Director – C Bamfield Day to day management of the Council's Depot.	
	2.3 Sports facilities, venues	ED	2.3.1 Executive Director – C Bamfield The management of all swimming pools, leisure and sports centres, open spaces including the exclusion of persons from such premises as necessary. Amendments and variation to Leisure Card Scheme (C)	Business tenancy issues - DCE
	2.4 Arts/Theatre/Entertainment facilities, venues and development	ED	2.4.1 Executive Director – C Bamfield 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. Arts Development	Business tenancy issues - DCE

	2.5 Community Facilities	WM	<p>2.5.1 Deputy Chief Executive Management and Maintenance of the fabric of the buildings</p> <p>2.5.2 Exec Director – C Bamfield Operational Management of miscellaneous community centres.</p>	
	2.6 Determination of Applications for Circuses on Council property.		<p>2.6.1 Executive Director – C Bamfield Determination of applications to hold circuses on council land</p>	
	2.7 Risk Management	ED	<p>2.7.1 Chief Executive Day to day management of the Corporate Risk Register Service Level Risks</p>	ED
	2.8 Business Continuity	ED	<p>2.8.1 Deputy Chief Executive Day to day management of the process</p>	
	2.9 Tourism	ED	<p>2.9.1 Executive Director – C Bamfield</p> <p>Day to day management of tourism premises owned or operated by the Council Day to day management of Heritage premises in the Council's ownership.</p> <p>2.10.1 Chief Executive Day to day management of the tourism issues including management. Arranging or overseeing exhibitions, conferences and tourism as appropriate</p>	

	3.0 ICT	ED	Deputy Chief Executive Day to day management of the service	
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Portfolio Holder	Functions	Portfolio Holder Consultations	Officer Delegations	Limits on Delegation
3 Community	3.1 Rights of way issues	WM, County Council	3.1.1 Executive Director – G Hall As they relate to Development issues (County Council responsibility)	
	3.2 Commons and Greens		3.2.1 Deputy Chief Executive Day to day administration	
	3.3 Housing Strategy and Associated Policies		3.3.1 Chief Executive Day to day administration of the Council's Housing policies	
	3.4 Housing Register		3.4.1 Chief Executive Maintenance of Housing Register in accordance with policy.	
	3.5 Homelessness	Appeals to LAC	3.5.1 Chief Executive Exercise of homelessness functions.	Appeals to LAC
	3.6 Private Sector and Social Housing including renewal schemes and partnerships		3.6.1 Chief Executive To sign tenancy agreements for properties let to supported housing providers.	
	3.7 Houses in Multiple Occupation (HMO)		3.7.1 Chief Executive Day to day management of HMOs and to grant, renew and revoke all licences issues under the Housing Act 2004	
	3.8 Home Improvement Agency, Care and Repair and associated operations and Careline		3.8.1 Executive Director – D Gates Day to day management of the Home Improvement Agency, Care and Repair and associated operations and Careline	
	3.9 Loans and grants for housing	DCE	3.9.1 Chief Executive Approval/refusal/withdrawal and authorisation of	

			renovation grant scheme payments.	
	3.10 Social Inclusion		3.10.1 Executive Director – D Gates Day to day management	
	3.11 Travellers	MO & WM	3.11.1 Chief Executive Day to day management of associated matters	
	3.12 Cemeteries and Crematorium		3.12.1 Executive Director – C Bamfield The day to day management of the Council's cemeteries and crematorium and the granting of exclusive burial rights.	
	3.13 Licensing Policies		3.13.1 Executive Director – G Hall Day to day implementation of the Licensing Policies and associated matters	
	3.14 Health and Safety where not as the employer		3.14.1 Executive Director – G Hall Approval of Health and Safety Inspectors under S19 of the Health and Safety at work etc Act 1974. Day to day responsibility of the Health and Safety process where not as the employer.	
	3.15 Food		3.15.1 Executive Director – G Hall Day to day management of the food services	

Portfolio Holder	Functions	Portfolio Holder Consultations	Officer Delegations	Limits on Delegation
4 Development (Full Development Scheme of Delegation is a separate document)	4.1 Local Development Framework, planning and Land Use Policy		<p>4.1.1 Executive Director – G Hall Minor consequential amendments to planning policy in accordance with national and regional policy changes. Issuing of Local Development Framework guidance and information</p> <p>2.1.2 Legal Services Manager Finalising planning obligations</p>	C - EDCS
	4.2 Transport policies		<p>4.2.1 Executive Director – G Hall Responding to consultations on traffic regulation orders</p>	
	4.3 Listed Buildings, Historic Buildings, Conservation areas including grants	WM	<p>4.3.1 Executive Director – G Hall To make historic grants of up to £1,000 in respect of any one property or project</p>	
	4.4 Building Control		<p>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.</p>	
	4.5 Street naming and numbering	WM	<p>5.5.1 Executive Director – G Hall Street numbering and naming</p>	

Portfolio Holder	Functions	Portfolio Holder Consultations	Officer Delegations	Limits on Delegation
5 Environment – Deputy Leader	<p>5.1 Policies and strategies relating to: Environmental Strategy, including air quality, contaminated land, water quality/usage.</p> <p>5.2 Control of Noise, Odour, light, dust, smoke and other pollutants, Public Health Land drainage and sewerage issues Planning and Licensing consultations regarding the above</p> <p>5.3 Bio-diversity, Local character and identity of the Borough</p> <p>5.4 All aspects of Recycling and refuse collection including waste minimisation and composting,</p> <p>5.5 Street scene and public cleansing</p>	ED	<p>5.1.1 Executive Director – G Hall Day to day management</p> <p>5.2.1 Executive Director – D Gates Day to day management</p> <p>5.3.1 Executive Director – G Hall Day to day management</p> <p>5.4.1 Executive Director – C Bamfield Day to day management</p> <p>5.5.1 Executive Director – C Bamfield Day to day management</p>	

	5.6 Energy strategy and issues	ED	5.6.1 Deputy Chief Executive Monitoring of energy efficiency measures to Council buildings.	
	5.7 Public conveniences	WM	5.7.1 Executive Director – C Bamfield Management and maintenance of the Council's public conveniences.	
	5.8 Green Travel Plan		5.8.1 Executive Director – D Gates Day to day management	
	5.9 Christmas Lighting		5.9.1 Executive Director – C Bamfield Provision of Christmas lighting across the Borough	
	5.10 Community Safety/Neighbourhood nuisance service		5.10.1 Executive Director – D Gates General day to day management of the community safety service and compliance with Crime and Disorder Act 1998 - s.17 requirements. Authorisation of police request for Dispersal Orders to be actioned. Issuing of public notices relating to recipients of ASBOs.	
	5.11 CCTV		5.11.1 Executive Director – C Bamfield Day to day management of the CCTV function	

	5.12 Public and Civil Emergencies	<i>Civil Emergency Liaison and CE Leader, Deputy Leader, MO</i>	<p>5.12.1 Chief Executive To exercise any power to protect the interests and well being of the inhabitants of the Borough in cases of emergency</p> <p>5.12.2 Executive Director – G Hall Day to day management of the Civil Emergency Plan</p>	<i>C – Cabinet as soon as reasonably practical</i>
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Portfolio Holder	Functions	Portfolio Holder Consultations	Officer Delegation	Limits on Delegation
6 Health and Wellbeing	6.1 Leisure, Arts and Green Spaces policies and strategies	ED	6.1.1 Executive Director – C Bamfield Day to day operation of the policies	
	6.2 Shared Services	ED	6.2.1 Chief Executive Day to day preparation and negotiations.	
	6.3 Resort and Seafront Management	WM, ED	6.3.1 Executive Director - C Bamfield Day to day management of resorts and seafront	Business tenancy issues and concessions – DCE
	6.4 Parks, Gardens and amenity areas including play areas	WM, ED	6.4.1 Executive Director – C Bamfield Day to day management of such facilities including exclusion of persons as necessary	
	6.5 Museums	ED	6.5.1 Executive Director – C Bamfield Day to day management of all museum premises owned by the Council	
	6.6 Financial Assistance Schemes for sports and arts	WM	6.6.1 Executive Director – C Bamfield Administer award the grants within the Sports Training and Coach Education grants scheme 6.6.2 Executive Director – D Gates Administer applications for Arts grants.	
	6.7 Financial Assistance Schemes for, voluntary, community, Parish, Community safety matters, housing rural transport and environmental projects	Relevant DS	6.7.1 Executive Director – D Gates Administration of the Council's financial assistance schemes for voluntary, community, parish and community safety matters. Financial assistance for rural transport and environmental projects.	
	6.8 Car Parking		6.8.1 Executive Director – C Bamfield Day to day administration of Council owned car parks in the Borough	

			6.8.2 Executive Director – C Bamfield Management Responsibility for civil parking enforcement.	
	6.9 Neighbourhood Management		6.9.1 Executive Director – D Gates Day to day management of the Neighbourhood Management function	
	6.10 Development and promotion of cycling related matters		6.10.1 Executive Director – C Bamfield	
	6.11 Town Hall Complex		6.11.1 Executive Director – C Bamfield Day to day management of the complex	
	6.12 Housing benefit, welfare benefits and advice	ED	6.12.1 Deputy Chief Executive Administration of housing benefit and Council Tax benefit and discretionary housing payments	
	6.13 Rural Community Development		6.13.1 Executive Director – D Gates Day to day management of the Rural Community Development function.	
	6.14 Health improvement and promotion including public health and community care		6.14.1 Executive Director – G Hall Day to day management	
	6.15 Community Asset Register		6.15.1 Executive Director – D Gates Retention of the Register	
	6.16 Sports Development		6.16.1 Executive Director – C Bamfield Day to day management of Sports Development	

Portfolio Holder	Functions	Portfolio Holder Consultations	Officer Delegations	Limits on Delegation
7 Regeneration	7.1 Economic Development Policy and Strategy	ED		
	7.2 Regeneration strategy, policy, projects and implementation	ED,	<p>7.2.1 Chief Executive Day to day management of Regeneration Projects</p> <p>Submission of bids for and Management of Regeneration projects</p> <p>5.2.2 Chief Executive Authorisation to retain professional expertise as required</p>	C Regeneration Portfolio Holder.
	7.3 Redevelopment projects	ED	7.3.1 Chief Executive Oversight and day to day management of redevelopment projects	C PH
	7.4 Town centre		7.4.1 Executive Director – C Bamfield Oversight and day to day management of town centres	
	7.5 Promotion of the Borough for economic and regeneration purposes	ED	7.5.1 Chief Executive	
	7.6 Markets and Fairs		7.6.1 Executive Director – C Bamfield Day to day administration of Markets and Fairs in the Borough	
	7.1 Property	ED+LSM WM PH where property is in another portfolio holders functional	7.7.1 Deputy Chief Executive Management of Council property interests together with the ability to authorise all related property transactions at market rent/value.	

		area	<p>Subject to:</p> <ul style="list-style-type: none"> • Acquisition or disposal of freehold land up to £100,000. • Acquisition or disposal of leasehold land up an annual rental value of £10,000 .* • Discharge or relaxation of freehold or leasehold covenants. • Determine all applications for the assignment of lease agreements**. • To approve or refuse applications to the Council as Landlord for any approval or consent • Authorise non Housing Act tenancies and licences. • Authorise the applications to release or relax restrictive covenants attached to houses formally owned by the Council. 	<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>	
	7.8 Accommodation	Office Property Manager	Services Manager	<p>7.8.1 Deputy Chief Executive Day to day facilities management of King's Court and any other office accommodation operated by the Council.</p>	

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

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>Chief Executive</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>

	<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>Executive Director – D Gates 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>	
	8.10 Statutory Functions		<p>Legal Services Manager</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>	

			<p>To act as Monitoring Officer (Local Government & 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>Deputy Chief Executive To Act as Money Laundering Officer (Proceeds of Crime Act 1995)</p> <p>Chief Accountant (Agreed Cncl 240113) 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>Chief Executive 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>All Executive Directors 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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			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*	
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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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			<ul style="list-style-type: none"> (iii) 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; (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; (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>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 – G Hall, 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
12 Appointments Board	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	Cabinet Cabinet & CE *Chairman/Vice-Chairman of Standards Committee		

Body	Functions	Consultations	Officer Delegations	Limits on delegation
13 Standards Committee	<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 & 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>	MO	<p>Legal Services Manager/Monitoring Officer</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 & Parishes including Clerks and Members on aspects of the Code</p>	