

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



# **Cabinet**

## **Agenda**

**Tuesday, 12th January, 2016**  
at 5.30 pm

in the

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



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Telephone: 01553 616200  
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**CABINET AGENDA**

**DATE: CABINET - TUESDAY, 12TH JANUARY, 2016**

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

**TIME: 5.30 pm**

**As required by Regulations 5 (4) and (5) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 - Items 18 - 22 below will be considered in private.**

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

**1. MINUTES**

To approve the Minutes of the Meeting held on 1 December 2015 (previously circulated pages 543 - 546).

**2. APOLOGIES**

To receive apologies for absence.

**3. URGENT BUSINESS**

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

**4. DECLARATIONS OF INTEREST**

Please indicate if there are any interests which should be declared. A declaration of an interest should indicate the nature of the interest (if not already declared on the Register of Interests) and the agenda item to which it relates. If a disclosable pecuniary interest is declared, the member should withdraw from the room whilst the matter is discussed.

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

**5. CHAIRMAN'S CORRESPONDENCE**

To receive any Chairman's correspondence.

**6. MEMBERS PRESENT UNDER 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 (Pages 7 - 9)**

A copy of the Forward Decisions List is attached

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

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

- Resources and Performance Panel – 5 January 2016
- Regeneration and Development Panel – 6 January 2016
- Environment and Community Panel – 6 January 2016

**10. FINAL COUNCIL TAX SUPPORT SCHEME 2016/2017 (Pages 10 - 21)**

**11. BUDGET 2015/2016 - MONITORING REPORT (Pages 22 - 32)**

**12. DRAFT SMOKE AND CARBON MONOXIDE REGULATIONS REPORT AND STATEMENT OF PRINCIPLES (Pages 33 - 46)**

**13. CORPORATE BUSINESS PLAN 2015/16 - 2018/19 (Pages 47 - 54)**

**14. LYNNSPORT DEVELOPMENT (Pages 55 - 57)**

15. **UPDATE TO THE SCHEME OF DELEGATION** (Pages 58 - 90)

16. **YOUTH AND HERITAGE CHAMPIONS** (Pages 91 - 92)

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

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

**PRIVATE ITEM**

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

18. **RISK BASED VERIFICATION POLICY UPDATE** (Pages 93 - 100)

19. **PROPOSED SURGERY DEVELOPMENT - KING'S LYNN** (Pages 101 - 109)

20. **NORA - SALE OF LAND** (Pages 110 - 115)

21. **KING'S LYNN : LAND ACQUISITION - BOAL QUAY AND THE FRIARS**  
(Pages 116 - 122)

22. **PROPOSED ACQUISITION : LAND AT WISBECH ROAD** (Pages 123 - 130)

To: Members of the Cabinet

Councillors A Beales (Vice-Chairman), R Blunt, N Daubney (Chairman),  
Lord Howard, A Lawrence, B Long, Mrs E Nockolds and D Pope

Cabinet Scrutiny Committee

For Further information, please contact:

Sam Winter, Democratic Services Manager 01553 616327  
Borough Council of King's Lynn & West Norfolk  
King's Court, Chapel Street  
King's Lynn PE30 1EX



**FORWARD DECISIONS LIST**

Date of meeting	Report title	Description of report	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
12 January 2016	Final Council Tax Support Scheme 2016/17		Key	Council	Leader Asst Exec Dir – L Gore		Public
	Housing Benefit and Council Tax Support Risk Based Verification: Policy Update		Key	Council	Leader Asst Exec Dir – L Gore		Private - Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority)
7	2015/16 Budget Monitoring		Non	Cabinet	Leader Asst Exec Dir – L Gore		Public
	Smoke and Carbon Monoxide Alarm Regulations 2015		Non	Cabinet	Housing and Community Chief Executive		Public
	Corporate Business Plan 2015-19		Key	Council	Chief Executive		Public
	Proposed Surgery Development – King’s Lynn		Key	Council	Regeneration & Industrial Assets Exec Dir – C Bamfield		Private- Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority)
	Nar Ouse Regeneration Area – proposed sale of land		Key	Cabinet	Regeneration & Industrial Assets Exec Dir – C Bamfield		Private- Contains exempt Information under para 3 – information relating to the

Agenda Item 8

							business affairs of any person (including the authority)
	King's Lynn Land Acquisition – Boal Quay and the Friars		Key	Council	Regeneration & Industrial Assets Exec Dir – C Bamfield		Private- Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority)
	King's Lynn Land Acquisition – Wisbech Road		Key	Council	Regeneration & Industrial Assets Exec Dir – C Bamfield		Private- Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority)
∞	Lynnsport Development		Non	Cabinet	ICT Leisure & Public Space Exec Dir – C Bamfield		Public
	Update to the scheme of delegation		Non	Council	Leader Exec Dir – D Gates		Public
	Appointment of Young Persons Champion and Heritage Champion		Non	Cabinet	Leader Exec Dir – D Gates		Public

Date of meeting	Report title	Description of report	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
2 February 2016	Budget 2016/17		Key	Council	Leader Asst Exec Dir – L Gore		Public
	Asset Management : Land with Development Potential		Key	Council	Regeneration & Industrial Assets Exec Dir – C Bamfield		Private- Contains exempt Information under para 3 –



							information relating to the business affairs of any person (including the authority)
	King's Lynn: Strategic Land Acquisition		Key	Council	Regeneration & Industrial Assets Exec Dir – C Bamfield		Private- Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority)
	Charging Policy for Electric Vehicles		Non	Cabinet	ICT Leisure & Public Space and Environment Exec Dir – C Bamfield		Public
6	Electoral Review		Key	Council	Leader Chief Executive		Public
	Community Infrastructure Levy		Key	Council	Housing and Community Exec Director – G Hall		Public
	The Statement of Community Involvement		Non	Cabinet	Development Exec Director G Hall		Public
	Capital Programme 2015-2020		Key	Council	Leader Asst Exec Dir – L Gore		Public
	Affordable Housing Company		Non	Cabinet	Housing & Community Chief Executive		Public
	Procurement – Print Equipment		Key	Cabinet	Leader Exec Dir – D Gates		Public

**REPORT TO CABINET**

<b>Open</b>		Would any decisions proposed :		
<b>Any especially affected Wards</b> NONE	Mandatory	Be entirely within Cabinet's powers to decide		NO
		Need to be recommendations to Council		YES
		Is it a Key Decision		YES
Lead Member: Cllr Nick Daubney E-mail: <a href="mailto:cllr.nick.daubney@west-norfolk.gov.uk">cllr.nick.daubney@west-norfolk.gov.uk</a>		Other Cabinet Members consulted: Cabinet		
Lead Officer: Joanne Stanton, Revenues and Benefits Manager E-mail: <a href="mailto:joanne.stanton@west-norfolk.gov.uk">joanne.stanton@west-norfolk.gov.uk</a> Direct Dial:01553 616349		Other Members consulted: R&P Panel		
Other Officers consulted: Lorraine Gore				
Financial Implications YES	Policy/Personnel Implications NO	Statutory Implications YES	Equal Impact Assessment YES If YES: Pre-screening/ Full Assessment YES	Risk Management Implications YES

Date of meeting: 12 January 2016

**FINAL COUNCIL TAX SUPPORT SCHEME FOR 2016/2017**

**Summary**

**This report should be read in conjunction with the Cabinet Report '2016/2017 Draft Council Tax Support Scheme for Consultation' of 9 September 2015.**

This report summarises the results of the Council Tax Support consultation exercise, notes the responses to the consultation and proposes that the Council adopts the draft Council Tax Support scheme, approved on 9 September 2015, as the Council Tax Support scheme for 2016/2017.

The Council must review and agree its Council Tax Support scheme each financial year. The Council must consult with its major preceptors (the County Council and the Police and Crime Commissioner), publish its draft Council Tax Support scheme, consult with interested parties then publish its final Council Tax Support scheme.

The draft Council Tax Support scheme was agreed by Members on 9 September 2015 and published on 18 September 2015. The consultation period concluded on 30 October 2015.

**Recommendations:**

- 1) Members note the results of the consultation exercise, and**
- 2) The draft Council Tax Support scheme as approved on 9 September 2015 is adopted as the full Council Tax Support scheme for 2016/2017**

**Reason for Decision**

To ensure a Council Tax Support scheme for 2016/2017 is agreed by full Council by 31 January 2016

**1. Background**

- 1.1. Council Tax Benefit (CTB) was abolished on 31 March 2013 and from April 2013 billing authorities have implemented their own local schemes of Council Tax Support (CTS) to assist working age people on low incomes with their council tax costs.
- 1.2. Funding for CTS has moved from demand led funding paid by the DWP to a fixed grant from DCLG. The funding was reduced by 10 per cent in 2013/2014 and since then has been rolled into the Council's formula funding and is no longer identified separately. Projections of the impact on the taxbase have been included in the Council's Financial Plan.
- 1.3. Central Government allows local Councils to design and operate their own CTS scheme within the following parameters:
  - No cuts can be made to the help given to pension age claimants,
  - Consideration is given to protecting vulnerable groups, and
  - Work incentives are promoted

**2. Council Tax Support Scheme For 2016/2017**

- 2.1 A summary of the proposed CTS scheme for 2016/2017 is shown at Appendix B.
- 2.2 On 9 September 2015 Cabinet agreed the draft 2016/2017 CTS scheme and a six week public consultation was held from 18 September 2015 to 30 October 2015.
- 2.3 The principles of the proposed CTS scheme for 2016/2017 are the same as the CTS scheme for 2015/2016, subject to amendments to keep the scheme broadly in line with the Housing Benefit regulations and to allow the annual uprating of allowances and premiums in line with the national CTS scheme for pension age claimants.
- 2.4 The CTS scheme for 2016/2017 reflects welfare reform changes in 2016/2017 and accounts for the introduction of Universal Credit in this

area from March 2016. These changes do not affect the overall principles of the CTS scheme.

### **3. Results Of The Public Consultation**

- 3.1 The consultation period ran from 18 September 2015 to 30 October 2015. Seven responses were received and are shown at Appendix C.
- 3.2 Only one of the responses was from someone in receipt of Council Tax Support and their household includes a disabled person so they are likely to fall in a protected group.
- 3.3 Three people who responded were in favour of the proposed scheme, two were against, one answered Don't Know and one gave no response. Of the alternatives, only one person favoured increasing council tax, two agreed with cutting services and one said we should charge more for services. No significant issues were raised during the consultation.

### **4. Other Options Considered**

- 4.1. The Council is able to adopt any scheme of CTS for its working age claimants. Due to the impact of the funding arrangements and the statutory requirement to pay a higher level of support for pension age claimants, if the CTS scheme is to meet the projections within the Financial Plan either working age claimants have to continue to pay something towards their council tax, or other options including increasing council tax by more than any already planned increase, cuts to other services or charging more for services have to be considered.
- 4.2. The proposed 2016/2017 CTS scheme continues the principle of working age claimants continuing to make a contribution to their council tax (unless they are in a protected group) rather than a higher than already planned increase in council tax for all residents, increasing other fees and charges or cutting services.

### **5. Policy Implications**

- 5.1. The proposed Council Tax Support Scheme for 2016/2017 is a continuation of an existing policy.

### **6. Financial Implications**

- 6.1 The table from Appendix D of the 9 September 2015 Cabinet Report '2016/2017 Draft Council Tax Support Scheme for Consultation' has been updated following the announcement in the Autumn Statement of the withdrawal of tax credit changes. This reduces the cost of the proposed CTS scheme. The updated table is shown at Appendix D.
- 6.2 The funding for the CTS scheme for 2016/2017 is rolled into the overall Formula Funding for the year and is not separately identifiable.

6.3 The taxbase figures in the Financial Plan 2013/2017 assume the CTS scheme, and the corresponding reduction in the taxbase, remains at the same level as 2015/2016 and that the taxbase will grow by 300 band D properties each year.

6.4 The modelled figures for the 2016/2017 CTS scheme show a projected impact on the taxbase of 6,137 band D properties. The impact on the taxbase is within the projections in the Financial Plan.

6.5 The Council will continue to pay a CTS grant to the affected parishes in proportion to the cost of the CTS scheme for each parish as detailed in the Financial Plan.

## **7. Personnel Implications**

7.1 None

## **8. Statutory Considerations**

8.1. The Council is required to agree a Council Tax Support Scheme for the forthcoming financial year by the 31 January of the preceding year.

## **9. Equality Impact Assessment (EIA)**

9.1 Please see Appendix A

## **10. Risk Management Implications**

10.1. The CTS scheme for 2016/2017 is designed to meet the taxbase projections as detailed in the Financial Plan. However any increases in demand, increases in Council Tax, for example the 2% increase allowed for County Councils for Social Care, changes in the composition of the caseload, for example an increase in the number of pension age claimants, or changes to other welfare benefits during the year could represent a financial risk by increasing the cost of the CTS scheme and reducing the taxbase further.

10.2. The impact of the CTS scheme is, and will continue to be, reviewed monthly and an update report will be brought before Members after six months.


## **11. Declarations of Interest / Dispensations Granted**

11.1. None

## **12. Background Papers**

12.1. None

**Appendix A: Pre Screening Equality Impact Assessment  
(also see 4 December 2012 Cabinet Report)**

<p><b>Pre-Screening Equality Impact Assessment</b></p>		<p>Borough Council of <b>King's Lynn &amp; West Norfolk</b></p>			
<p>Name of policy/service/function</p>		<p>Local Council Tax Support Scheme</p>			
<p>Is this a new or existing policy/service/function?</p>		<p>New Policy</p>			
<p>Brief summary/description of the main aims of Policy being screened.</p> <p>Please state if this policy/service is rigidly constrained by statutory obligations</p>		<p>Local Council Tax Support (CTS) schemes were introduced from 1 April 2013, replacing the existing national scheme of Council Tax Benefit (CTB) to help those on low incomes with their Council Tax bills.</p> <p>Each council is free to design their own CTS scheme although certain parameters have been set by Government:</p> <ul style="list-style-type: none"> <li>• Pensioners must be protected from any reduction in support</li> <li>• Vulnerable groups must be considered for protection from any reduction in support</li> <li>• Work incentives should be promoted</li> </ul> <p>Government have also reducing the funding available for CTS schemes by 10% in 2013/2014. From 2014/2015 the funding is rolled into the council's formula funding and not identified separately. As pensioners are protected from any reduction this becomes nearly a 25% reduction in support for working age people.</p> <p>The 2015/2016 CTS scheme for the Borough was agreed on 24 January 2015 and includes protection for the following groups:</p> <ul style="list-style-type: none"> <li>• Pensioners</li> <li>• Households with a child under 5</li> <li>• People entitled to the Disability Premium in CTB</li> <li>• People in receipt of Carer's Allowance</li> </ul> <p>The 2016/2017 CTS scheme is a continuation of the 2015/2016 CTS scheme</p>			
<p><b>Question</b></p>		<p><b>Answer</b></p>			
<p><b>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups according to their different protected characteristic, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</b></p>					
		Positive	Negative	Neutral	Unsure
Age			√		
Disability		√			
Gender					√

Please tick the relevant box for each group.  NB. Equality neutral means no negative impact on any group.	Gender Re-assignment				√
	Marriage/civil partnership				√
	Pregnancy & maternity				√
	Race				√
	Religion or belief				√
	Sexual orientation				√
	Other (eg low income)		√		
<b>Question</b>	<b>Answer</b>	<b>Comments</b>			
<b>2.</b> Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the Council, for example because it is seen as favouring a particular community or denying opportunities to another?	Yes	<p>The legislation for local CTS schemes states pensioners must be protected from any reduction in the level of support they receive. As the funding has been reduced this means a bigger cut falls on working age people.</p> <p>The legislation also compels councils to have regard to the impact on vulnerable groups and the promotion of work incentives</p>			
<b>3.</b> Could this policy/service be perceived as impacting on communities differently?	Yes	See 2			
<b>4.</b> Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?	Yes	<p>Pensioners are protected as they are not expected to return to work to increase their income to pay for any reduction in council tax support.</p> <p>Children under 5 are protected in accordance with Child Poverty.</p> <p>Those entitled to the Disability Premium in CTB are protected to reflect their higher living costs.</p> <p>People receiving Carer's Allowance are protected as it is harder for them to take on work or work extra hours to increase their income</p> <p>Work Incentives are promoted to encourage people back into work to increase their income. This is in line with the government's welfare reform principles.</p>			
<b>5.</b> Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions? If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section	No	<p><b>Actions:</b></p> <p>A full EIA has been completed as part of the Cabinet Report of 4 December 2012</p>			

		<b>Actions agreed by EWG member:</b> .....
<b>Assessment completed by: Name</b>	<b>Joanne Stanton</b>	
<b>Job title</b>	<b>Revenues and Benefits Manager</b>	
<b>Date</b>	3 November 2015	



## Appendix B: Summary of the proposed CTS scheme for 2016/2017

**CTS Scheme Principle:** An equal cut is made to everyone apart from those in a protected group.

The scheme will mirror the old CTB scheme with the following amendments:

- Child Benefit and Child Maintenance are included as income
- Second Adult Rebate is removed
- A weekly deduction for each non-dependent of £10 is made regardless of their income
- The maximum amount of Capital allowed is £6,000
- No Tariff Income is assumed for capital under £6,000
- Self Employed people are assumed to have an income of at least the minimum wage
- The maximum amount of support is 75% of entitlement

The following are protected groups and the changes listed above will not apply:

- Those who have reached the qualify age for State Pension Credit
- Households with at least one child under the age of 5
- Those entitled to the Disability Premium as part of their needs calculation
- Those in receipt of Carer's Allowance

Work incentives are increased by allowing an extra £10 a week earnings disregard so the disregards are:

- |                       |     |
|-----------------------|-----|
| • Single              | £15 |
| • Couple              | £20 |
| • Disabled or a Carer | £30 |
| • Lone Parent         | £35 |

The following local disregards will apply:

- War Pensions will be fully disregarded in the income calculation

The following changes are incorporated into the CTS scheme for 2016/2017:

- The Applicable Amounts and Premiums used to calculate entitlement are frozen at the same levels as 2015/2016
- Claims are only be allowed to be backdated by one month
- Childminders are treated in the same manner as they are in Housing Benefit and not under the standard self-employed rules
- The Family Premium will be removed for new claims to CTS and relevant changes in circumstances from 1 May 2016

## Appendix C: Consultation Responses

### Council Tax Support Consultation

**Q1 - Do you agree that the Borough Council of King's Lynn & West Norfolk should implement the above scheme for the next financial year?**

Yes	3
No	2
Don't Know	1

**Q2 - Please give reasons for your response**

This funding should be limited to that which central government provides. If it can't be funded by central government, its shouldn't be affordable through local taxation.

For the self employed, if proper accounts are supplied and accepted for housing benefit, these should be used to calculate CTS otherwise the rules are unfair and ambiguous. If earnings are accepted for one type of benefit how can they be summarily rejected for another?

Not in line with the provision made by other councils in the county. Punitive to those least able to pay.

**Q3 - If the Council has a reduction in the Government funding for Council Tax Support, however should the Council find the shortfall?**

	Yes	No	Total
<b>Reduce the level of help given to people through CTS</b>	4	2	6
<b>Increase the Council Tax</b>	1	4	5
<b>Cut services provided</b>	2	3	5
<b>Charge more for services</b>	1	4	5

**Q4 - If you have any other suggestions as to how the Council can either reduce the amount of Council Tax Support paid or pay for any shortfall in funding of the scheme in a different way, please comment below**

Move the thresholds which allow support. This is about funding from central government and if we can't afford it centrally, then any reductions should be made in a proportionate way.

Allocate council funding in a different manner and consult with other borough councils to see why they have made different decisions. As a last resort it may be necessary to increase council tax and thereby spread the load more evenly instead of picking on the most disadvantaged.

**Q5 to Q16 are Equality Questions**

**Q17 - Please add any additional comments if you feel the proposed Council Tax Support scheme changes will affect you more because of your membership of any of the above groups**

I don't think any of these questions are relevant to the issue on which you seek consultation and are very intrusive.

The hard workers of this world cannot be expected to keep the worse off. Some workers are worse off financially than people are on benefits. I'm fed up with working myself to illness and keeping others.

**Q18 - Do you have any further comments that you wish to make?**

No

I don't mind helping people but when I walk around Kings Lynn there are large groups either on drugs or alcohol who don't work. I work and can't afford either drugs or drink so why should I pay more for them to pay less.

**Analysis of responses Q5 to Q16**

**Postcode**

PE	1
PE30	3
PE31	2
PE33	1
	<hr/>
	7

**On Council Tax Bill?**

Yes	7
No	0
	<hr/>
	7

**Receive Council Tax Support?**

Yes	1
No	6
Don't Know	0
	<hr/>
	7

**Household**

Family and 1-2 children	0
Family 3+ children	0
Lone parent	0
Carer	0
Working	2
Disabled	2
Single/Couple no children	1
None of the above	2
	<hr/>
	7

<b>Are you?</b>	
<i>Pensioner</i>	3
<i>Student</i>	0
<i>Employed FT</i>	2
<i>Employed PT</i>	0
<i>Unemployed</i>	1
<i>Disabled</i>	1
	<hr/>
	7

<b>Are You?</b>	
<i>Male</i>	3
<i>Female</i>	2
<i>No answer</i>	2
	<hr/>
	7

<b>Age</b>	
<i>&lt;18</i>	0
<i>18-24</i>	0
<i>25-34</i>	0
<i>35-44</i>	1
<i>45-54</i>	1
<i>55-60</i>	0
<i>&gt;61</i>	4
<i>Prefer not to say</i>	0
<i>No answer</i>	1
	<hr/>
	7

<b>Illness/Infirmary</b>	
<i>Yes</i>	1
<i>No</i>	5
<i>No answer</i>	1
	<hr/>
	7

<b>Ethnicity</b>	
<i>White British</i>	4
<i>White Other</i>	1
<i>No answer</i>	2
	<hr/>
	7

<b>Religion</b>	
<i>Christianity</i>	3
<i>No religious belief</i>	2
<i>No answer</i>	2
	<hr/>
	7

<b>Orientation</b>	
<i>Heterosexual</i>	5
<i>No answer</i>	2
	<hr/>
	7

## Appendix D

### Analysis of the estimated cost of the CTS scheme – updated following Autumn Statement announcement on Tax Credits

Type	Weekly CTS	Annual CTS
Pensioners	£ 100,161	£ 5,222,680
Protected	£ 61,122	£ 3,187,063
Working Age	£ 17,144	£ 893,932
<b>Subtotal</b>	<b>£ 178,427</b>	<b>£ 9,303,675</b>

#### Included in the above:

Change	Cases	Weekly CTS	Annual CTS
Effect of not increasing App Amounts	922	-£ 382.53	-£ 19,892
Effect of limiting backdating to one month weeks	126	-£ 240.38	-£ 12,500
Effect of removing Family Premium for new claims	100	-£ 350.00	-£ 18,200
Total		-£ 972.91	-£ 50,592

**REPORT TO CABINET**

<b>Open</b>		<b>Would any decisions proposed :</b>		
<b>Any especially affected Wards None</b>	Mandatory	(a) Be entirely within Cabinet's powers to decide	<b>YES</b>	
		(b) Need to be recommendations to Council	<b>NO</b>	
		(c) Be partly for recommendations to Council and partly within Cabinets powers –	<b>NO</b>	
Lead Member: Councillor Nick Daubney E-mail: clr.nick.daubney@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Lorraine Gore E-mail: Lorraine.gore@west-norfolk.gov.uk Direct Dial: 01553 616432		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: 12 January 2016**

**BUDGET 2015/2016 - MONITORING**

<p><b>Summary</b> This report updates the 2015/2016 revenue estimates and the projections for 2016 to 2018. These figures will form the base on which the new Financial Plan 2015/2020 will be formulated for council tax setting purposes in February 2016.</p> <p><b>Recommendations</b></p> <p>It is recommended that Cabinet approve:</p> <p>1) The changes, transfers to/from reserves and revised revenue estimates for 2015/2016 as detailed in section 1 of the report.</p> <p><b>Reason for Decision</b> Formal approval is required by Cabinet for the amendments to the 2015/2016 revenue estimates. The amendments have been reported to members as part of the monthly monitoring reports for April to September 2015 and are summarised in section 1 below.</p>
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## 1. The Revenue Estimates 2015/2016

- 1.1 The original budget 2015/2016 was approved by Council on the 26 February 2015. Throughout the year the Assistant Director (S151 Officer) has monitored the budget and, where necessary, Executive Directors have sought approval for additional budget provision. The purpose of this report is to formally establish base estimates and projections on which a revised Financial Plan for 2015/2020 can be built. This will leave the report to Cabinet and Council in February 2016 to focus on future years.
- 1.2 Following the retirement of the Deputy Chief Executive in April 2015 the resources portfolio has been reallocated over the remaining service areas.

### Original Budget 2015/2016

	<b>Original Budget 2015/2016</b>	<b>Reallocation of Resources Service Area</b>	<b>Restated Original Budget</b>
	<b>£</b>	<b>£</b>	<b>£</b>
Corporate	1,216,270	0	1,216,270
Democracy	1,413,810	0	1,413,810
<b>Services Areas:</b>			
Central and Community Services	4,300,040	(312,640)	3,987,400
Chief Executive	3,749,290	2,442,790	6,192,080
Commercial Services	5,291,530	(933,760)	4,357,770
Environment and Planning	2,265,070	0	2,265,070
Resources	1,196,390	(1,196,390)	0

### September Monitoring 2015/2016

	<b>September Monitoring 2015/2016</b>	<b>Reallocation of Resources Service Area</b>	<b>Restated September Monitoring</b>
	<b>£</b>	<b>£</b>	<b>£</b>
Corporate	1,151,610	0	1,151,610
Democracy	1,413,540	0	1,413,540
<b>Services Areas:</b>			
Central and Community Services	4,322,140	(291,620)	4,030,520
Chief Executive	3,735,370	2,239,750	5,975,120
Commercial Services	5,608,740	(1,019,190)	4,589,550
Environment and Planning	2,183,280	0	2,183,280
Resources	928,940	(928,940)	0

1.3 The variances between the approved original budget and revised budget have been detailed in the monthly Monitoring Reports for April to September 2015, which have been distributed to members. The adjustments are summarised below:

	Restated Original Budget 2015/2016	Restated September Budgetary Control Monitoring 2015/2016	Movement between Service Areas	Cost Reduction Programme (detailed in 3.1)	Variance adverse/ (favourable) Paragraph 1.3 below refers
	£	£	£	£	£
Corporate	1,216,270	1,151,610	44,510	19,020	(128,190)
Democracy	1,413,810	1,413,540	(210)	0	(60)
<b>Services Areas:</b>					
Central and Community Services	3,987,400	4,030,520	108,780	(13,030)	(52,630)
Chief Executive	6,192,080	5,975,120	5,090	(5,990)	(216,060)
Commercial Services	4,357,770	4,589,550	51,720	(15,810)	180,060
Environment and Planning	2,265,070	2,183,280	(27,150)	0	(54,640)
Financing Adjustment	(5,183,270)	(5,430,010)	(182,740)	0	(64,000)
Internal Drainage Boards	2,632,700	2,619,710	0	0	(12,990)
Special Expenses	109,210	109,210	0	0	0
Council Tax Support to Parishes	103,700	103,700	0	0	0
<b>Borough Spend</b>	<b>17,094,740</b>	<b>16,746,230</b>	<b>0</b>	<b>0</b>	<b>(348,510)</b>
Contribution to Balances adjusted for movements detailed in 1.4 below	975,950	1,324,460			
<b>Borough Requirement</b>	<b>18,070,690</b>	<b>18,070,690</b>			



- 1.4 Over the period April to September 2015 service managers have continued to take every opportunity to reduce costs and increase income in line with the now embedded culture of active management of service costs. A summary of the budget movements is shown below.

<b>Detail</b>	<b>Monitoring Report</b>	<b>£</b>
Utility Costs - overall reduction	June & July	(98,870)
NNDR Discretionary Rate Relief	June	(88,210)
Hunstanton Promenade	June	10,000
Kings Court pigeon netting	August	15,000
Internal Drainage Board Levies	August	(12,990)
Turnover savings - amount achieved in excess of £150,000 target	September	(135,550)
Pay Contingency	September	(210,000)
Old Cattle Market car park transfer to Capital	September	85,000
Careline adverse variance	September	30,000
Payroll Processing contract saving	September	(10,000)
Additional Car Park Income	September	(130,000)
Leisure Services Management fee – impact of pay policy for joint employees	September	28,690
Support service costs – correction of budget duplication	September	313,220
Public and Open Space adverse variance	September	13,400
Tech Team adverse variance	September	16,560
Revenues and Benefits services review	September	(110,760)
Investment Return	September	(64,000)
<b>Total Reduction in Borough Spend</b>		<b>(348,510)</b>
<b>Impact on Funding Increase in contribution to the General Fund Balance</b>		<b>(348,510)</b>

1.5 The impact on the General Fund Balance in 2015/2016 is detailed in the table below:

	£
<b>Original Budget 2015/2016 contribution to the General Fund Balance</b>	<b>(975,950)</b>
Increased contribution to the General Fund Balance from service movements detailed in 1.3 above	(348,510)
<b>Net contribution to the General Fund Balance in 2015/2016</b>	<b>(1,324,460)</b>

The net changes to the budget as at 30 September 2015 results in a contribution to balances of £1,324,460 in 2015/2016 compared to a contribution of £975,950 originally included in the budget 2015/2016 as approved at Council on 26 February 2015. The general fund balance is detailed in 4.2 below.

1.6 In addition to the movements detailed in 1.3 above the following variances, summarised in the table below, have been reported and all additional costs have been offset by reduced expenditure and transfers to/from reserves within service areas:

Detail	Monitoring Report	2015/2016 £
<b>General Properties Repair Reserve</b> – £40,500 has been spent to fund the survey costs of asbestos	April to August	40,500
<b>Second Homes Council Tax Projects</b> – Care and Repair received £20,000 from the Corporate Reserve to cover the cost of an Occupational Therapist. This is to enable the faster processing of Disabled Facility Grant applications.	April to August	20,000
<b>Care and Repair LIST</b> – A transfer is made from reserves of £2,420 towards funding the Handy Person service.	April to August	2,420

<b>Detail continued</b>	<b>Monitoring Report</b>	<b>2015/2016 £</b>
<b>Borough Elections</b> – a transfer from reserves to cover the cost of implementation of individual election registration. Grant funding received in 2014/2015 was transferred to reserves as part of the closedown of the accounts for 2014/2015.	April to August	61,414
<b>Coastal Emergencies Reserve</b> – £4,500 brought forwards from 2014/2015 to cover the cost of radio telephone equipment.	April to August	4,500
<b>Revenues and Benefits</b> - Grant funds of £55,600 were transferred to reserve at closedown of 2014/2015 and the monies have now been drawn from reserve for use in 2015/2016.	September	55,600
<b>Local Land Charges</b> - £45,000 has been transferred from reserves towards Land Charges compensation payments.	September	45,000
<b>Hanse Festival</b> - The Hanse Festival £46,000 has been drawn from reserves to fund the Hanse Festival.	September	46,000
<b>Total</b>		<b>275,434</b>

1.7 Any further movements which may be identified as part of the ongoing monitoring process will be reported in the monthly monitoring reports and Cabinet updated as part of the Budget Report in February 2016.

## **2. Projections 2017 to 2018**

2.1 The projections 2016/2017 to 2017/2018 were also approved by Council on the 26 February 2015. The projections have been updated as part of the monthly monitoring process for those areas identified in 2015/2016 which have an ongoing impact in future years. The movements are summarised in the tables below.

## 2.2 Projection 2016/2017

As detailed in 1.2 above the Resources Service budgets have been reallocated for both the current financial year and the projection 2016/2017 and 2017/2018. The table below and in section 2.4 show the restated position.

	<b>Restated Projection 2016/2017</b>	<b>Restated Projection September Monitoring</b>	<b>Movement between Service Areas</b>	<b>Cost Reduction Programme (detailed in 3.1)</b>	<b>Variance Adverse/ (Favourable)</b>
	£	£	£	£	£
Corporate	1,098,280	997,570	(120,640)	19,750	0
Democracy	1,448,840	1,448,780	0		(60)
<b>Services Areas:</b>					
Central and Community Services	4,228,110	4,357,100	152,750	(13,760)	(10,000)
Chief Executive	5,001,570	4,835,900	5,220	(5,990)	(164,900)
Commercial Services	4,735,510	5,113,050	150,800	0	226,740
Environment and Planning	2,383,940	2,378,050	(5,570)	0	320
Financing Adjustment	(3,852,140)	(4,034,880)	(182,740)	0	0
Internal Drainage Boards	2,685,170	2,685,170	0	0	0
Special Expenses	93,770	93,770	0	0	0
Council Tax Support to Parishes	96,440	96,440	0	0	0
<b>Borough Spend</b>	<b>17,919,490</b>	<b>17,970,950</b>	<b>0</b>	<b>0</b>	<b>51,460</b>
Contribution to Balances adjusted for movements detailed in 2.6	218,360	166,900			
<b>Borough Requirement</b>	<b>18,137,850</b>	<b>18,137,850</b>			

2.3 In 2016/2017 the net changes to the projection arising from the ongoing implications from changes to the budget in 2015/2016 on the General Fund Balance are detailed in the table below:

	<b>£</b>
<b>Original Budget 2016/2017 contribution to the General Fund Balance</b>	<b>(218,360)</b>
Reduction in contribution to the General Fund Balance from service movements detailed in 1.3 above	51,460
<b>Net contribution to the General Fund Balance in 2016/2017</b>	<b>(166,900)</b>

#### 2.4 Projection 2017/2018

	<b>Restated Projection 2017/2018</b>	<b>Restated Projection September Monitoring</b>	<b>Movement between Service Areas</b>	<b>Cost Reduction Programme (detailed in 3.1)</b>	<b>Variance Adverse/ (Favourable)</b>
	£	£	£	£	£
Corporate	2,522,090	2,434,860	(107,500)	20,270	0
Democracy	1,472,010	1,471,950	0		(60.00)
<b>Services Areas:</b>					
Central and Community Services	4,084,750	4,240,260	179,790	(14,280)	(10,000)
Chief Executive	5,044,140	4,901,360	5,240	(5,990)	(142,030)
Commercial Services	4,773,740	5,107,250	110,790	0	222,720
Environment and Planning	2,489,350	2,483,450	(5,580)	0	(320)
Financing Adjustment	(3,251,720)	(3,251,720)	(182,740)		0
Internal Drainage Boards	2,738,890	2,738,890	0	0	0
Special Expenses	80,350	80,350	0	0	0
Council Tax Support to Parishes	89,690	89,690	0	0	0
<b>Borough Spend</b>	<b>20,043,290</b>	<b>20,113,600</b>	<b>0</b>	<b>0</b>	<b>70,310</b>
Contribution (from) Balances adjusted for movements detailed in 2.6	(2,142,310)	(2,212,620)			
<b>Borough Requirement</b>	<b>17,900,980</b>	<b>17,900,980</b>			

- 2.5 In 2017/2018 the net changes to the projection arising from the ongoing implications from changes to the budget in 2015/2016 on the General Fund Balance are detailed in the table below:

	£
<b>Original Budget 2017/2018 draw from the General Fund Balance</b>	<b>2,142,310</b>
Draw from the General Fund Balance from service movements detailed in 1.3 above	70,310
<b>Net contribution to the General Fund Balance in 2017/2018</b>	<b>2,212,620</b>

- 2.6 The main reasons for the changes within the projections have been reported in the monitoring reports for April to September 2015 and are summarised below:

<b>Detail</b>	<b>Monitoring Report</b>	<b>Projection 2015/2016 £</b>	<b>Projection 2016/2017 £</b>
Utility Costs - overall reduction	June	(104,460)	(£108,510)
NNDR Discretionary Rate Relief	June	(88,210)	(88,210)
Revenues and Benefits services review	September	(76,630)	(53,760)
Payroll Processing contract saving	September	(10,000)	(10,000)
Support service costs – correction of budget duplication	September	330,760	330,790
<b>Total Increase in Borough Spend</b>		<b>51,460</b>	<b>70,310</b>
<b>Impact on Funding Increase in draw from the General Fund Balance</b>		<b>51,460</b>	<b>70,310</b>

- 2.7 The revised projections will be further reviewed as part of the current estimates process and form the base on which the new Financial Plan 2015/2020 will be calculated for council tax setting purposes in February 2016.

### 3. Cost Reduction Programme

3.1 The Financial Plan 2015 2020 as approved by Council on the 26 February 2015 included a cost reduction target of £320,000 per year.

3.2 The savings reported in the monitoring reports to September 2015 are:

		2015/2016 £	2016/2017 £	2017/2018 £
<b>Corporate Management Team</b>	A saving is reported due to a reduction in the cost of Management Team. This is as a result of the Executive Director of Commercial Services moving to part time working.	15,810	20,040	20,800
<b>Chanel Shift</b>	As part of the Corporate Chanel Shift strategy the Council Information Centre (CIC) has implemented an online benefits form which has resulted in a staffing requirement reduction.	13,030	13,760	14,280
<b>Procurement</b>	As part of the Corporate Procurement strategy 'Tail Spend' review the confidential shredding contract has been re-negotiated, this service is now being carried out at £0 cost to the Council.	5,990	5,990	5,990
<b>TOTAL</b>		<b>34,830</b>	<b>39,790</b>	<b>41,070</b>

3.3 The Cost Reduction Programme is ongoing and further savings will be reported through the monthly monitoring reports.

3.4 A further £52,180 of savings has been reported as part of the October monitoring report. This saving relates to the re-organisation of Corporate Management Team.

3.5 Additional in-year/turnover savings will also be reported alongside the implementation of the Channel Shift initiatives later in the year.

### 4. General Fund Balance and Reserves

4.1 The revised opening general fund balance for 2015/2016 and the impact of the changes to the budget and projections as detailed in this report are detailed in the tables below. It is not usual practice for the Council to hold the general fund working balance at a high level but over the recent period the current levels have allowed the Council a degree of protection in the current volatile environment. The higher working balance together with the outcomes of the cost reduction programme has allowed the Council to cope with significant changes.

- 4.2 The table below shows the impact on the general fund balance from the changes detailed in this report.

	<b>2015/2016</b>	<b>2016/2017</b>	<b>2017/2018</b>
	<b>£</b>	<b>£</b>	<b>£</b>
<b>General Fund Balance brought forward 1 April 2015 as per the Statement of Accounts report to Cabinet on the 9 September 2015</b>	<b>(3,797,029)</b>	0	0
(16/17 and 17/18 estimated carry forwards )	0	(5,121,489)	(5,288,389)
Estimated (Contribution to)/Draw from Balances approved at Council 26 February 2015	(975,950)	(218,360)	2,142,310
(Contribution to)/Draw from Balances - updated for monitoring to September 2015 and detailed at tables 1.3 and 2.6	(348,510)	51,460	70,310
<b>Balance carried forward</b>	<b>(5,121,489)</b>	<b>(5,288,389)</b>	<b>(3,075,769)</b>
<b>Minimum requirement set at Council 26 February 2015</b>			
5% of Budget Requirement	(903,535)	(906,893)	(895,049)
Bellwin	(34,246)	(34,246)	(34,246)
<b>Balance Required</b>	<b>(937,781)</b>	<b>(941,139)</b>	<b>(929,295)</b>

- 4.3 These figures are a projection of the existing Financial Plan and do not take into account the ongoing cost reduction initiatives. The table will be revised as part of the refreshed Financial Plan 2015/2020 which will be presented to Cabinet and Council in February 2016.

**5. Policy Implications**

None

**6. Statutory Considerations**

None

**7. Consultations**

Management Team

**8. Access to Information**

Cabinet Reports

The Financial Plan 2014/2018

Monthly Monitoring Reports 2015/2016

Statement of Accounts 2014/2015



**REPORT TO CABINET**

<b>Open</b>		Would any decisions proposed :		
<b>Any especially affected Wards</b>	Mandatory and Discretionary elements	(a) Be entirely within cabinet's powers to decide NO (b) Need to be recommendations to Council YES (c) Is it a Key Decision No		
Lead Member: Cllr Adrian Lawrence E-mail: cllr.alistair.beales@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Sheila Farley E-mail: Sheila.farley@west-norfolk.gov.uk Direct Dial: 01553 616714		Other Officers consulted: Lyn Ibbitson, Duncan Hall, Ray Harding, Jo Furner		
Financial Implications YES	Policy/Personnel Implications YES	Statutory Implications YES	Equal Impact Assessment NO If YES: Pre-screening/ Full Assessment	Risk Management Implications YES

Date of meeting: 12 January 2016

**SMOKE AND CARBON MONOXIDE ALARMS IN PRIVATE RENTED PROPERTIES****Summary**

From 1 October 2015 the Smoke and Carbon Monoxide Alarm (England) Regulations came into force. This report outlines the impact of these regulations, the role of the Council as enforcing authority and the power to impose a penalty charge of up to £5,000 in cases of non-compliance.

**Recommendation**

- i) Cabinet note the report
- ii) Cabinet recommend the approval of the statement of principles in relation to determining the amount of the penalty charge as detailed in Appendix A to Council

**Reason for Decision**

To note the new duties placed upon the Council and adopt a policy in relation to the power to impose a penalty charge supported by a statement of principles

## **Background**

From 1 October 2015 the Smoke and Carbon Monoxide Alarm (England) Regulations came into force via Section 150(1) of the Energy Act 2013, this allowed the Secretary of State to impose duties on certain (i.e. the immediate landlord) private landlords of residential premises to ensure that the premises when occupied under a tenancy (when rent is payable), are equipped with smoke alarms on each storey where there is living accommodation and carbon monoxide alarms where a room is used as living accommodation and contains a solid fuel combustion appliance. Section 150(3)(a) enables the Secretary of State to provide for the enforcement of any duty imposed by the regulations. BCKLWN is the enforcing authority.

It is a Building Regulations requirement that homes built on or after 1 June 1992 have a hard wired smoke alarm installed on at least each storey of the property. However, there is no legislation specifically requiring the installation of smoke alarms on every storey of older non licensed dwellings.

In addition to these requirements, there is existing housing legislation that covers some circumstances e.g. mandatory licensed Houses in Multiple Occupation, and where a housing hazard exists.

## **Fire safety issues**

People are at least 4 times more likely to die in a fire in the home without a working smoke alarm, this equates to 40% of fire related deaths (Fire safety in the home, DCLG 2013). The Government estimate the new regulations will result in up to 36 fewer fatalities and 1,529 fewer injuries over a 10 year period. These regulations come with strong support from relevant agencies and stakeholders after a national consultation into conditions in the private rented sector.

There are approximately 10,000 privately rented properties in the West Norfolk area (2011 Census) with no precise data of how many of these have working smoke alarms on every storey. It is estimated that nationally 90% of properties in the private rented sector have one or more smoke alarms. If this were applied to the Borough that would equate to 1,000 properties without any form of smoke alarms. It is unclear though whether those who have smoke alarms, would have working smoke alarms on each storey.

## **Carbon monoxide (CO)**

CO is a serious and preventable form of poisoning. Each year there are around 40 deaths from accidental CO poisoning in England and Wales (Office for National Statistics).

There is a Building Regulations requirement to install a CO alarm in all new properties (post 1<sup>st</sup> October 2010) when a solid fuel heating system is first installed. However, there is no such requirement for existing homes.

## **The requirements**

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (the Regulations), require the provision of smoke alarms and carbon monoxide alarms in certain tenanted properties.

If the Borough Council of King's Lynn and West Norfolk (the Council) has reasonable grounds to believe that there has been a breach of these regulations it **must** serve a Remedial Notice on the landlord (regulation 5) requiring the landlord to comply with the regulations and fit/repair alarms within 28 days from the date of service . The landlord has a duty to comply with the Remedial Notice (regulation 6).

If the landlord fails to comply with the Remedial Notice, i.e. they are in breach of their duty, the Council **must** arrange for the remedial action specified in the Remedial Notice to be undertaken within 28 days from when the Council is satisfied that landlord was in breach of this duty (regulation 7).

Furthermore, where a landlord has failed to comply with the Remedial Notice, the Council has the power to impose a penalty charge. This must be imposed by way of a Penalty Charge Notice within 6 weeks from when the Council is satisfied that landlord has not complied with the Remedial Notice (regulation 8).

Where the Council has served a Penalty Charge Notice, the landlord has a right to request a review of the Penalty Charge Notice with the period specified in the Penalty Charge Notice (not less than 28 days) (regulation 10).

If after an internal review the landlord is still not satisfied, they may appeal to the First-Tier Tribunal against the Council's decision (regulation 11).

### **Imposition of a financial penalty**

By virtue of regulation 8, a failure to comply with the requirements of a remedial notice allows the authority to impose a penalty charge. Before the Council may impose a penalty charge the Council must be satisfied on the balance of probabilities that the landlord on whom it has served a Remedial Notice has failed to take the remedial action specified in the Remedial Notice within the specified period.

Furthermore, in deciding whether it would be appropriate to impose a penalty, the Council will take full account of the particular facts and circumstances of the breach under consideration, and what evidence is available to prove the Remedial Notice was not complied with.

The Regulations allow for the Council to impose a penalty charge of up to £5000, although any financial penalty must be imposed in accordance with a published statement of principles (Statement of Principles). However, in order for the imposition of such penalty charges, the Council must have in place a Statement of Principles.

The purpose of the 'Statement of Principles' is to provide information about the considerations to be undertaken by the local authority in setting a penalty charge. The primary purpose of the Council's exercise of its regulatory powers is to protect the interests of the public.

There is no specific Government Guidance as to how a Council should draft the Statement of Principles. Officers have drafted the proposed Statement of Principles for BCKLWN having regard to the Corporate Enforcement Policy and the public interest considerations that govern the Regulatory Framework,

The proposed Statement of Principles is attached at Appendix A to this report.

It is proposed to set the charge at £550.00 for the first offence but this will be **reduced to £400 if paid within a 14 day period** from the date of service. A second

offence would incur a penalty charge of £2,500 and a third and subsequent offence £5,000.

In setting penalty charges regard has been had to those adopted by other Councils and a comparison is contained at Appendix B. The proposed Penalty Charge mirrors the charges set across Suffolk.

The charges reflect the potential seriousness of the breach of regulations compared to the low cost of remedying the breach. It is the Council's intention to encourage landlords to meet their obligations without the need to impose a Penalty Charge or undertake works in default. However, the ability to impose such a Penalty Charge is likely to be a deterrent and encourage compliance.

### **Action to date**

The Government has invested £3.2 million on purchasing smoke detectors and carbon monoxide detectors to give away to landlords. The Council has been given 800 smoke detectors and 140 Carbon Monoxide detectors to allocate; some still remain in stock.

The Council has

- Provided information on the Council website;  
Issued a press release in September 2015 before the Regulations came into force and a further press release during Carbon Monoxide Awareness Week
- Issued nearly 600 free alarms and 100 CO detectors
- Explained the Regulations to 75 landlords who attended our recent Landlords' Forum, when free alarms were made available;
- Arranged for visiting officers to look for smoke and carbon monoxide detectors and to share information with Housing Standards.
- Developed mechanisms for undertaking any works in default that may be necessary if remedial notices are disregarded by recipients.

### **Exemptions from these requirements**

- Houses in Multiple Occupation (HMOs) subject to mandatory licensing (these are already covered by different legislation)
- Registered providers of social housing, e.g. Freebridge Community Housing.
- Landlords who take up to 2 lodgers in their home.
- Long leases of 7 years without a break clause for either party
- Student halls of residence \* and
- Hostels, refuges, care homes, hospitals, hospices and other NHS accommodation \*

\* occupants already benefit from existing protection under the Regulatory Reform (Fire Safety) Order 2005, enforced by Fire and Rescue Authorities.

### **Policy Implications**

To impose a penalty charge the Council must prepare and adopt a Statement of Principles. This is explained in the report and a proposed Statement is included at Appendix A.

## **Financial Implications**

There are no major financial implications for the Council as the smoke and carbon monoxide detectors as we have in stock have been provided by the government via Norfolk Fire and Rescue Service, or will be paid for by private landlords.

Normal cost recovery mechanisms will be used. The Council is permitted to retain any revenue from penalty charges/monetary penalties for any of its functions.

Cost of remedial work and recovery will be monitored and reviewed if necessary in the future

## **Staffing implications**

The enforcement will be undertaken by existing members of the Housing Standards Team. If a landlord does not comply with a remedial notice, the Borough Council, as the Local Housing Authority (or its agent) has a duty to undertake the work in default.

## **Statutory Considerations**

The report relates to the Smoke and Carbon Monoxide Alarm Regulations (England) that came into force on 1 October 2015 which places a duty on the Council to enforce these regulations.

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

The new regulations do not impact on any particular equality group in the West Norfolk area as they apply to all tenants in privately rented properties covered by the regulations. These regulations are prescriptive and a duty on the Council.

## **Risk Management**

Risk Analysis – There are 10,000 privately rented homes in West Norfolk. Within the existing resources of the Housing Standards Team it is not possible to visit every property to ensure that they are complying with the new regulations.

Investigation and inspections will be made during day to day work such as requests for service to housing standards team from tenants. Officers in other departments have been asked to report back to Housing Standards if they identify rented properties without smoke alarms. Information and awareness of the Regulations has been promoted as detailed in the report and this will continue.

There is a risk that there will still be properties within this sector which do not have adequate protection and this could lead to loss of life.

Whilst the landlord is responsible for meeting these regulations, information campaigns have been undertaken to mitigate this risk so they should be aware of their duties with regards to the regulations.

## **Appendix A**

### **The Smoke and Carbon Monoxide Alarm (England) Regulations 2015**

#### **Statement of Principles**

##### **1. Introduction**

This statement sets out the principles that the Borough Council of King's Lynn and West Norfolk (the council) will apply in exercising powers to impose a financial penalty for failing to meet any legislative requirement for which they are the enforcing authority.

##### **2. The Council's power to impose financial penalties.**

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (the Regulations) provides the enforcing authority, the Council, with a power to impose and charge a financial penalty in prescribed circumstances.

##### **3. The Scope of the document**

Regulation 13 of The Regulations 2015 requires the Council to prepare and publish a 'statement of principles' which it proposes to follow in determining the amount of a penalty charge.

The Council acknowledge that such a statement represents good practice and have produced this document in order to publicise the principles that will be adopted in any circumstance that permits the imposition of a financial penalty.

The Council may revise its statement of principles and, where it does so, it will publish the revised statement.

Where a financial penalty is charged the Council must have regard to the statement of principles published and in place at the time when the breach in question occurred, when determining the amount of the penalty.

##### **4. General principles applied to the imposition of a financial penalty.**

The primary purpose of the council's exercise of its regulatory powers is to protect the interests of the public.

The primary aim of any financial penalty will therefore be to:

- Change the behaviour of the landlord concerned.
- Deter future non-compliance by landlords.
- Eliminate any financial gain or benefit from non-compliance with the regulations.
- Be proportionate to the nature of the breach of the Regulations and the potential harm outcomes.
- Reimburse the cost incurred by the Council in undertaking work in default and fulfilling its enforcement duties.

In determining the amount of any financial penalty to be charged the Council will consider:

- The extent to which the non-compliance was the result of direct acts or omissions of the landlord.

- Whether the non-compliance was deliberate or resulted from a matter of which the landlord should reasonably be aware.
- Whether any other body has or is likely to apply sanctions associated with the non-compliance.
- The level of cooperation provided by the landlord concerned.
- Any history of previous contraventions of the Regulations.
- The level of financial gain achieved by the non-compliance.
- The level of risk created by the non-compliance.
- The degree of responsibility held by the landlord for the non-compliance.
- The cost incurred by the Council in enforcing the relevant provision.
- Any additional aggravating or mitigating factors that may warrant an increase or decrease in the financial penalty.

## **5. Financial penalties applicable to the Smoke and Carbon Monoxide Alarm (England) Regulations 2015.**

Where the Council have reasonable grounds to believe that the requirements have not been met by a landlord there is a duty to serve a Remedial notice (regulation 5) on the landlord. Failure to comply with a remedial notice imposes a further duty upon the Council to arrange remedial action (regulation 7) and a power to require payment of a penalty charge (regulation 8).

The amount of the penalty charge cannot not exceed £5,000 (regulation 8(2)).

The Council will comply with the requirements of the Regulations regarding the information to be contained within any penalty charge notice, including provisions for a review, and the appeal procedures.

## **6. Level of Penalty**

	<b>Level of Penalty Charge Notice</b>	<b>Reduction for early payment</b>
First offence	£550.00	-£150.00
Second offence	£2,500.00	None
Third and subsequent offence	£5,000.00	None

The level of penalty charge is made up of two parts:

- 1) the cost of all works in default, officer time, and an administration fee; and
- 2) a fine.

The Council considers that in the interests of proportionality, a lesser penalty will be merited on the occasion of a first breach. Furthermore, prompt payment of the penalty on that first occasion should attract a reduced penalty in recognition of early admission of liability.

Thus, the penalty charge for breach of duty under the Regulations will be set initially at £500 for a first breach, but this will be reduced to £350 if paid within 14 days of service of the penalty charge notice.

Having considered proportionality, the Corporate Enforcement Policy and the interests of better regulation, the Council considers that repeated breaches should attract a progressively higher penalty in light of a landlords continuing disregard for the legal requirements and tenant safety.

Thus, should a landlord repeatedly not comply with Remedial notices the penalty charge will be £2,500 for a second occurrence, and £5,000 for any additional occurrences. There will be no discounts offered for early payment for repeat occurrences.

The charges reflect the potential seriousness of the breach of regulations compared to the low cost of remedying the breach. It is the Council's intention to encourage landlords to meet their obligations without the need to impose a Penalty Charge or undertake works in default. However, the ability to impose such a Penalty Charge is likely to be a deterrent and encourage compliance.

While these charges are set as a standard the regulations make provision for a landlord to seek a review of a penalty charge notice. The Council will refer to this statement of principles in considering any request for a review, and the review will be conducted by an officer not directly involved in the service of the original notice. The discount will apply to any revised charge set should payment be within 14 days of service of the revised notice.

A penalty charge will be recoverable on the order of a court, as if payable under a court order.

The landlord can request in writing, in a period that must not be less than 28 days beginning with the day on which the penalty notice was served, that the Council review the penalty charge notice.

The Council must consider any representation and decide whether to confirm, vary or withdraw the penalty charge notice.

A landlord who is served with a notice confirming or varying a penalty charge notice may then appeal to the First Tier Tribunal against the local housing authority's decision. The Tribunal may quash, confirm or vary the PCN but it may not increase the charge amount.



## **The Smoke and Carbon Monoxide Alarm (England) Regulations 2015**

### **Summary**

#### **Regulation 4**

The landlord of most tenanted residential premises (see regulations 1-3 and the schedule for definitions and exemptions) , when the premises are occupied is under a statutory obligation to ensure that:

1. A smoke alarm is equipped on each story of the premises on which there is a room used wholly or partly as living accommodation.
2. A carbon monoxide alarm is equipped in any room of the premises which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance; and
3. Checks are made by or on behalf of the landlord to ensure that each prescribed alarm is in proper working order on the day the tenancy begins, if it is a new tenancy.

#### **Regulation 5**

If the Council has reasonable grounds to believe that there has been a breach of these regulations it **must** serve a Remedial Notice on the landlord requiring him to comply with the regulations and fit alarms within 28 days from the date of service of the Remedial Notice.

#### **Regulation 6**

The landlord has a duty to comply with the Remedial Notice.

#### **Regulation 7**

If the landlord fails to comply with the Remedial Notice, i.e., he is in breach of his duty, the Council **must** arrange for the remedial action specified in the Remedial Notice to be undertaken within 28 days from when the Council is satisfied that landlord was in breach of this duty.

#### **Regulation 8**

Where a landlord has failed to comply with the Remedial Notice, the Council has the power to impose a penalty charge. This must be imposed by way of a Penalty Charge Notice within 6 weeks from when the Council is satisfied that landlord is in breach of his duty.

#### **Regulation 10**

Where the Council has served a Penalty Charge Notice, the landlord has a right to a review of the Penalty Charge Notice with the period specified in the Penalty Charge Notice (not less than 28 days).

The Council shall review the decision, taking into account any representations by the landlord, confirm, vary or withdraw its decision and then serve a notice of its decision on the landlord.

#### **Regulation 11**

If after an internal review the landlord is still not satisfied, he may appeal to the First-Tier Tribunal against the Council's decision, on the following grounds:

- a) The decision to confirm or vary the penalty charge notice was based on an error or fact;
- b) The decision was wrong in law;
- c) The amount of the penalty charge is unreasonable;
- d) The decision was unreasonable for any other reason.

Appendix B

**Comparison of PCNs with other authorities:**

<b>All Suffolk Authorities</b>	<b>Level of PCN</b>	<b>Reduction for early payment</b>
First offence	£550	- £150
Second offence	£2,500	None
Third and subsequent	£5,000	None
<b>North Norfolk</b>	Process under review	
<b>South Norfolk</b>		
First offence	£550.00	-£150.00
Second offence	£2,500.00	None
Third and subsequent offence	£5,000.00	None
<b>Breckland</b>		
	<i>On a case by case basis</i>	
<b>Great Yarmouth BC</b>		
First offence	£1,000	None
Second offence	£2,500	None
Third and subsequent offence	£5,000	None
<b>Broadland</b>		
All offences	<i>Charging at cost only</i>	<i>Poorly managed properties charged more</i>
<b>Tendring District</b>		

<b>Council</b>		
Year 1	£600	None
Year 2	£1,250	
<b>Cornwall</b>	<b>Level of PCN</b>	<b>Reduction for early payment</b>
	£5,000	
<b>Sunderland Council</b>		
First offence	£1,000	£750.00
Second offence	£2,000.00	None
Third offence	£3,000	None
Fourth offence	£4,000	None
Fifth or more offence	£5,000	None
<b>Leicester Council</b>		
First offence	£2,500	£1,250
Any subsequent offences	£5,000	£2,500
<b>Wychavon D.C.</b>		
	<i>On a case by case basis, ie deterrent/cost/ partial or full breach/no. tenants/repeat offence/ officer time, etc</i>	
<b>Maldon D.C.</b>		
First offence	£1,000	£250
Subsequent offences	£5,000	None
<b>Harrow</b>		
First offence	£5,000	£2,500
Subsequent offences	£5,000	None

<b>Three Rivers</b>	<b>Level of PCN</b>	<b>Reduction for early payment (14 days)</b>
All offences	£2,500	None
<b>Stafford</b>		
First offence	£1,000	-£500
Subsequent offences	£5,000	-£2,500

Appendix c

Statutory Requirements

**REPORT TO CABINET**

<b>Open</b>		Would any decisions proposed :		
<b>Any especially affected Wards</b>	Discretionary /	Be entirely within Cabinet's powers to decide	NO	
	Operational	Need to be recommendations to Council	YES	
		Is it a Key Decision	NO	
Lead Member: Cllr Nick Daubney E-mail: cllr.nick.daubney@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Debbie Gates E-mail: Debbie.gates@west-norfolk.gov.uk Direct Dial: 01553 616605		Other Officers consulted: Management Team; Communications Manager; Personnel Services Manager		
Financial Implications NO	Policy/Personnel Implications YES	Statutory Implications NO	Equal Impact Assessment NO	Risk Management Implications NO

Date of meeting: 12<sup>th</sup> January 2016

**CORPORATE BUSINESS PLAN 2015/16 – 2018/19**

<p><b>Summary</b> This report appends the new Corporate Business Plan for the period to the next local elections in 2019. It sets out the priorities of the current administration and how the achievement of these priorities will be monitored.</p> <p><b>Recommendation</b> That the attached corporate business plan is adopted.</p> <p><b>Reason for Decision</b> To establish the Council's policy framework for the term of the current administration, showing how the council will focus its resources over the next four years.</p>
---

**Background**

This corporate business plan covers the four-year administrative term 2015/16 to 2016/17. It has been informed by an assessment of local need, local political priorities and the changing policy framework within which we operate.

It has been developed in a more focused format than in previous years as much of the detail underpinning this strategy already exists in other documents. There is a short narrative which sets out the direction of travel and the context within which the organisation operates. The six priority areas cover the council's internal focus on service delivery (providing important local services within our available resources), community focus (economic and housing growth, clean and safe communities, local heritage and culture) and focus on West Norfolk as a place (standing up for local interests, working with our local partners).

The plan will be monitored via the 'Corporate Business Plan Monitoring Report' which is prepared quarterly and formally presented to the Resources

and Performance Panel on a six monthly basis. The format of the monitoring report will be reviewed once the new business plan has been agreed, to ensure that it continues to deliver the information Elected Members require. Work will also be undertaken, where possible, to align corporate performance targets to the priorities outlined in the business plan.

In addition, the priorities outlined in the plan will underpin annual directorate and service plans, which in turn will be cascaded into annual performance targets for employees, through the Council's performance management scheme.

### **Policy Implications**

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

### **Financial Implications**

There are no direct financial implications of this strategy as its implementation is through the existing services, programmes and budget provisions already in place.

### **Personnel Implications**

None

### **Statutory Considerations**

None

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

### **Risk Management Implications**

None

### **Declarations of Interest / Dispensations Granted**

None

### **Background Papers**

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





*DRAFT*

## **Corporate Business Plan**

2015-2019

## Foreword

The Corporate Strategy sets out the broad framework for the Council's work over the next four year period. Whilst the Council will face severe financial headwinds as the government seeks to rectify the nation's financial deficit, it also offers existing new opportunities to enhance the economic and social prosperity of West Norfolk.

The government's devolution agenda, focused clearly on economic growth, will be a significant factor in this regard and will be actively pursued by the Borough Council.

Our commitment to supporting measures which will assist the business community to prosper and create new, quality employment opportunities remains a top priority for the Borough Council. The new University Centre at the College of West Anglia and the King's Lynn Innovation Centre will both open for business in 2016. Taken together, the award of Enterprise Zone status for the Nar Ouse Regeneration Area in King's Lynn and the proposed Centre for Advanced Knowledge Engineering at Downham Market offer exciting new opportunities to transform the economic prosperity of West Norfolk and the skills and qualifications of our workforce.

<b>Title</b>	Corporate Business Plan <i>The council's corporate strategy 2015-2019</i>	
<b>Date of Publication:</b>	Cabinet	January 2016
	Council	January 2016
<b>Published by</b>	Borough Council of King's Lynn & West Norfolk	
<b>Edition</b>	1.0	First Published January 2016

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# Making West Norfolk a better place

**West Norfolk has a strong sense of place. This council has a track record of standing up for the needs of West Norfolk's residents and businesses. We work to drive economic growth and a prosperous future for the people that live and work here, whilst ensuring that the quality of life and natural assets of the area are preserved.**

Over the last four years we have continued to provide the essential services that local people rely on. Despite the significant funding squeeze we have faced we have made improvements wherever possible and focused resources on a core set of quality services that people need and value.

Alongside this we have worked creatively with our partners in delivering programmes of work to drive up attainment in our schools, align health and social care services, bring a higher education campus to West Norfolk, develop a business innovation centre, tackle anti-social behaviour, support vulnerable families and more. We have also stood up for local interests where the weight of public opinion demands action, such as in opposing the proposal for a mass-burn incinerator in West Norfolk and continuing to lobby for improvements to the A47 and a twice-hourly train service to Cambridge and London.

Our top priority is to secure the long-term economic future of borough. We are focused on proving the support that businesses need to start up or relocate here and successfully develop. Businesses need to attract employees with appropriate skills and housing for them to live in. This is why we are driving forward with housing growth that will help ensure local people can access housing that meets their needs. This has to be backed with improvements in road, rail, broadband and mobile infrastructure that will attract people to the area and encourage business growth.

Businesses need to be able to access and draw on a skilled labour pool to support this growth and development, in turn driving up employment and wages. We need to support this by encouraging the provision of a range of leisure, arts, shopping and sports activities that provide people with an outlet for their leisure time and disposable income. All of this helps improve the overall quality of life for those who live and work in West Norfolk.

## The challenges we face

We have delivered improvements in quality of life in West Norfolk over recent years whilst operating in an environment of reducing public sector resources. Our budget has reduced by £7.5m since 2010 and our net revenue budget is now £17.1m for 2015/16.

We have responded quickly to this, taking difficult decisions where necessary, using the resources we do have as efficiently and effectively as possible, and implementing innovative solutions to problems. We have met our budget challenges so far by

1. undertaking a programme of service and corporate reviews to reduce costs. As a result we have changed, reduced or stopped services altogether where it makes sense to do so. For example we have offered different ways to access services, shared services and management with other organisations, formed a trust to operate our leisure and arts services and made savings on contracts such as refuse and recycling.
2. generating income in more commercial services, for example by offering our CCTV and car parking operations to others, in turn reducing our 'back office' costs.
3. securing third-party income (and grants) wherever this supports our priorities for the area, including Heritage Lottery Funding for the Tuesday and Saturday Market place works and improvements to the town hall and the Townscape Heritage Initiative.

Public sector funding will become ever tighter throughout the four years to 2019/20. This is the financial reality within which we continue to operate.

## Our priorities

Our priority for the way the council does business is therefore to operate within our means. We will continue to look closely at what really matters to the citizens of West Norfolk and focus our resources accordingly. Our staff have, and continue to, respond positively to these challenges and we will continue to support them to work flexibly and develop their skills in priority areas.

## Priority 1: Provide important local services within our available resources

We aim to not only provide the core services on which many of our residents and businesses depend whilst keeping council tax rises at or below inflation, but also to help maximise the total available public sector resources for the benefit of West Norfolk.

The council faces continuing pressures on its finances and has to look for ways to hold down the cost of providing services. The Spending Review announcement in November 2015, setting government budgets to 2019/20, means that local government will continue to see a reduction in funding. The council will have to actively manage the delivery of services with reduced funding.

We will transform our service channels so they are easier and more convenient for people to use. This will include self service and assisted self service options. Our model for service delivery is based on a shift towards more digitally accessible and affordable channels.

1. we will deliver our 'channel-shift' programme
2. we will continue to seek new and effective ways of working
3. we will take opportunities to generate income and draw in grant funding where it helps us achieve our priorities

## Priority 2: Drive local economic and housing growth

Sustainable economic growth is a top priority for Government and also for the Borough Council. A strong economy that is growing will generate more and better job opportunities for local people and is more likely to attract people to the area to work. These people will be looking for quality housing, education and other services.

Higher levels of skills and qualifications in the workforce drive a cycle of investment and growth within the economy. This makes the area more attractive to do business in, leads to raised aspirations within families and helps to reduce inequality. This growth will help boost spending in the area and support the provision of a wider range of services.

4. we will support new and existing businesses to help them thrive
5. we will meet our housing growth targets
6. we will support activity that helps drive up the skills levels of local people

## Priority 3: Work with our communities to ensure they remain clean and safe

West Norfolk remains a very clean and safe place to live and this is reflected in our low crime rates, low levels of litter and graffiti and the high quality of our public parks and open spaces. We take action to improve areas with low air quality or that are vulnerable to the risks of flooding and we actively tackle incidences of anti-social behaviour and work to bring vacant properties back into use.

These services are valued by our residents and it remains important that we work to maintain west Norfolk's attractive rural and urban environments.

7. we will improve recycling levels
8. we will ensure that our local streets and public open areas are clean
9. we will pro-actively address anti-social behaviour

## Priority 4: Celebrate our local heritage and culture

It is important that we understand and value West Norfolk's long and proud heritage and its rich and varied history. We build on this by actively attracting people to the area - through festivals, events, tourism and leisure.

This underpins the local economy with more visitors coming to west Norfolk and spending in the local area. Tourism is also a major part of the economy on which many local jobs are based.

10. we will deliver an annual programme of festivals and events to attract people into West Norfolk and showcase our area
11. we will support the improvement of our built heritage, drawing in third-party funding wherever possible
12. we will support leisure and tourism within the borough

## Priority 5: Stand up for local interests within our region

Part of the role of local democracy is to give voice to local concerns and ensure local needs are reflected in various decision-making processes. We work hard to ensure that west Norfolk receives its fair share of resources and that service access and quality is as good here as it is in other parts of Norfolk and the region.

It is essential we retain a strong local voice to speak on behalf of the residents and businesses of West Norfolk and represent their needs not only within Norfolk but also on regional, national and international stages.

13. we will explore devolution options for West Norfolk to help us take more

control over the services that impact on people's lives

14. we will lobby for infrastructure improvements including rural broadband and mobile coverage, road and rail improvements and coastal protection
15. we will lobby to retain the core service infrastructure – such as the hospital, appropriate medical and judicial services, education and others - that reflects the needs of local people and the importance of west Norfolk in the sub-region

### Priority 6: Work with our partners on important services for the borough

We will work closely with our partners across West Norfolk, recognising that public money is becoming increasingly tight and that we must work together to get maximum value from it. We have to marshal our collective resources wherever possible to tackle common issues and make sure that we don't simply pass costs from one organisation to another.

In particular we recognise that preventing problems is less expensive than fixing them after they arise. Helping people stay safe in their own homes as they get older rather than ending up in hospital, or helping people into work rather than being unemployed are all better outcomes for local people as well as saving money for the public purse.

16. we will continue to support improvements in the educational attainment of our young people
17. we will work closely with partners in health and adult services to improve services for older people
18. we will support 'early help' initiatives aimed at preventing problems from arising in the first place

## Achieving our priorities

In working towards these priorities we must operate in an efficient way, involve local people and develop trust amongst our partners, businesses and residents.

Each priority will be accompanied by a series of agreed actions which will set out how they will be achieved. Progress towards the priorities will be assessed through a quarterly monitoring report which will be presented to the Resources and Performance Panel. This report will consider both the evidence to demonstrate progress and, where appropriate, measures of success and/or performance.

These priorities will also underpin the development of annual Directorate Plans, which outline the high priority objectives and cross cutting issues led by each Executive Director, and Service Plans which contain the key annual objectives for each service, as progressed by Service Managers. Service Plans will be used as the basis for determining annual performance targets for employees, through the Council's performance management scheme, thus ensuring that all employees are focussed on activities which support the delivery of the Corporate Business Plan.

# Our Priorities, summarised

## Priority 1: Provide important local services within our available resources

1. we will deliver our 'channel-shift' programme
2. we will continue to seek new and effective ways of working
3. we will take opportunities to generate income and draw in grant funding where it helps us achieve our priorities

## Priority 2: Drive local economic and housing growth

4. we will support new and existing businesses to help them thrive
5. we will meet our housing growth targets
6. we will support activity that helps drive up the skills levels of local people

## Priority 3: Work with our communities to ensure they remain clean and safe

7. we will improve recycling levels
8. we will ensure that our local streets and public open areas are clean
9. we will pro-actively address anti-social behaviour

## Priority 4: Celebrate our local heritage and culture

10. we will deliver an annual programme of festivals and events to attract people into West Norfolk and showcase our area
11. we will support the improvement of our built heritage, drawing in third-party funding wherever possible
12. we will support leisure and tourism within the borough

## Priority 5: Stand up for local interests within our region

13. we will explore devolution options for West Norfolk to help us take more control over the services that impact on people's lives
14. we will lobby for infrastructure improvements including rural broadband and mobile coverage, road and rail improvements
15. we will lobby to retain the core service infrastructure – such as the hospital, RAF Marham and dentists - that reflects the needs of local people and the importance of west Norfolk in the sub-region

## Priority 6: Work with our partners on important services for the borough

16. we will continue to support improvements in the educational attainment of our young people
17. we will work closely with partners in health and adult services to improve services for older people
18. we will support 'early help' initiatives aimed at preventing problems from arising in the first place

**REPORT TO CABINET**

<b>Open</b>		Would any decisions proposed :		
<b>Any especially affected Wards</b>	Operational	Be entirely within Cabinet's powers to decide	YES	
		Need to be recommendations to Council	NO	
		Is it a Key Decision	NO	
Lead Member: Cllr David Pope E-mail: cllr.david.pope@west-norfolk.gov.uk		Other Cabinet Members consulted: Cllr Nick Daubney, Cllr Greville Howard, Cllr Alistair Beales		
		Other Members consulted:		
Lead Officer: Chris Bamfield E-mail: chris.bamfield@west-norfolk.gov.uk Direct Dial:01553 616648		Other Officers consulted: Lorraine Gore, Dale Gagen, Neil Gromett, Ray Harding, Matthew Henry		
Financial Implications YES	Policy/Personnel Implications NO	Statutory Implications NO	Equal Impact Assessment NO	Risk Management Implications YES

Date of meeting: 12 January 2016

**LYNNSPORT DEVELOPMENT****Summary**

The report proposed amendments to the current agreements/leases with Alive Leisure and Alive Management for future operation of the new tennis courts and multi-purpose synthetic pitch including the appointment of a Tennis Development Officer.

The new facilities are expected to open for public use in late March or early April 2016.

**Recommendation**

Cabinet is recommended to;

- Agree to incorporate the management of the new facilities at Lynnsport in the current arrangements with Alive Leisure and Alive Management.
- Agree the appointment of a three year Tennis Development Officer to maximise use of the new courts.

**Reason for Decision**

To enable effective operation of the new leisure facilities on the Lynnsport site.

## **1. Background**

- 1.1 Development of the major housing project for Lynnsport and Marsh Lane will provide a number of benefits for leisure at Lynnsport.
- 1.2 New access road from Edward Benefer Way and 200 new car parking spaces – completed early in 2017.
- 1.3 Relocation of 1 x Pelicans pitch.
- 1.4 A new multi-use pitch adjacent to the Pelicans site available for general hire.
- 1.5 Four new floodlit tennis courts.
- 1.6 The multi-use and tennis facilities are expected to be completed in March 2016.

## **2. Management and Operation**

- 2.1 The new facilities will need to be integrated into the operational arrangements for leisure involving the Trust (Alive Leisure) and the LAC (Local Authority Company Alive Management).
- 2.2 The Council will need to amend the existing agreements with the Alive Leisure Trust;
  - Lease plans amended to include the one new public multi-purpose pitch, four tennis courts and new car park in the lease.
  - Management agreement amended to include the details of the new facilities.
- 2.3 The Trust would pass on the operational responsibility through the existing back to back agreement for the LAC (Local Authority Company Alive Management) to carry out day to day operations for the new facilities.
- 2.4 The Council to require the LAC to carry out maintenance of the new leisure facilities and car park and control the utilities costs.
- 2.5 In terms of the financial Council support for the tennis/multi-use combined as a Trading area it is proposed that this is initially excluded from the current Management Fee but amended during the year when the overall revenue projection can be accurately based on actual income/expenditure. This may mean an adjustment either up or down to the Management Fee.
- 2.6 In the spirit of the open arrangements this would be considered the best approach considering the lack of detailed historical information to ensure neither party is disadvantaged.



- 2.7 To ensure the new courts are well used, the LTA require a Tennis Development Officer is to be appointed to generate sales of court time and develop a broad programme of coaching and casual use of the new courts. The aim of the new facilities will be to develop a sustainable business model for tennis in which operating costs are covered by income. It is anticipated that the coaching programme and use of the courts will take time to develop but breakeven during Year 3. In the first three years it is estimated that there will be a shortfall in the revenue budget forecast of £30,980. The LTA have agreed to underwrite 50% of this initial cost and requested the Council to give the same level of support.

### **3. Financial Implications**

- 3.1 The three year forecast for loss on tennis courts is anticipated as £30,980 of which £15,490 could fall to the Council.
- 3.2 The hire of the new multi-purpose pitch is estimated to achieve a surplus of £21,000 over the first three years.
- 3.3 It is estimated that the £15,490 loss on the Tennis can be covered by the £21,000 surplus on the new multi-purpose pitch with a small net surplus.
- 3.4 A separate Trading Account is to be maintained for the Tennis/Multi-purpose pitch and adjustments made in consultation with Alive Leisure and Alive Management during the year.
- 3.5 Overall any financial implications are likely to be minimal and can be contained within existing budgets.

### **4. Risk Management**

- 4.1 The LTA are committed to the project and will be supporting the Council and the Trust to make it sustainable.
- 4.2 The Tennis Development Management will be a three year fixed term post recruited by Alive Leisure. At the end of the three years, should tennis not be self-funding, the post would be terminated. It is likely that tennis would then become a pay and play option at Lynnsport with a reduced coaching programme.

**REPORT TO CABINET**

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

Date of meeting: 12 January 2016

**SCHEME OF DELEGATION - UPDATE**

**Summary**

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

**Recommendation**

- 1) That Council approve the amended Scheme of Delegation
- 2) That the Chief Executive, in consultation with the Leader be given delegated Authority to make minor amendments to the Scheme to resolve any anomalies which may occur.

**Reason for Decision**

To ensure that the Delegation Scheme mirrors the decision making structure

**1 Background**

1.1 The Scheme of Delegation was last amended in June 2015. The amended version now submitted incorporates the changes in the areas of responsibility for Portfolio holders into the scheme of delegation.

**2 Policy Implications**

2.1 The alterations to the scheme are within current policies.

**3 Financial Implications**

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

#### **4 Statutory Consideration**

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

#### **5 Risk Assessment**

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

#### **6 Access To Information**

6.1 Previous Scheme of Delegation.

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



# **SCHEME OF DELEGATION**

January 2016

# BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK

## SCHEME OF DELEGATION

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

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

### PORTFOLIO HOLDER DELEGATIONS

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

an executive decision which is likely –

- (a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
- (b) to be significant in terms of its effect on communities living or working in the area comprising two or more wards and electoral divisions in the Council's areas

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

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

Where a reserve exists for a specific purpose (eg renewal or repair reserve), the Assistant Director - Resources may withdraw funds from that reserve, PROVIDED THAT the withdrawal is to finance an item or items of expenditure related to the reasons for the existence of the reserve, up to a value of £50,000 per annum. Any necessary withdrawal that exceeds this amount additionally requires the approval of the relevant Portfolio Holder.

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

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

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

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

### General Powers

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

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

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

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

### Contracts

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

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

## **OFFICER DECISIONS**

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

Portfolio Holder	Functions	Portfolio Holder Consultations	Officer Delegation	Limits on Delegation
<b>1 Corporate /Strategic Issues, Resources THE LEADER</b>	1.1 Review of Corporate Policy including the budget or the Corporate Plan having first been recommended by Cabinet and approved by Council	CE/PFO/MO Requires rec to Council for any change	<b>1.1.1 Monitoring Officer/Assistant Director – L Gore</b> – Ensure Executive decisions are taken in accordance with the law and financial and policy guidelines.	
	1.2 Audit Fraud and Risk Management	External Audit, Internal Audit, MO as necessary	<b>1.2.1 Assistant Director – L Gore</b> Responsibilities under S.151 and S114 (Chief Financial Officer). Enforcement of Financial Regulations <b>Day to day management of the Internal Audit function and process.</b> <b>1.2.2 Chief Executive</b> Day to day management of the Corporate Risk Register Service Level Risks	
	1.3 Democratic Processes	MO	<b>1.3.1 Executive Director – D Gates</b> Day to day management of the Council's democratic processes. Timetable of Meetings	
	1.4 Civics	CE, Civics Officer Mayor or Deputy Mayor	<b>1.4.1 Chief Executive</b> To determine applications to use the Council's coat of arms <b>1.4.2 Executive Director – D Gates</b> Day to management of the office of the Mayor and Deputy Mayor and civic ceremony	

	1.5 Legal	CE and MO	<p><b>1.5.1 Chief Executive</b>  Sign and serve any notice, order or document or act as proper officer under Section 234 of the Local Government Act 1972 where no other officer is currently appointed.  To affix and attest the common seal of the Council where the common seal is required pursuant to any decision of the Council.  To take any measures necessary to recover possession of land owned or leased by the Council, including encampments (whether or not on Council owned land).  Authorise the postponement of charges made on Council property. Day to Day management of assigning budget resources to all legal matters.</p>	
	1.6 Treasury Management including banking, revenue and capital programmes	PFO	<p><b>1.6.1 Assistant Director – L Gore</b>  Write Off irrecoverable debts  Administration of banking arrangements  Manage insurance for the Council, its property and employees  Exchequer services including raising and repayment of loans.  Approval and publication of Statement of Accounts  Authorisation of virements and budget transfers  Authorise urgent payments</p> <p><b>1.6.2 Assistant Director – L Gore</b>  Collect, administer, demand and recover Council Tax and National Non Domestic Rate precepts and any other Tax or Charge levied by the Council. Collection of rents.</p>	See authorisations given effect by Financial Regulations



	1.7 Fees and Charges	PFO	<b>1.7.1 Relevant Executive Director</b> Variation of fees and charges	
	1.8 Freedom of Information and Data Protection	MO	<b>1.8.1 Monitoring Officer</b> Respond to requests for information under the FOI Act 2000, EIR 2004 access requests under the Data Protection Acts within statutory timescales. Maintain FOI Publication Scheme Maintain Council's Data Protection registration and act as Data Protection Officer. Authorise the use, loan or reproduction of the Councils archive material.	
	1.9 Cross Cutting /Cross Remit issues	CE & ED & Portfolio holders		
	1.10 Policies relating to Employment, Personnel, salaries, Pensions, Training and equalities (as an employer)	ED	<b>1.10.1 Executive Director – D Gates</b> Implementation of service re-organisations and re-structuring within budget.  Approval for the funding of training courses for both full and part time study for all employees  Updating the Performance Management Scheme  <b>1.10.2 Chief Executive</b> Changes to posts for senior staff (Executive Director/Assistant Director)	C ED      C ED on Compromise agreements.
	1.11 Health and Safety as an employer		<b>1.11.1 Chief Executive</b> Day to day responsibility for the Council's Health and Safety function	
	1.12 Equal Opportunities (not as the employer)		<b>1.12.1 Executive Director – D Gates</b> Day to day management	

	1.13 Communication	ED	<b>1.13.1 Executive Director – D Gates</b> Day to day management of communications on behalf of the Council, in accordance with Council Policy	
	1.14 Performance Management	ED	<b>1.14.1 Executive Director – D Gates</b> Implementation of performance management reviews and production of performance management information.	
	1.15 Procurement	ED	<b>1.15.1 Assistant Director – L Gore</b> Day to day management and enforcement of the Council's Procurement Strategy.	
	1.16 Channel Shift	ED	<b>1.16.1 Executive Director – D Gates</b> Day to day management of the process	
	1.17 Business Continuity	ED	<b>1.17.1 Executive Director – G Hall</b> Day to day management of the process	
	1.18 Economic Development Policy and Strategy and Economic related EU funding, and submission of funding applications.	ED	<b>1.18.1 Chief Executive</b> Day to day management of the process	
	1.19 Local Enterprise Partnerships	ED	<b>1.19.1 Chief Executive</b> Attendance and liaison with the LEP	
	1.20 West Norfolk Partnership	ED	<b>1.20.1 Executive Director – D Gates</b> Management of the Council's involvement in the Partnership	

Portfolio Holder	Functions	Portfolio Holder Consultations	Officer Delegations	Limits on Delegation
<b>2 Regeneration &amp; Industrial Assets – Deputy Leader</b>				
	2.1 Regeneration strategy, policy, projects and implementation	ED	<p><b>2.1.1 Chief Executive</b> Day to day management of Regeneration Projects</p> <p>Submission of bids for and Management of Regeneration projects</p> <p><b>2.1.2 Chief Executive</b> Authorisation to retain professional expertise as required</p>	C Regeneration Portfolio Holder.
	2.2 Redevelopment & Development projects	ED	<b>2.2.1 Chief Executive</b> Oversight and day to day management of redevelopment projects	C PH
	2.3 Property	ED+LSM WM PH where property is in another portfolio holders functional area	<p><b>2.3.1 Executive Director – C Bamfield</b> Management of Council property interests together with the ability to authorise all related property transactions at market rent/value. Subject to:</p> <ul style="list-style-type: none"> <li>• Acquisition or disposal of freehold land up to £100,000.</li> <li>• Acquisition or disposal of leasehold land up an annual rental value of £100,000 .*</li> <li>• Discharge or relaxation of freehold or leasehold covenants.</li> <li>• Determine all applications for the</li> </ul>	C ED, PH * Financial limit not applicable to industrial estates where an unlimited rental is

			assignment of lease agreements**. <ul style="list-style-type: none"> <li>To approve or refuse applications to the Council as Landlord for any approval or consent</li> <li>Authorise non Housing Act tenancies and licences.</li> <li>Authorise the applications to release or relax restrictive covenants attached to houses formally owned by the Council.</li> </ul>	allowed. ** except where residential element. C ED  C ED, PH, WM  C ED, PH
	2.4 King's Court and Office Accommodation	Property Services Manager	<b>2.4.1 Executive Director – C Bamfield</b> Day to day facilities management of King's Court and any other office accommodation operated by the Council.	

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Portfolio Holder	Functions	Portfolio Holder Consultations	Officer Delegation	Limits on Delegation
<b>3 Culture Heritage &amp; Health</b>				
	3.1 Museums	ED	<b>3.1.1 Executive Director – C Bamfield</b> Day to day management of all museum premises owned by the Council	
	3.2 Financial Assistance Schemes for sports and arts	WM	<b>3.2.1 Executive Director – C Bamfield</b> Administer award the grants within the Sports Training and Coach Education grants scheme after consultation with the Alive Leisure Trust.	
	3.3 Financial Assistance Schemes for, voluntary,	Relevant ED	<b>3.3.1 Assistant Director – L Gore</b> Administration of the Council's financial	

	community, Parish, Community safety matters, housing rural transport, environmental projects and arts		assistance schemes for voluntary, community, parish and community safety matters, rural transport and environmental projects, and arts.	
	3.4 Town Hall Complex		<b>3.4.1 Executive Director – C Bamfield</b> Day to day management of the complex	
	3.5 Management of Ancient Corporate Estates		<b>3.5.1 Executive Director – C Bamfield</b> Day to day management of the ancient corporate estates.	
	3.6 Health improvement and promotion including public health and community care		<b>3.6.1 Executive Director – G Hall and D Gates</b> Day to day management	
	3.7 Local Health Partnerships		<b>3.7.1 Chief Executive</b>	
	3.8 Development and promotion of cycling related matters		<b>3.8.1 Executive Director – C Bamfield</b>	
	3.9 Promotion and Marketing of the Borough	ED	<b>3.9.1 Chief Executive</b> <b>Day to day promotion and marketing of the Borough</b>	
	3.10 Tourism	ED	<b>3.10.1 Executive Director – C Bamfield</b>  Day to day management of tourism premises owned or operated by the Council Day to day management of Heritage premises in the Council's ownership.  <b>3.10.2 Chief Executive</b>	

			Day to day management of the tourism issues including management. Arranging or overseeing exhibitions, conferences and tourism as appropriate	
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Portfolio Holder	Functions	Portfolio Holder Consultations	Officer Delegations	Limits on delegation
4 Development (Full Planning Scheme of Delegation is a separate document)				
70	4.1 Local Development Framework, planning and Land Use Policy		<p><b>4.1.1 Executive Director – G Hall</b> Minor consequential amendments to planning policy in accordance with national and regional policy changes. Issuing of Local Development Framework guidance and information</p> <p><b>4.1.2 Monitoring Officer</b> Finalising planning obligations</p>	C - ED
	4.2 Transport policies		<p><b>4.2.1 Executive Director – G Hall</b> Responding to consultations on traffic regulation orders</p>	
	4.3 Building Control		<p><b>4.3.1 CNC – Executive Director – G Hall</b> The exercise of all local authority functions</p>	

			<p>under the Building Act 1984, the Housing Acts and Public Health Acts so far as they relate to the function of the Council as a Building Control Authority.</p> <p>Act as appointing officer under the Party Wall Act 1996.</p> <p>Building Control enforcement and exercise the right of entry to land and premises.</p>	
	4.4 Street naming and numbering	WM	<b>4.4.1 Executive Director – G Hall</b> Street numbering and naming	
	4.5 Commons		<b>4.5.1 C Bamfield</b>	
	4.6 Compulsory Purchase Orders and Enforced Sale Procedures		<b>4.6.1 Executive Director – G Hall</b>	
	4.7 Land Charges		<b>4.7.1 Executive Director – G Hall</b> Maintain the Register of Local Land Charges and Land Terrier.	
	4.8 Derelict Land and Buildings		<b>4.8.1 Executive Director – G Hall</b> Day to day management	

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



	5.6 Energy strategy and issues	ED	<b>5.6.1 Executive Director - C Bamfield</b> Monitoring of energy efficiency measures to Council buildings.	
	5.7 Community Safety/Neighbourhood nuisance service		<b>5.7.1 Executive Director – D Gates</b> General day to day management of the community safety service and compliance with Crime and Disorder Act 1998 - s.17 requirements. Authorisation of police request for Dispersal Orders to be actioned. Issuing of public notices relating to recipients of ASBOs. Anti-Social Behaviour, Crime and Policing Act 2014	
	5.8 Public and Civil Emergencies	<i>Civil Emergency Liaison and CE Leader, Deputy Leader, MO</i>	<b>5.8.1 Chief Executive</b> To exercise any power to protect the interests and well being of the inhabitants of the Borough in cases of emergency  <b>5.8.2 Executive Director – G Hall</b> Day to day management of the Civil Emergency Plan	<i>C – Cabinet as soon as reasonably practical</i>

Portfolio Holder	Functions	Portfolio Holder Consultations	Officer Delegations	Limits on Delegation
<b>6 Housing and</b>				

<b>Community</b>				
	6.1 Housing Strategies and Associated Policies		<b>6.1.1 Chief Executive</b> Day to day delivery of housing and homeless strategies and policies including administration of the Council's Housing policies	
	6.2 Housing Register		<b>6.2.1 Chief Executive</b> Management of Housing Register in accordance with policy and nominations of households to Registered Providers.	
	6.3 Homelessness		<b>6.3.1 Chief Executive</b> Exercise of homelessness functions.	
	6.4 Housing Standards in the Private Sector		<b>6.4.1 Chief Executive</b> Day to day delivery of housing standards role including housing enforcement and compliance functions.	
	6.5 Houses in Multiple Occupation (HMO)		<b>6.5.1 Chief Executive</b> Grant, renew and revoke all licences and issues under the Housing Act 2004	
	6.6 Home Improvement Agency, Care and Repair and associated operations and Careline		<b>6.6.1 Executive Director – D Gates</b> Day to day management of the Home Improvement Agency, Care and Repair and associated operations and Careline	
	6.7 Residential Caravan Site Licensing		<b>6.7.1 Chief Executive</b> To grant, transfer or revoke licenses and exercise of duties in relation to residential caravans.	

	6.8 Loans and grants for housing	PFO	<b>6.8.1 Chief Executive</b> Approval/refusal/withdrawal and authorisation of renovation grant scheme payments.	
	6.9 Social Inclusion		<b>6.9.1 Executive Director – D Gates</b> Day to day management	
	6.10 Gypsy, Roma and Travellers	WM	<b>6.10.1 Chief Executive</b> Exercise of function. Dealing with unauthorised encampments	
	6.11 Licensing Policies		<b>6.11.1 Executive Director – G Hall</b> Day to day implementation of the Licensing Policies and associated matters	
	6.12 Health and Safety where not as the employer		<b>6.12.1 Executive Director – G Hall</b> Approval of Health and Safety Inspectors under S19 of the Health and Safety at Work etc Act 1974 Day to day responsibility of the Health and Safety process where not as the employer.	
	6.13 Food		<b>6.13.1 Executive Director – G Hall</b> Day to day management of the food related services	
	6.14 Housing benefit, welfare benefits and advice	ED	<b>6.15.1 Assistant Director – L Gore</b> Administration of housing benefit and Council Tax benefit and discretionary housing payments	

Portfolio Holder	Functions	Portfolio Holder Consultations	Officer Delegations	Limits on delegation
7 ICT, Leisure and Public Space				
	7.1 Asset Register	Property Services Manager	<b>7.1.1 Executive Director – C Bamfield</b> Day to day management of the Asset Register, and matters arising therefrom	
	7.2 Leisure, Arts and Green Spaces policies and strategies	ED	<b>7.2.1 Executive Director – C Bamfield</b> Day to day operation of the policies	
	7.3 Community Asset Register		<b>7.3.1 Executive Director – D Gates</b> Retention of the Register	
	7.4 Cemeteries and Crematorium		<b>7.4.1 Executive Director – C Bamfield</b> The day to day management of the Council's cemeteries and crematorium and the granting of exclusive burial rights.	
	7.5 Parks, Gardens and amenity areas including play areas and allotments	WM, ED	<b>7.5.1 Executive Director – C Bamfield</b> Day to day management of such facilities including exclusion of persons as necessary	
	7.6 Car Parking		<b>7.6.1 Executive Director – C Bamfield</b> Day to day administration of Council owned car parks in the Borough, including amendments to Car Parking Orders in consultation with portfolio holder.  <b>7.6.2 Executive Director – C Bamfield</b> Day to day operation of parking enforcement carried out on behalf of third parties.  <b>7.6.3 Executive Director – C Bamfield</b> Management Responsibility for civil parking	

			enforcement.	
	7.7 Markets and Fairs		<b>7.7.1 Executive Director – C Bamfield</b> Day to day administration of Markets and Fairs in the Borough	
	7.8 Determination of Applications for Circuses on Council property.		<b>7.8.1 Executive Director – C Bamfield</b> Determination of applications to hold circuses on council land	
	7.9 Town Centre Management		<b>7.9.1 Executive Director – C Bamfield</b> Oversight and day to day management of town centres	
	7.10 Christmas Lighting		<b>7.10.1 Executive Director – C Bamfield</b> Provision of Christmas lighting across the Borough	
	7.11 Public conveniences	WM	<b>7.11.1 Executive Director – C Bamfield</b> Management and maintenance of the Council's public conveniences.	
	7.12 Shared Services	ED	<b>7.12.1 Chief Executive</b> Day to day management of, preparation and negotiations.	
	7.13 ICT	ED	<b>7.13.1 Executive Director – D Gates</b> Day to day management of the service	
	7.14 Sports facilities, venues	ED	7.14.1 Through ALIVE Management - Executive Director – C Bamfield Management and Maintenance of the fabric of all leisure and sports buildings	
	7.15 Arts/Theatre/Entertainment facilities, venues	ED	7.15.1 Through ALIVE Management - Executive Director – C Bamfield Management and Maintenance of the fabric of all arts and entertainment.	
	7.16 Community Facilities	WM	7.16.1 Through ALIVE Management -	

			Executive Director – C Bamfield Management and Maintenance of the fabric of the buildings 7.16.2 Exec Director – C Bamfield Operational Management of miscellaneous community centres.	
	7.17 Depot Accommodation		7.17.1 <b>Executive Director – C Bamfield</b> Day to day facilities management of Depot accommodation operated by the Council.	
	7.18 Resort and Seafront Management	WM, ED	7.18.1 <b>Executive Director - C Bamfield</b> Day to day management of resorts and seafront	
	7.19 CCTV		7.19.1 <b>Executive Director – C Bamfield</b> Day to day management of the CCTV function	

Portfolio Holder	Functions	Portfolio Holder Consultations	Officer Delegation	Limits on Delegation
<b>8 Special Projects</b>				
	8.1 Town Centre Enhancement Schemes	ED	8.1.1 <b>Executive Director – C Bamfield</b> Day to day management of the schemes.	

Body	Functions	Consultations	Officer Delegations	Limits on delegation
9 Council	<p>9.1 The Constitution.</p> <p>9.2 Adopting the Council's Policy Framework and determining matters involving a change or deviation from approved policy.</p> <p>9.3 Compulsory Purchase matters.</p> <p>9.4 Approving the Council's position relating to local government boundaries, electoral divisions or number of Council Members.</p> <p>9.5 By-law creating and management and promotion or making of local Acts.</p> <p>9.6 Determining matters referred to Council by other bodies.</p> <p>9.7 Appointments (staff and Members)</p> <p>9.8 Determining the Council's Executive Arrangements.</p> <p>9.9 Appointment of Honorary Aldermen or bestowing Freedom of the</p>		<p><b>Chief Executive</b></p> <p>To act as Head of Paid Service under and for the purposes of section 4 of the Local Government and Housing Act 1989 and lead the senior management team</p> <p>To act as Electoral Registration Officer and Returning Officer for all elections, Parish Polls and Referendums and to take such action as is necessary to carry out those duties.</p> <p>To act as the Proper Officer for the Council, as defined by Section 270 (3) Local Government Act 1972</p> <p>To exercise any power to protect the interests and well being of the inhabitants of the Borough in cases of emergency</p> <p>Staff Restructuring within budget including staff redundancies</p> <p>Day to day management of the Council's democratic processes.</p> <p>Amendments to Timetable of Meetings</p>	<p>C –Cabinet as soon as reasonably practical and report to Council at next meeting</p> <p>Consultation with the Leader and Cabinet Member for Personnel.</p>

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

			<p>Housing Act 1989), Registrar of Local Land Charges, Authorised Officer (under the Regulation of Investigatory Powers Act 2000), Parish Trustee.          To Act as Money Laundering Officer (Proceeds of Crime Act 1995)</p> <p>Sign and serve any notice, order or document or act as proper officer under Section 234 of the Local Government Act 1972 where no other officer is currently appointed.</p> <p>To affix and attest the common seal of the Council where the common seal is required pursuant to any decision of the Council.</p> <p><b>Assistant Director _ L Gore</b> - (Agreed Cncl 240113)          To act as Chief Financial Officer under S.114 of the Local Government Finance Act 1988 and S.151 of the Local Government Act 1972</p> <p><b>Chief Executive</b>          Authorised Officer under the Regulation of Investigatory Powers Act</p> <p>To exercise the delegated powers of any Executive Director where they are absent for any reason or the post is vacant.</p> <p><b>All Executive Directors</b>          To exercise all powers within their functional responsibility from the list of statutes maintained by the Monitoring Officer including</p>	<p>*excluding any action involving the commencement of civil or criminal proceedings (delegated to LSM)</p>
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			signing of notices, licences or orders and to authorise, appoint and dismiss inspectors, charge and refund fees, exercise rights of entry, take direct action, issue cautions and make representations under the statutory provisions on behalf of the Council*	
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Body	Functions	Consultations	Officer Delegations	Limits on delegation
10 <b>Cabinet</b>	<p>Individual delegations set out as per Portfolios above.</p> <p>10.1 Make recommendations to Council on corporate strategic and service policies and the detailed implementation of those policies</p> <p>10.2 Delivery of Services within the approved policy and budgetary framework and reviewing the operational framework functions and resources within it. Virement of funds in accordance with Financial Regulations</p> <p>10.3 Monitoring of the Councils Resources, make recommendations to Council on the overall Budget, Council Tax, and carry out any consultation required.</p> <p>10.4 To exercise any Executive function duty,</p>	<p>Delegations to individual portfolio holders apply equally to the Cabinet as a whole</p> <p>Report to Council</p> <p>Rec to Council</p>	Delegations as set out in portfolio groups	

	<p>action or power which is not delegated to any other Council Body in order to protect the Council's interests.</p> <p>10.5 Appoint representatives to Outside Bodies where they are Executive appointments.</p> <p>10.6 Refer any matter to Council for consideration.</p> <p>10.7 Commission Research into any matter or hold an enquiry into a particular issue or issues relating to the Borough or the Council at their discretion.</p>			
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			<p>convicted of an offence involving dishonesty or drugs;</p> <p>(iii) Applications which disclose that the applicant has been convicted of an offence under the provisions of the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976;</p> <p>(iv) Applications which disclose that the applicant has been convicted of an offence relating to the driving or ownership of a motor vehicle and has more than six penalty points on his/her licence;</p> <p>(v) Applications which disclose that the applicant has committed a breach of, or failed to comply with, the terms of an existing or previous hackney carriage or private hire licence.</p> <p>To approve applications for hackney carriage and private hire drivers licences that fall within any of the categories set out in paragraphs (i) to (v) of the preceding paragraph if in the opinion of the Executive Director – G Hall, any offence by the applicant is so minor or irrelevant as to have no proper bearing on the determination of the application.</p>	
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		Consultation with Chr & V Chr and post decision to L&A Board for info	S52 Road Traffic Act - to “suspend or revoke a Hackney Carriage or Private Hire driver’s licence with immediate effect where the Licensing Authority are of the opinion that the interests of public safety require such course of action 21.3.13 L&AB	
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Body	Functions	Consultations	Officer Delegations	Limits on delegation
<b>13 Appointments Board</b>	13.1 Full Board to appoint Chief Executive 13.2 Panels of Board to appoint Chief Officers 13.3 Panels of Board appoint Independent and Parish Council members of the Standards Committee*  13.4 Panels of the Board appoint members to the Independent Allowances Panel	Cabinet  Cabinet & CE  *Chairman/Vice-Chairman of Standards Committee		

Body	Functions	Consultations	Officer Delegations	Limits on delegation
14 Standards Committee	<p>14.1 Promote high standards of conduct within the Council</p> <p>14.2 Monitor the implementation and operation of the Codes of Conduct for Members, officers and towns &amp; parishes and confidential reporting codes, including development of protocols</p> <p>14.3 As a whole or in a Panel of the Committee to determine complaints made regarding breaches of the Code of Conduct</p>	MO	<p><b>Legal Services Manager /Monitoring Officer</b></p> <p>On behalf of the Committee to administer the local assessment of complaints and carry out investigations on complaints made under the Code of Conduct.</p> <p>To provide advice to Members and Towns &amp; Parishes including Clerks and Members on aspects of the Code</p>	

**REPORT TO CABINET**

<b>Open</b>		Would any decisions proposed :		
<b>Any especially affected Wards</b>	Operational	(a) Be entirely within cabinet's powers to decide YES		
		(b) Need to be recommendations to Council NO		
		(c) Is it a Key Decision NO		
Lead Member: Cllr Mrs E Nockolds E-mail: cllr.elizabeth.nockolds@west-norfolk.gov.uk		Other Cabinet Members consulted: Leader		
Lead Officer: Samantha Winter E-mail: sam.winter@west-norfolk.gov.uk Direct Dial: 616327		Other Members consulted:		
Other Officers consulted:				
Financial Implications NO	Policy/Personnel Implications NO	Statutory Implications (incl S.17) NO	Equal Impact Assessment NO	Risk Management Implications NO

Date of meeting: 12 January 2016

**APPOINTMENT OF YOUTH AND HERITAGE CHAMPIONS****Summary**

The report recommends the appointment of a Youth Champion to work with Young People across the Borough to raise awareness.

The report also recommends the appointment of a Heritage Champion to promote the areas heritage and heritage strategy.

**Recommendation**

- 1) That Councillor P Rochford be appointed as the Council's Youth Champion.**
- 2) That Councillor Mrs A Wright be appointed as the Council's Heritage Champion.**

**Reason for Decision**

To appoint Members to the roles to promote the subject matter.

**1 Background****i) Youth Champion**

Historically the Council has appointed a Youth Champion at the request of the LGA, but this has not been requested in recent times. However, it is suggested that a Youth Champion be appointed in order for the Council to have a representative who, working with the relevant Cabinet Member (currently the Cabinet Member for Culture, Heritage and Health), to be able to work on all youth related issues and help raise aspirations and awareness of community and the decision making processes.

**ii) Heritage Champion**

In the same way as the Youth Champion, the LGA had previously sought a Heritage Champion for authorities, which hadn't been requested in recent years. It is proposed that a Heritage Champion be appointed to work alongside the relevant Cabinet Member, (currently the Cabinet Member for Culture, Heritage and Health) to help promote the area's heritage and related issues, and to assist in the development of a Heritage Strategy.

**2 Policy Implications**

None

**3 Financial Implications**

3.1 Any financial implications would be relating to the attendance at any meetings by the individuals appointed.

**4 Statutory Consideration**

None

**5 Risk Assessment**

None

**6 Access To Information**

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Agenda Item 18

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of the Local Government Act 1972.

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