

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



CABINET

Agenda

**TUESDAY, 16 NOVEMBER 2010
at 5.30pm**

in

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



INVESTOR IN PEOPLE



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



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5 November 2010

CABINET AGENDA

DATE: CABINET – TUESDAY, 16 NOVEMBER 2010

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

TIME: 5.30 pm

1. MINUTES

To approve the Minutes of the Meeting held on 5 October 2010 previously circulated.

2. APOLOGIES

To receive apologies for absence.

3. URGENT BUSINESS

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

4. DECLARATION OF INTEREST

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

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

5. **CHAIRMAN'S CORRESPONDENCE**

To receive any Chairman's correspondence.

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

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

7. **CALLED IN MATTERS**

To report on any Cabinet decisions called in.

8. **FORWARD DECISIONS LIST**

A copy of the Forward Decisions List is attached (Page 7)

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

To receive any comments and recommendations from other Council bodies some of which meet after the dispatch of this agenda. Copies of any comments made will be circulated as soon as they are available.

- Community and Culture Panel – 19 October 2010 (page 8)
- Regeneration and Environment – 10 November 2010
- Resources and Performance - 11 November 2010

10. **REPORTS**

1) **Notice of Motion 3/10: Mass Burn Incinerator** (Page 11)

Norfolk County Council are the competent authority to make planning application determinations for waste treatment sites and as such have suitable policies covering the likely impact of any proposed mass burn incinerator. A policy that opposes a mass-burn incinerator in principle would offend the principle that each application must be considered on its own merits and could be open to a successful legal challenge.

Environmental and health issues will be considered as part of the planning application process.

2) **Statement of Licensing Policy** (Page 20)

The current 'Statement of Licensing Policy' was approved by Full Council on the 29th November 2007 with a minor amendment approved on the 28th January 2010. Regulations require that the policy is reviewed every three years and a replacement for our current policy must be in place by the 7th January 2011. The policy has been drawn up in accordance with guidance issued under Section 182 of the Licensing Act 2003 and best practice issued by Local Government Regulation (the new name for LACORS).

3) **Capital Programme and Resources 2010/13** (page 48)

The Capital Programme 2010/2013 has been reviewed in light of current spending for 2010-2011 as reported in the monthly monitoring reports and the impact of the current economic situation on capital resources available to fund the programme. This report updates the 2010/2013 capital programme for amendments and rephrasing and also reviews the resources that will be available for this period.

4) **Mid Year Review – Treasury Management Report 2010/2011** (Page 67)

The Council has formally adopted the CIPFA Code of Practice on Treasury Management (2009) and remains fully compliant with its requirements. The Mid Year Treasury Management Report is prepared in compliance with that Code of Practice.

5) **Mini Service Review – Parish Council Elections** (Page 79)

This report summarises consultation responses from Parishes on the proposal to pass on the full cost of Parish Council elections and Parish Polls to the Parish Councils concerned.

6) **Standing Orders – Update** (Page 89)

The Council's Standing Orders have not been comprehensively reviewed for a number of years. The report attaches the proposed amended version for Council approval.

7) **Governance Arrangements – Consultation Results** (Page 128)

As agreed at the 7 September 2010 Cabinet meeting a consultation period has been embarked upon for the Council's future governance arrangements. Council is now invited to confirm its previously proposed course of action.

11. **EXCLUSION OF THE PRESS AND PUBLIC**

To consider passing the following resolution:

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

- 8) **Asset Management – Hunstanton Land Disposal** (Page 130)
- 9) **Asset Management – Nar Ouse Regeneration Area – Land Disposal** (Page 135)
- 10) **Revenues and Customer Services Review** (Page 140)
- 11) **Environmental Health and Housing - Service Review** (Page 183)
- 12) **College of West Anglia** (200)

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

Cabinet Scrutiny Committee

For further information, please contact:
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FORWARD DECISIONS LIST

Officer Portfolio
Responsible

7 December 2010 - cancelled

11 January 2011

Timetable of meetings	Exec Dir Central Services	Leader
Policy and Partnerships Review	Exec Dir Central Services	Leader
Capital Programme 2010-2021	Deputy Chief Executive	Leader
Revenues and Customer Services Joint Working – Business Case	Exec Dir Revenues and Customer Services	Leader and Performance
Councillor Induction and Training Plan 2011/12	Exec Dir Central Services	Leader

8 February 2011

Budget 2011	Deputy Chief Executive	Leader
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8 March 2011

5 April 2011

Forthcoming Items, as yet unprogrammed

Revised KLATS & KL Car Parking Strategy	Exec Dir Regeneration	Regeneration / Sports Arts and Open Spaces
Planning Scheme of Delegation	Exec Dir Development	Development
Service Review – Refuse and Recycling	Exec Dir, Leisure and Open Space	Environment/ Personnel/ Resources
Community Cohesion Strategy	Chief Executive	Community
Affordable Housing Policy	Exec Dir, Environmental Health and Housing	Community
Asset Management - Marsh Lane, King's Lynn – Disposal	Deputy Chief Executive	Performance

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

RECOMMENDATIONS TO CABINET – 16 NOVEMBER 2010

COMMUNITY & CULTURE PANEL MEETING HELD ON 19 OCTOBER 2010

CC42: **LICENSING ACT 2003 - STATEMENT OF LICENSING POLICY**

The Licensing Manager presented the report and explained that the regulations required that the Council review its Statement of Licensing Policy every three years. This was the Council's third Policy and had to be adopted by 7 January 2011. Consultation on the proposed amendments to the Statement of Licensing Policy had taken place from 1 July 2010 to 30 September 2010. Members' attention was drawn to pages 5 and 6 of the report that summarised the amendments to the previous Policy and provided a brief explanation of the rationale for the amendments. The Statement of Licensing Policy had been drawn up in accordance with the new revised guidance issued by the Secretary of State for the Department for Culture, Media and Sport (DCMS) and the guidance issued by Local Government Regulation. It was further explained that two new procedures had been introduced into the Policy:

- Personal Licences – it was proposed that the application for a personal licence should now be dated by the applicant within one calendar month of the application being received by the Borough Council.
- Premises Licence/Club Premises Certificate Applications – applications for the grant or variation of a premises licence or club premises certificate should now be accompanied by two sets of plans. The Council would retain one plan and the other would be returned to the applicant with the application.

Reference was made to the Appendices to the report and the Licensing Manager explained that the letter received from the Norfolk Trading Standards was a standard letter sent to all local authorities. The letter requested that consideration be given to including a number of measures in the Policy to tackle the illegal and inappropriate supply of alcohol, including, 'proof of age cards', 'challenge 21', the use of CCTV and 'minimum pricing'. However, it was not proposed to adopt the suggested recommendations at this time, for the following reasons:

'Proof of age cards' and 'challenge 21' – It was not deemed necessary to adopt a policy that was adequately covered by a condition on the premises licence.

CCTV – A policy that all premises install a CCTV system was not considered necessary. Each application should be judged on its own

merit and when a responsible authority, such as the Police, identify that the use of CCTV would promote a licensing objective they could request a condition on the licence and give specific guidance to positioning and retention of recordings . There was also a risk of an applicant installing CCTV and without the appropriate guidance the system may not comply with the Crime and Prevention specifications.

‘Minimum pricing’ – This should not be introduced into the Policy on the back of a review and should be the subject of a separate consultation process before being considered for inclusion. It was highlighted that the Licensing Committee could attach conditions to a licence to address any concerns raised by Trading Standards by way of a review.

In response to a question from the Chairman, the Licensing Manager reported that the response from the consultation with Parish Councils had been mainly focused on their disappointment at not being recognised as statutory consultees. He highlighted that although the Council was not required to consult Parish Councils, it was the practice of the Licensing Section to inform a Parish Council of any applications in their parish.

The Chairman drew attention to the following points located in the draft Statement of Licensing Policy:

- Paragraph 3.2.2 - the word ‘representatives’ be amended to ‘representation’.
- Paragraph 5.2 - review use of punctuation.
- Paragraph 18.1 - delete the word ‘on’ in the first sentence.
- Annex A Cumulative Impact – Special Policy, page 25 – take out Annex A and the reference to it in paragraph 4.3 as it was agreed that the background information did not aid the understanding of the need for a Special Policy.

The Licensing Manager explained that Annex A was a copy of the statutory guidance. This enabled Licensing Authorities to adopt a Special Policy of refusing new licences, whenever relevant representations were received, in cases where it was deemed that there were too many licensed premises in one area.

The Chairman informed the Panel that Cabinet would be considering this item of business at its rescheduled meeting on the 16 November 2010.

RESOLVED: That Cabinet be advised that the Community and Culture Panel supports the recommendation to adopt the revised Statement of Licensing Policy 2010, subject to the following amendments:

- Paragraph 3.2.2 - the word 'representatives' be amended to 'representation'.
- Paragraph 5.2 - review use of punctuation.
- Paragraph 18.1 - delete the word 'on' in the first sentence.
- Annex A Cumulative Impact – Special Policy, page 25 – Annex A be deleted and the reference to it in paragraph 4.3 as it was agreed that the background information did not aid the understanding of the need for a Special Policy.

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards All	Mandatory/	(a) Be entirely within cabinet's powers to decide YES		
	Discretionary /	(b) Need to be recommendations to Council NO		
	Operational	(c) Be partly for recommendations to Council and partly within Cabinets powers – NO		
Lead Member: Cllr B Long E-mail: cllr.brian.long@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Dave Robson E-mail: dave.robson@west-norfolk.gov.uk Direct Dial: 01553 616302		Other Officers consulted: Andy Piper, Geoff Hall, Alan Gomm, Nicola Leader		
Financial Implications NO	Policy/Personnel Implications NO	Statutory Implications (incl S.17) YES	Equal Opportunities Implications NO	Risk Management Implications NO

Date of meeting: 16th November 2010

1 NOTICE OF MOTION 3/10: MASS BURN MUNICIPAL WASTE INCINERATOR

Summary

Norfolk County Council are the competent authority to make planning application determinations for waste treatment sites and as such have suitable policies covering the likely impact of any proposed mass burn incinerator. A policy that opposes a mass-burn incinerator in principle would offend the principle that each application must be considered on its own merits and could be open to a successful legal challenge.

Environmental and health issues will be considered as part of the planning application process.

Recommendation

1. That the Council's Development Control Board consider any proposal for a Mass Burn Incinerator on its merits, taking account of the advice provided.

2. That Council acknowledges the potential health and environmental impacts of such a proposal as contained in section 3 of this report and that these issues be considered as part of any planning application process.

Reason for Decision

This is a joint Planning and Environmental Health response to the Motion to Council 3/10 which requests Council oppose construction of any mass burn incinerator in the Borough and that Environmental Officers carry out a full analysis of the environmental and health impacts of a mass burn incinerator

1 Background

1.1 The following Notice of Motion 3/10 was submitted by Councillor I Mack on 29th April 2010 and was proposed by him and seconded by Councillor Burall.

“This Council opposes the construction of any mass-burn waste incinerator in the Borough, believing that there are far better alternatives for dealing with waste that would deliver greater resource recovery and, in the long term, provide better value for money. In particular, this Council believes that any contract requiring a commitment to use such a plant for more than around ten years would lock Council tax payers into an increasingly out-dated and expensive technology and prevent cleaner and more efficient treatment methods being introduced.

Council further instructs the Environmental Officers of the Borough to carry out a full analysis of the environmental and health impact of a mass burn incinerator, the lorry movements generated and, in particular, one situated close to Kings Lynn, to be completed prior to the consideration of any planning application.”

In proposing the Motion, Councillor Mack commented that 5 members of the Regeneration and Environment Panel had attended the presentation on the subject, but that as the Panel did not make any recommendation he felt that all Councillors should be able to debate the issue and have their votes recorded. He then drew attention to the large amount of waste which would come into the Borough in this way, and also the locking into the 25 year contract in an area which had rapid changes in its process. He expressed concern that it would not improve the recycling of bulky waste and food waste collections. The County Council are also currently reducing the opening hours or closing some recycling centers at a time when they should be improved, all of which would act as a disincentive to recycle.

Under Standing Order 14.6, Councillor Daubney proposed that the matter be referred to Cabinet for consideration. This was seconded by Councillor Long, who commented that no members of the Lib Dem Group had attended the meeting which looked at the matter and answered many of the questions raised by Councillor Mack. Councillor Long also commented that he did not feel it would be appropriate for a blanket ban to be imposed regarding incinerators as each application should be considered on its merits.

Resolved: That the Notice of Motion be referred to Cabinet for consideration.

1.2 This report therefore considers a policy to oppose mass burn incineration as a means to dispose of municipal waste and environmental issues.

2 Policy Issues

2.1 Current situation regarding waste development proposals

The competent authority for allocating waste management facilities and determining planning applications for any “Mass Burn Incinerators,” in the borough is Norfolk County Council. The County Council are currently working on their Minerals and Waste Local Development Framework (M&WLDF) which will allocate sufficient sites to provide facilities to deliver increased rates of recycling, composting and energy recovery in the future. Until the M&WLDF is adopted the Norfolk Waste Local Plan (December 2000) provides the framework to guide decision making on waste management development for the County Council. The most relevant policies are:

WAS 1 – In deciding applications for waste development, the Council will be guided by the principles of the waste hierarchy. An assessment will be made as to whether the proposal represents Best Practicable Environmental Option. This assessment will include consideration of the location and nature of the development in relation to the proximity principle and regional self-sufficiency.

WAS 2 – Proposals for waste development will need to demonstrate that, wherever practicable, they contain integrated proposals for the recovery and utilisation of resources and/or energy.

WAS 3 – Waste development for re-use, materials and energy recovery, transfer and storage of waste will be permitted on industrial land. Small scale recycling operations, based on agricultural or other vegetable and animal wastes, will be permitted on brownfield sites in the countryside, provided that they do not have an unacceptable visual or other environmental effect on the area.

WAS 4 – Waste development for re-use, materials and energy recovery, transfer and storage of waste, will not be permitted in the open countryside. However, permission will be granted for re-use, materials and energy recovery, transfer and storage of waste at minerals extraction and waste disposal sites, provided that conditions are imposed which limit the life of the waste management facility to an absolute number of years or to the period during which the minerals or landfill operations continue, whichever is the shorter. A condition will also be imposed requiring all buildings to be removed when minerals or waste activities on the site cease.

WAS 5 – Waste incineration without energy recovery will not be permitted. Waste incineration with energy recovery will be permitted.

WAS 10 – Waste development in the countryside will only be permitted where there would be no unacceptable harm to the landscape and visual appearance of the countryside, either during operations or in terms of the final landform.

WAS 13 – Waste development will be permitted only where there would be:

- No unacceptable harm to the amenities enjoyed by all; and
- No endangerment to human health.

WAS 16 – Waste development will only be permitted where the access and highway network serving the site is suitable, and is able to accommodate increased traffic or where the traffic or highway improvements would not cause unacceptable harm to the local environment.

WAS 33 – The County Council will consider the following factors where necessary and appropriate in considering waste planning applications:

1. Impacts on:

A) The amenity of users and occupiers of land in the area, particularly residents, and visitors, due to visual intrusion, noise, dust, vibration, fumes, smell, air pollution and other forms of disturbance and nuisance, including those caused by lorry movements;

B) The landscape and visual character of an area particularly in the Area of Outstanding Natural Beauty, the Broads, rural conservation areas, the Brecks, river valleys and landscape areas designated in local plans;

C) Woodland, hedges and other topographical features;

D) Areas of nature conservation, geological and scientific interest, particularly the Broads, national nature reserves, local nature reserves, ramsar sites, Sites of Special Scientific Interest, special protection areas, special areas of conservation, county wildlife sites and regionally important geological/geomorphological sites;

E) Sites of archaeological, architectural and historical interest and or importance and their setting;

F) The quality and quantity of agricultural land and the structure and viability of farming;

G) The highway network and its capacity, and highway safety;

H) Public rights of way and other sites of public access. Waste development should include proposals to create new rights of way where appropriate and the safeguarding of existing public rights of way by incorporating measures to segregate the development by diversion, stopping up or extinguishment, prior to any development commencing;

I) Water quality, water resources, flood prevention, and land drainage;

J) Areas of recreation and touristic value.

The Borough Council as statutory consultee for any waste proposal in the borough at present assess the suitability of each proposal against the County Council policies and our own policies contained within our adopted Local Plan and emerging Core Strategy and should the development not accord to policy in any way advise members and respond with an objection.

2.2 Future arrangements for waste development proposals

The County Council in their emerging Minerals & Waste Core Strategy (publication document April 2010) state that the principles underpinning the M&WLDF and supporting documents including the Site Specific Allocations

Development Plan Document will be developed to ensure that waste management facilities are delivered in a sustainable manner. In light of the Coalition Government's Chief Planning Officer revoking Regional Spatial Strategies this document is being revised prior to re-consulting. Notwithstanding this the principles of the current document are based on the following guidance:

- The Government's sustainable development strategy Planning Policy Statement 1: Delivering Sustainable Development (PPS1) is the core principle underpinning planning, aiming to deliver a sustainable, innovative and productive economy with high levels of employment, and a just society that promotes social inclusion, sustainable communities and personal well-being in ways that protect and enhance the physical environment and optimise resources and energy use.
- European directives which the UK is required to comply with. Most notable, in terms of requirements for waste management facilities, is the Landfill Directive 1999/31/EC, which bans the co-disposal of hazardous and non-hazardous waste, requires the treatment of waste (with limited exceptions) prior to landfill, and sets targets for the reduction of biodegradable waste sent to landfill.
- The Waste Strategy for England 2007 aims to reduce the amount of waste produced and to reduce the amount and proportion of waste disposed of to landfill, in accordance with the waste hierarchy, to meet the Landfill Directive targets. The hierarchy gives top priority to waste prevention, followed by reuse, then recycling and composting, then energy recovery, with disposal being the final option.
- National waste management policy in Planning Policy Statement 10: *Planning for Sustainable Waste Management* (PPS10) also rests on the waste hierarchy, setting out the preferred order in which options for waste management should be considered, with waste being seen as a resource from which value should be recovered.

The County Council's emerging M&WLDF Core Strategy pre-revision provides a framework for general locations for waste management facilities to guide future decisions on waste management development at development management stage (these may be subject to change). The most relevant policies are:

M&WLDF Core Strategy Policy CS5 – General location of waste management Facilities.

“Strategic” waste facilities will preferably be well-related to the Norwich Policy Area, Great Yarmouth urban area, King’s Lynn or Thetford. “Non-strategic” waste facilities – which will include most of the other types of waste facilities – will preferably be well-related to one of these settlements or to the main market towns of Attleborough, Aylsham, Cromer, Dereham, Diss, Downham Market, Fakenham, Hunstanton, North Walsham, Sheringham, Swaffham, or Watton.

Notwithstanding the general locational preference above, given the largely rural nature of Norfolk, it is acknowledged that there will be some potential sites which, although less-well related to the major centres of population, might enjoy other advantages, such as being well-related to the major road network, being close to the county boundary, or which would enable re-use of rural brownfield sites unsuitable for other uses (such as housing). Agricultural waste treatment plants, windrow (open-air) composting plants, community composting plants and small “bring” sites (for the collection of recyclables) will, due to their characteristics, be acceptable in locations more distant from the county’s main settlements.

Waste water treatment sites/pumping stations can normally only be located on or adjacent to watercourses, so they will normally only be acceptable in such locations.

M&WLDF Core Strategy Policy CS6 – General waste management considerations.

Waste sites will need to be developed in accordance with policy CS3 and will be acceptable on the following types of land:

- a) land already in waste management use;
- b) existing industrial/employment land;
- c) other previously-developed land; and
- d) contaminated or derelict land.

Sites at existing mineral workings and landfill sites will also be acceptable, but will be restricted to a temporary permission(s) lasting until the cessation date for the mineral operation or landfill site. Unused and under-used agricultural and forestry buildings and their curtilages will also be suitable for waste management uses, subject to impacts on the rural environment being acceptable.

M&WLDF Core Strategy Policy CS13 – Climate change and renewable energy generation.

All opportunities for new minerals and waste developments to generate renewable energy on-site should be explored fully, with a minimum of 10 per cent generated from decentralised and renewable or low-carbon sources on developments of more than 1,000m². Where it is not considered practicable to meet this 10 per cent minimum, appropriate evidence must be provided to the County Planning Authority.

All new residual waste treatment plants and any new non-hazardous landfill sites will need to generate electricity and/or capture heat, unless it can be demonstrated that this is not practicable. An example of where this requirement might not be appropriate would be for a plant producing refuse-derived fuel (through an MBT process), where this fuel was combusted at a different plant elsewhere.

The co-location of large waste plants generating heat and/or electricity with other nearby industrial and/or residential users of the heat and/or energy will be supported. Waste treatment facilities accepting biomass waste will be required to generate renewable energy.

Potential minerals and waste developers will need to demonstrate that, in line with PPS25, the sites can be developed, operated and (where relevant) restored without unacceptable flood risk to the site itself, and also to 'downstream' land uses, taking into account potential climate change impacts (e.g. higher future rainfall rates).

The Borough Council as statutory consultee for on any future waste site allocations and proposals in the Borough will assess the suitability of each proposed allocation/proposals against the National & European policies as set out above and our own policies contained within our adopted Local Plan & emerging Core Strategy and should the development not accord to policy in any way advise members and respond with an objection.

2.3 Conclusion on Policy Issues

- Norfolk County Council is the competent authority to make decisions on allocating waste management facilities and determining planning applications for any "Mass Burn Incinerators."
- NCC has several existing policies that cover waste development including WAS 1 which will assess if an application represents Best Practicable Environmental Option.
- The Borough Council is a statutory consultee and can offer comments on proposals for allocations and developments and can offer comments on proposals. It would have regard to adopted or emerging County policies, our own policies if appropriate and any other relevant factors.
- Any comments we make will need to be justified by evidence therefore potential environmental effects will need to be technically justified see section 3 below.
- A policy that opposes a mass-burn incinerator in principle would not be considering each application on its merits and therefore could be open to successful challenge.

3 Environmental Impacts

3.1 Municipal waste incinerators (MWI) can produce a number of different emissions such as Dioxins, Furans, Dioxin like Polychlorinated biphenyl (PCB), heavy metals, Carbon Dioxide, Carbon Monoxide, Nitrogen Dioxide, acid gases (Hydrogen Chloride & Sulphur Dioxide), Polycyclic Aromatic Hydrocarbon's (PAH) and particulates (PM₁₀ & PM_{2.5}). These pollutants can, at certain concentrations, impact on both the short term and long term health of humans.

3.2 The Health Protection Agency's published advice "The Impact of Health of Emissions to Air from MWI" (REC-13) in February 2010 is: -

"The Health Protection Agency has reviewed research undertaken to examine the suggested links between emissions from municipal waste incinerators and effects on health. While it is not possible to rule out adverse health effects from modern, well regulated municipal waste incinerators with complete certainty, any potential damage to the health of those living close-by is likely to be very small, if detectable. This view is based on detailed assessments of the effects of air pollutants on health and on the fact that modern and well managed municipal waste incinerators make only a very small contribution to local concentrations of air pollutants. The Committee on Carcinogenicity of Chemicals in Food, Consumer Products and the Environment has reviewed recent data and has concluded that there is no need to change its previous advice, namely that any potential risk of cancer due to residency near to municipal waste incinerators is exceedingly low and probably not measurable by the most modern techniques. Since any possible health effects are likely to be very small, if detectable, studies of public health around modern, well managed municipal waste incinerators are not recommended.

The Agency's role is to provide expert advice on public health matters to Government, stakeholders and the public. The regulation of municipal waste incinerators is the responsibility of the Environment Agency."

3.3 There are two Air Quality Management Areas (AQMA) in Kings Lynn where the level of Nitrogen Dioxide exceeds the National Air Quality Strategy annual mean objective. Emissions from any proposal will need to be assessed to determine if there is any adverse impact on the existing AQMA's or could lead to further ones being created.

3.4 The proposal in particular, one situated close to Kings Lynn may be adjacent to other point sources of emissions (e.g. large factories etc). Therefore any application must also include an assessment of the combined impact of emissions from other point sources in the locality of the proposed site and their likely combined impact. The application of a proposed MWI should not be considered in isolation.

3.5 Officers are not able to carry out further analysis of the environmental and health impacts of any proposal until specific plant details such as abatement equipment, emission levels, stack height, flow rates, etc are known. Such details would be normally contained in the submission for planning permission. If or when a planning application is submitted then Officers will use PPS 23 Planning and Pollution and other recognised guidance to determine if the application is detrimental to health or to the amenity of the area.

3.6 As part of the planning application process Environmental Health will be consulted directly as a discretionary/ non-statutory consultee by Norfolk County Council and will provide opinion on the planning application to Norfolk County Council.

4 Environmental Permit

4.1 Incinerating non-hazardous waste in an incineration plant with a capacity of 1 tonne or more per hour is classified as an A1 activity and therefore will require an Environmental Permit operate. The Environmental Agency regulates all A1 activities in England and Wales. The Council will be a consultee to the Environment Agency as part of any environmental permit application process.

4.2 The aim of the Environmental Permit is to render harmless or minimise any emissions from the activity. MWI are also covered by the Waste Incineration Directive which prescribes emission limits to control levels of pollutants.

5 Policy Implications

5.1 No direct planning policy issues

6 Financial Implications

6.1 None

7 Statutory Consideration

7.1 The impact of any development should be considered on its merits with regard to national, local polices and other material considerations. Decisions not based on these may be open to successful legal challenge.

8 Risk Assessment

8.1 See 7.1 above

9 Access To Information

9.1 Health Protection Agency's -The Impact on Health of Emissions to Air from Municipal Waste Incinerators (REC-13) is available from their website <http://www.hpa.org.uk/>

9.2 National planning policy guidance is available from central government website www.communities.gov.uk

9.3 Local planning guidance is available from Norfolk County Council website <http://norfolk.jdi-consult.net/ldf/readdoc.php?docid=15&chapter=2&docelemid=d1373>

REPORT TO CABINET

Open	Would any decisions proposed :			
Any especially affected Wards	(a) Be entirely within cabinet's powers to decide NO			
	(b) Need to be recommendations to Council YES			
	(c) Be partly for recommendations to Council and partly within Cabinets powers – NO			
Lead Member: Cllr Alistair Beales E-mail: cllr.alistair.beales@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Andy Piper E-mail: andy.piper@west-norfolk.gov.uk Direct Dial: 01553 616365		Other Officers consulted: John Gilbraith		
Financial Implications NO	Policy/Personnel Implications NO	Statutory Implications (incl S.17) YES	Equal Opportunities Implications NO	Risk Management Implications NO

Date of meeting: 16th November 2010

2 LICENSING ACT 2003 – STATEMENT OF LICENSING POLICY

Summary

The current 'Statement of Licensing Policy' was approved by Full Council on the 29th November 2007 with a minor amendment approved on the 28th January 2010. Regulations require that the policy is reviewed every three years and a replacement for our current policy must be in place by the 7th January 2011. The policy has been drawn up in accordance with guidance issued under Section 182 of the Licensing Act 2003 and best practice issued by Local Government Regulation (the new name for LACORS).

Recommendation

That the Council be invited to adopt the revised Statement of Licensing Policy in accordance with the requirements of the Licensing Act 2003.

Reason for Decision

It is a statutory requirement that the Council adopts a Statement of Licensing Policy and review and publish that policy each three year period.

1.0 Introduction

1.1 Section 5 of the Licensing Act 2003 requires a licensing authority to prepare and publish a statement of licensing policy every three years. Such a policy must be published before the authority carries out any function in respect of individual applications made under the terms of the Act. Regulations require that we have the new policy in place by the 7th January 2011.

1.2 In reviewing this policy statement, the Borough Council has taken account of new revised Guidance issued by the Secretary of State for the Department for Culture, Media and Sport (DCMS) and guidance issued by Local Government Regulation (the new name for LACORS).

1.3 Proposed changes to the policy include:

	<u>Relevant Section</u>	<u>Comments</u>
1.3.1	Page 1 – Summary	Brief explanation of what the Licensing Act 2003 covers.
1.3.2	Paragraph 2.0 – Introduction	<ul style="list-style-type: none"> • New paragraph giving a geographical over view of the Borough. • New paragraphs 2.4 and 2.5 regarding consulting on policy.
1.3.3	Paragraph 4.0 – Cumulative Impact	Revised, including Annex A to reflect updated guidance issued under Section 182 Licensing Act 2003.
1.3.4	Paragraph 5.0 – Licensing Hours	Revised to reflect updated guidance issued under Section 182 Licensing Act 2003 (paragraphs 13.40 to 13.42).
1.3.5	Paragraph 7.0 – Review Process	New paragraph 8 explaining ‘review’ process.
1.3.6	Paragraph 8.0 – Crime Prevention	Revised to reflect that a Panel of the Licensing Committee may use the model pool of conditions relating to the prevention of Crime & Disorder
1.3.7	Paragraph 9.0 - Public Safety	New to reflect that a Panel of the Licensing Committee may use the model pool of conditions relating to Public Safety.
1.3.8	Paragraph 10.0 - Prevention of Public Nuisance	New to reflect that a Panel of the Licensing Committee may use the model pool of conditions relating to the prevention of Public Nuisance.
1.3.9	Paragraph 11.0 – Children	Revised to reflect updated guidance issued under Section 182 Licensing Act 2003 (paragraphs 13.43 to 13.51).
1.3.10	Paragraph 14 – Tourism & Employment	Tourism & Employment separated under own heading.

	<u>Relevant Section</u>	<u>Comments</u>
1.3.11	Paragraph 15.0 – Planning & Building Control	Planning & Building Control separated under own heading.
1.3.12	Paragraph 18.0 – Conditions	New additional paragraph (18.2) added to reflect that the Borough Council cannot impose ‘blanket’ standard conditions.
1.3.13	Paragraph 19.0 – Enforcement	New additional paragraph (19.1) added to reflect that the Borough Council recognises that most licence holders seek to comply with the law.
1.3.14	Paragraph 20.0 – Temporary Event Notices	New paragraphs setting out that: <ul style="list-style-type: none"> • The Act requires that a minimum of 10-working days notice must be given for a temporary event notice. • Section 193 of the Act defines “working day” as any day other than a Saturday, a Sunday, Christmas Day, Good Friday, or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in England and Wales. “Ten working days” notice means ten working days exclusive of the day on which the event is to start, and exclusive of the day on which the notice is given. • There is no discretion to relax the 10-working days notice so the Borough Council encourage notice givers to provide the earliest possible notice within 12 months of events likely to take place. The maximum of 12 months notice will enable the Norfolk Constabulary police to make a sensible assessment as notices made too far in advance could lead to objections that could be otherwise avoided.
1.3.15	Paragraph 21.0 – Personal Licences	New paragraph to reflect that the application should be dated by the applicant within one calendar month of the application been received by the Borough Council.
1.3.16	Paragraph 22.0 Premises Licences &	In addition to the statutory requirements for the making of applications the

<u>Relevant Section</u>	<u>Comments</u>
Club Premises Certificates Applications	<p>Borough Council is proposing the following policies that:</p> <ul style="list-style-type: none"> • Two sets of plans are provided; one of which will be endorsed and issued with the premises licence/club premises certificate. • A 'certificate of display' is to be provided. This acknowledges the applicants understanding for displaying a notice on the premises and should avoid any undue delay in the application process. • A 'certificate of service' is to be provided. This acknowledges the applicants understanding for giving a copy of the application to the responsible authorities and should avoid any undue delay in the application process.

2.0 Consultation

2.1 Before determining our policy for any three year period Section 5(3) of the Act states that we must consult with the following:

- Police
- Fire Authority
- Persons/bodies representative of premises Licence holders
- Persons/bodies representative of club premises certificate holders
- Persons/bodies representative of personal Licence holders
- Persons/bodies representative of business and residents
- Any other persons or bodies the Council deems appropriate

2.2 The views of all these persons/bodies should be give appropriate weight when the policy is determined.

2.3 The proposed amendments to our Statement of Licensing Policy specified above were consulted upon between the 1st July 2010 and the 30th September 2010. These proposals and a request for comments and suggestions on our current policy were widely circulated which included to the following:

- Norfolk Constabulary
- Norfolk Fire Service
- Norfolk Trading Standards
- HM Revenue & Customs
- Norfolk Children's Safeguarding Board
- Norfolk Chamber of Commerce
- Association of Licensed Multiple Retailers

- British Beer & Pub Association
- 14 Neighbourhood/Housing Trusts
- 2 Residents Associations
- Norfolk County Council
- Downham Market Town Council
- Hunstanton Town Council
- Vancouver/Town Centre Managers
- All holders of licences issued under the Act
- All Parish Clerks
- All County Councillors (based in West Norfolk)
- All Borough Council of King's Lynn & West Norfolk Councillors
- Development Services
- Community Safety & Neighbourhood Nuisance

2.4 In addition, to the above details of our review were published on the Borough Council's website.

2.5 The consultation has generated the following comments:

2.5.1 Cumulative Impact. Paragraph 4.1 has been amended following observations raised by Development Services. The last sentence previously stated that *“Need” is a matter for planning committees and for the market*. It now reads that *“Need” is a matter for the market*.

2.5.2 Planning & Building Control. Paragraph 15.3 has been amended following observations raised by Development Services. The last sentence previously stated that:

‘Premises operating in breach of their planning permission would be liable to prosecution under planning laws’.

This has been amended and now reads:

‘Premises operating in breach of their planning permission could be liable to enforcement action under planning laws’.

2.5.3 Trading Standards. Attached to this report at Appendix 2 is a letter from Norfolk Trading Standards requesting that consideration be given to including a number of measures within our policy to tackle the illegal or inappropriate supply of alcohol. These measures include ‘proof of age cards’, ‘challenge 21’, ‘the use of CCTV’, ‘prevention of underage sales’ and ‘minimum pricing’.

It is not proposed to adopt any of the recommendations at the present time for the following reasons:

‘Proof of Age Cards’ & ‘Challenge 21’. The Policing and Crime Act 2009 inserted a number of additional mandatory conditions into the Licensing Act 2003 and from the 1st October

2010 all premises supplying alcohol are subject to the following condition. Namely, that:

The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

It is, therefore, not deemed necessary to adopt a policy which is adequately covered by a condition on the premises licence.

Use of CCTV. The use of CCTV cameras can be an important means of deterring and detecting crime. When a 'responsible authority', such as the Police identify that the use of CCTV would promote the licensing objectives they can request a condition on the licence. Such a condition should be honed to the individual premises which should not only identify a requirement to have CCTV but also the precise siting of each camera, a requirement to maintain cameras in working order and to retain recordings for an appropriate period of time.

A policy that all premises have CCTV is, therefore not considered necessary.

Minimum Pricing. There has been much debate on minimum pricing and it is something the Government is currently considering. However, such a major proposal would require us to re-consult as it is not something that could be added following consultation. Notwithstanding, Trading Standards have not called for any reviews of premises licences nor raised any concerns with any particular venue.

Another one of the additional conditions introduced by the Policing and Crime Act 2009 could be seen as partly meeting the concern raised by Trading Standards. This states that:

'In relation to the sale of alcohol, the responsible person shall take all reasonable steps to ensure that staff do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. An irresponsible promotion means an activity carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children'.

3.0 Policy Implications

3.1 The proposals to our current policy do not impact on any other Council Policies.

4.0 Financial Implications

4.0 None

5.0 Statutory Considerations

5.1 The Licensing Act 2003 has clear implications for Crime and Disorder and the policy is drafted in such a ways, so far as the Guidance permits to take account of these issues. The Norfolk Constabulary have not made any comments in relation to the proposed amendment or the current policy.

6.0 Risk Assessment

6.1 Unless the statement of policy is in place by the 7th January 2011 we will be unable to carry out our statutory functions under the Licensing Act 2003.

7.0 Access to Information

7.1 Guidance issued under Section 182 of the Licensing Act 2003 (March 2010)

7.2 Borough Council of King's Lynn & West Norfolk Statement of Licensing Policy – approved by Full Council 29th November 2007.

8.0 Appendixes

8.1 Proposed Statement of Licensing Policy

8.2 Trading Standards letter dated 14th September 2010

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



Licensing Act 2003

Draft Statement of Licensing Policy

Approved by Full Council: XXXXXXXXXXXXX

Commences: 7th January 2011

Table of Contents

<u>Paragraph</u>	<u>Subject</u>	<u>Page</u>
1.0	Summary	2
2.0	Introduction	3
3.0	Fundamental Principles	4
4.0	Cumulative Impact	4
5.0	Licensing Hours	5
6.0	The Portman Group Code of Practice	6
7.0	Review Process	6
8.0	Crime Prevention	7
9.0	Public Safety	7
10.0	Prevention of Public Nuisance	7
11.0	Children	7
12.0	Children & Cinemas	9
13.0	Cultural Activities	8
14.0	Tourism, Employment	9
15.0	Planning & Building Control	9
16.0	Promotion of Racial Equality	10
17.0	Duplication	10
18.0	Conditions	11
19.0	Enforcement	11
20.0	Temporary Event Notices	11
21.0	Personal Licences	12
22.0	Premises Licence/Club Premises Certificate	12
23.0	Administration, Exercise & Delegation of Functions	12
24.0	Further Advice	13
Annex A	Cumulative Impact – Special Policy	14
Annex B	The Portman Group Code of Practice	15
Annex C	Table of Delegations of Licensing Functions	16

1.0 Summary

1.1 The Borough Council of King's Lynn & West Norfolk (hereafter referred to as the Borough Council) is the licensing authority under the Licensing Act 2003 and is responsible for the licensing of licensable activities as defined under the Act. These are:

- The sale by retail of alcohol;
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- The provision of regulated entertainment;
- The provision of late night refreshment (i.e. the supply of hot food or hot drink between 11pm & 5am).

1.2 Regulated entertainment is where the entertainment takes place in the presence of an audience and is provided for the purpose of entertaining that audience. The descriptions of entertainment are:

- a performance of a play,
- an exhibition of a film,
- an indoor sporting event,
- a boxing or wrestling entertainment,
- a performance of live music,
- any playing of recorded music,
- a performance of dance,
- entertainment of a similar description to a performance of live music, recorded music or performance of dance.

1.3 Entertainment facilities mean facilities for enabling persons to take part in entertainment. The descriptions of entertainment are:

- making music,
- dancing,
- entertainment of a similar description to making music or dancing.

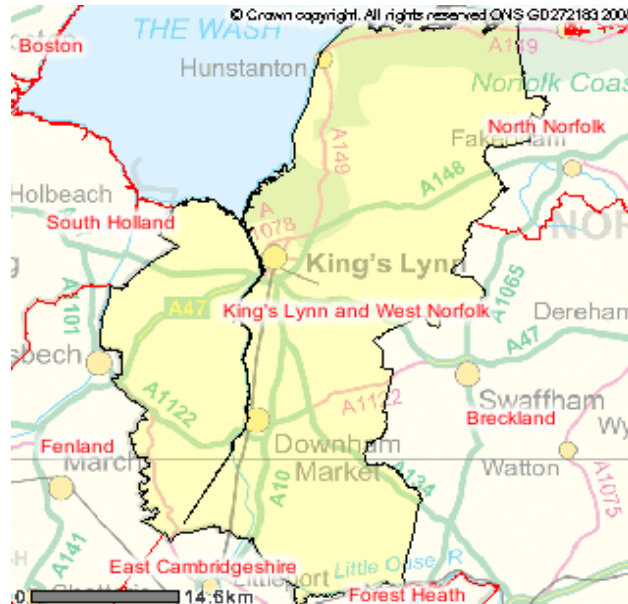
1.4 This policy shall apply to all applications and notices given under the Act in respect of the following:

- Premises licences;
- Club Premises Certificates;
- Personal Licences;
- Temporary Event Notices;

1.5 This policy statement will not seek to regulate matters which are provided for in other legislation e.g. planning, health & safety, fire safety etc.

2.0 Introduction

2.1 The Borough Council of King's Lynn & West Norfolk is situated in the County of Norfolk. The Council area has a population of 135,345 (2001 Census) making it the largest in the County in terms of population. In terms of area it is also the largest, covering 1428.76 square kilometres (551 square miles). The Council area is mainly rural with urban areas of King's Lynn, Downham Market and Hunstanton. These areas are shown in the map below.



2.2 In accordance with the Act the Borough Council will prepare and publish a statement of its licensing policy every three years. During the three year period the policy will be kept under review and this authority may make such revisions as considered appropriate, for instance in the light of feedback from the local community on whether the statutory objectives are being met.

2.3 Before determining its policy for any three year period, the Borough Council will consult the community and in particular:

- (a) the chief officer of police for the area (Norfolk Constabulary);
- (b) the fire authority for the area (Norfolk Fire Service);
- (c) persons/bodies representative of local holders of premises licences;
- (d) persons/bodies representative of local holders of club premises certificates;
- (e) persons/bodies representative of local holders of personal licences; and
- (f) persons/bodies representative of businesses and residents in its area.

2.4 The views of all these persons/bodies listed will be given appropriate weight when the policy is determined. It is recognised that it may be difficult to identify persons or bodies representative for all parts of industry affected by the

provisions of the 2003 Act, but the Borough Council will make reasonable efforts to identify persons or bodies concerned.

- 2.5 In determining its policy, the Borough Council will have regard to the guidance issued under Section 182 of the Licensing Act 2003 and give appropriate weight to the views of those it has consulted.

3.0 Fundamental principles

- 3.1 The 2003 Act requires that the Council carries out its various licensing functions so as to promote the following four licensing objectives:

- the prevention of crime and disorder,
- public safety,
- the prevention of public nuisance, and
- the protection of children from harm.

- 3.2 Nothing in this 'Statement of Policy' will:

3.2.1 Undermine the right of any individual to apply under the terms of the 2003 Act for a variety of permissions and to have any such application considered on its own merits;

3.2.2 Override the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the 2003 Act.

- 3.3 Every application will be dealt with impartially and on its individual merits. The Borough Council will not refuse to grant or vary an application unless it has received a representation from a responsible authority, such as the police or an environmental health officer, or an interested party, such as a local resident or local business, which is a relevant representation.

- 3.4 Licensing is about regulating licensable activities on licensed premises and any conditions that are attached to premises licences or club premises certificates will be focused on matters which are within the control of the individual licensee or club, i.e. the premises and its vicinity.

- 3.5 Whether or not incidents can be regarded as being "in the vicinity" of licensed premises is a question of fact and will depend on the particular circumstances of the case. In cases of dispute, the question will ultimately be decided by the courts. The Borough Council, in addressing this matter, will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

4.0 Cumulative Impact

- 4.1 There can be confusion about the difference between "need" and the "cumulative impact" of premises on the licensing objectives, for example, on crime and disorder. "Need" concerns the commercial demand for another pub or restaurant or hotel. This is not a matter for the licensing authority in

discharging its licensing functions or for its statement of licensing policy. “Need” is a matter for the market.

- 4.2 “Cumulative impact” is not mentioned in the 2003 Act. The guidance issued under Section 182 describes it as the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. For instance, the potential impact on crime and disorder or public nuisance on a town centre of a large concentration of licensed premises in that area.
- 4.3 Where, after considering the available evidence and consulting those individuals and organisations listed in Section 5(3) of the Act and any others, the Borough Council is satisfied that it is appropriate and necessary to include an approach to cumulative impact. It may adopt a special policy of refusing new licences whenever relevant representations are received about the cumulative impact on the licensing objectives. Further information on cumulative impact can be found in Annex A.
- 4.4 Once away from licensed premises, a minority of consumers may behave badly and unlawfully. In addition to the powers contained within the Act, the Borough Council will use a range of other mechanisms such as planning controls, CCTV and Anti Social Behaviour Orders to address these problems.

5.0 Licensing Hours

- 5.1 With regard to licensing hours, due consideration will be given to the individual merits of an application. The Borough Council recognises that, in some circumstances, flexible licensing hours for the sale of alcohol can help to ensure that the concentrations of customers leaving premises simultaneously are avoided. This can help to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which lead to disorder and disturbance.
- 5.2 The Borough Council also wants to ensure that licensing hours should not inhibit the development of thriving and safe evening and night-time local economies which are important for investment and employment locally and attractive to domestic and international tourists. Providing consumers with greater choice and flexibility is an important consideration, but should always be balanced carefully against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet.
- 5.3 With regard to shops, stores and supermarkets, it is the policy of the Borough Council that such premises should be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are very good reasons for restricting those hours.
- 5.4 It is important to note that “opening hours”, the times when premises are open to the public, are not necessarily identical to the hours during which licensable activities may take place.

6.0 Portman Group Code of Practice

- 6.1 The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Borough Council commends the Code. Further details of the Portman Group Code of Practice can be found at Annex B.

7.0 Review Process

- 7.1 The review process represents a key protection for the community where problems associated with the licensing objectives are occurring after the grant or variation of a premises licence. At any stage, following the grant of a premises licence, a responsible authority, or an interested party, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 7.2 Licensing officers may not initiate their own reviews of premises licences, but elected members of the licensing authority may request reviews if they are concerned about licensed activities at a premises or such matters are brought to their attention. Officers of the local authority who are specified as responsible authorities under the 2003 Act, such as environmental health or planning officers, may also request reviews on any matter which relates to the promotion of one or more of the licensing objectives.
- 7.3 In every case, the representation must relate to particular premises for which a premises licence is in existence and must be relevant to the promotion of the licensing objectives. After a licence or certificate has been granted or varied, a complaint relating to a general (crime and disorder) situation in a town centre should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 7.4 The Borough Council recognises that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between these groups in a way that would undermine the benefits of co-operation. It is good practice for authorised persons and responsible authorities to give licence holders early warning of their concerns about problems identified at the premises concerned and of the need for improvement. A failure to respond to such warnings is expected to lead to a decision to request a review.
- 7.5 Where the request originates with an interested party – e.g. a local resident, residents' association, local business or trade association – the Borough Council will first consider whether the complaint made is relevant, vexatious, frivolous or repetitious.

8.0 Crime Prevention

- 8.1 Licensed premises, especially those open late night/early morning can be a source of crime and disorder problems. The Borough Council expect operating schedules to satisfactorily address these issues, as appropriate from the design of the premises to the daily operation of the business.
- 8.2 Where relevant representations are received the Borough Council will consider attaching conditions to deter and prevent crime and disorder both inside and immediately outside the premises. These may include conditions drawn from the Model Pool of Conditions relating to Crime & Disorder (see Annex D to the Guidance issued under Section 182 of the Licensing Act 2003).

9.0 Public Safety

- 9.1 The Act covers a wide range of premises that require a licence which includes pubs, clubs, cinemas, village halls, restaurants and takeaways. Each of these different types of premises present a variety of risks to public safety with many common to most premises and others unique to specific operations. The Borough Council expect operating schedules to satisfactorily address these issues, as appropriate.
- 9.2 Where relevant representations are received the Borough Council will consider attaching conditions to deter and prevent crime and disorder both inside and immediately outside the premises. These may include conditions drawn from the Model Pool of Conditions relating to Public Safety (see Annex D to the Guidance issued under Section 182 of the Licensing Act 2003).

10.0 Prevention of Public Nuisance

- 10.1 Licensed premises, especially those operating late at night and early in the morning can cause a range of nuisances which impact on people or businesses in the vicinity. The concerns will mainly relate to noise but could also include light pollution and noxious smells. The Borough Council expect operating schedules to satisfactorily address these issues, as appropriate.
- 10.2 Where relevant representations are received the Borough Council will consider attaching conditions to deter and prevent crime and disorder both inside and immediately outside the premises. These may include conditions drawn from the Model Pool of Conditions relating to Public Nuisance (see Annex D to the Guidance issued under Section 182 of the Licensing Act 2003).

11.0 Children

- 11.1 It is an offence under the 2003 Act to permit children under the age of 16 who are not accompanied by an adult to be present on premises being used exclusively or primarily for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or where that activity is carried on under the authority of a temporary event notice.

- 11.2 In addition, it is an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at other premises supplying alcohol for consumption on the premises under the authority of any premises licence, club premises certificate or temporary event notice. Outside of these hours, the offence does not prevent the admission of unaccompanied children under 16 to the wide variety of premises where the consumption of alcohol is not the exclusive or primary activity. Between 5am and midnight the offence would not necessarily apply to many restaurants, hotels, cinemas and even many pubs where the main business activity is the consumption of both food and drink. This does not mean that children should automatically be admitted to such premises.
- 11.3 It is not intended that the definition “exclusively or primarily” in relation to the consumption of alcohol should be applied in a particular way by reference to turnover, floor space or any similar measure. The expression should be given its ordinary and natural meaning in the context of the particular circumstances. It will normally be quite clear that the business being operated at the premises is predominantly the sale and consumption of alcohol. Mixed businesses may be harder to pigeonhole and we would advise operators to consult with enforcement agencies where necessary about their respective interpretations of the activities taking place on the premises before any moves are taken which might lead to prosecution.
- 11.4 The Borough Council will support all measures that protect children from harm but will not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm to them. The following list whilst, not exhaustive are areas that will give rise to particular concern in respect of children:
- 11.4.1 where entertainment or services of an adult nature are commonly provided (for example, topless bar staff, striptease, lap-dancing, table-dancing or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong or offensive language);
 - 11.4.2 where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking;
 - 11.4.3 premises with a known association with drug taking and dealing;
 - 11.4.4 where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines); and
 - 11.4.5 where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- 11.5 The Borough Council will consider a range of alternatives for limiting the access of children that is necessary to promote the licensing objective for the prevention of children from harm. These, which may be adopted in combination and attached to a licence, include:
- 11.5.1 limitations on the hours when children may be present;

- 11.5.2 limitations on the exclusion of the presence of children under certain ages when particular specified activities are taking place;
 - 11.5.3 limitations on the parts of premises to which children might be given access;
 - 11.5.4 age limitations (below age 18);
 - 11.5.5 requirements for accompanying adults (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
 - 11.5.6 full exclusion of those people under 18 from the premises when any licensable activities are taking place.
- 11.6 Conditions requiring the admission of children to any premises cannot be attached to licences or certificates. Where no licensing restriction is necessary, this will remain a matter for the discretion of the individual licensee or club or person who has given a temporary event notice. Venue operators seeking premises licences and club premises certificates may also volunteer such prohibitions and restrictions in their operating schedules because their own risk assessments have determined that the presence of children is undesirable or inappropriate. Where no relevant representations are made, these volunteered prohibitions and restrictions will become conditions attaching to the licence or certificate and will be enforceable as such. No other conditions concerning the presence of children on premises will be imposed by the Borough Council in these circumstances.

12.0 Children and Cinemas

- 12.1 In the case of premises giving film exhibitions, the Borough Council will expect licensees or clubs to include in their operating schedules arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification.

13.0 Cultural Activities

- 13.1 The Borough Council will monitor the impact of licensing on the provision of regulated entertainment, and particularly live music and dancing. All reasonable care will be taken to ensure that only necessary, proportionate and reasonable licensing conditions impose any restrictions on such events. Where there are indications that such events are being deterred by licensing requirements, the statement of policy will be re-visited with a view to investigating how the situation might be reversed.
- 13.2 The Borough Council recognises the need to encourage and promote a broad range of entertainment, particularly live music, dancing and theatre, including the performance of a wide range of traditional and historic plays, for the wider cultural benefit of communities. A natural concern to prevent disturbance in neighbourhoods will always be carefully balanced with these wider cultural benefits, particularly the cultural benefits for young people. In determining what conditions should be attached to licence and certificates as a matter of necessity for the promotion of the licensing objectives, the Borough Council is aware of the need to avoid measures which deter live music, dancing and theatre by imposing indirect costs of a disproportionate nature.

14.0 Tourism & Employment

- 14.1 The Borough Council will ensure that the Licensing Committee receive, when appropriate, reports on the needs of the local tourist economy to ensure that these are reflected in their considerations.
- 14.2 The Borough Council will ensure that the Licensing Committee are apprised of the employment situation in the area and the need for new investment and employment where appropriate.

15.0 Planning & Building Control

- 15.1 Planning, Building Control and licensing are separated and consider different (albeit related) matters. For instance, licensing considers public nuisance whereas planning considers amenity. As such licensing applications will not be a re-run of the planning application and will not cut across decisions taken by the planning committee or following appeals against decisions taken by that committee. Licensing Committees are not bound by decisions made by a planning committee, and vice versa.
- 15.2 Applications for premises licences should normally be from businesses with planning consent for the property concerned. However, applications for licences may be made before any relevant planning permission is sought or granted by the planning authority.
- 15.2 The granting by the licensing committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control where appropriate.
- 15.3 There may be circumstances when as a condition of planning permission a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission could be liable to enforcement action under planning laws.

16.0 Promotion of Racial Equality

- 16.1 The Borough Council recognise that the Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination; and to promote equality of opportunity and good relations between persons of different racial groups.

17.0 Duplication

- 17.1 The Borough Council has a firm commitment to avoid duplication with other regulatory regimes so far as possible. For example, legislation governing health and safety at work and fire safety will place a range of general duties on the self-employed, employers and operators of venues both in respect of employees and of the general public when on the premises in question.

Similarly, many aspects of fire safety will be covered by existing and future legislation. Conditions in respect of public safety will only be attached to premises licences and club premises certificates that are “necessary” for the promotion of that licensing objective and if already provided for in other legislation, they cannot be considered as necessary in the context of licensing law. Such regulations will not however always cover the unique circumstances that arise in connection with licensable activities, particularly regulated entertainment, at specific premises and tailored conditions may be necessary.

18.0 Conditions

- 18.1 The Borough Council will not impose conditions on unless it has received a representation from a responsible authority, such as the police or an environmental health officer, or an interested party, such as a local resident or local business, which is a relevant representation, or is offered in the applicant’s Operating Schedule. Any conditions will be proportional and necessary to achieve the Licensing Objectives.
- 18.2 The Borough Council cannot impose ‘blanket’ standard conditions on premises licences or club premises certificates. The Borough Council will, however draw on the pool of conditions (published at Annex D to the Guidance issued under Section 182 of the Act) when it is considered appropriate to suit the specific needs of an individual operation.

19.0 Enforcement

- 19.1 The Borough Council recognises that most licence, certificate and notice holders seek to comply with the law. Notwithstanding, any enforcement action will take a graduated approach and in the first instance will include education and guidance. Where holders of authorisations continue to flout the law or act irresponsibly then firm action, including prosecution will be taken.
- 19.2 The Borough Council has established an enforcement protocol which has been agreed with all seven Norfolk authorities, Norfolk Constabulary, Norfolk Fire Service, Customs & Excise and Trading Standards. This should provide for a more efficient deployment of staff and police officers who are commonly engaged in enforcing licensing law and the inspection of licensed premises”.
- 19.3 In particular, these protocols should also provide for the targeting of agreed problem and high-risk premises, which require greater attention, while providing a lighter touch in respect of low risk premises, which are well run. The 2003 Act does not require inspections to take place save at the discretion of those charged with this role. The principal of risk assessment and targeting will prevail and inspections will not be taken routinely but if and when they are judged necessary. This should ensure that resources are more effectively concentrated on problem premises.

20.0 Temporary Event Notices

- 20.1 The Act requires that a minimum of 10-working days notice must be given for a temporary event notice. Section 193 of the Act defines “working day” as any

day other than a Saturday, a Sunday, Christmas Day, Good Friday, or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in England and Wales. “Ten working days” notice means ten working days exclusive of the day on which the event is to start, and exclusive of the day on which the notice is given.

- 20.2 There is no discretion to relax the 10-working days notice so the Borough Council encourage notice givers to provide the earliest possible notice within 12 months of events likely to take place. The maximum notice of 12 months should enable the Norfolk Constabulary to make a sensible assessment as notices made too far in advance could lead to objections that could be otherwise avoided.

21.0 Personal Licences

- 21.1 An application for a personal licence and ‘disclosure of convictions & declaration’ form should be dated by the applicant within one calendar month of the application been received by the Borough Council.

22.0 Premises Licence/Club Premises Certificate Applications

- 22.1 Applications for the grant or variation of a premises licence or club premises certificate should be accompanied by two sets of plans, one of which will be endorsed and issued with the premises licence/club premises certificate.
- 22.2 Applications for the grant or variation of a premises licence or club premises certificate should be accompanied by a ‘certificate of display’. This acknowledges the applicants understanding for the displaying notices and should avoid any undue delay in the application process.
- 22.3 Applications for the grant or variation of a premises licence or club premises certificate should be accompanied by a ‘certificate of service’. This acknowledges the applicants understanding for giving a copy of the application to the responsible authorities and should avoid any undue delay in the application process.

23.0 Administration, Exercise & Delegation of Functions

- 23.1 The Borough Council appreciates the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process. The Borough Council will delegate certain decisions and functions and has appointed officers and established sub-committees to deal with them.
- 23.2 Where under the provisions of the Act, there are no relevant representations on an application for the grant of a premises licence or club premises certificate or police objection to an application for a personal licence or to an activity taking place under the authority of a temporary event notice, these matters will be dealt with by officers to speed matters through the system. The Borough Council accepts the Secretary of State’s recommendation and delegation will be achieved as set out at Annex C.

24.0 Further Advice

24.1 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 Councils Information Centre on (01553) 616200, or
- By email to EhLicensing@west-norfolk.gov.uk or
- By writing to:
 - Licensing
 - Environmental Health & Housing
 - King's Court
 - Chapel Street
 - King's Lynn
 - PE30 1EX
- In person at King's Court

24.2 The Licensing Act 2003 and Guidance issued under Section 182 can be viewed on the Department of Culture, Media and Sport website at <http://www.culture.gov.uk>

Cumulative Impact – Special Policy

1. The Borough Council will take the following steps in considering whether to adopt a special policy within the statement of licensing policy:

- (a) identification of concern about crime and disorder or public nuisance;
- (b) consider whether there is good evidence that crime and disorder or nuisance are happening and are caused by the customers of licensed premises, or that the risk of cumulative impact is imminent;
- (c) identify the boundaries of the area where problems are occurring;
- (d) consult with those specified in Section 5(3) of the Act, and subject to the outcome of consultation;
- (e) include and publish details of special policy in this licensing policy statement.

2. The effect of adopting a special policy of this kind is to create a rebuttable assumption that applications for new premises licences or club premises certificates or material variations will normally be refused, if relevant representations to that effect are received, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced.

3. The absence of a special policy does not prevent any responsible authority or interested party making representations on a new application for the grant of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

4. It would normally not be justifiable to adopt a special policy on the basis of a concentration of shops, stores or supermarkets selling alcohol for consumption off the premises.

5. A special policy, if adopted, would never be absolute. The Borough Council will always allow for the circumstances of each application to be considered properly and on its own merits.

6. The Borough Council would never use a special policy, if adopted, in the following circumstances:

- (a) as grounds for revoking an existing licence or certificate,
- (b) to justify rejecting applications to vary an existing licence or certificate except where those modifications are directly relevant to the policy,
- (c) to impose quotas – based on either the number of premises or the capacity of those premises – that restricts the consideration of any application on its individual merits or which seek to impose limitations on trading hours in a particular area.

The Portman Group Code of Practice

The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or over. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website (www.portman-group.org.uk), in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in a breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with. The Code is an important weapon in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner, which may appeal to or attract minors. The Borough Council commends the Code.

Annex C To the
Borough Council of King's Lynn & West Norfolk
Statement of Licensing Policy
Dated 2010

Table of Delegations of Licensing Functions

Matter to be Dealt With	Full Committee	Sub-Committee	Officers
Application for personal licence		If an objection made	If no objection made
Application for personal licence, with unspent convictions		All cases	
Application for premises licence/ club premises Certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club registration Certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for Interim Authorities		If a police objection	All other cases
Application to review premises licence/club premises Certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc			All cases
Decision to object when local authority is a consultee and not the lead authority		All cases	
Determination of a police objection to a temporary event notice		All cases	
Minor Variation to a Premises License / Club Premises Certificate			All Cases
Disapplication of certain Mandatory Conditions for Community Premises		If Police Objection	All other Cases

Tel: 0344 800 8013
Business advice helpline

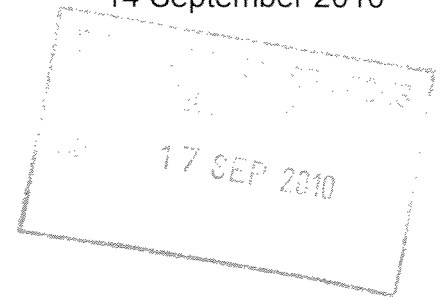
Tel: 08454 04 05 06
All new consumer enquiries
Fax: 01603 222999
DX: 135926 Norwich 13

Email: trading_standards@norfolk.gov.uk
Your ref: LA2003
My ref: DJC/SMH

Please ask for: David Collinson
Contact No: 01603 638118

14 September 2010

Borough Council of King's Lynn and West Norfolk
Executive Director
Environmental Health and Housing
King's Court
Chapel Street
King's Lynn
Norfolk
PE30 1EX



Dear Sirs

Thank you for your letter regarding the Licensing Act 2003 - Statement of Policy Review.

As a Responsible Authority within the scope of the Act, Trading Standards has an ongoing and established role in working with our partners to tackle the illegal or inappropriate supply of alcohol. Where our information suggests inappropriate supply then such premises will be the subject of special attention. If evidence (sometimes obtained covertly) exists of the sale of alcohol to drunken people or alcohol to people under age, then we have a range of interventions to address this including further conditions that we would apply for as part of a license review.

However we have identified a number of standard measures/issues that may be relevant to licence applications/policy and as such should be considered when proposing steps or conditions to be included in an Operating Schedule. In particular when all applicants are preparing their Operating Schedules consideration should be given to the associated risk of underage drinking.

Underage Drinking

There are two key elements to this; provisions which help restrict alcohol reaching children and those which prevent children purchasing alcohol directly from licensed premises.

Applicants should be adopting an **appropriate policy** on prevention of underage drinking and prominently displaying within the premises, a copy of the policy (or a summary). This policy should address both the 'direct' sale of alcohol to those under the legal age as well as 'proxy sales' (the sale of alcohol to those of legal age and associated supply/consumption to those below 18).

Applicants should adopt procedures to ensure age checks of persons who may be under 18, ensuring adequate and effective staff training relating to the challenge of persons buying alcohol.

These procedures should include:

- Effective and responsible management of premises including training and supervision of staff.
- Adoption of best practice guidance e.g. Safer Clubbing, the National Alcohol Harm.
- Reduction Strategy Toolkit, Minor Sales Major Consequences.
- Promotion of accredited 'proof of age' cards or equivalent (see below).

Proof of Age cards

It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent such crimes, it may be necessary to require a policy to be applied at certain licensed premises requiring the production of "proof of age" before such sales are made. This should not necessarily be limited to recognised "proof of age" cards (e.g. Portman proof of age cards) but allow for the production of other proof, such as UK photo-driving licences, and UK passports.

Challenge 21

Since many adults in England and Wales do not currently carry any proof of age, the wording of any condition will require careful thought. For example, many premises have adopted the "*Challenge 21*" or similar initiatives. Under the "*Challenge 21*" initiative, those premises selling or supplying alcohol require sight of evidence of age from any person appearing to be under the age of 21 and who is attempting to buy alcohol. Making this a licensing condition would ensure that most minors – even those looking older – would need to produce appropriate proof of age before making a purchase.

The use of CCTV

CCTV inside and/or outside the premises used in conjunction with appropriate procedures and staff training for the maintenance and operation of all operating systems is considered good practice. This would include the retention of the recordings for a set period and that they will be accessible for viewing by any responsible authority during the premises hours of business.

Prevention of underage sales

The provisions licensees should consider may include:

- Restricting access for children to licensed premises
- Limitations on the hours when children may be present.
- Limitations which exclude the presence of children under certain ages when specified activities are taking place.
- Limitations on the parts of the premises to which children might be given access.

Finally you will be aware of the developing use of **minimum pricing**, as part of a range of measures aimed at reducing the impact of drinking on both residents and businesses in local 'hot spot' areas. As you will be aware, the Police, County Council Trading Standards and other Councils, along with trade, continue to work together closely to monitor and control the inappropriate sale of alcohol. The Police in particular, remain vigilant to the dynamics of the night time economy and have already requested license conditions in certain areas, as part of license reviews that prevent the inappropriate promotion or sale of alcoholic drinks in such a way that encourages the consumption of large quantities of alcohol or rapid consumption.

As well as featuring as part of the national debate, minimum pricing has already been discussed locally (and raised by at least one of our Members of Parliament) as a possible extension to current approaches. There are a number of existing examples of this, one of which has been implemented in Oldham where as a result of the irresponsible supply of cheap alcohol, the local authority has reviewed its use of the Licensing Act, to add conditions to licenses to encourage operators to consider price driven promotions. These are the key points:

Licensed premises reviews for clubs and bars:

Alcohol can be sold below the price of 75p / unit (around £1.88 for a strong alcohol lager) if the following conditions were sought:

- A queuing system with one queue to each bar marshalled by barriers, signage and a member of door staff for each queue.
- No table service for drinks
- Max purchase of two drinks a time
- No consumption of alcohol within one metre of the bar or in the queue
- Further, the Council to be informed 7 days before a regulated drinks promotions during which the license holder must commission two additional police officers to patrol the premises and environs for the period of the promotion.

Proposals for supermarkets and off-licences:

Stores selling alcohol below 50p / unit will have to meet the following conditions:

- The creation of an in-store designated alcohol zone (typically two aisles) with a clear 'gateway' to the zone (i.e. not doorway promotions)
- A ban on running cheap drinks promotions outside that zone
- A ban on unaccompanied under 18s inside the zone
- A requirement for a security officer to be on duty during trading hours inside the zone
- A limit on the size of promotional material for cheap drinks promotions (maximum 20cm x 10cm)
- A requirement to display one of five responsible drinking messages for each location where alcohol is on sale below 50p per unit.

We recognise that the circumstances/context for Oldham are not necessarily the same as for certain parts of Norfolk. However we would be happy to review and consider working to develop some similar principles around this, if you consider it beneficial to do so.

I hope the above is helpful in seeking to consider the next phase for licensing policy in this area. Please do not hesitate to contact me should you wish to discuss any of the proposals.

Yours sincerely

A handwritten signature in black ink that reads "David Collinson". The signature is written in a cursive style with a long, sweeping tail on the final letter.

David Collinson
Assistant Director
Public Protection

REPORT TO CABINET

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

Date of meeting: 16 November 2010

3 CAPITAL PROGRAMME AND RESOURCES 2010/2013

Summary

The Capital Programme 2010/2013 has been reviewed in light of current spending for 2010-2011 as reported in the monthly monitoring reports and the impact of the current economic situation on capital resources available to fund the programme. This report updates the 2010/2013 capital programme for amendments and rephrasing and also reviews the resources that will be available for this period.

RECOMMENDATIONS

It is recommended that :

- 1) Cabinet recommends to Council the amendments to capital schemes and resources for the 2010-2013 capital programme as detailed in the report.**
- 2) The revenue contribution to capital be cut by £100,000 for each of the three years 2010/2011, 2011/2012 and 2012/2013 as part of the cost reduction programme.**

Reason for Decision

To report amendments and rephrasing to the 2010/2013 Capital Programme and update members on actual capital spending for 2010/2011 and resources available for 2010/2013.

1. Capital Programme 2010/2011 – Monitoring
 - 1.1 A full updated Capital Programme 2010/2011 of £13,080,180 was reported as part of the Capital Outturn report approved at the meeting of the Cabinet on 17 June 2010. Since that date further amendments to the programme have been reported monthly as part of the Monitoring Report.
 - 1.2 The monitoring position as at 30 September 2010 included the revised Capital Programme 2010/2011 of £13,152,180. The amendments are summarised below:

£

Capital Programme 2010/2011 (Cabinet 17 June 2010) 13,080,180

Amendment Approved:

Lynnsport – Replacement of fitness equipment – funded from unsupported borrowing, there is no impact on the financing of the capital programme (Monitoring Report August 2010)	72,000
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Revised Capital Programme 2010/2011	13,152,180
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- 1.3 In addition there have been a number of amendments between capital schemes. These amendments are summarised below:

Amendments included in the Monitoring reports to 30 September 2010:

The Council's Careline service will provide alarm monitoring for Freebridge Community Housing tenants. Capital expenditure has been incurred to fund the initial purchase of replacement dispersed alarm monitoring units. The capital cost has been met by a budget transfer of £140,000 within the Housing portfolio from the energy efficiency partnership scheme. There is no impact on the overall funding of the capital programme.

A budget transfer of £15,000 has been made between the Purchase of Investment Property and Repairs to Ancient Corporate Estate schemes, both within the Performance and Resources portfolio. This is to enable works to be undertaken on the third phase works to the west side of the town wall in Kettlewell Lane. There is no impact on the overall funding of the capital programme.

- 1.4 A summary of the monitoring position of the budget to 30 September 2010 is shown in the table below.

Table 1

Portfolio	Capital Programme 2010/2011 Cabinet 17 June	Capital Programme 2010/2011 September Monitoring	Expenditure 30 September 2010	Spend %
	£	£	£	%
Community & Democracy	1,583,730	1,725,730	479,652	28
Environmental Improvement & Protection	548,700	478,700	(20,541)	(4)
Housing	2,462,900	2,462,900	476,368	19
Performance & Resources	1,754,150	1,754,150	365,328	21
Regeneration	6,473,200	6,473,200	37,309	1
Safer & Healthy Communities	257,500	257,500	83,527	32
Total for Capital Programme	13,080,180	13,152,180	1,421,643	11

- 1.5 The detailed monitoring position for all schemes is reported to members in the monthly monitoring reports.

2. Capital Programme 2010/2013 – Update

- 2.1 The capital programme 2010/2011 has been reviewed in light of the current monitoring position as reported to members in the monthly reports as detailed in section 1 above. The following further amendment is reported to 31 October 2010.

£

Capital Programme 2010/2011 (September Monitoring) 13,152,180

Amendment:

Oasis – Upgrade electricity supply – to be funded from reserves, there is no impact on the financing of the capital programme 12,000

Revised Capital Programme 2010/2011 13,164,180

2.2 In addition as reported to October 2010 the following amendments have been made between capital schemes –

A budget transfer of £15,000 has been made between the Investment in General Properties scheme within Performance and Resources and the Walks Stadium improvements within Community and Democracy. This transfer is to fund a contribution towards the replacement of perimeter fencing along Tennyson Avenue. There is no impact on the overall funding of the capital programme.

A budget transfer of £10,000 has been made between the Estate Roads Repairs and Sewerage Infrastructure/surface water drainage schemes within the Housing portfolio. This is to enable resurfacing works to be undertaken at Chapel Lane, Wimbotsham. There is no impact on the overall funding of the capital programme.

2.3 As far as capital resources are concerned the most vulnerable area is that of capital receipts. Overall the level of capital receipts achieved to 30 September 2010 is only 15% of the annual target, as detailed in the table below. Whilst a number of general fund and NORA asset disposals are currently being progressed, given the current economic climate, it is anticipated that the target capital receipts 2010/2011 will not be achieved. It is proposed to reduce the budget for capital receipts 2010/2011 as detailed below. The overall financing of the revised capital programme is detailed later in the report.

Table 2

Capital Receipts	Estimate 2010/2011 £000s	Actual to 30 September 2010 £000s	Projected Outturn 2010/2011 £000s
Housing	150	414	500
General Fund	1,500	280	700
NORA	2,861	0	1,000
Total	4,511	694	2,200

2.4 The level of actual capital receipts will continue to be monitored and any variance reported as part of the monthly reports. Any additional receipts achieved above the target during 2010/2011 will reduce the need to take on in year temporary borrowing.

2.5 A detailed review of the 2010/2013 capital programme and resources has been undertaken to address the impact of the revised funding position on the ability to deliver the current capital programme. Approval is requested for amendments and rephrasing to the 2010/2013 Capital Programme as detailed below.

2.6 The proposed deletions from the 2010/2013 capital programme are summarised in table 3 and detailed below:

Table 3

Portfolio	Deletions		
	2010/2011	2011/2012	2012/2013
	£	£	£
Community & Democracy	12,900	0	0
Environmental Improvement & Protection	1,000	0	0
Housing	20,000	0	50,000
Performance & Resources	155,500	0	0
Regeneration	0	0	0
Safer & Healthy Communities	73,500	0	0
Total for Capital Programme	262,900	0	50,000

Community and Democracy

- The remaining commitments for the Hunstanton Community Centre will be completed within a budget of £2,500 and it is proposed to reduce the existing approved budget for 2010/2011 by £2,900. The capital programme will be amended accordingly.
- The gymnastics lighting upgrade at Lynnsport has been completed as part of the Salix energy efficiency scheme and the budget of £10,000 for 2010/2011 within Community and Democracy will be deleted. The capital programme will be amended accordingly.

Environmental Improvement and Protection

- A residual budget of £1,000 remains within the capital programme 2010/2011 for the Contaminated Land scheme. This budget was retained to fund possible consultancy work. It is proposed to delete this from the capital programme.

Housing

- As reported at 1.3 above the capital programme has been amended in respect of the extension of the Careline service to Freebridge tenants. An updated profile of expenditure and equipment costings has identified savings of £20,000 in 2010/2011. The capital programme will be amended accordingly.
- Community Alarms and Assistive Technologies – it is proposed to reduce this budget from £100,000 to £50,000 in 2012/2013.

Performance and Resources

- The budget for stock condition survey works has been reduced by £15,500 in 2010/2011. Stock condition works to Lynnsport Barn have been duplicated within this scheme and the budget for Lynnsport remedial works within the Community and Democracy portfolio. The capital programme will be amended accordingly
- Investment in General Properties – it is proposed to reduce this budget by £60,000 in 2010/2011.
- Investment Property Purchase – it is propose to delete the uncommitted balance of the budget provision of £80,000 in 2010/2011.

Safer Healthy Communities

- Gayton Road Cemetery Extension and Roadway – the original budget is not sufficient to complete all works at this time. Expenditure will be incurred to fence, level, clear and make site safe. As there is no urgent need to undertake the extension works at this time this scheme will be revisited in the future. At this stage it is proposed to delete budget provision of £63,500 in 2010/2011.
- The 2010/2011 programme includes £10,000 budget provision for a replacement animal control vehicle. No vehicles are currently due for replacement and this budget was incorrectly included in the capital programme and will be deleted.

2.7 The above amendments release £302,900 of capital resources, excluding the vehicle replacement which was incorrectly included in the programme. As part of the cost reduction programme it is proposed that the revenue contribution to capital be cut by £100,000 for each of the three years 2010/2011, 2011/2012 and 2012/2013.

2.8 As noted above a detailed examination of the current progress of the programme has been undertaken. Where expenditure can be moved to future years an opportunity has been taken to rephase the 2010/2013 programme, particularly in light of the impact of the current economic situation and the uncertainty of achieving the estimated level of capital receipts in future years. The areas for the proposed rephasing are summarised in table 4 and details of the major areas of rephasing are detailed below.

Table 4

Portfolio	Rephasing			
	2010/2011 £	2011/2012 £	2012/2013 £	Future Years £
Community & Democracy	(224,700)	16,700	208,000	0
Environmental Improvement & Protection	0	0	0	0
Housing General Fund	(495,000)	470,000	(4,800)	29,800
Performance & Resources	(140,500)	115,500	25,000	0
Regeneration	(611,210)	(1,155,000)	(1,474,100)	3,240,310
Safer & Healthy Communities	0	0	0	0
Total	(1,471,410)	(552,800)	(1,245,900)	3,270,110

Guildhall – Reroofing

Budget provision of £198,000 has been included in the approved programme for 2011/2012 for reroofing works to the Guildhall. It is proposed to rephase these works to 2012/2013.

Housing Mandatory Assistance

Whilst the budget allocation for 2010/2011 will be fully committed there is a time lag between allocation of grant cases and completion of works. This situation has been further impacted this year due to a change within Social Services referrals and a large number of applications have recently been received which are being processed. It is proposed to rephase budget provision of £300,000 to 2011/2012.

Sewage Treatment Works – Connection to Public Sewer and Decommissioning Redundant Sites

It is anticipated that these schemes will not be progressed during 2010/2011 as originally planned. It is necessary to complete the scheme for connection to the public sewer to reduce on going revenue costs for maintenance and repairs. There are a number of land issues to be resolved in respect of decommissioning redundant sites for the works to progress. It is proposed that the budget provision of £132,000 is rephased to 2011/2012.

ICT Development Programme

The current ICT development requirements have been reviewed and it is proposed to move budget provision of £140,500 from 2010/2011 to next years programme. This is mainly due to timing of decisions on the shared service initiative for Revenues and Benefits.

Decade of Development - Growth Point and King's Lynn Regeneration

The Decade of Development was reviewed as reported to Cabinet on 27 July 2010 and the following amendments and rephasing were approved.

Table 5

Individual schemes	Amendments and Rephasing (Cabinet 27 July 2010)		
	2010/2011 £	2011/2012 £	2012/2013 £
New Schemes			
Waterfront – Pontoons	150,000	0	0
Waterfront - Landscaping	125,000	0	0
Waterfront – Sea Defences	0	0	500,000
College of West Anglia	0	1,000,000	1,500,000
Ferry Car Parking	0	0	400,000
Bus Station Improvements	0	0	500,000
Car Park Signage	0	0	190,000
Town Centre Public Realm	0	0	100,000
Town Centre Signage	0	0	50,000
Deletions			
NORA	0	0	(500,000)
Grain Silo	0	(750,000)	0
Hardwick Extension	0	(500,000)	(500,000)
Arts Centre Complex	0	0	(50,000)
Rephasing			
Marsh Lane - Infrastructure	(300,000)	(1,000,000)	0
Lynnsport - Infrastructure	(200,000)	(175,000)	(1,500,000)
Multi Storey Car Park	0	0	(2,000,000)
Town Hall and Archive	0	(250,000)	(250,000)
Hunstanton Regeneration	0	0	(250,000)
Total	(225,000)	(1,675,000)	(1,810,000)

The Decade of Development has been further reviewed and additional rephasing is included in this report as detailed in the table below.

Table 6

Individual schemes	Rephasing		
	2010/2011	2011/2012	2012/2013
	£	£	£
Waterfront	(600,000)	600,000	0
NORA	8,790	(1,775,000)	(1,224,100)

- 2.9 The table below summarises the revised Capital Programme for 2010-2013 including rephasing and the amendments detailed above. The detailed revised Capital Programme 2010/2013 is presented at Appendix 1.

Table 7

Portfolio	2010/2011 £	2011/2012 £	2012/2013 £
Community & Democracy	1,515,130	493,170	391,200
Environmental Improvement & Protection	477,700	280,100	352,800
Housing General Fund	1,947,900	1,675,000	1,158,800
Performance & Resources	1,443,150	1,033,730	45,000
Regeneration	5,636,990	4,123,740	3,691,370
Safer & Healthy Communities	184,000		
Total	11,204,870	7,605,740	5,639,170

3. Capital Resources 2010-2013
- 3.1 The estimated capital resources for the period 2010-2013 were revised as part of the Capital Outturn report approved at the meeting of the Cabinet on 17 June 2010.
- 3.2 Capital resources for new capital bids will be extremely limited. New capital bids will only be considered for inclusion into the programme if they are a statutory or operational necessity. It is proposed that in future the capital programme will be prepared for a 10 year period, incorporating the schemes as included within the Decade of Development reported to Cabinet on 27 July 2010 together with any proposed new bids, and an updated programme will be reported to Cabinet in January 2011.
- 3.3 The total capital receipts included in the table below have been updated to reflect the rephased capital programme as detailed above. In addition the risk of not achieving the estimated level of capital receipts has been examined, in particular in light of the current wider economic situation. It is estimated that the overall target across the medium term 2010/2013 will reduce by £1m as anticipated receipts are

rephased to later years. It will be necessary to use VAT shelter reserves and additional temporary borrowing to provide funding for the revised capital programme expenditure in advance of achieving capital receipts.

- 3.4 The estimated level of capital receipts is considered to be achievable. The timing of receipts may vary and the impact on the overall funding of the programme is detailed in section 5. below.
- 3.5 The funding for the period 2010/2013 includes Central Government grants. Disabled Facilities and housing grants have been received for 2010/2011 future years are not yet confirmed and may be reviewed as part of the spending cuts by Central Government. Growth Point funding for 2010/2011 is confirmed. The Single Conversation grant from the Homes and Communities Agency (HCA) previously included within capital financing has been deleted. The funding of the HCA has been reduced by over 50 percent as part of the spending cuts by Central Government and their level of funding for projects in future years is uncertain. The Decade of Development has been revised as detailed at section 2 above.
- 3.6 Risk is inherent in any projection of future funding and risk implications and sensitivity are detailed at section 4 later in the report.
- 3.7 The table below provides details of the revised estimated capital resources for the period 2010-2013, updated for amendments and rephasing detailed above. Where rephasing is made between years the funding will follow.

Table 8

	2010/2011	2011/2012	2012/2013	Total
	£'000	£'000	£'000	£'000
Sources of Finance:				
Specific Capital Grants	470	470	470	1,410
Housing Capital Grant	138	0	0	138
Capital Receipts Housing	500	150	150	800
Capital Receipts General Fund	700	1,119	5,400	7,219
Capital Receipts - NORA	1,000	1,428	4,800	7,228
Temporary Borrowing	3,429	2970	-6399	0
HCA payment	1,026	0	0	1,026
Revenue Contributions	4	64	54	122
Resources for Specific Schemes	1,013	555	470	2,038
Reserves:				
Capital Reserves	761	0	0	761
VAT Shelter	2,164	850	694	3,708
Total Resources Available	11,205	7,606	5,639	24,450
Revised Capital Programme	11,205	7,606	5,639	24,450
Available Funding	0	0	0	0

4. RISK IMPLICATIONS AND SENSITIVITY ANALYSIS

- 4.1 Risk is inherent in any projection of future funding. The estimated resources available to fund the capital programme 2010-2013 and the risk implications and sensitivity/consequences are detailed in the table below. The level of risk is based on the impact on the funding of the capital programme 2010-2013 if the resources are not achieved at the estimated level or at the time expected. This section updates the position as reported in the Capital Programme and Resources 2009-2013 report to Cabinet on 17 June 2010.

Source of Funding	Risk Implications and Sensitivity	Level of Risk
Capital Grant	<p>Risk The capital grant and specific grant included in the resources is a contribution towards housing capital expenditure and Disabled Facilities Grants (DFG). The level of grant included for 2010/2011 is based on the confirmed level of grant and future years are included at this the same level. The level of grant is confirmed by Central Government annually and can vary from year to year.</p> <p>Sensitivity/Consequences This funding represents 6% of total general fund resources over the 3 year period. As noted at section 3 above all Government grants are expected to be subject to review as part of the Government's spending cuts. If the level of grants were to vary significantly the budget allocated for DFGs and the proposed schemes within the Decade of Development would need to be revised</p>	Medium /High
Capital Receipts	<p>Risk Capital receipts represent over 60% of the general fund resources available over the 3 year period 2010-2013. The actual amount and timing of capital receipts can vary significantly. The achievement of capital receipts is monitored and reported in the monthly monitoring reports to ensure no over commitment.</p> <p>Sensitivity/Consequences Capital receipts represent a high proportion of the total general fund resources available to fund the capital programme. The actual level of capital receipts that are achieved is sensitive to market conditions including demand for land and buildings, values and interest rates. The sum total of capital receipts included in the funding table of £15m is a challenging target in the current economic climate. In the event that capital receipts are not achieved at the level or within the year estimated it may be necessary to take on additional temporary borrowing at the prevailing interest rates.</p>	High

Source of Funding	Risk Implications and Sensitivity	Level of Risk
In year Revenue Contribution (RCCO)	<p>Risk Revenue contributions included in the approved 3 year Revenue Financial Plan for 2010/2011 to 2012/2013 have been reduced by £100,000 for each of the years 2010/2011, 2011/2012 and 2012/2013 as part of the cost reduction programme.</p> <p>Sensitivity/Consequences This funding represents 0.5% of total general fund resources over the 3 year period.</p>	Low
Unsupported Borrowing	<p>Risk The proposed capital programme 2010-2013 includes unsupported borrowing for the purchase of equipment and vehicles.</p> <p>Sensitivity/Consequences The Council will enter into unsupported borrowing where it can demonstrate that financial savings can be achieved by outright purchase of equipment, as opposed to the use of an operating lease and the payment of an annual lease.</p>	Low
Temporary Borrowing	<p>Risk Temporary borrowing (including NORA) is included for cash flow purposes to ensure a balanced funding of the capital programme in each of the financial years and in advance of capital receipts.</p> <p>Sensitivity/Consequences The actual required temporary borrowing will depend on rephasing in the capital programme and capital receipts achieved in each year. Temporary borrowing will be maintained at the minimum level required and reported as part of the outturn. The cost of funding the temporary borrowing is included in the revenue budget and is confirmed as affordable.</p>	Low
Reserves	<p>Risk Contributions from reserves are based on actual balances as at 1 April 2010. In the case of the VAT Shelter, the Council receives a share of the VAT recovered by Freebridge Community Housing from housing improvement works. The monies are held in reserve and will be used to fund capital expenditure. The amounts included in the resources for the period 2010-2013 are based on the continuing programme of improvement works being carried out towards the decent homes standard.</p> <p>Sensitivity/Consequences The reserves are available and as such the sensitivity is low. In the case of the VAT Shelter there is a contractual agreement between the Borough and Freebridge Community Housing for the sharing of VAT reclaimed. In the event that the VAT share was not received as estimated in the capital resources, temporary borrowing</p>	Low

	would be incurred to ensure a balanced funding of the capital programme in each of the financial years.	
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- 4.2 Experience shows that the costs of schemes can also vary. Expenditure on the capital programme is included as part of the monthly monitoring report. Any significant variations on individual schemes will be reported and appropriate action taken.

5. Equality Impact Assessment

- 5.1 The Council has a statutory requirement to carry out Equality Impact Assessments (EIAs) as part of the service planning and policy proposal processes. This includes significant policy or significant changes to a service and includes potential capital bids, revenue growth bids and proposed reductions in service.
- 5.2 The Council may be required to carry out an impact assessment if the proposal impacts on any of the following:
- Equalities (including impact on issues of race, gender, disability, religion, sexual orientation, age)
 - Community cohesion (whether there is a potential positive or negative impact on relations between different communities)
- 5.3 None of the capital amendments and rephrasing have been identified as potentially requiring an impact assessment.

6. Policy Implications

None

7. Statutory Considerations

None

8. Consultations

Management Team

9. Access to Information

Cabinet Reports
 Background Papers (Government Circulars etc)
 Budget Book
 Monthly Monitoring Reports 2010/2011

Capital Programme 2010-2013

Scheme Title	Amended Programme 2010/2011 £	Amended Programme 2011/2012 £	Amended Programme 2012/2013 £
<u>Community and Democracy</u>			
KL Town Hall - Centre for Civic Activity (formerly Arts Centre - disabled access/toilets)	207,900		
Guildhall - Re Roofing			198,000
Community and Culture Community Grants in Rural Areas (including MU)	74,000	74,000	74,000
Hunstanton Community Centre	2,500		
Corn Exchange - External decoration	27,400		
Walks Stadium - improvements to changing and medical facilities	165,000		
Fine turf grounds operatives vehicle		17,000	
Hunstanton Car Parks and Resort Services Vehicle	7,900		
Lynnsport - resurface sports barn floor	18,900		
Lynnsport - Climbing Wall	60,000		
Lynnsport - Bowls Hall lighting		20,000	
Play Activities	55,800	20,000	
Refurbish Sports Pavilions	59,200		
Princess Theatre flat roof repairs	35,000		
Replace chainlink fences	10,900	10,000	10,000
D/ham Market Leisure Ctr - Refurbishment	27,900		
St James' Swimming Pool - Refurbishment		37,000	
Lynnsport - Remedial Works to Main Building & Barn	52,500		
Oasis - Refurb Toilets & Changing Area	25,000		
Corn Exchange - Seating & Forestage Lifts	27,300		
Corn Exchange - Lighting Dimmer Panels	43,000		
Hunstanton Promenade - Festoon Lighting	15,000		
West Lynn Boardwalk Refurbishment	35,000	35,000	
Sub Total	950,200	213,000	282,000

Capital Programme 2010-2013

Scheme Title	Amended Programme 2010/2011 £	Amended Programme 2011/2012 £	Amended Programme 2012/2013 £
<u>Community and Democracy (contd)</u>			
Schemes which come with Resources			
Arts Centre - Re-roof Shakespeare Barn	11,000		
Arts Centre - Replacement Fire Alarm system	1,800	55,000	
Public Art	8,800		
Corn Exchange - Replace refrigerant and software	7,000		
Corn Exchange - Redecoration and Refurbishment	21,000		
Downham Mkt Leisure - Automatic doors	11,000		
Grounds Maintenance Equipment	46,000	27,260	
Grounds Maintenance Vehicles	85,230	120,210	109,200
Cherry Picker	10,000		
King's Lynn Town Hall repairs	57,500		
Hunstanton Replacement Litter Bins	6,800		
Lynnsport - Car Park & Path Repairs		46,000	
Lynnsport - new adult/junior fitness equipment	108,000		
Lynnsport - G3 pitch	41,800		
Lynnsport - Athletics track works		20,000	
Princess Theatre - Replace chiller plant.	35,000		
St James' Swimming Pool - Fitness Equipment	50,000		
D/ham Mkt Leisure Ctr & St James' Pool - Indoor Group Cycles		11,700	
Corn Exchange - Sound System	40,000		
Corn Exchange - Cash Tills	12,000		
Oasis - Electricity Supply upgrade	12,000		
Sub Total	564,930	280,170	109,200
Total Community and Democracy	1,515,130	493,170	391,200

Capital Programme 2010-2013

Scheme Title	Amended Programme 2010/2011 £	Amended Programme 2011/2012 £	Amended Programme 2012/2013 £
<u>Environmental Improvement and Protection</u>			
Contaminated Land - Wisbech Canal	52,400		
Third party contributions	(49,400)		
	3,000		
Environmental Monitoring	59,000		
Public Conveniences - Improvements	33,500	40,000	
Recycling - Wheeled bins	15,000	10,100	
Street lighting - Fairstead	84,200		
Street lighting - Tuesday and Saturday market places KL	30,400		
Sub Total	225,100	50,100	
Schemes which come with Resources			
Garden Waste Composting	8,000		
Glass "Bring" sites	8,900		
Public Cleansing Vehicles	125,700		83,400
Public Cleansing Sweepers	110,000	230,000	86,800
Neighbourhood Teams vehicles and equipment			182,600
Sub Total	252,600	230,000	352,800
Total Environmental Improvement and Protection	477,700	280,100	352,800
<u>Housing General Fund</u>			
Mandatory Assistance - Housing Adaptations and Essential Repairs (including Disabled Facilities Grants)	1,395,300	1,350,000	1,050,000
Careline -Replacement Dispersed Alarm Monitoring Equipment	77,000	43,000	
Community Alarms and Assistive Technologies	100,000	100,000	50,000
Energy Efficiency Partnership (Keeping W Norfolk Warm)	29,700		
Estate Roads - Repairs (former HRA)	30,000	15,000	12,000
STW connection to public sewer	50,000	100,000	
STW decommission redundant sites	10,000	32,000	
Sewerage Infrastructure & surface water drains/ditches	10,000	27,000	38,800
Sub Total	1,702,000	1,667,000	1,150,800
Schemes which come with Resources			
Careline - replacement vehicles		8,000	8,000
External Solid Wall Insulation Scheme	100,000		
Private Sector Renewal	145,900		
Sub Total	245,900	8,000	8,000
Total Housing General Fund	1,947,900	1,675,000	1,158,800

Capital Programme 2010-2013

Scheme Title	Amended Programme 2010/2011 £	Amended Programme 2011/2012 £	Amended Programme 2012/2013 £
<u>Performance and Resources</u>			
Assistant Valuer	46,700		
Essential Repairs to Ancient Corporate Estate	45,500		
Investment in General Properties	25,000		
Investment Property - Purchase	262,000		
DDA stage 2 works	104,100	25,000	25,000
Health and Safety - Council Facilities	52,000	20,000	
Stock Condition Survey - Priority 2 and 3	392,070	180,000	
ICT Development Programme	452,700	788,730	
Derelict Land and Buildings - Compulsory Purchase	20,000	20,000	20,000
Sub Total	<u>1,400,070</u>	<u>1,033,730</u>	<u>45,000</u>
Schemes which come with Resources			
Energy and Efficiency Sustainable Fund	43,080		
Sub Total	<u>43,080</u>		
Performance and Resources Total	<u><u>1,443,150</u></u>	<u><u>1,033,730</u></u>	<u><u>45,000</u></u>

Capital Programme 2010-2013

Scheme Title	Amended Programme 2010/2011 £	Amended Programme 2011/2012 £	Amended Programme 2012/2013 £
<u>Regeneration</u>			
Adoption of Estate Roads - Hamlin Way	223,800		
Conservation Area review & character appraisal project	10,800		
Hunstanton Regeneration Works to Oldsunway Bridge	277,100 5,500	20,000	
Tuesday Market Place - power supply	7,200		
Sub Total	524,400	20,000	
Growth Point and King's Lynn Regeneration			
Growth Point	207,700	113,290	121,370
CWA		1,000,000	1,500,000
Ferry Car Parking			400,000
Bus Station Improvements			500,000
Car Park Signage			190,000
Town Centre Public Realm			100,000
Town Centre Signage			50,000
King's Lynn Waterfront/Regeneration Projects	86,700	1,568,450	
Waterfront Sea Defences			500,000
CIF2 Road	500,000		
Landscaping	125,000		
Pontoons	150,000		
Nar Ouse Regeneration Area			
External Project Management / Environmental Advice	250,000		
Remediation	120,000	120,000	120,000
MUGA (Includes Land)	150,000	50,000	
Millienium Community Construction	663,960		
Utilities	1,522,730	1,000,000	
Landscape & Maintenance	369,000	215,000	210,000
Masterplanning	65,000		
Marketing	25,000		
Other Project Costs	72,000		
Third Party Contributions	(1,089,000)		
Net Total Nar Ouse Regeneration Area	2,148,690	1,385,000	330,000
NORA from decade of development - Joint Venture	1,000,000		
NORA from decade of development - Water Attenuation	800,000		
Hillington Square - Refurbishment programme contribution	50,000		
Sub Total Growth Point and King's Lynn Regeneration	5,068,090	4,066,740	3,691,370
Sub Total	5,592,490	4,086,740	3,691,370

Capital Programme 2010-2013

Scheme Title	Amended Programme 2010/2011 £	Amended Programme 2011/2012 £	Amended Programme 2012/2013 £
Regeneration contd			
Schemes which come with Resources			
Car Parks - Electronic Handhelds	5,300		
Conservation - Repairs to ruins Chapel of St James	8,200		
Hardwick Ind Estate - refurbish units Oldmeadow Rd		37,000	
Adoption of Estate Roads - Hamlin Way	31,000		
Sub Total	44,500	37,000	
Total Regeneration	5,636,990	4,123,740	3,691,370
<u>Safer and Healthy Communities</u>			
Gayton Rd Cemetery - Extension	30,000		
Hardwick Rd Cemetery - Roadways	10,000		
Upwell Cemetery - Rabbit proof fencing	5,000		
St Edmundsbury Church DM - Replacement Wall	12,000		
Mintlyn Crematorium - Front of House improvements	10,000		
Mintlyn Crematorium - Flower Court	109,000		
Mintlyn Crematorium - Replacement Cremators			
New Book of Remembrance Room and refurbish existing building/toilets			
St Edmund's Church Hunstanton - Wall and War Memorial	8,000		
Total Safer and Healthy Communities	184,000		
Total Capital Programme	11,204,870	7,605,740	5,639,170

REPORT TO CABINET

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

Date of meeting: 16 November 2010

4 MID YEAR REVIEW TREASURY REPORT 2010/2011

Summary

The Council has formally adopted the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management (2009) and remains fully compliant with its requirements.

One of the primary requirements of the Code is:

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

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

- An economic update for the first six months of 2010/2011
- A review of the Treasury Management Strategy Statement and Annual Investment Strategy 2010/2011
- A review of the Council's investment portfolio for 2010/2011
- A review of the Council's borrowing strategy for 2010/2011
- A review of any debt rescheduling undertaken during 2010/2011
- A review of compliance with Treasury and Prudential Limits for 2010/2011

Recommendations

Cabinet is asked to note the report.

Reason for the Decision

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

1. Introduction and Background

1.1 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. ”

1.2 The Chartered Institute of Public Finance and Accountancy’s (CIPFA) Code of Practice on Treasury Management was adopted by this Council.

The primary requirements of the Code are as follows:

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

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

- An economic update for the first six months of 2010/2011
- A review of the Treasury Management Strategy Statement and Annual Investment Strategy 2010/2011
- A review of the Council’s investment portfolio for 2010/2011
- A review of the Council’s borrowing strategy for 2010/2011
- A review of any debt rescheduling undertaken during 2010/2011
- A review of compliance with Treasury and Prudential Limits for 2010/2011

2 Economic Update

2.1 Global Economy

The sovereign debt crisis peaked in May 2010 prompted, in the first place, by major concerns over the size of the Greek government’s total debt and annual deficit. However, any default or write down of Greek debt would have

substantial impact on other countries, in particular, Portugal, Spain and Ireland. This crisis culminated in the European Union (EU) and International Monetary Fund (IMF) putting together a €750billion support package in mid May.

Growth in the United States, United Kingdom and the Euro zone in quarter 2 of 2010 was particularly driven by strong growth in the construction sector catching up from inclement weather earlier in the year and is unlikely to be repeated. General expectations are for much more subdued figures for the remainder of 2010. Market expectations for all three sectors of the economy is that these have all peaked and are pointing downwards, though not necessarily in to negative territory.

2.2 UK Economy

Following the general election in May 2010, the coalition government has put in place an austerity plan to carry out correction of the public sector deficit over the next five years. Expectations are that the inevitable result of fiscal contraction will be major job losses during this period, in particular in public sector services. This will have a knock on effect on consumer and business confidence. House prices have started a negative trend during the summer and mortgage approvals are at very weak levels and also declining.

Economic Growth – Gross Domestic Product (GDP) growth is likely to have peaked at 1.2% in quarter 2 of 2010.

Unemployment – the trend of falling unemployment (on the benefit claimant count) has now been replaced since July 2010 with small increases which are likely to be the start of a new trend of rising unemployment.

Inflation and Bank Rate – Consumer Price Index (CPI) has remained high so far during 2010. It peaked at 3.7% in April and has fallen back to 3.1% in August. Retail Price Index (RPI) remains high, at 4.7% in August. Although inflation has remained stubbornly above the Monetary Policy Committee's (MPC) 2% target, the MPC is confident that inflation will fall back under the target over the next two years. The last quarterly Inflation Report in August showed a significant under-shoot after the end of 2011.

The Bank of England finished its programme of quantitative easing with a total of £200billion in November 2009 (although there is currently some increase in expectations that there might be a second round of quantitative easing).

Sector's view is that there is unlikely to be any increase in Bank Rate until the middle of 2011.

AAA rating (best quality, reliable and stable) – prior to the general election, credit rating agencies had been issuing repeated warnings that unless there was a major fiscal contraction, then the AAA sovereign rating was at significant risk of being downgraded. Sterling was also under major pressure during the first half of the year. However, after the Chancellor's budget on 22 June 2010, Sterling has strengthened against the US dollar and confidence has returned that the UK will retain its AAA rating. In addition, international investors now view UK government gilts as being a safe haven from EU government debt. The consequent increase in demand for gilts has helped to add downward pressure on gilt yields and Public Works Loan Board rates.

2.3 Sector's view for the next six months of 2010/2011

Sector is the Council's Treasury Advisor and states that it is currently difficult to have confidence as to exactly how strong the UK economic recovery is likely to be, and there are a range of views in the market. Sector has adopted a moderate view. There are huge uncertainties in all forecasts due to the major difficulties of forecasting the following areas:

- the speed of economic recovery in the US and EU
- the degree to which government austerity programmes will dampen economic growth
- the speed of rebalancing of the UK economy towards exporting and substituting imports
- changes in the consumer savings ratio
- the potential for more quantitative easing, and the timing of this in both the UK and US
- the speed of recovery of banks' profitability and balance sheet imbalances
- the potential for a major EU sovereign debt crisis which could have a significant impact on financial markets and the global and UK economy

The overall balance of risks is weighted to the downside and there is some risk of a double dip recession and deleveraging (companies paying off existing debt from their balance sheets), creating a downward spiral of falling demand, falling jobs and falling prices, although this is currently viewed as being a small risk.

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.

This was reinforced by the Chancellor's announcement on the Spending Review on the 20th October 2010. Her Majesty's Treasury has instructed PWLB to increase the average interest rate on all new loans to an average of 1.00% above the Government's cost of borrowing.

2.4 Sector's interest rate forecast

	Oct-10	Dec-10	Mar-11	Jun-11	Sep-11	Dec-11	Mar-12	Jun-12	Sep-12	Dec-12	Mar-13	Jun-13
Bank Rate	0.50%	0.50%	0.50%	0.50%	0.75%	1.00%	1.25%	1.50%	2.00%	2.50%	3.00%	3.25%
5yr PWLB rate	2.71%	3.05%	3.05%	3.25%	3.45%	3.65%	3.85%	4.15%	4.45%	4.65%	4.95%	5.25%
10yr PWLB rate	4.06%	4.15%	4.15%	4.25%	4.55%	4.75%	4.85%	5.15%	5.25%	5.45%	5.45%	5.75%
25yr PWLB rate	5.03%	5.05%	5.15%	5.15%	5.25%	5.35%	5.55%	5.55%	5.65%	5.85%	5.85%	5.85%
50yr PWLB rate	5.08%	4.95%	5.05%	5.05%	5.15%	5.25%	5.45%	5.45%	5.55%	5.75%	5.75%	5.75%

3 Treasury Management Strategy Statement and Annual Investment Strategy update

- 3.1 *The Treasury Management Strategy Statement (TMSS) for 2010/2011 was approved by this Council on 9th March 2010. The Council's Annual Investment Strategy, which is incorporated in the TMSS, outlines the Council's investment priorities as follows:*
- *Security of capital*
 - *Liquidity*
- 3.2 *The Council will also aim to achieve the optimum return (yield) on investments commensurate with the proper levels of security and liquidity. In the current economic climate it is considered appropriate to keep investments short term (maximum loan period of 12 months), and only invest with highly credit rated financial institutions, using Sector's suggested creditworthiness approach, including sovereign credit rating and credit default swap (CDS) overlay information provided by Sector.*
- 3.3 A breakdown of the Council's investment portfolio is shown in Section 5 and Appendix 1 of this report.
- 3.4 Borrowing rates have been at historically low rates during the first six months of the 2010/11 financial year. Investments and borrowing during the first six months of the year have been in line with the strategy, and there have been no deviations from the strategy.
- 3.5 As outlined in Section 2 above, there is still considerable uncertainty and volatility in the financial and banking market, both globally and in the UK. In this context, it is considered that the strategy approved on 9th March 2010 is still fit for purpose in the current economic climate.

4 Investment Portfolio 2010/2011

- 4.1 In accordance with the Code, it is the Council's priority to ensure security of capital and liquidity, and to obtain an appropriate level of return which is consistent with the Council's risk appetite.
- 4.2 The investment portfolio yield for the first six months of the year is 1.68% against a benchmark of 0.42% (7 day LIBID – London Interbank Bid Rate).
- 4.3 A full list of investments held by the Council as at 30th September 2010, is shown in appendix 1, and summarised below:

Investments	1 st April 2010	Average Rate of Return
Investec Fund Manager	13,637,258	1.12
Cater Allen Ltd	2,000,000	2.60

Cater Allen Ltd	3,000,000	1.85
Bank of Scotland	5,000,000	1.85
Barclays	2,000,000	1.18
Natwest call account	1,300,000	0.90
Investments	30th September 2010	Average Rate of Return
Investec Fund Manager	13,692,764	0.50
Cater Allen Ltd	3,000,000	1.85
Bank of Scotland	5,000,000	1.85
Cater Allen Ltd	2,000,000	1.33
Natwest	2,000,000	1.41
Natwest call account	1,650,000	0.90

- 4.4 As illustrated in the economic background section above, investment rates available in the market are at a historical low point. The average level of funds available for investment purposes in the first six months of 2010/11 was £2million (per week). These funds were available on a temporary basis, and the level of funds available was mainly dependent on the timing of precept payments, receipt of grants and progress on the capital programme. The Council holds £12million core cash balances for investment purposes.

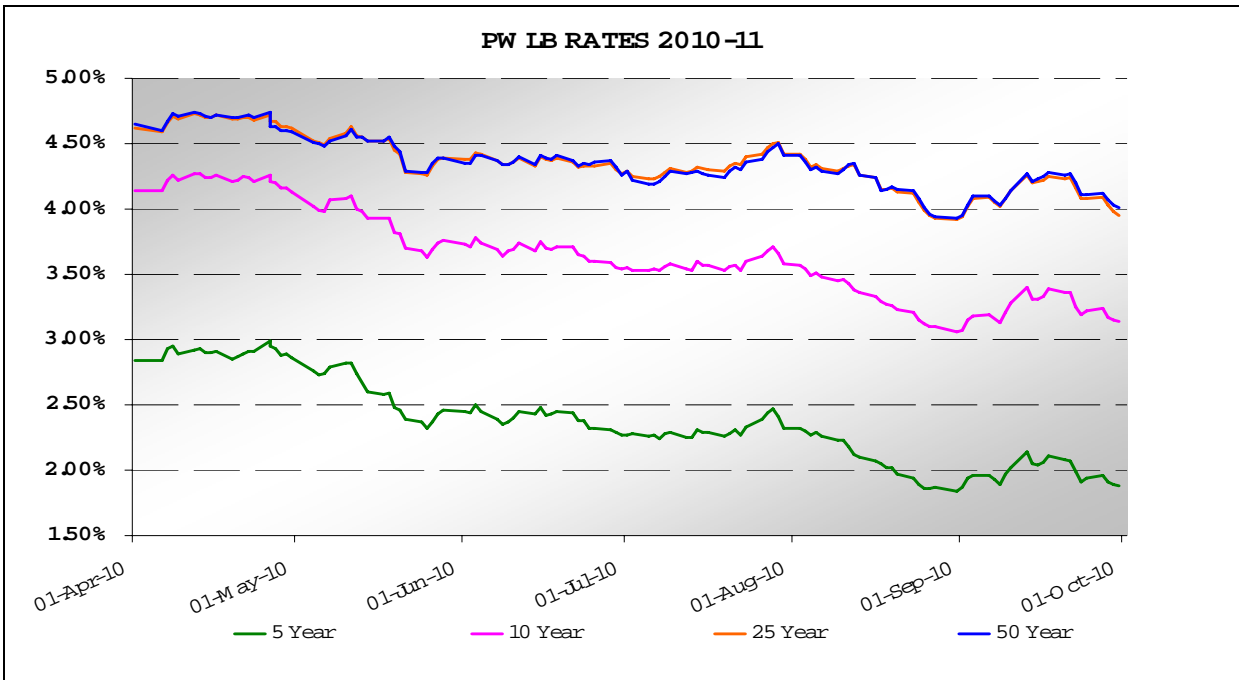
Fund Manager Internally Managed	Benchmark Return – 7 day	Performance	Investment Interest Earned
	0.42%	0.50%	£68,088
0.42%	1.68%	£118,440	

As illustrated, the authority and the fund manager outperformed the benchmark. Although the Fund Managers return is less than the Council's at this time, the current report from our Fund Manager, Investec, shows investments with an average return of 1.25%, therefore the remaining 6 months of the year should show an improved return. The Council's budgeted investment return for 2010/11 is £473,200.

5 External Borrowing 2010/2011

- 5.1 The Council's current capital financing requirement (CFR) for 2010/2011 is £15.9million. The CFR denotes the Council's underlying need to borrow for capital purposes. The Council may borrow from the PWLB or the market (external borrowing) or from internal balances on a temporary basis (internal borrowing). The balance of external and internal borrowing is generally driven by market conditions. A full list of borrowing by the Council as at 30th September 2010, is shown in appendix 2.

- 5.2 Sector's central target rate for new external long term borrowing (25 years) for the first six months of 2010/2011 started at 4.65% and fell progressively to 4.20%. As outlined below, the general trend has been a reduction in interest rates during the six months, across all bands, with the low points occurring in the middle to end of August. The high points were in early to mid April.
- 5.3 During the first six months of this financial year, less borrowing has been required due to rephasing of the capital programme. It is still anticipated that the Council will have an underlying need to borrow for capital purposes (the capital financing requirement - CFR), new external borrowing will be undertaken during the second half of this financial year (refer to Appendix 3).
- 5.4 The graph and table below show the movement in PWLB rates for the first six months of the year and provide benchmarking data showing high and low points etc:



PWLB BORROWING RATES 2010/11 for 1 to 50 years

	1	2	3	4	5	10	25	50
1.4.2010	0.81%	1.37%	1.91%	2.40%	2.84%	4.14%	4.62%	4.65%
30.9.2010	0.64%	0.91%	1.22%	1.55%	1.88%	3.14%	3.95%	4.01%
HIGH	0.93%	1.52%	2.07%	2.56%	2.99%	4.27%	4.73%	4.74%
LOW	0.60%	0.89%	1.20%	1.52%	1.84%	3.06%	3.92%	3.93%
spread	0.33%	0.63%	0.87%	1.04%	1.15%	1.21%	0.81%	0.81%
average	0.73%	1.15%	1.58%	1.99%	2.37%	3.65%	4.35%	4.35%
high date	26/04/2010	26/04/2010	26/04/2010	26/04/2010	26/04/2010	12/04/2010	12/04/2010	26/04/2010
low date	15/06/2010	24/08/2010	25/08/2010	31/08/2010	31/08/2010	31/08/2010	31/08/2010	31/08/2010

6 Debt Rescheduling

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

7 Compliance with Treasury and Prudential Limits

- 7.1 It is a statutory duty for the Council to determine and keep under review the “Affordable Borrowing Limits”. Council’s approved Treasury and Prudential Indicators (affordability limits) are outlined in the approved TMSS.
- 7.2 During the financial year to date the Council has operated within the treasury limits and Prudential Indicators set out in the Council’s Treasury Management Strategy Statement and in compliance with the Council’s Treasury Management Practices. The Prudential and Treasury Indicators are shown in Appendix 3.

APPENDIX 1 Investment Portfolio as at 30 September 2010

Institution	Principal	Start Date	End Date	Rate %	Ratings
CATER ALLEN LTD	3,000,000	13/11/2009	12/11/2010	1.85	AA-
BOS SPECIALIST DEP AC	2,000,000	24/11/2009	23/11/2010	1.85	AA-
BOS SPECIALIST DEP AC	3,000,000	27/11/2009	26/11/2010	1.85	AA-
NATWEST FIXED TERM DEPOSIT	2,000,000	27/07/2010	27/07/2011	1.41	AA-
CATER ALLEN LTD	2,000,000	14/09/2010	14/03/2011	1.33	AA-
NATWEST	1,000,000	27/09/2010		0.90	AA-
NATWEST	650,000	28/09/2010		0.90	AA-
FUND MANAGER INVESTEC	13,692,764	01/04/2010			AA-
Total	27,342,764				

*No change to ratings of investments within the first 6 months of 2010/2011.

APPENDIX 2 Borrowing Portfolio as at 30 September 2010

Institution	Principal	Start Date	End Date	Rate
KINGS LYNN FESTIVAL	20,000	11/06/2007	-	0.00%
BARCLAYS	5,000,000	22/03/2007	21/03/2077	3.81%
BARCLAYS	5,000,000	12/04/2007	14/04/2077	3.81%
PUBLIC WORKS LOAN BOARD	1,800,000	15/09/2009	14/09/2019	2.92%
Total	11,820,000			

APPENDIX 3 Revised Prudential and Treasury Indicators

PRUDENTIAL INDICATOR	2010/11 estimate	2011/12 estimate	2012/13 estimate
BUDGET RELATED PRUDENTIAL INDICATORS	£'000	£'000	£'000
Capital Expenditure (includes Decade of Development) Updated at Cabinet 16 November 2010	£11,205	£7,606	£5,639
Ratio of financing costs to net revenue stream (Equals net treasury cost ie cost of borrowing less the income from investments divided by the total of Government grant and total council tax). The ratios take into account the announced reduction in grant of 7.25% per year from 2011/2012 as part of the Comprehensive Spending Review.	2.30%	3.31%	3.25%
Increase/(decrease) in Borrowing required each year	£7,400	£4,400	(£5,200)
Capital Financing Requirement (CFR) as at 31 March this reflects the Council's underlying need to borrow for capital purposes	£18,280	£21,300	£14,800
Incremental impact of capital investment decisions on the Council Tax Increase/(decrease) in council tax (band D) per annum	£ p £3.07	£ p £2.44	£ p -£0.72

PRUDENTIAL INDICATOR	2010/11 estimate	2011/12 estimate	2012/13 estimate
TREASURY MANAGEMENT PRUDENTIAL INDICATORS	£'000	£'000	£'000
Authorised Limit for external debt	35,000	32,000	30,000
Operational Boundary for external debt	32,000	29,000	27,000
Upper limit for fixed interest rate exposure Net principal re fixed rate borrowing / investments	32,000	29,000	27,000
Upper limit for variable rate exposure Net principal re variable rate borrowing / investments (Excludes Fund Managers)	22,000	19,000	17,000

Maturity structure of new fixed rate borrowing during 2009/10	upper limit	lower limit
under 12 months	100%	0%
12 months and within 24 months	100%	0%
24 months and within 5 years	100%	0%
5 years and within 10 years	100%	0%
10 years and above	100%	0%

REPORT TO CABINET

Open		Would any decisions proposed :	
Any especially affected Wards	Discretionary/ Operational	(a) Be entirely within cabinet's powers to decide	NO
		(b) Need to be recommendations to Council	YES
Lead Member: Nick Daubney E-mail: cllr.nick.daubney@west-norfolk.gov.uk		Other Cabinet Members consulted:	
		Other Members consulted:	
Lead Officer: Ray Harding E-mail: ray.harding@west-norfolk.gov.uk Direct Dial:		Other Officers consulted: Management Team	
Financial Implications YES	Policy Implications YES	Personnel Implications YES	Risk Management Implications YES

Date of meeting: 16 November 2010

5 MINI SERVICE REVIEW – PARISH COUNCIL ELECTIONS

Summary

This report summarises consultation responses from Parishes on the proposal to pass on the full cost of Parish Council elections and Parish Polls to the Parish Councils concerned.

Recommendation

- 1) To confirm the proposal to charge Parish Councils for their own elections.
- 2) That the Returning Officer have the discretion to spread such costs over more than one year, in consultation with the S151 Officer.

Reason for Decision

To re-coup costs incurred by the Borough in the organisation of elections and parish polls on behalf of the Parishes, as part of the Borough Council's cost reduction programme.

1 Background

At its meeting on 7 September, Cabinet agreed in principle to:

- the proposal to pass on the full cost of Parish Council Elections and Parish Polls to the Parish Councils concerned;
- the Council consulting with Parishes on this proposal, and

- a further report being submitted to Council with the outcomes from the consultation exercise and recommendations for future policy in this respect.

2 Consultation Responses

Parishes were written to on 20 September and to date 26 replies have been received, together with some communications on behalf of Parishes from Ward Members.

3 Outcomes

	Objections	Agreement	Part Agreement
No. of Parishes	13	9	17*

*Further information requested, sent and subsequent response awaited – some are prepared to pay for By-Elections and Parish Polls, but not all-out elections or variations thereof.

A summary of the Parish responses and the Officer responses to the issues raised is attached as an Appendix.

4 Policy Proposal

A major concern expressed by Parishes is that it will not be known what costs are to be incurred, until after they have set their precepts. This is a reasonable and understandable area of concern and it is therefore suggested that Parishes be invoiced after the election for the actual cost. The invoice would become payable in the following financial year, giving Parishes the opportunity to set that year's precept accordingly. It will also avoid Parishes needing to increase their precepts in anticipation of their being a contest for seats on their parish council only to find out subsequently that this it not the case..

It is proposed that Parishes pay 100% of costs incurred at the all-out elections commencing 2011, and every 4 years thereafter, which are relevant to a Parish Council Election only e.g. ballot papers, and 50% of costs where they are shared with a joint Borough Council Election. If there is no contested Borough Council Election, the Parish Council would pay all costs. (This percentage could be less, if other elections took place on the same day).

Parishes would pay 100% of all costs incurred in respect of By-Elections and Parish Polls.

Several of the smaller parishes have expressed a concern that the costs of any elections held could be high relative to their precept raising ability. In order to prevent any undue budgetary pressures falling upon small parishes it is suggested that the Returning Officer should have the discretion to spread such costs over more than one year, in liaison with the S151 Officer.

5 Policy Implications

Government guidance has now clarified that Parish Council precepts will not be subject to the planned Council Tax freeze, consequently the concerns raised by several Parish Councils in this regard will not arise.

6. Financial Implications

The Council currently provides a budget for parish council elections although the actual spend depends entirely upon the number of elections held in any year. The full recharge of parish expenses will reduce the 2011/12 budget and future year budget requirements by £8,000pa.

7. Risk Management

The main area of risk faced by Parish Councils arising from this proposal is the uncertainty about the likely future costs associated with Parish Elections. The proposal outlined in section 4 above is designed to mitigate this risk.

8. Access to information

Cabinet Report – Mini Service Review – Parish Election 07.09.10
Response from Parish Councils – Appendix 1

Parish Council Comments on Election Report

Parish Council	Comments	Response
Barton Bendish Parish Council	<ul style="list-style-type: none"> • No objections to paying for by-election concerned to know how costs will be allocated for joint elections. • Concerned about implications for setting the precept. 	<ul style="list-style-type: none"> • Noted - direct costs 100% to parishes all others shared equally. • Invoices to be payable the year following the election, enabling parishes to precept for actual costs incurred.
Bircham Parish Council	<ul style="list-style-type: none"> • Concerned at not knowing the likely costs of parish elections 	<ul style="list-style-type: none"> • Estimated/indicative information provided, actual costs not quantifiable without knowing whether it will a joint/combined election, with or without the alternative vote referendum. Invoices to be payable the year following the election, enabling parishes to precept for actual costs incurred.
Boughton Parish Council	<ul style="list-style-type: none"> • Concerned at not knowing the likely costs of parish elections. • Also concerned at parish precepts may be frozen. 	<ul style="list-style-type: none"> • Estimated/indicative information provided, actual costs not quantifiable without knowing whether it will a joint/combined election, with or without the alternative vote referendum. Invoices to be payable the year following the election, enabling parishes to precept for actual costs incurred. • Confirmed that this is not the case.
Brancaster Parish Council - Ward Member Cllr de Winton	<ul style="list-style-type: none"> • Seeking further information on the costs. • Also concerned that the parish maybe expected to actually run the election. 	<ul style="list-style-type: none"> • Estimated/indicative information provided, actual costs not quantifiable without knowing whether it will a joint/combined election, with or without the alternative vote referendum. Invoices to be payable the year following the election, enabling parishes to precept for actual costs incurred. • Confirmed that the elections will continue to be run by the Borough Council.

Clenchwarton Parish Council	<ul style="list-style-type: none"> Disapprove of the costs being put on the Parish Council as this would consequently mean increasing the precepts. 	<ul style="list-style-type: none"> Noted - however at present residents who live in parishes which do not hold elections/parish polls in any particular year are subsidising those which do effectively.
Congham Parish Council	<ul style="list-style-type: none"> Sought information on likley costs to enable this to be included in the budget discussions for 2011/2012. 	<ul style="list-style-type: none"> Information provided, but the first invoices would become payable in 2012/2013 financial year if the proposal is agreed
Crimplesham Parish Council	<ul style="list-style-type: none"> Strongly opposed 	<ul style="list-style-type: none"> Noted
Denver Parish Council	<ul style="list-style-type: none"> Object to this "abrupt about turn on policy" and the impact on parish precepts, 	<ul style="list-style-type: none"> Noted, however at present residents who live in parishes which do not hold elections/parish polls in any particular year are subsidising those which do effectively.
Dersingham Parish Council	<ul style="list-style-type: none"> Concerned at impact upon small Parishes. State that the costs would still be met by the council tax payer Did not object to the principal of paying, but seeking costings for elections next May. 	<ul style="list-style-type: none"> Noted the Borough would seek to take action to mitigate any cases of hardship caused by a parish council, prehaps by spreading the costs over more than one year. Noted however at present residents who live in parishes which do not hold elections/parish polls in any particular year are subsidising those which do effectively. Estimated/indicative information provided, actual costs not quantifiable without knowing whether it will a joint/combined election, with or without the alternative vote referendum. Invoices to be payable the year following the election, enabling parishes to precept for actual costs incurred.

Downham Market Town Council	<ul style="list-style-type: none"> • Concerned at impact on town council budget, seeking more information on potential costs. • Concerned that they will set the precept before knowing whether an election is likely to be held. 	<ul style="list-style-type: none"> • Noted but unlike the Borough Council, parishes are not subject to a 28% reduction in government grant or a freeze on their precept. • Estimated/indicative information provided, actual costs not quantifiable without knowing whether it will a joint/combined election, with or without the alternative vote referendum. Invoices to be payable the year following the election, enabling parishes to precept for actual costs incurred. Confirmed that this is not the case.
Downham West Parish Council	<ul style="list-style-type: none"> • Willing to pay the parish poll and by-elections. • Requested that if the charge for full elections is to be passed to parishes that it not be implemented in the current financial year. 	<ul style="list-style-type: none"> • Noted. • The first invoices would become payable in 2012/2013 financial year if the proposal is agreed.
East Middleton Parish Council	<ul style="list-style-type: none"> • Do not welcome the proposal. • Seeking information on the costs to prepare budget setting for 2011/12. • Concerned that parish precepts may be frozen. 	<ul style="list-style-type: none"> • Noted. • Estimated/indicative information provided, actual costs not quantifiable without knowing whether it will a joint/combined election, with or without the alternative vote referendum. Invoices to be payable the year following the election, enabling parishes to precept for actual costs incurred. • Confirmed that this is not the case.
Emneth Parish Council	<ul style="list-style-type: none"> • Concerned that the parish precept will be capped and therefore unable to recoup the costs. • Concerned that the proposal may discourage potential candidates from standing. 	<ul style="list-style-type: none"> • Confirmed that there is no cap on parish precepts. • Noted their concern.
Feltwell Parish Council	<ul style="list-style-type: none"> • Object as being asked to "budget for unknown costs". • Concerned that the parish precept will be frozen. 	<ul style="list-style-type: none"> • This will not be the case. • Invoices to be payable the year following the election, enabling parishes to precept for actual costs incurred.

Gayton Parish Council	<ul style="list-style-type: none"> • Believe that the Borough would not incur any significant extra costs from parish elections, when run alongside Borough elections. • Concerned at not knowing the likely costs of parish elections. • Willing to fund parish polls and by-elections. 	<ul style="list-style-type: none"> • Noted - however at present residents who live in parishes which do not hold elections/parish polls in any particular year are subsidising those which do effectively. • Estimated/indicative information provided, actual costs not quantifiable without knowing whether it will a joint/combined election, with or without the alternative vote referendum. • Noted.
Grimston Parish Council	<ul style="list-style-type: none"> • Support the proposals for by-elections and parish polls. • Opposed to proposals for four-yearly elections. 	<ul style="list-style-type: none"> • Noted, However, at present residents who live in parishes which do not hold elections/parish polls in any particular year are subsidising those which do effectively. • Noted.
Heacham Parish Council	<ul style="list-style-type: none"> • Sympathise with the boroughs need to reduce costs, but felt that residents will still have to meet the costs. • Accept recharging per parish for their share of costs is fair in princial but concerned that parish unable to control. • Note that frequently do not have elections as less nominees than seats on the Parish Council. • Believe that the Council Tax should be reduced if proposal agreed. • See this as a charge on democracy. 	<ul style="list-style-type: none"> • Noted this view, however at present residents who live in parishes which do not hold elections/parish polls in any particular year are subsidising those which do effectively. • Noted but costs are kept to an absolute minimum and are tightly controlled. • Noted this is the situation in the majority of parishes. • Noted, but unlike the Borough Council, parishes are not subject to a 28% reduction in government grant or a freeze on their precept. • Noted, however at present residents who live in parishes which do not hold elections/parish polls in any particular year are subsidising those which do effectively.
Hunstanton Town Council	<ul style="list-style-type: none"> • Acknowledge the need to pass the costs on and prepared to accept it. • Would like to see greater use of postal and electronic working. 	<ul style="list-style-type: none"> • Noted. • Noted but largely determined by Electoral Commission/Ministry of Justice.
Leziate Parish Council	<ul style="list-style-type: none"> • Seeking more information on likely costs. 	<ul style="list-style-type: none"> • Estimated/indicative information provided, actual costs not quantifiable without knowing whether it will a joint/combined election, with or without the alternative vote referendum.
Marshland St James Parish Council	will email comments 9th November	

Middleton Parish Council	<ul style="list-style-type: none"> • Accept that parishes should pay for by-elections. • Do not support passing on the cost of parish share of combined elections. 	<ul style="list-style-type: none"> • Noted. • Noted, however at present residents who live in parishes which do not hold elections/parish polls in any particular year are subsidising those which do effectively.
Nordelph Parish Council	<ul style="list-style-type: none"> • Prepared to pay towards the cost of parish polls. • Object to proposal to pass on the full cost of running parish elections. 	<ul style="list-style-type: none"> • Noted. • Noted, however at present residents who live in parishes which do not hold elections/parish polls in any particular year are subsidising those which do effectively.
North Runcton Parish Council	<ul style="list-style-type: none"> • Broadly supportive provided costs can be precepted for by the parish. 	<ul style="list-style-type: none"> • Confirmed that this is the case.
North Wootton Parish Council	<ul style="list-style-type: none"> • Urge reconsideration of the proposal as parishioners already struggling to cope with government cut-backs. 	<ul style="list-style-type: none"> • Noted, however the Borough Council is facing a 28% reduction in government grant which is resulting in the need to make some very tough choices.
Runcton Holme Parish Council	<ul style="list-style-type: none"> • Concerned that Parish Council's may be subject to local referendums to veto Parish precept rises and that the cost of elections could trigger this. • Opposed to the proposal. 	<ul style="list-style-type: none"> • The Local referendum proposal is not likely to apply to parish councils and if such an eventuality arose the costs could be spread over more than one year . • Noted.
Sedgeford Parish Council	<ul style="list-style-type: none"> • Willing to pay part of the costs rather than the full costs. • Concerned that people may not stand for the parish if they felt that this would create added costs to the parish council. 	<ul style="list-style-type: none"> • Noted- costs will be shared where joint elections are held. • Noted this concern.
Shouldham Parish Council	<ul style="list-style-type: none"> • No objection. 	<ul style="list-style-type: none"> • Noted.
South Wootton Parish Council	<ul style="list-style-type: none"> • Concur with the rationale behind the proposals. • Believe that the borough should pay full cost of polling stations, staff and count where combined election occurs. 	<ul style="list-style-type: none"> • Noted. • Noted, but the costs would be shared when combined elections are held.

Stanhoe Parish Council	<ul style="list-style-type: none"> • Opposed to contributing to election costs. • Not opposed to meeting parish polls and by-elections. • Concerned that these costs are being transferred from Borough to Parishes. • Opposed, suggests Borough finds alternative savings. 	<ul style="list-style-type: none"> • Noted. • Noted. • This is true but the costs are being applied to the organisation's which incur them. • The Borough are seeking savings from every area of our expenditure.
Stoke Ferry Parish Council	<ul style="list-style-type: none"> • Do not agree with the proposal. • If implemented, would prefer to pay over four year period. • Seeking further information on likely costs. 	<ul style="list-style-type: none"> • Noted. • It would be possible to pay over a longer period were the costs to create a particular hardship for a parish council. • Estimated/indicative information provided, actual costs not quantifiable without knowing whether it will a joint/combined election, with or without the alternative vote referendum.
Stradsett Parish Meeting Sir Jeremy Bagge	<ul style="list-style-type: none"> • All costs are met by a local benefactor 	<ul style="list-style-type: none"> • Noted
Syderstone Parish Council	<ul style="list-style-type: none"> • Do not welcome the proposal. • Note that the costs are being transferred from the Borough to the Parishes. 	<ul style="list-style-type: none"> • Noted, however at present residents who live in parishes which do not hold elections/parish polls in any particular year are subsidising those which do effectively.
Upwell Parish Council	<ul style="list-style-type: none"> • Object to the proposal. • Parish council would have to increase their precept hence they believe it would not save the Borough Council money. • Concerned that the increase in precept may trigger a local referendum. 	<ul style="list-style-type: none"> • Noted. • The fact that a parish may have to raise its parish precept does not mean that the Borough Council would not make a saving. • The local referendum proposal is not likely to apply to parish councils and if such an eventuality arose, costs could be spread over more than one year.
Walpole Cross Keys Parish Council	<ul style="list-style-type: none"> • Sought further information on the costs to enable them to factor into their precept. 	<ul style="list-style-type: none"> • Invoices to be payable the year following the election, enabling parishes to precept for actual costs incurred.

Watlington Parish Council	<ul style="list-style-type: none"> • Overall no savings to public purse. • Question whether the charges will be open to challenge. • Requested information on the basis of the recharge. • Would wish to have discretion on issuing poll cards. • Question if parish staff could act as poll clerks. • Willing to pay for parish polls and by-elections, but reluctant to pay towards combined elections. 	<ul style="list-style-type: none"> • This is true but the costs are being applied to the organisation's which incur them. • Confirmed that they will. • Provided. • Noted. • This may be possible provided they are fully trained and suitable for the role. • Note the parish view.
West Dereham Paris Council	<ul style="list-style-type: none"> • Oppose the proposal. • Seeking further information on costings. • Feel council tax should be reduced as parishes paying. 	<ul style="list-style-type: none"> • Noted. • Provided. • The Borough Council is to lose 28% of its government grant and therefore is required to substantially reduce its cost base.
Wiggenhall St Germans Parish Council	<ul style="list-style-type: none"> • Concerned that the proposal will undermine democracy. 	<ul style="list-style-type: none"> • Note the parish view.
Wiggenhall St Mary Magdalen Parish Council	<ul style="list-style-type: none"> • State unwilling and unable to pay without increasing their precept by £1500. • Sought estimated costs to enable them to include in the precept budget. 	<ul style="list-style-type: none"> • Likely cost would be well below this figure. • The first invoices would become payable in 2012/2013 financial year if the proposal is agreed.
Wimbotsham Parish Council	<ul style="list-style-type: none"> • Willing to pay for shared costs of combined elections. • Would be reluctant to "trigger" parish polls or by-elections. • Concerned that the costs may trigger a local referendum. 	<ul style="list-style-type: none"> • Noted. • Noted. • The local referendum proposal is not likely to apply to parish councils and if such an eventuality arose, costs could be spread over more than one year.
Wormegay Parish Council	<ul style="list-style-type: none"> • Concerned that the impact on small parishes. 	<ul style="list-style-type: none"> • Noted the Borough would seek to take action to mitigate any cases of hardship caused by a parish council, prehaps by spreading the costs over more than one year.

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Statutory	(a) Be entirely within cabinet's powers to decide NO		
		(b) Need to be recommendations to Council YES		
		(c) Be partly for recommendations to Council and partly within Cabinets powers – NO		
Lead Member: Cllr N Daubney E-mail: cllr.nick.daubney@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Ray Harding, Chief Executive E-mail: Ray.harding@west-norfolk.gov.uk Direct Dial: 01553 616245		Other Officers consulted: Legal Services Manager, Democratic Services Manager		
Financial Implications NO	Policy/Personnel Implications No	Statutory Implications (incl S.17) YES	Equal Opportunities Implications NO	Risk Management Implications NO

Cabinet meeting: 16 November 2010

6 UPDATE TO STANDING ORDERS

Summary

The Council's Standing Orders have not been comprehensively reviewed for a number of years. The report attaches the proposed amended version for Council approval.

RECOMMENDATION

That the revised version of Standing Orders as attached be adopted.

Reason for Decision

In order to ensure Council's documents are current

1 INTRODUCTION

- 1.1 The Council's Standing Orders for part of the Constitution and have not been comprehensively reviewed for a number of years except for minor amendments and have become outdated in a number of areas. The attached Appendix sets out the recommended changes to the Standing Orders for adoption by Council.

2 LEGAL IMPLICATIONS

- 2.1 The Council has a statutory obligation to undertake a review of its Constitution.

3 BACKGROUND PAPERS

Previous version of standing orders.

**CONSTITUTION OF THE BOROUGH COUNCIL
OF KINGS LYNN & WEST NORFOLK**

Part 4

STANDING ORDERS

RULES OF PROCEDURE

FOR THE CONDUCT OF THE COUNCIL'S BUSINESS

Standing Order

CONTENTS

Page

1	The application of Standing Orders.	Deleted: 5
2	The suspension of Standing Orders.	Deleted: 5
3	Amendment of Standing Orders.	Deleted: 6
4	Meetings of the Council.	Deleted: 6
5	The chairing of meetings.	Deleted: 7
6	Quorum.	Deleted: 7
7	Business which may be transacted at any meeting	Deleted: 8
8	Order of Council business.	Deleted: 8
9	Public question time and petitions at meetings of the Council.	Deleted: 9
10	Debates involving interested organisations on matters of interest to the wider community of the Borough.	Deleted: 10
11	Questioning the <u>Chairman</u> of Council Bodies and Cabinet Members. 11	Deleted: chair
12	The calling in of executive decisions and Cabinet recommendations <u>and Urgency</u> .	Deleted: 11
13	Motions and amendments that may be moved without notice.	Deleted: 13
14	Notices of motions which may not be moved without notice.	Deleted: 14
15	Rules of debate.	Deleted: 14
16	The minuting of meetings.	Deleted: 18
17	Voting	Deleted: 18
18	Signing the attendance book.	Deleted: 19
19	Rescinding a preceding resolution.	Deleted: 19
20	Interest of members and Officers in contracts and other matters.	Deleted: 20
21	Canvassing of and recommendations by Members.	Deleted: 20
22	Relatives of Members or Officers.	Deleted: 21
23	Staff establishment and filling of vacancies.	Deleted: 21
24	Disciplinary action against Statutory Appointees.	Deleted: 22
25	Custody of the seal.	Deleted: 22
26	Sealing of documents.	Deleted: 22
27	Authentication of documents for legal proceedings.	Deleted: 22
28	Inspection of documents.	Deleted: 22
29	Membership and constitution of Council Bodies.	Deleted: 23
30	Access to information and meetings.	Deleted: 25
31	Special meetings.	Deleted: 26
32	Vacancies and substitutions on Council Bodies and Task Groups.	Deleted: 26
33	Duration of Council meetings.	Deleted: 27
34	Rights of non-members to attend meetings of Council Bodies.	Deleted: 27
35	Statutory appointments.	Deleted: 27
36	Recording or broadcasting meetings.	Deleted: 27
37	Approval of draft plans, strategies, estimates and amounts submitted to Council by Cabinet.	Deleted: Smoking at meetings. . . . 27¶ 38
38	Decisions by Portfolio Holders	Deleted: 27
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STANDING ORDERS

PROCEDURAL RULES

FOR THE CONDUCT OF THE COUNCIL'S BUSINESS

STANDING ORDER: DEFINITIONS

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

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

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

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

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

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

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

"Chief Officer" means:

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

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

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

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

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

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

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

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includes :¶
¶
... an Overview and Scrutiny; and¶
... a Sub-Committee of the authority.¶

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

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

“EU” means European Union.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Application of Standing Orders

Extracts from the statutes

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

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

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

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

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

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

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

2 Suspension of Standing Orders

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

2.2 Subject to paragraph 2.3 of this Standing Order, and to the extent permitted by any Act of Parliament, Standing Orders other than this one may be suspended.

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

3 Amendment to Standing Orders

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

4 Meetings of the Council

Extracts from the Statute

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

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

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

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

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

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

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

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- 4.1 Meetings of the full Council (“the Council”) shall be conducted in accordance with these Standing Orders except to the extent that they are suspended under the procedure that is set out by Standing Order 2.

- 4.2 An Annual Meeting of the Council shall be held every year on a Thursday in April or May on a date to be decided by the Council. That meeting shall transact the following business only.

- (a) The election of the Mayor and the Deputy Mayor, who shall be respectively Chairman and Vice Chairman of the Council.
- (b) Conveying the Council’s appreciation of the work carried out by the retiring Mayor and Deputy Mayor and their consorts.
- (c) Appointing Members to Council Bodies (other than the Cabinet).
- (d) Appointing the Chairman of the Cabinet (who shall be Leader of the Council) and the Chairmen and Vice Chairmen of other Council Bodies.

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(e) Considering such other urgent business as the Chief Executive has to report.

4.3 The Council will also hold Ordinary Meetings to carry out its general business on such dates as the Council shall fix.

4.4 Extraordinary Meetings of the Council may also be called at any time by the Mayor (or deputy mayor in his/her absence) and shall be held, within two weeks, whenever the Chief Executive receives requests for one to be held from five or more Members of the Council.

4.5 All meetings of the Council shall be held in the Trinity Guildhall in King's Lynn, or any other venue that the Council considers more satisfactory, at such times as shall be fixed and notified to Members.

4.6 If an election or emergency occurs the Chief Executive may, after consulting with such of the Mayor, the Leader of the Council and Leaders of the Political Groups as can conveniently be contacted, vary any arrangement agreed by the Council under this Standing Order.

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4.7 No extraordinary Meeting shall be called unless it is proposed to transact business at the Meeting that, in accordance with the relevant enactment's and these Standing Orders, may be transacted at that meeting.

5 The chairing of meetings

Extracts from Statutes

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

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

(a) *except in Greater London, the vice-chairman of the council, if present, shall preside.....If,*

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

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

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5.1 If the Mayor is absent from a meeting of the Council, the Deputy Mayor shall chair the meeting.

5.2 If it is necessary to chose a Member of the Council to preside in the absence of the Mayor and Deputy Mayor, the Chief Executive shall call for a motion that a Member of the Council, who is not a member of the Cabinet, to be named shall take the Chair.

5.3 Any power or duty of the Mayor in relation to the conduct of the meeting may be exercised by the person presiding at the meeting.

5.4 If either or both of the Chairman and Vice Chairman of a Meeting or a Task Group are absent from a meeting of such a Body, the members of that Body who are present at the meeting shall elect a member to act as Chairman and/or a Vice Chairman for that meeting before any other business is transacted.

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5.5 The Chairman and Vice Chairman of a Task Group may be appointed by the meeting which established it, in default of which they will be appointed at the first meeting of the Task Group by its members.

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6 Quorum

Extracts from the Statute

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

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

6.1 If, during any Meeting of the Council or a Task Group, the Chairman, after causing the Number of Members present to be counted, declares that there is not a quorum present (1/4 of the number of members of the meeting) and/or not less than 3 members in any event, the Meeting shall stand adjourned for fifteen minutes.

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6.2 If, after fifteen minutes, the Chairman after again causing the Number of Members Present to be counted, declares that there is still no quorum and/or not less than 3 members present, the Meeting shall end.

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6.3 Notwithstanding any provision in these standing orders that notices of questions or motions shall lapse, the consideration of all business which is on the agenda of a Meeting brought to an end under the previous paragraph, and which has not been completed before the Meeting is brought to an end, shall be postponed to the next meeting of the Council, whether ordinary or extraordinary, insofar as allowed by law.

7 Business which may be transacted at any meeting

7.1 Except as provided by paragraph 7.2 of this Standing Order, notice of the business to be transacted at a meeting shall be given to all Members of the Council at least five days before the date of the meeting (not including the day on which the notice is sent to each Member and the day of the meeting).

7.2 Items of business may be considered at a meeting notwithstanding that five clear days' notice of that business has not been given if, in the opinion of the Chairman of the meeting, special circumstances exist which require that the item should be considered as a matter of urgency and the meeting, without debate, consents.

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7.3 Whenever business is transacted in accordance with Standing Order 7.2, the Chairman of the Meeting shall be required to specify the special circumstances that require the item to be considered as a matter of urgency, and those matters shall be recorded in full in the minutes of the meeting.

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8 Order of Council business

Extract from the Statutes

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

(a) notice of the time and place of the intended meeting shall be published at the Council's offices, and where the meeting is called by Members of the Council the notice shall be signed by those members and shall specify the business to be transacted thereat.

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(b) a summons to attend the meeting, specifying the business proposed to be transacted thereat, and signed by the proper officer of the council, shall.....be left at or sent by post to the usual place of resident of every member of the council.

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

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

(a) a copy of the agenda including the item (or a copy of the item) is open to inspection by members of the public....for at least five clear days before the meeting or, where the meeting is convened at shorter notice, from the time the meeting is convened; or

(b) by the reason of special circumstances, which shall be specified in the minutes, the chairman of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

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

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

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

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

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

- 8.1 The first item of business shall be to consider whether to approve as a correct record, and sign, the minutes of the preceding meeting(s) of the Council.
- 8.2 Unless any resolution is passed to vary it, the remaining business shall be dealt with in the following order:-
 - (a) Declarations of interest
 - (b) Any formal communications written or received by the Mayor.
 - (c) Any business expressly required by statute to be done.
 - (d) Urgent matters as defined by Standing Order 5.
 - (e) Any business that remains from the previous meeting.
 - (f) Questions and petitions submitted by members of the public under Standing Order 9.
 - (g) Questions from Members of the Council under Standing Order 11.
 - (h) Business referred to the Council under the "call-in" procedures of Standing Order 12.
 - (i) Reports and recommendations from Council Bodies.
 - (j) Any other matters considered by the Chief Executive in consultation with the Mayor needing immediate consideration.
 - (k) Notices of motion made in accordance with Standing Order 14.

9 Public question time and petitions

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9.1 Public question time

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

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

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

- (a) relate solely to the questioner or their family;
- (b) contain any defamatory, confidential or exempt material or would require a response that might be defamatory or require the disclosure of confidential or exempt material;
- (c) relate to specific applications for planning permission or for licences; or
- (d) relate to individual Members or Officers of the Council or an individual member of the

public.

9.1.3 Electors who wish to ask questions under this standing order must submit them in writing to the Chief Executive before 5pm of the third day before the day of the meeting at which they are to be put or presented.

9.1.4 The receipt of questions under this Standing Order shall be recorded in a register in the order in which they are received and they will be presented to the Council in that order. The register shall be open to inspection by members of the public.

9.1.5 The Chief Executive shall write to each person whose question is entered into the register kept in accordance with paragraph 9.1.4 and confirm:-

- (a) whether their question may be asked;
- (b) the date, time and place of the meeting at which the question may be asked;
- (c) the procedure for asking their question and receiving an answer; and
- (d) their position in a list of the persons whose questions have been accepted.

9.1.6 The questions that may be asked under this Standing Order shall not appear on the agenda of the meeting at which they are to be asked, but will be notified separately to each Member of the Council, the press and members of the public who attend that meeting.

9.1.7 The person who submits a question under this Standing Order shall normally ask it. However, the Mayor may allow that person to be accompanied by a friend and allow the friend to ask the question.

9.1.8 A question that is asked under this Standing Order shall be addressed to the Mayor and shall be answered by any Member or Officer of the Council nominated by them. An answer may take the form of:-

- (a) a direct oral response; or,
- (b) in exceptional cases, where an oral reply cannot be given conveniently, by a written answer, which shall be given to the questioner within 7 days of the date of the meeting or such longer period as the Mayor may allow. In every case where an oral response is not given, the Mayor will state that an oral response would be inconvenient and the reasons for this, which will be minuted.

9.1.9 Every questioner may ask a supplementary question once their first question has been answered but no exchange (including the time taken to ask and answer a supplementary question) shall be permitted to exceed a total of 5 minutes.

9.1.10 Any question that is accepted under paragraph 9.1.5 of this Standing Order, but cannot be asked at the meeting because of lack of time, shall be answered in writing by a Member or Officer of the Council within 7 days of the meeting. The person responsible for answering the question shall be announced by the Mayor at the end of each Public Question Time.

9.1.11 Every question shall be asked and answered without there being any debate of that matter by the Council.

9.2 Petitions

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

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

9.2.3 The Council will not deal with petitions that:

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

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

- (a) Party political material.
- (b) Information which may be protected by an injunction or court order.
- (c) Material which is potentially confidential, commercially sensitive, or which may cause personal distress or loss.
- (d) Any commercial endorsement, promotion of any product, service or publication.
- (e) The names of individual officials of public bodies, unless they are part of the senior management of those organisations.
- (f) The names of family members of elected representatives.
- (g) The names of individuals, or information where they may be identified, in relation to criminal accusations.
- (h) Language which is intemperate, provocative, racist, sexist, homophobic etc.
- (i) Petitions that are similar to and/or overlap with an existing petition or petitions.
- (j) Has previously been dealt with as a petition within the last 12 months.
- (k) Statements that don't actually request any action.
- (l) Working that is impossible to understand.
- (m) Statements that amount to advertisements.
- (n) Petitions which are solely intended to be humorous.
- (o) Issues for which a petition is not the appropriate channel (eg correspondence about a personal issue).
- (p) Freedom of Information or Environment Information requests.
- (q) During politically sensitive periods, such as just before an election, if it is considered that a petition contains politically controversial material, the Council may decide not to accept a petition, or defer its consideration until after the election. If this is the case, the Council will explain the reasons and the revised timescale which will apply.

9.2.5 Where the number of signatures exceeds 2,500, a petitioner may request that a relevant Executive Director attends a meeting of an Overview and Scrutiny Panel to give evidence and answer

questions. Panel members will ask the questions at the meeting, but the petitioner will be able to suggest questions to the Chairman of the Panel by contacting the relevant Democratic Services Officer at least 2 working days before the meeting.

9.2.6 If a petition is presented to the Council containing the signatures of 5,000 or more persons, it will trigger a debate by full Council. This will usually take place at the next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting.

9.2.7 If the petition organiser wants to present their petition to a meeting of the Council, or would like their Councillor or someone else to present it on their behalf, they should contact the Democratic Services Office at least 10 working days before the meeting to arrange this.

9.2.8 When the petition is presented to the Council, the elector who submitted it (or their nominee) shall be entitled to speak in support of the petition, for up to 5 minutes. The petition will then be discussed by Councillors for a maximum of 15 minutes. A decision will be made on how to respond to the petition at this meeting. This could be:

(a) To take the action the petition requests.

(b) Not to take the action requested for reasons put forward in the debate.

(c) To commission further investigation into the matter, for example by a relevant panel or committee.

(d) Where the issue is one on which the Cabinet is required to make the final decision, the Council will decide whether to make recommendations to inform that decision.

9.2.9 The petition organiser will receive written confirmation of this decision. This confirmation will also be published on the Council's website.

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

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

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

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

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

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

(a) any Member of the Cabinet questions about:

- i) each separate item in the minutes of meetings of the Cabinet being presented to the meeting in question; and
- ii) any other matter within their remit.

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

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

11.4 A Member who is asked a question under this Standing Order may decline to answer it, make a

Deleted: 9.1 At each meeting of the Council, a period not exceeding thirty minutes shall be allowed to persons not being members of the council having an interest in the Borough to present petitions and ask questions about:-¶

¶ (a) the Council's policies; or¶

¶ (b) the work of the Council in respect of any matter or issue affecting the Borough.¶

¶ 9.2 The Chief Executive shall not allow any questions or petitions that, in his opinion:-¶

¶ (a) relate solely to the questioner or their family;¶

¶ (b) contain any defamatory, confidential or exempt material or would require a response that might be defamatory or require the disclosure of confidential or exempt material;¶

¶ (c) relate to specific applications for planning permission or for licences; or¶

¶ (d) relate to individual Members or Officers of the Council or an individual member of the public.¶

¶ 9.3 Electors who wish to ask questions or present petitions under this standing order must submit them in writing to the Chief Executive before 5pm of the third day before the day of the meeting at which they are to be put or presented.¶

¶ 9.4 The receipt of questions and petitions and their contents under this Standing Order shall be recorded in a register in the order in which they are received and they will be presented to the council in that order. The register shall be open to inspection by members of the public.¶

¶ 9.5 The Chief Executive shall write to each person whose question is entered into the register kept in accordance with paragraph 9.4 and confirm:-¶

¶ (a) whether their question may be asked;¶

¶ (b) the date, time and place of the meeting at which ¶ ... [1]

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written answer (which shall be provided to every Member within 7 days of the meeting) or may refer the question to another appropriate Member.

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

12 The calling-in of Cabinet recommendations and executive decisions

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

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

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

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

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

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

- 12.5 If the Chief Executive (or Monitoring Officer) subsequently determines not to advance the call-in, he/she will promptly inform the proposer and supporters of the call-in of his/her decision and the reasons for it.

- 12.6 If it is determined that the call-in is sufficiently valid (in accordance with paragraph 12.4 above) then the Chief Executive (or Monitoring Officer) will direct the Scrutiny Officer to promptly e-mail a Deleted: 12.6

summary of the call-in to the Chair~~man~~ of the Cabinet Scrutiny Committee.

12.7 Once formal notification of a valid call-in has been received, the ~~Chairman~~ of the Cabinet Scrutiny Committee shall request that any additional information, if required beyond that contained within the report supporting the recommendation(s) / decision(s), be suitably collated to facilitate meaningful consideration of the matter by the Cabinet Scrutiny Committee. This information should be appropriately distributed in advance of the Committee meeting at which the call-in is to be considered and debated in accordance with Standing Order 15.

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12.8 Upon conclusion of the debate the Cabinet Scrutiny Committee will decide upon one of the following two courses of action:

- (a) support the Cabinet/portfolio-holder's recommendation(s) or decision(s). In this case the recommendation(s) or decision(s) will, respectively, be free to pass to Council as they originally stood, or, be available for immediate implementation; or,
- (b) uphold the call-in.

12.9 If the Committee upholds the call-in it may then take one of three courses of action:

- (a) report to Council, Cabinet or the relevant Portfolio Holder requesting that the Cabinet/portfolio-holder/officer amend or substitute the recommendation(s) or decision(s); or,
- (b) if the issue is considered urgent or straightforward, formulate a counter-recommendation or amendment; or,
- (c) investigate the matter further at another meeting within thirty working days (beginning with the day after the issue of the notification of the call-in) and then follow the same process as set out above (12.8-12.10)

12.10 The Cabinet/portfolio holder may amend, substitute or withdraw any recommendation or decision in respect of any matter that has been called-in under paragraph 12.3 of this Standing Order.

12.11 Decisions or recommendations that are amended or substituted in advance of the call-in being considered will then be subject to a renewed call-in period as if the decision/recommendation had been made for the first time. However, if the original proposers of the call-in still wish to call-in the recommendation or decision, after amendment or substitution by the Cabinet/portfolio-holder/officer, the Chief Executive will make a decision as to whether the matter may be considered/debated at the originally scheduled meeting or whether a new call-in process/schedule will need to be instigated.

12.12 No decision of the Cabinet/portfolio-holder that is called in under paragraph 12.3 of this Standing Order shall be acted upon (even if it is amended, substituted or withdrawn) until the call-in is either ended by the Cabinet Scrutiny Committee or approved by the Council.

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12.13 When the Cabinet Scrutiny Committee resolves that a call-in shall be ended, the recommendation or decision (as amended or substituted) shall proceed as if no call-in had been made.

12.14 If the Cabinet Scrutiny Committee:-

- (a) does not end a call-in within 30 days from the date of the decision which has been called in (and the recommendation or decision remains in dispute); or
- (b) refers a call-in directly to Council under paragraph 12, the Council shall determine whether to approve the recommendation or decision that has been called-in or to revoke, vary, amend and/or remit it back to the Cabinet/portfolio holder for further consideration.

Urgent Decisions

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

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

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

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

13 Motions and amendments that may be moved without notice

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

- (a) the appointment of a temporary Chairman of a meeting which has none present.
- (b) the accuracy of a minute.
- (c) the order of item(s) of business.
- (d) the referral of any matter to another meeting for consideration and/or determination.
- (e) the appointment of members that arises from any item of business at a meeting.
- (f) a recommendation to Council.
- (g) permission to withdraw a motion or amendment.
- (h) permission to extend the length of a speech.
- (i) the amendment of a motion.
- (j) any procedural motion under Standing Order 15.
- (k) a motion to suspend any Standing Orders under Standing Order 2.
- (l) a motion to exclude the press and public under section 100A and Schedule 12A of the Local Government Act 1972.
- (m) a motion proposing that a Member, whom it names for disorderly conduct under Standing Order 25, be not further heard or do leave the meeting.
- (n) a motion that authorises the exercise of any statutory duty or power which in the opinion of the Council ought to be exercised as a matter of urgency.

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(o) a motion to obtain any consent of the Council that may be required under these Standing Orders.

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14 Notices of motions which may not be moved without notice

14.1 A Member may propose a motion for debate by Council provided it is relevant to some matter in relation to which this Council has powers or duties or which affects the Borough.

14.2 A Member who wishes to move a motion which may only be moved with notice shall give notice in writing to the Chief Executive. The notice shall:-

(a) state the motion that the Member desires to move in such a way that it is clear what the member is proposing.

(b) be delivered to the Chief Executive at least seven clear days before the date of the meeting of the Council at which it is proposed to debate the motion.

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(c) state the date of the meeting at which Council is to be invited to debate the motion if it is not the next ordinary meeting for which it is eligible.

14.3 Upon the receipt of such a notice, it shall be stamped with the date and time of its receipt and, provided the Chief Executive is satisfied that it complies with paragraphs 14.1 and 14.2, the full text of the motion shall be entered in a register of motions, which shall be open to inspection by any Member of the Council.

14.4 Motions shall be entered in the register specified in paragraph 14.3 in the order in which they are received by the Chief Executive.

14.5 The Chief Executive shall advise a Member, who sent in a notice that does not comply with this Standing Order, in what way it fails to do so.

14.6 After a formal seconding, and before the debate of any motion notified under this Standing Order, the Council shall decide whether it will be debated immediately or by Council at a later date, and, if the meeting decides the motion will not be debated then, which Council Body it shall be referred to for consideration and/or determination.

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14.7 A Member, shall be permitted to speak in support of the motion at the meeting of the Council Body at which it is debated, but shall not vote on the matter unless they are a member of that Meeting.

SEE APPENDIX 1

15 Rules of debate

A - Moving and disposing of motions and amendments

15.1 In these Standing Orders "the substantive motion" means any motion under debate that appears on the agenda or arises from it.

15.2 The debate of a motion shall begin by the substantive motion being proposed and seconded and no motion shall be debated unless and until it has been proposed and seconded.

15.3 However, when a report contains more than one recommendation, members of the reporting body shall move and second the adoption of all of them. The Member proposing the adoption of the report may assign any of their rights of reply to other members of that Body nominated by them. Otherwise it will be debated normally.

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15.4 Any Member who desires to propose an amendment to a substantive motion which has been seconded shall then propose their amendment, but no amendment to a motion shall be debated further until it has been proposed and seconded.

15.5 An amendment to a substantive motion, including one that has been amended, shall not introduce a new issue and shall be limited to omitting words from, adding words to, or substituting words in

the substantive motion; and it shall not have the effect of negating the substantive motion.

- 15.6 If an amendment under paragraph 15.5 of this Standing Order is seconded, the amendment shall be debated until no other Member wishes to speak or a procedural motion curtailing debate is passed. No amendment shall be moved to an amendment.
- 15.7 If an amendment is passed the motion (as amended) shall become the substantive motion.
- 15.8 The Person Presiding shall not permit a further amendment to be moved or debated until a preceding amendment has been dealt with.
- 15.9 After all amendments have been dealt with, the substantive motion (incorporating any amendments which have been passed) shall be debated until no other Member wishes to speak or a procedural motion curtailing debate is passed.
- 15.10 A motion or amendment may be withdrawn by the mover with the consent of their seconder and of the Council (which shall be given without debate) and no member may speak upon it after the mover has asked permission for its withdrawal, unless such permission has been refused.

B-The conduct of Members during debate

- 15.11 If two or more members wish to speak at once, the Mayor shall call on one to speak.
- 15.12 Members shall speak only about the motion or the amendment which is then under debate.
- 15.13 No speech shall exceed five minutes except with the consent of the Council.
- 15.14 A Member who moves a motion may make the following speeches:-
 - (a) to open the debate on the substantive motion; and,
 - (b) to exercise a right of reply at the close of the debate on the substantive motion; and,
 - (c) to exercise a right of reply at the close of any debate on any amendment to the substantive motion.
- 15.15 A person other than the mover of a motion may make the following speeches:-
 - (a) to second, or speak on, the substantive motion; and
 - (b) to speak on any amendment (including proposing or seconding an amendment).

A Member, who seconds a motion or an amendment by stating that they are doing so formally, remains eligible to speak later in the debate.
- 15.16 A Member who moves an amendment (including any amendment which becomes part of a substantive motion) has no right of reply at the end of the debate on that amendment (or at the end of the debate on the substantive motion).
- 15.17 The Mayor shall call the attention of the Council to continued irrelevance, tedious repetition, or where a question is being asked, failure to put the question expediently and may rule such matters to be disorderly conduct.

C- Special procedural motions for ending a debate or meeting

- 15.18 While a motion is being debated, no other motion (other than an amendment) shall be proposed except for any of the following motions which vary normal procedure:-
 - (a) a motion "that the question now be put", which, if passed, will curtail the debate and cause a vote to be held on the motion or amendment under consideration;
 - (b) a motion "that the Council proceed to next business", which, if passed, will cause the

meeting to proceed to the next item of business without completing the item under debate;

- (c) a motion to “adjourn the debate”, which, if passed, postpones further debate on the motion under consideration to a later date as the Mayor or Chairman shall direct.
- (d) a motion “that the meeting be adjourned”, which, if passed, will result in the meeting being adjourned and any matter that is being debated, but has not been voted on when this motion is passed, being considered at a later date as the Mayor or Chairman shall direct.

15.19 Any of the procedural motions listed in paragraph 15.18 of these Standing Orders:-

- (a) shall be voted on without debate.
- (b) may be disallowed by the Chairman if they consider the motion to have been moved prematurely so that, if passed, it would operate to curtail proper debate.

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15.20 A motion “that the question now be put” may only be moved by a Member who has not spoken previously on the item of business that would be affected. If such a motion is passed, before any “question” is put to the vote as a consequence, the Chairman shall invite the member whose substantive motion would be affected to reply to the debate before their motion is put to the vote.

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15.21 A motion “that the Council proceeds to next business” may only be moved by a Member who has not spoken previously on the item of business that would be affected. Before that procedural motion is put to the vote, the Chairman shall invite only the Member whose motion or amendment would be left undecided to speak on the procedural motion.

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15.22 A Member may raise a point of order if they become aware of any breach of these Standing Orders, the Council’s Constitution or the law. This must specify which Standing Order, or provision in the Council’s Constitution has been breached or the point of law that has arisen. The ruling of the Chairman of a meeting on a point of order, or as to the conduct of the meeting of the Council or a Council Body or subsidiary body, shall not be challenged during that meeting.

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15.23 A Member may raise and pursue a point of personal explanation if, and only so far as, it is necessary to remedy any manifest misunderstanding by a speaker of any part of a statement they have made on the matter under debate.

D- Disorderly conduct by Members of the Council

15.24 A Member who persistently disregards the ruling of the Chairman of any Meeting, or who behaves irregularly, improperly, or offensively, or who willfully obstructs the business of any such Meeting, shall be guilty of disorderly conduct.

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15.25 If a motion under paragraph 13.1(m) of these Standing Orders is put and passed in a meeting, any Member who is so named shall not be heard further in any debate during the remainder of that meeting.

15.26 If a Member does not comply with a motion that is passed under paragraph 15.25 of this Standing Order, the Chairman of the meeting shall:-

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- (a) if the motion was for the Member not to be further heard, move “that the Member do leave the meeting” and that motion shall be put and determined without being seconded and without debate; or,
- (b) ask the member to leave the meeting room for the remainder of the meeting, or
- (c) adjourn the meeting for such period as they think fit.

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

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15.28 The Chairman of the meeting shall report to the Standards Committee any motion that is passed

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under paragraphs 13.1(m) or 15.26 and any action occurring under paragraph 15.27 of these Standing Orders.

E- Disorderly conduct in meetings by members of the public

- 15.29 No Member of the public shall interrupt proceedings or behave in a disorderly manner during a meeting.
- 15.30 Any member of the public who interrupts a meeting or behaves in a disorderly manner shall be warned by the ~~Chairman~~ of the meeting to stop that behaviour and, if they do not, the ~~Chairman~~ may, without any motion being put or seconded or debated:-
- (a) Adjourn the meeting for as long as they consider necessary; and/or,
 - (b) Order such action as is necessary to be taken to remove the offending person from the meeting and prevent their re-entry.

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F- General disturbance of any meeting

- 15.31 The ~~Chairman~~ of any meeting may adjourn that meeting, for as long as they consider necessary, without any motion being put or seconded and without debate if, in their opinion, the behaviour of persons who are present (whether Members of the Council or not) makes it impossible to carry on business in an orderly manner.
- 15.32 Where the ~~Chairman~~ of any meeting invokes this Standing Order because of the conduct of any Member of the Council, they shall report the matter to the Standards Committee.

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G - Call-in debating procedure

- 15.33 On receiving valid notice of a call-in under Standing Order 12, the Cabinet Scrutiny Committee should follow the steps outlined below (a-f) in debating the subject matter:
- (a) The Proposer of the call-in and his/her supporters address the Cabinet Scrutiny Committee about the call-in and why it should be upheld;
 - (b) The Committee Members receive a submission from the relevant Portfolio Holder;
 - (c) The Committee Members receive submissions from Officers;
 - (d) The Committee Members receive submissions from members and, at the discretion of the ~~Chairman~~, other interested parties.
 - (e) The Committee debates the call-in (in accordance with this Standing Order) during which they may question or seek further information from any of the four parties referred to in (a), (b), (c) and (d) above.
 - (f) The Proposer shall exercise a right of reply after the debate.
- 15.34 Following the debate, the Committee will decide (in Accordance with Standing Order 12) either to support the Cabinet/Officer's/Portfolio Holder's recommendation(s)/decision(s), or, to uphold the call-in.

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16 The minuting of meetings

Extracts from the Statutes

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

Until the contrary is proved, a meeting of a local authority a minute of whose proceedings has

been made and signed in accordance with (these provisions) shall be deemed to have been duly qualified.

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

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

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

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

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

16.1 In accordance with paragraph 8.2 of these Standing Orders, the Mayor or the **Chairman** of any meeting shall put the question, "do Members agree that the minutes of the previous meeting be approved as a correct record"

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16.2 There shall be no discussion about the minutes, except on a motion under paragraph 13.1(b) of these Standing Orders, which shall be confined solely to the question of whether the minute has been recorded accurately.

16.3 In the absence of any motion under Standing Order 13.1(b), or as soon as any such motion has been decided, the Mayor or the **Chairman** of any Meeting shall sign the minutes as a true record of the business transacted at the previous meeting.

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16.4 The minutes of an Extraordinary Meeting of the Council shall be approved and signed at the next Ordinary Meeting of the Council.

16.5 The minutes of all meetings shall be made available to every Member of the Council, and the signed copies of all such minutes shall be bound together in a book and retained by the Chief Executive as a public record.

17 Voting

Extracts from the statutes

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

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

(Local Government Act 1972, Sch 12 para 39)

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

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

17.1 All matters on which a vote is taken shall be decided by the majority of the Members present at the meeting and voting on them except that, where there is an equality of votes, the **Chairman** may give a casting vote irrespective of whether or not they voted in the first instance,

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17.2 Except as provided by paragraph 17.3 of this Standing Order any vote shall be determined by a show of hands.

17.3 With the support of at least 3 other Members, and by indicating to the Chairman of a meeting immediately before a vote on any matter is taken, a Member of the Council may require that the vote be recorded to show whether each Member present voted for or against the motion or abstained from voting - provided that when, in the opinion of the Chairman of that meeting, a recorded vote under this Standing Order is demanded frivolously or vexatiously, the Chairman may put the question of whether the vote should be recorded to the meeting without it being seconded or debated; and this Standing Order may not be invoked on such a vote.

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17.4 Immediately after a vote on any matter, a Member may require that the way in which they voted on that matter is recorded in the minutes of the meeting.

17.5 Where a vote is required on a motion to appoint or elect to a position and there are more candidates than positions, then for each position the clerk shall announce the name of the candidates and shall then invite each member present to indicate their chosen candidate. At the end of the process the Clerk shall announce the number of voters for each candidate and the one with the most votes shall be appointed.

18 Signing of the attendance book

Extracts from the statutes

*The names of members present at a meeting of a local authority shall be recorded.
(Local Government Act 1972, Sch 12, para 40)*

*(The foregoing provision) shall apply in relation to a committee of a local authority (including a joint committee) or a sub-committee of any such committee as [it applies] in relation to a local authority.
(Local Government Act 1972, Sch 12, para 44(1))*

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

19 Rescinding a preceding resolution

19.1 No motion to or which would have the effect to rescind or reverse a resolution of the Council shall be considered by the Council, within a period of six months from the date of that resolution, unless it is moved in accordance with Standing Order 14 and the notice of motion is supported in writing by at least twenty Members of the Council or one third of the members of the meeting who made the resolution.

19.2 The "resolutions" covered by paragraph 19.1 of this Standing Order include decisions in respect of any notice of motion, or any amendment of a notice of motion (whether or not such motion or amendment was passed), as well as any other decision taken in exercise of the Council's functions.

19.3 Once a motion has been moved with the support required in 19.1, no further motion shall be introduced by that means, in respect of substantially the same subject matter, for a period of six months from the day when the motion was moved.

19.4 This Standing Order shall not apply to matters that are called in under Standing Order 12, Interest of Members and Officers in contracts and other matters

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20 Interests of Members

Extracts from the Statutes

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

For the purpose of this [provision] an officer shall be treated as having indirectly a pecuniary

interest in a contract or a proposed contract if he would have been so treated by virtue of [the provisions relating to personal/prejudicial interests of members] if he had been a member of the authority.
(Local Government Act 1972, s 117(1))

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

21 **Canvassing of and recommendations by Members**

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

22 **Relatives of Members or Officers**

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

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20 **Interests of Members**¶
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Extracts from the Statutes¶
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· If it comes to the knowledge of an officer employed ... by a local authority that a contract in which he has any personal/prejudicial interest, whether direct or indirect (not being a contract to which he is himself a party), has been, or is proposed to be, entered into by the authority or any committee thereof, he shall as soon as practicable give notice in writing to the authority of the fact that he is interested therein. ¶
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· For the purpose of this [provision] an officer shall be treated as having indirectly a pecuniary interest in a contract or a proposed contract if he would have been so treated by virtue of [the provisions relating to personal/prejudicial interests of members] if he had been a member of the authority. ¶
(Local Government Act 1972, s 117(1)) ¶

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20.1 Except as provided by paragraph 20.2 of this Standing Order:- a Member of the Council who is present at any and has any interest pursuant to the Council's code of conduct in any matter that is the subject of consideration by the meeting shall declare that interest with an explanation at the start of the meeting or at the earliest available opportunity and if that interest is prejudicial shall withdraw from the meeting while the matter is under consideration. Unless the member believes that he/she can remain by virtue of any provision in the Council's Code of Conduct or unless a dispensation has been granted to that member by the Council's Standards Committee. ¶
¶
20.2 Any Member who has a "personal interest" in any matter (as defined by the National Code of Local Government Conduct) shall forthwith disclose that interest but may remain, speak and vote unless the interest is both clear and substantial, in which case they shall withdraw from the room while the matter is under consideration. For the avoidance of doubt, it is the responsibility of individual members to determine ... [2]

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23 Staff establishment and the filling of vacancies

23.1 All vacancies, unless they are to be filled by promotion or transfer from within the Council, or unless the Council determines otherwise, shall be publicly advertised and filled by open competition arising from that advertisement.

23.2 No step shall be taken to advertise or fill a vacancy for any post designated as that of a chief officer (as defined in the Local Authority (Standing Orders) Regulations 1993) until such time as the Cabinet has determined whether that post is necessary and the terms and conditions upon which it should be held.

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23.3 When the Council proposes to appoint such a chief officer, and it is not proposed to appoint that person from a pool limited to officers who are employed by the Council, the Council shall:-

(a) cause to be prepared, for its approval, a statement specifying the duties attaching to that post and any qualification or qualities required of any person who desires to be appointed to it;

(b) cause arrangements to be made for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

(c) cause arrangements to be made for a copy of the statement mentioned in paragraph 23.3(a) of this Standing Order to be sent to any person who requests a copy of it.

23.4 When a post has been advertised in accordance with this Standing Order, the authority shall invite all qualified applicants for the post to attend for interview, or select a short list of such qualified applicants and invite all those included on the short list to attend for interview.

23.5 When no qualified person has applied to fill a vacancy in the opinion of the Executive Director in which a vacancy has been advertised (or, if a vacancy is for an Executive Director or more senior officer, in the opinion of the Appointments Board), the Council shall make further arrangements for the advertisement of the post in accordance with this Standing Order.

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23.6 Every appointment to a second tier officer post or one more shall be made by the Appointments Board or a panel of the Board, except the Head of Paid Service which shall be made by the whole Board and shall then be immediately notified to all Members of the Cabinet, each of whom shall have a time limited opportunity to object which if exercised shall halt the appointment procedure where upon a special meeting of the Cabinet shall be convened to determine the next steps.

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23.7 The Officer Employment Rules (required by Article 12.10) are those parts of Standing Orders 20 – 24 which relate to employees.

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

24 Disciplinary action against Statutory Appointees

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

25 Custody of the Seal

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

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26 Sealing of documents

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

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

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

27 Authentication of documents for legal proceedings

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

28 Inspection of documents

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

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

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

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

- (a) Members shall be entitled to see all documents relied on by the Cabinet acting together or as Portfolio Holders, once a decision has been made, unless the monitoring officer is satisfied that the disclosure of a document would disclose exempt information of a type which may be excluded at law.
- (b) Members of the Scrutiny and Overview Committee may, in addition to rights contained in (a) above be entitled to a copy of any document in the possession or control of the Cabinet that contain material relating to business transacted at a private meeting, a public meeting, a decision made or a key decision made by an officer under delegated powers.

28.3 (a) **Public inspection of background papers:**
The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

(b) **Summary of Public's Rights:**
A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept and available to the public at the Council Offices.

(c) **Exclusion of access by the public to reports:**
If the Monitoring Officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, the meeting is not likely to be open to the public. Such reports will be marked "not for publication" together with the category of information likely to be disclosed.

29 Membership and constitution of Council bodies

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... Any document which is in the possession or under the control of a principal council and contains material relating to any business to be transacted at a meeting of the council or of a Committee or Sub-committee of the Council shall subject to [the following provision], be open to inspection by any member of the Council.¶

¶
... Where it appears to the proper officer of the council that a document discloses exempt information of a description for the time being falling within any of the paragraphs 1 to 6, 9, 11, 12 and 14 of Part 1 of schedule 12 a to this act, [the foregoing provision] does not require the document to be open to inspection.¶
(Local Government Act 1972, sch 100F (1) and (2))

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¶
... Where the executive or an executive member meets with officers to discuss a key decision that meeting will generally be open to the public.¶

... In applying access to information rules, councils and executives should take account of the presumption of openness principle of decision-making set out in paragraph 7.3 of the DETR Guidance and Article 13.02 of the Constitution.¶

¶
... Regard should also be had to the potential effect of the enactment of the Freedom of Information Act 2000. ¶ (... [3])

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28.3 No Member of the Council shall be entitled to inspect or request a copy (... [4])

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29.1 The Annual Meeting the Council shall appoint the Chair~~man~~ and (except for the Cabinet ~~which is appointed by its Chairman~~) the Vice Chair~~man~~ and each member of the following Bodies with the exception of the ~~Chairman~~ and Vice Chair~~man~~ of the Cabinet Scrutiny Committee and Scrutiny and Overview Liaison Committee

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Scrutiny Bodies

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Cabinet Scrutiny Committee

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

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Policy Review and Development Panels

**Resources and Performance
Community and Culture**

9 members
Politically proportional with ~~Chairman/Vice-Chairman~~ appointed by Council.

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Regeneration and Environment

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Scrutiny and Overview Liaison Committee

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

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Cabinet and Boards

Appointments Board

9 Members

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Cabinet

up to 10 Members

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Development Control Board

18 Members

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Licensing and Appeals Committee

15 Members

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Licensing Committee

15 Members,

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Standards Committee

5 Members (plus ~~3 Parish reps and 3 Independent non-Council~~ or members)

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29.2 No Member of the Council shall retain any appointment beyond the next Annual Meeting of the Council unless re-appointed to that Body at the next Annual Meeting.

Task Groups

29.3 The Council, Cabinet and any Scrutiny and Overview Committee or Panel may establish temporary Task Groups to undertake, and report back on, work within the remit of the body that established them.

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

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- 29.7 When any scrutiny and overview body is considering the performance or proposals of a person, or of a body which included any of its members; such person or members shall not take part in that consideration in the capacity of members of the scrutiny body.

29.8 **Informal Working Groups (scrutiny and overview function)**

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

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

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30 Access to Information and Meetings

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- 30.1 Business shall be transacted by the Council and Council Bodies in public unless they resolve to consider in private any matter that is confidential or any information which is exempt within the meaning of Schedule 12A of Part I of the Local Government Act 1972. Officers holding statutory appointments as set out in Standing Order 35 are entitled to attend any meeting of the Cabinet.

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

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

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(SEE APPENDIX 2)

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

30.5 General Exception

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

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

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30.6 Record of individual decision

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

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31 Special Meetings

31.1 A special meeting:-

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

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

32 Vacancies and substitutions on Council bodies and task groups

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

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

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

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

32.3 Whenever appointments of Members are not made on the first occasion when they might be, the

Chief Executive shall make such appointments on the basis of balloting members of the body entitled to make the appointment. If the vacancy falls within the proportion of places due to a particular political group, balloting shall initially be restricted to the members of that political group. Only if that fails to fill a vacancy, will a further ballot be conducted open to relevant Members of all political groups or none.

33 Duration of Council meetings

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

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

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

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

35 Statutory appointments

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

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

36 Recording or broadcasting meetings

36.1 Any person wishing to photograph, broadcast or record a Meeting should seek the permission of the chairman and vice chairman of that meeting.

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

~~37.1~~ Where the Cabinet submits a:-

- (a) plan or strategy prescribed by the Local Authorities (Standing Orders) (England) Regulations 2001 ("the regulations") to the Council for approval by the Council; or
- (b) any estimate or amount prescribed under Paragraph 6 of Part II of the regulations

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

Deleted: 37 Smoking at meetings¶

¶ 37.1 No person shall be permitted to smoke at meetings of the Council including Task Groups and other Meetings.¶

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

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~~37.3~~ The Council must take account of the amendments made by the Cabinet to a plan or strategy and any reasons why the Cabinet disagrees with the Council's objections when it amends, approves or adopts a plan or strategy or before it makes a calculation in accordance with sections 32 to 37 or

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43 to 49 of the Local Government Finance Act 1992 or issues a precept under Chapter IV of Part 1 of that Act.

38 Decisions by Portfolio Holders

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

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

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

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38.4 The decision may be wholly within the Cabinet Members decision making powers, or part of all may be a recommendation to Council. This must be made clear in the report. Recommendations to Council will then be placed on the next Council Agenda and moved by the Leader at Council.

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38.5 A Cabinet Member may decide to refer the matter to a full meeting of Cabinet for decision. In which case the matter will be placed on the agenda of the next ordinary meeting of Cabinet.

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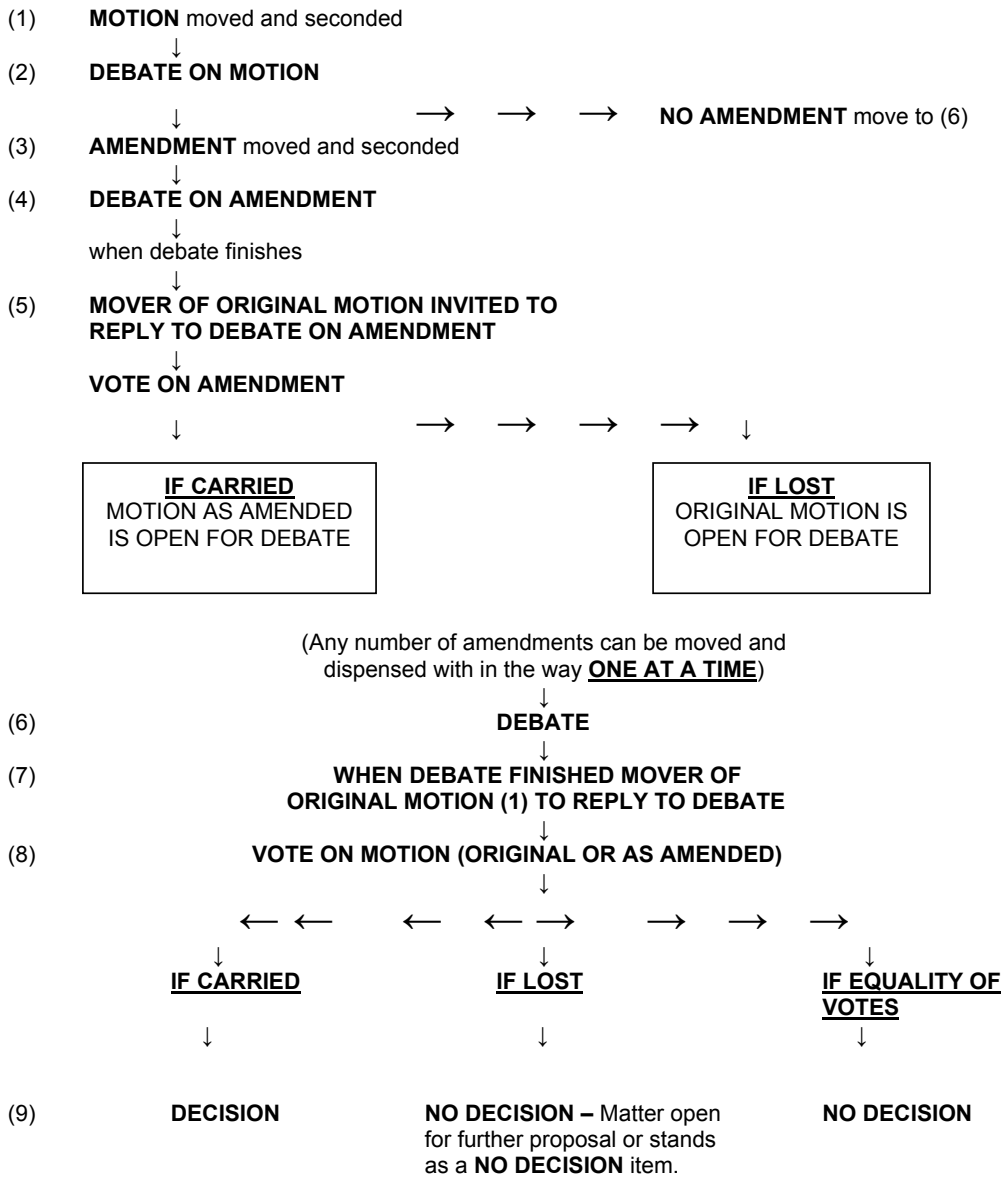
38.6 Once a Cabinet Member has made a decision it will be placed on the intranet and made available for call-in in accordance with Standing Order 12. Members will be notified that a decision has been taken.

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APPENDIX 1

DIAGRAM TO SHOW THE STAGES OF MOTION, AMENDMENT AND DECISION



An amendment will not be valid if it is a direct negative or if it introduces a new issue unrelated to the terms of the motion.

- 9.1 At each meeting of the Council, a period not exceeding thirty minutes shall be allowed to persons not being members of the council having an interest in the Borough to present petitions and ask questions about:-
- (a) the Council's policies; or
 - (b) the work of the Council in respect of any matter or issue affecting the Borough.
- 9.2 The Chief Executive shall not allow any questions or petitions that, in his opinion:-
- (a) relate solely to the questioner or their family;
 - (b) contain any defamatory, confidential or exempt material or would require a response that might be defamatory or require the disclosure of confidential or exempt material;
 - (c) relate to specific applications for planning permission or for licences; or
 - (d) relate to individual Members or Officers of the Council or an individual member of the public.
- 9.3 Electors who wish to ask questions or present petitions under this standing order must submit them in writing to the Chief Executive before 5pm of the third day before the day of the meeting at which they are to be put or presented.
- 9.4 The receipt of questions and petitions and their contents under this Standing Order shall be recorded in a register in the order in which they are received and they will be presented to the council in that order. The register shall be open to inspection by members of the public.
- 9.5 The Chief Executive shall write to each person whose question is entered into the register kept in accordance with paragraph 9.4 and confirm:-
- (a) whether their question may be asked;
 - (b) the date, time and place of the meeting at which the question may be asked;
 - (c) the procedure for asking their question and receiving an answer; and
 - (d) their position in a list of the persons whose questions have been accepted.
- 9.6 The questions that may be asked under this Standing Order shall not appear on the agenda of the meeting at which they are to be asked, but will be notified separately to each Member of the Council, the press and members of the public who attend that meeting.
- 9.7 The person who submits a question under this Standing Order shall normally ask it. However, the Mayor may allow that person to be accompanied by a friend and allow the friend to ask the question.
- 9.8 A question that is asked under this Standing Order shall be addressed to the Mayor and

shall be answered by any Member or Officer of the Council nominated by them. An answer may take the form of:-

- (a) a direct oral response; or,
- (b) in exceptional cases, where an oral reply cannot be given conveniently, by a written answer, which shall be given to the questioner within 7 days of the date of the meeting or such longer period as the Mayor may allow. In every case where an oral response is not given, the Mayor will state that an oral response would be inconvenient and the reasons for this, which will be minuted.

- 9.9 Every questioner may ask a supplementary question once their first question has been answered but no exchange (including the time taken to ask and answer a supplementary question) shall be permitted to exceed a total of 5 minutes.
- 9.10 Any question/petition that is accepted under paragraph 9.5 of this Standing Order, but cannot be asked at the meeting because of lack of time, shall be answered in writing by a Member or Officer of the Council within 7 days of the meeting. The person responsible for answering the question or responding to a petition shall be announced by the Mayor at the end of each Public Question Time.
- 9.11 Every question shall be asked and answered and petition presented without there being any debate of that matter by the Council.
- 9.12 If a petition is presented to the Council containing the signatures of 50 or more persons, when it is presented to the Council, the elector who submitted it (or their nominee) shall be entitled to speak in support of the petition, for up to 5 minutes.

20 Interests of Members

Extracts from the Statutes

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

For the purpose of this [provision] an officer shall be treated as having indirectly a pecuniary interest in a contract or a proposed contract if he would have been so treated by virtue of [the provisions relating to personal/prejudicial interests of members] if he had been a member of the authority.

(Local Government Act 1972, s 117(1))

- 20.1 Except as provided by paragraph 20.2 of this Standing Order:-a Member of the Council who is present at any and has any interest pursuant to the Council's code of conduct in any matter that is the subject of consideration by the meeting shall declare that interest with an explanation at the start of the meeting or at the earliest available opportunity and if that interest is prejudicial shall withdraw from the meeting while the matter is under consideration. Unless the member believes that he/she can remain by virtue of any provision in the Council's Code of Conduct or unless a dispensation has been granted to

that member by the Council's Standards Committee.

- 20.2 Any Member who has a "personal interest" in any matter (as defined by the National Code of Local Government Conduct) shall forthwith disclose that interest but may remain, speak and vote unless the interest is both clear and substantial, in which case they shall withdraw from the room while the matter is under consideration. For the avoidance of doubt, it is the responsibility of individual members to determine whether or not they have an interest. Failure to declare is a breach of the Council's Code of Conduct and may result in a referral to the Standards Board for England and/or the Council's Monitoring Officer.
- 20.3 The Chief Executive shall maintain a register of any declarations made to him, under this Standing Order, by any Member or Officer, of any pecuniary interest. This shall be open to inspection by any Member.
- 20.4 The Monitoring Officer shall record in a book to be kept for the purpose particulars of any notice of interest given by an employee of the Council under section 117 of the 1972 Act or paragraph (1). The book shall, during ordinary office hours of the authority, be open for inspection by any member.
- 20.5 Where an officer submits a report to a meeting on a matter in which he/she has declared an interest under section 117 of the 1972 Act or Paragraph (1), he/she shall state that such declaration has been, made and give brief details of it, in a separate paragraph at the commencement of the report.
- 20.6 Where any officer advises orally a meeting on a contract, grant, proposed contract or other matter and has declared an interest in the matter, whether under the requirements on section 117 of the 1972 Act, or of paragraph (1), he/she shall remind the meeting orally of that interest, and the reminder shall be recorded in the minutes of the meeting.

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Slightly different access to information rules will apply to the executive in executive forms of constitution, to be set out in regulations under Section 22 of the Local Government Act 2000.

Where the executive or an executive member meets with officers to discuss a key decision that meeting will generally be open to the public.

In applying access to information rules, councils and executives should take account of the presumption of openness principle of decision-making set out in paragraph 7.3 of the DETR Guidance and Article 13.02 of the Constitution.

Regard should also be had to the potential effect of the enactment of the Freedom of Information Act 2000. This will focus attention on the policy for disclosure of information of each Council.

Councils are recommended to consider adoption of a policy statement on access to information as set out in "Open Government: a good practice note on access to information" published by the former Association of Metropolitan Authorities in June 1995.

Numerous provisions are contained in the Local Government (Executive function) (Access to information) regulations 2001 and some of these are set out in Standing Order 28.2

References:

Sections 100A-H and schedule 12A Local Government Act 1972

Section 22 of the Local Government Act 2000
 Chapter 7, DETR Guidance
 Data Protection Act 1998
 Freedom of information Act 2000
 Human Rights Act 1998.

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28.3 No Member of the Council shall be entitled to inspect or request a copy of any document relating to a matter in which they have an interest under the Council's Code of Conduct.

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CATEGORY	CONDITION
1. Information relating to a particular employee, former, employee or applicant to become and employee of, or a particular office-holder, former office-holder or applicant to become an office holder, under the authority	Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description, i.e. it must relate to and be recognisable as referring to a particular individual in the roles indicated
2. Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office-holder, former office-holder or applicant to become an office-holder under, a magistrates' court committee or probation committee.	Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description, i.e. it must relate to and be recognisable as referring to a particular individual in the roles indicated
3. Information relating to any particular occupier or former occupier of, or applicant for, accommodation provided by or at the expense of the authority.	Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description, i.e. it must relate to and be recognisable as referring to a particular individual in the roles indicated
4. Information relating to any particular applicant for, or recipient or former recipient of any service provided by the authority	Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description, i.e. it must relate to and be recognisable as referring to a particular individual in the roles indicated
5. Information relating to any particular applicant for, or recipient or former recipient of any financial assistance provided by the authority	Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description, i.e. it must relate to and be recognisable as referring to a particular individual in the roles indicated

6. Information relating to the adoption, care, fostering or education of any particular child	Child means a person under 18 and anyone who is 18 and is still registered as a school pupil, or is the subject of a care order, within the meaning of section 31 Children Act 1989
7. Information relating to the financial or business affairs of any particular person (other than the authority)	Information within paragraph 7 is not exempt if it must be registered under various statutes, such as the Companies Act or Charities Act. To be exempt the information must relate to a particular third person who must be identifiable
8. The amount of any expenditure proposed to be incurred by the authority under any particular contract for the acquisition of property or the supply of goods and services	Information within paragraph 8 is only exempt if, and for so long as, disclosure of the amount involved would be likely to give an advantage to a person entering into or seeking to enter into a contract with the authority in respect of the property, goods and services, whether the advantage would arise as against the authority or as against other such persons
9. Any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services	Information within paragraph 9 is only exempt if, and for so long as, disclosure to the public of the terms would prejudice the authority in those or any other negotiations concerning that property or those goods or services. (The disposal of property includes granting an interest in or right over it)
10. The identity of the authority (as well as of any other person, by virtue of paragraph 7 above) as the person offering any particular tender for a contract for the supply of goods or services	For the purposes of this paragraph "tender" includes a DLO/DSO written bid
11. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or officer-holders under the authority	Information within paragraph 11 is only exempt if and for so long as its disclosure to the public would prejudice the authority in those or any other consultations or negotiations in connection with a labour relations matter. "Labour relations matters" are as specified in paragraphs (a) to (g) of section 29 (1) of the Trade Unions and Labour relations Act 1974, i.e. matters which may be the subject of a trade dispute
12. Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceeds) and any advice received, information	

<p>obtained or action to be taken in connection with:</p> <p>(a) any legal proceedings by or against the authority; or (b) the determination of any matter affecting the authority;</p> <p>whether, in either case, proceedings have been commenced or are in contemplation</p>	
<p>13. Information which if disclosed to the public, would reveal that the authority proposed –</p> <p>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment</p>	<p>Information within paragraph 13 is exempt only if and so long as disclosure to the public might afford an opportunity to a person affected by the notice, order or direction to defeat the purpose or one of the purposes for which the notice, order or direction is to be given or made</p>
<p>14. Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime</p>	
<p>15. The identity of a protected informant</p>	<p>A “protected informant” means a person giving the authority information which tends to show that</p> <p>(a) a criminal offence; (b) a breach of statutory duty (c) a breach of planning control (d) a nuisance</p> <p>has been, or is being, or is about to be committed</p>
<p>16. Information relating to the personal circumstance of any person</p>	
<p>17. Information which is subject to any obligation of confidentiality</p>	
<p>18. Information relating to matters of national security</p>	
<p>19. Deliberations of the Standards Committee or a sub-committee of the Standards Committee</p>	

established under Part III of the Local Government Act 2000. In reaching any funding in a matter referred under the provisions of S.64(2) or 71 (3) of the Local Government Act 2000	
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REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Statutory	(a) Be entirely within cabinet's powers to decide NO		
		(b) Need to be recommendations to Council YES		
		(c) Be partly for recommendations to Council and partly within Cabinets powers – NO		
Lead Member: Cllr N Daubney E-mail: cllr.nick.daubney@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Ray Harding, Chief Executive E-mail: Ray.harding@west-norfolk.gov.uk Direct Dial: 01553 616245		Other Officers consulted: Management Team, Legal Services Manager, Democratic Services Manager		
Financial Implications NO	Policy/Personnel Implications YES	Statutory Implications (incl S.17) YES	Equal Opportunities Implications NO	Risk Management Implications NO

Cabinet meeting: 16 November 2010

7 FUTURE GOVERNANCE ARRANGEMENTS

SUMMARY

As agreed at the 7 September 2010 Cabinet meeting a consultation period has been embarked upon for the Council's future governance arrangements. Council is now invited to confirm its previously proposed course of action.

RECOMMENDATION

- 1) That following the required consultation process Council be invited to confirm the current arrangements and the "Strong Leader" Governance Option for the Council in a Special Meeting called for that purpose prior to the 25 November 2010 Council meeting.
- 2) That delegated authority be granted to the Chief Executive to amend Standing Order 29 to reflect this resolution so it comes into effect for the new Municipal Year.

Reason for Decision

Following the required consultation process.

1 INTRODUCTION

- 1.1 Following the report to Cabinet on 7 September 2010 which in accordance with Part Three of the Local Government and Public Involvement in Health 2007, invited Council to confirm its view on the future governance arrangements for the Council in order for the required consultation to be carried out.
- 1.2 Notification was placed on the Council's web site in accordance with the advice from the Department of Communities and Local Government, inviting any comments on the Council's proposed Governance arrangements. No responses were received via that route, although it should be noted that prior to this, notification was

received from the English Democrats stating their intention to raise a petition for a referendum for a directly elected Mayor. At this point in time no qualifying petition has been received.

- 1.3 Council is therefore invited to confirm its proposal at a special meeting held specifically for that purpose immediately prior to the ordinary meeting on 25 November 2010.

2 LEGAL IMPLICATIONS

- 2.1 The Council has a statutory obligation to undertake a review of its decision making processes.

3 BACKGROUND PAPERS

Local Government and Public Involvement in Health Act 2007.

Letter from the Department for Communities and Local Government dated 7 July 2010.

Cabinet report 7 September 2010