

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



# Cabinet

## Agenda

Tuesday, 26th September, 2023  
at 3.30 pm

in the Assembly Room  
Town Hall  
Saturday Market Place  
King's Lynn

Available for the public to view on [WestNorfolkBC on You Tube](#)





King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX  
Telephone: 01553 616200  
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**CABINET AGENDA**

**DATE: CABINET - TUESDAY, 26TH SEPTEMBER, 2023**

**VENUE: ASSEMBLY ROOM, TOWN HALL, SATURDAY  
MARKET PLACE, KING'S LYNN**

**TIME: 3.30 pm**

**As required by Regulations 5 (4) and (5) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 - Item 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 item, you should contact Democratic Services**

**1. MINUTES**

To approve the Minutes of the Meeting held on 1 August 2023 (previously circulated).

**2. APOLOGIES**

To receive apologies for absence.

**3. URGENT BUSINESS**

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

**4. DECLARATIONS OF INTEREST (Page 5)**

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. CHAIR'S CORRESPONDENCE**

To receive any Chair'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.

Members wishing to speak pursuant to Standing Order 34 should inform the Chair of their intention to do so and on what items they wish to be heard before a decision on that item is taken.

**7. CALLED IN MATTERS**

To report on any Cabinet Decisions called in.

**8. FORWARD DECISIONS (Pages 6 - 10)**

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.

**10. UPDATE TO VARIOUS HOUSING STANDARDS POLICIES TO REFLECT PROCEDURAL CHANGES, BEST PRACTICE, CASE LAW AND STATUTORY GUIDANCE (Pages 11 - 78)**

**11. MEMBERS ALLOWANCES 2023/24 (Pages 79 - 84)**

To: Members of the Cabinet

Councillors B Aota, A Beales, M de Whalley, J Moriarty (Vice-Chair),  
C Morley, T Parish (Chair), S Ring, J Rust and S Squire

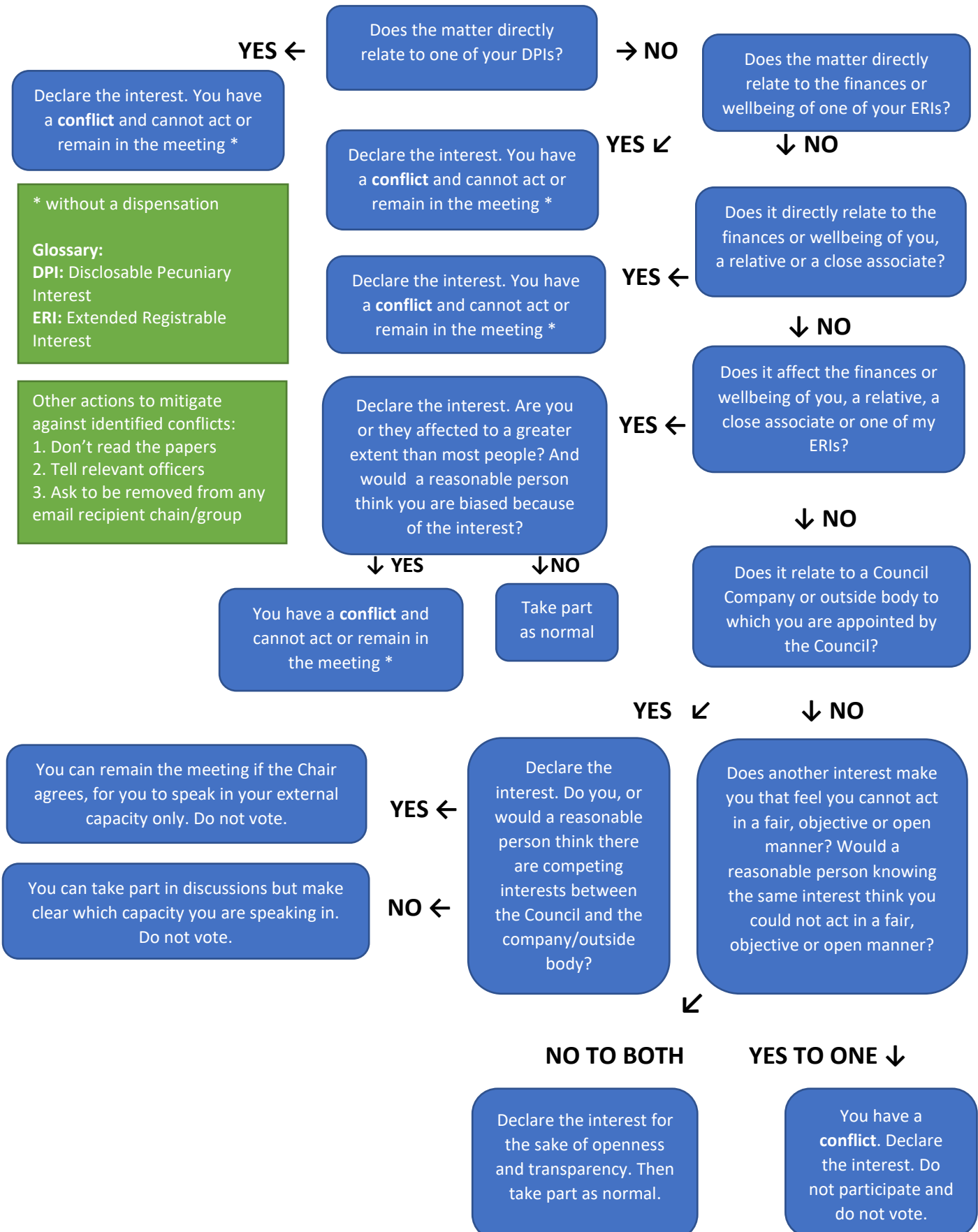
For Further information, please contact:

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

# DECLARING AN INTEREST AND MANAGING ANY CONFLICTS FLOWCHART



## START



**FORWARD DECISIONS LIST**

<b>Date of meeting</b>	<b>Report title</b>	<b>Key or Non Key Decision</b>	<b>Decision Maker</b>	<b>Cabinet Member and Lead Officer</b>	<b>List of Background Papers</b>	<b>Public or Private Meeting</b>
26 September 2023						
	Members Allowances	Key	Council	Leader Monitoring Officer		Public
	Update to various Housing Standards Policies to reflect procedural changes, best practice, case law and statutory guidance etc	Non	Council	People and Communities Assistant Director – Mark Whitmore		Public

<b>Date of meeting</b>	<b>Report title</b>	<b>Key or Non Key Decision</b>	<b>Decision Maker</b>	<b>Cabinet Member and Lead Officer</b>	<b>List of Background Papers</b>	<b>Public or Private Meeting</b>
31 October 2023						
	Corporate Business Plan	Key	Cabinet	Leader Chief Executive		Public
	People and Skills	Non	Cabinet	Business Asst Director – D Hall		Public
	St George’s Guildhall Project Update	Key	Council	Business Asst Dir – D Hall		Public
	Care and Repair Contract	Key	Cabinet	People and Communities Asst Dir – M Whitmore		Private- Contains exempt Information under para 3 – information relating to the business affairs of

						any person (including the authority)
	Appointment of Honorary Aldermen	Non	Council	Chief Executive		Public
	Norfolk County Deal response	Non	Council	Leader Chief Executive		Public
	King's Lynn Town Football Club	Non	Cabinet	Property Asst Dir – M Henry		Private- Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority)
7	UK Shared Prosperity Funding 24-25 Boost Project and West Norfolk Training Grants	Non	Cabinet	Business Assistant Director D Hall		Public
	5 Year Mart Agreement	Non	Cabinet	Tourism Events & Marketing Exec Dir – G Hall		Private - Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority)
	Care Leavers Covenant	Non	Cabinet	People and Communities Asst Dir – B Box		Public
	Cabinet Task Groups	Non	Cabinet	Leader Chief Executive		Public

Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
5 December 2023						
	Council Tax Support Scheme – Final Scheme 2024/25	Key	Council	Finance Asst Director – Resources		Public
	Care and Repair Contract		Cabinet			Private Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority)
	St George's Guildhall Project – Design Proposals	Key	Cabinet			
∞	Overnight Campervan parking in Hunstanton	Non	Cabinet	Leader Asst Director – M Chisholm		Public
	Assets of Community Value	Non	Council	Property and Corporate Services Monitoring Officer		Public
	Council Companies Funding	Key	Council	Business Assistant Dir D Ousby		Part public and part Private - Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority)



Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
15 January 2024						
	West Norfolk Shared Prosperity Funding update	Key	Cabinet	Business Asst Director – D Hall		Part Public Part Private Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority)
6	Parkway Tenure	Non	Council	Deputy Leader Assistant Director – D Ousby		Part Public and part Private- Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority)
	Lynnsport One	Key	Council	Regeneration & Development Asst Dir Companies & Housing Delivery – D Ousby		Public

Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
6 February 2024						
	St George's Guildhall RIBA Stage 3 and project scope	Key	Cabinet	Regeneration & Development Asst Dir		Public
	Capital Programme	Key	Council	Finance Asst Director – Resources		Public

	Budget 2024/25	Key	Council	Finance Asst Director – Resources		Public
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Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
5 March 2024						
	Review of Outside Bodies	Non	Cabinet and Council	Leader		Public

Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
23 April 2024						

**Items to be scheduled**

5	Notice of Motion 7-21 – Councillor Kemp – Equalities	Non	Council	People & Communities Asst Dir B Box		Public
	Procurement Strategy	Non	Cabinet	Finance Asst Dir – D Ousby		Public
	Review of Planning Scheme of Delegation (summer 23)	Non	Council	Development and Regeneration Asst Dir – S Ashworth		Public
	Redundancy Policy	Non	Council	Leader Exec Dir – D Gates		Public
	Custom and Self Build Site – Stoke Ferry	Non	Cabinet	Regeneration and Development Assistant Director - D Hall		Public
	Southend Road Hunstanton	Key	Cabinet	Regeneration & Development Asst Dir – D Ousby		Public

**REPORT TO CABINET**

<b>Open</b>		Would any decisions proposed :			
<b>Any especially affected Wards</b>	<b>Mandatory/ Discretionary/ Operational</b>	Be entirely within Cabinet's powers to decide		YES	
		Need to be recommendations to Council		YES	
		Is it a Key Decision		NO	
Lead Member: Cllr J Rust E-mail: cllr.jo.rust@west-norfolk.gov.uk		Other Cabinet Members consulted:			
		Other Members consulted:			
Lead Officer: Mark Whitmore E-mail: mark.whitmore@west-norfolk.gov.uk Direct Dial: 01553 616654		Other Officers consulted: S. Quinn, G Jackson-Hopps			
Financial Implications YES/NO	Policy/ Personnel Implications YES/NO	Statutory Implications YES/NO	Equal Impact Assessment YES/NO If YES: Pre-screening/ Full Assessment	Risk Management Implications YES/NO	Environmental Considerations YES/NO

Date of meeting: 29th August 2023

**UPDATE TO VARIOUS HOUSING STANDARDS POLICIES TO REFLECT PROCEDURAL CHANGES, BEST PRACTICE, CASE LAW AND STATUTORY GUIDANCE ETC.**

**Recommendation**

To approve the adoption of the following changes as detailed within the relevant appendices;

**Appendix A**

A1) To update the HMO amenity standards previously updated 10 years ago at Council on the 27<sup>th</sup> September 2012. This update is required in order to provide clarity with regards relevant requirements and to ensure that differing types of HMOs are fully referenced.

A2) To adopt and publish standards with regards single family dwellings in order to provide landlords with a convenient and understandable guidance as to what is expected in private rented properties.

**Appendix B**

To update the adopted statement of principles with regard civil penalties in accordance with the Housing Standards - Financial penalties under the Housing Act 2004 and Housing and Planning Act 2016 previously adopted policy (Council - 22<sup>nd</sup> February 2018) and to adopt the use of Rent Repayment Orders and Banning Orders.

**Appendix C**

C1) To update the Unauthorised Encampments Protocol to ensure that the protocol reflects the latest legislation applying to unauthorised encampments and to provide the relevant agencies and the wider public with clear guidance as to how the Borough Council and other agencies will respond to, and manage, unauthorised encampments within the local authority area.

**Appendix D**

D1) Adoption of amendments to the standard single family caravan site licence conditions for relevant protected sites.

D1) Adoption of amendments to the standard multi-site caravan site licence conditions for relevant protected sites.

## **Reason for Decision**

To bring various policies and procedures up to date in line with operational requirements, best practice and relevant legislation and guidance. This will allow Housing Standards to operate and enforce in respect of various activities more efficiently and transparently.

## **1 Background**

The background to each policy or procedure is included within each appendices.

## **2 Options Considered**

No further options considered beyond the scope of the proposed changes.

## **3 Policy Implications**

As per each appendices.

Further amendments to these policies, procedures and standards will be authorised as required by the relevant Assistant Director in consultation with the relevant Member and Executive Director where appropriate.

## **4 Financial Implications**

None

## **5 Personnel Implications**

None

## **6 Environmental Considerations**

In accordance with relevant statutory guidance.

## **7 Statutory Considerations**

The proposed standards have been prepared with reference to relevant legislation and statutory and non-statutory guidance.

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

(Pre screening report template attached)

## **9 Risk Management Implications**

None identified

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

None

## **11 Background Papers**

Relevant Published, Statutory and Non-Statutory guidance and standards.

**Pre-Screening Equality Impact Assessment**

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



Name of policy/service/function	Update to various policies and procedures included in the Appendices.				
Is this a new or existing policy/service/function?	Existing				
Brief summary/description of the main aims of the policy/service/function being screened.  Please state if this policy/service is rigidly constrained by statutory obligations	To bring various policies and procedures up to date in line with operational requirements, best practice and relevant legislation and guidance. This will allow Housing Standards to operate and enforce in respect of various activities more efficiently and transparently.				
<b>Question</b>	<b>Answer</b>				
<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 <b>according to their different protected characteristic</b>, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</b></p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p>		Positive	Negative	Neutral	Unsure
	Age			X	
	Disability			X	
	Gender			X	
	Gender Re-assignment			X	
	Marriage/civil partnership			X	
	Pregnancy & maternity			X	
	Race			X	
	Religion or belief			X	
	Sexual orientation			X	
	Other (eg low income)			X	



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



# Amenity & Space Standards for Houses in Multiple Occupation

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



## 1.0 Introduction to amenity standards

This document is designed to give guidance on what is an acceptable standard of fixtures and fittings, facilities and amenities in a House in Multiple Occupation (HMO). These amenity standards will principally be used for determining the requirements for HMOs when they are assessed for licensing purposes, but are likely to be applied as the standard in all HMOs on assessment. The standards are intended to ensure the comfort, safety and convenience of occupiers.

The suitability of other types of residences is mainly determined on the basis of acceptable hazards as defined by the 'Housing Health and Safety Rating System' (HHSRS).

We acknowledge that every property is unique, so it is not always practicable to adhere exactly to these standards. Where this is the case, the council will make an assessment on an individual basis and advise landlords accordingly.

These standards have been determined having reference to current legislation, government guidance and established good practice.

Guidance in respect of the fire safety measures required in residential accommodation is provided separately and is based on the standards specified in the LACoRS document 'Housing – Fire safety', the relevant British Standard and following consultation with Norfolk Fire and Rescue Service.

Separate guidance is also provided for single family house rentals and that document also includes an explanation of the HHSRS.

Commented [GJH1]: List of 29 hazards removed



## 2.0 Standards for bedsit type HMOs and shared house type HMOs

These are respectively:

- Units of accommodation where a room(s) is let under a separate tenancy, and;
- Houses leased under a single tenancy but occupied by more than one household.

Commented [GJH2]: New explanation

### Minimum shared washing and toilet facilities:

Table 1: Minimum sanitary facilities

Number of Occupants	Minimum Amenity Provision		Notes
	Bathroom	Toilet (WC)	
1- 4 persons	1 bathroom	1 toilet	The bathroom and WC may be combined in one room.
5 persons	1 bathroom	1 toilet	At least one toilet must be in a separate compartment.
6-10 persons	2 bathrooms	2 toilets	
11-15 persons	3 bathrooms	3 toilets	
16+ persons	Full consultation with the Local Authority is required.		

Commented [GJH3]: New table - same requirements

- We recommend that all units of accommodation should contain hand washing facilities where this is reasonably practicable and deemed necessary due to lack of suitable alternative provision. In the absence of a sink (cooking facilities in unit) this shall comprise a wash hand basin.
- 'Bathroom' shall mean:- a bath (or shower) and a 'vanity' wash hand basin. Every HMO shall have one bathroom with a bath where children are in occupation.
- 'Toilet' shall include a water closet (flush toilet) and a suitable wash hand basin.
- Hot water to be delivered via a boiler, immersion heater or fixed gas appliance. Electric showers and wash hand basins may be instantaneously heated.
- All bathrooms and toilets must be fit for purpose, with enough space for necessary activities (e.g. undressing and towelling dry). External toilets shall be ignored.
- Every bathroom shall be adequately mechanically ventilated to the outside.
- Every toilet shall have the means for adequate ventilation (opening window or mechanical).
- All baths and wash-hand basins must be equipped with taps providing a **constant** and adequate sufficient supply of **hot** and **cold water** (and have an adequate associated 'splashback')
- All bathrooms must be adequately heated. If the heating is of an instantaneous variety, then this must be of a suitable capacity and type so as to be 'on demand' and allow bathing in comfort.
- Bathrooms and toilets must be located on the same floor or on the adjacent floor to the unit of accommodation - (e.g. an adequate bathroom located on the first floor of a 3 storey house would be sufficient).
- Where there are en-suite bathroom facilities these must be to a standard equivalent to such facilities otherwise. The provision of shared bathrooms and toilets in the HMO shall be calculated on the basis of the number of remaining occupants.

Commented [GJH4]: New & updated explanations and clarifications

## Minimum standards for shared kitchens

(Where some of the individual units of living accommodation do not contain facilities for the cooking of food).

**Table 2: Minimum kitchen facilities**

Minimum Standard	≤ 5 persons	≥ 6 persons
<b>Kitchen sink - a minimum of 500mm x 600mm (wash hand basin not acceptable).</b>		
A fixed impervious sink with a drainer and with an impervious and washable splashback (to minimum height of 150mm).  It must be provided with an adequate and wholesome supply of cold water, and a constant supply of hot water. Any junction to the splashback must be suitably sealed.	<b>1 sink</b> - To be connected to the drainage system via a suitable trap.	<b>1 extra sink</b> per 5 occupants and part of thereafter. One automatic dishwashing machine is acceptable in lieu of an additional sink.
<b>Cookers</b>	≤ 5 persons	≥ 6 persons
A cooker comprising an oven, grill and an electric or gas hob with 4 rings. Two microwaves each containing an oven and grill may be acceptable in lieu of a second or third cooker. Cookers must have a minimum of 300mm worktop adjacent either side.	<b>A 4 ring cooker</b> - either served by a gas or an adequate fused electric point.	<b>1 extra cooker</b> per 5 occupants and part of thereafter which may include ranges.
<b>Electric sockets</b>	≤ 5 persons	≥ 6 persons
Electrical sockets and points of the number stated should be set at a convenient height and in a safe position. Additional dedicated sockets/points are required for a refrigerator, freezer and any washing machine.  A dedicated 30 amp supply is required if there is an electric cooker.	<b>6 double outlet sockets</b> – appropriately sited next to relevant work surfaces.	<b>1 additional double socket</b> - for each two persons over five sharing;
<b>Worktops for food preparation</b>	≤ 5 persons	≥ 6 persons
Worktops should be secure, in good repair, fixed and be of an impervious, smooth and readily washable finish.	<b>500mm (length) x standard depth per user</b> - to a minimum of 2.5m length.	<b>Additional 500mm</b> length per user.
<b>Cupboards for storage of utensils and food</b>	≤ 5 persons	≥ 6 persons
Either a floor based food storage cupboard 500mm wide and of standard depth and height or, a wall-mounted food storage cupboard 1000mm wide and standard depth and height should be provided per person. (N.B. the space below the sink is not to be included).	A combination as accords to the requirement.	Capacity to be increased proportionately for each additional occupant.
<b>Refrigerators and freezer provision</b>	≤ 5 persons	≥ 6 persons
A large standard combined fridge/freezer. (where each occupant can have at least one shelf in the fridge and adequate freezer space).	One standard fridge freezer of 250-300 litres capacity.	Additional fridge-freezer capacity to be increased proportionately, for each additional occupant.

Refuse disposal facilities in the kitchen	≤ 5 persons	≥ 6 persons
There must be suitable receptacles for the temporary sorting and disposal of refuse prior to decanting into external bins. In accordance with current council requirements, this should comprise separate receptacles for recycling, compostable waste and general waste. Receptacles must be capable of sealing against the release of odours. All bins must be easy to clean and clearly labelled by type of use i.e recycling etc.	<b>3 suitably sized bins.</b> Bins should be a minimum of 50 litres capacity.	<b>Increased capacity or additional bins</b> so as to provide at least an additional 30 litres per additional person.
<b>Appropriate extractor fans</b>		
All kitchens must have in place, as a minimum, adequate mechanical air extraction to the outside - with the outlet positioned away from windows and doors. Mechanical air extraction shall be in accordance with Approved Document F of the Building Regulations. Ideally extraction should be from the cooker hood where practicable.		
<b>Fire-fighting equipment</b>		
To be supplied and sited in accordance with the council's fire safety guidance.  Generally this will comprise at least: <ul style="list-style-type: none"> <li>• A fire blanket suitably located so as to allow firefighting of small cooking fires.</li> <li>• A small multi-purpose fire extinguisher capable of being used on electrical or fat fires.</li> </ul> Firefighting equipment must not be situated such as to encourage persons to be trapped by fire away from a means of escape.		
<b>Appropriate fire doors</b>		
Fire doors separating the kitchen from other rooms to be supplied and sited in accordance with the council's fire safety guidance or as otherwise directed by the Council.		
<b>Appropriate surface finishes</b>		
Kitchen floors must be water resistant, smooth, continuous and free from any cracks or crevices – to enable effective cleaning (e.g.: ceramic or vinyl floor tiles or linoleum flooring); Kitchen walls adjacent to cookers, sinks and food preparation areas shall be provided with washable and impervious splashbacks to a distance of at least 150mm from the areas, Ceilings and wall finishes shall be in good repair so as to minimise dust and debris.		

- *All kitchens should be suitably located – generally, no more than one floor away from the living and sleeping accommodation - (e.g. a suitable kitchen on the ground floor would be adequate for a 3 storey house).*
- *Unless cooking facilities as described below in table 6 are provided to an individual unit then any shared facilities must be sufficient to accommodate the occupiers of that unit (having regard to the facilities provided in the accommodation).*

Commented [GJH5]: Updated Explanations

## Minimum room sizes

**Table 4. Minimum room sizes for kitchen and lounge:**

Occupants:-	3	4	5	6	7	8	9	10
Communal Lounge or Dining Room	9 m <sup>2</sup>	10 m <sup>2</sup>	11 m <sup>2</sup>	12 m <sup>2</sup>	13 m <sup>2</sup>	14 m <sup>2</sup>	15 m <sup>2</sup>	16 m <sup>2</sup>
Kitchen	5 m <sup>2</sup>	5.9 m <sup>2</sup>	6.7 m <sup>2</sup>	7.6 m <sup>2</sup>	8.4 m <sup>2</sup>	9.3 m <sup>2</sup>	10.1 m <sup>2</sup>	11 m <sup>2</sup>

**Commented [GJH6]:** Updated Graduated Table Separating Kitchen and Lounge as opposed to total communal space

**Table 5. Minimum bedroom sizes**

	One room unit of accommodation				Unit of accommodation > 1 room (two room bedsits)		
Room type:-	Bedroom	Bed + Kitchen	Bed + Lounge	Bed + Lounge + Kitchen	lounge	Lounge + kitchen	Kitchen
Single	6.51 m <sup>2</sup>	10.5 m <sup>2</sup>	9 m <sup>2</sup>	13 m <sup>2</sup>	6 m <sup>2</sup>	10 m <sup>2</sup>	5 m <sup>2</sup>
Couple	10.22 m <sup>2</sup>	15 m <sup>2</sup>	14 m <sup>2</sup>	19 m <sup>2</sup>	8 m <sup>2</sup>	12 m <sup>2</sup>	5.25 m <sup>2</sup>

**Commented [GJH7]:** Updated table with minor adjustments

- *The above relates to permanent accommodation often occupied under an Assured Shorthold Tenancy.*
- *Kitchen lounge/dining will be summation of the above.*
- *For these calculations, any floor area where the ceiling height is below 1.5m shall not be counted as useable floor area (except at the discretion of the Council). In addition, when calculating the size of any attic room, this shall be calculated on the basis that a minimum of 75% of the usable floor area should be a minimum height of 2.14m.*
- *Where en-suite bathrooms are provided this shall not count towards the bedroom area.*
- *Where there are children living in a HMO, the letting they occupy must consist of at least 2 rooms.*
- *Any child over the age of 10 years shall not have to share a bedroom with their parents or a child of the opposite sex.*
- *A minimum size of bedroom only for a child under 10yrs is 4.64m<sup>2</sup> or 9.28m<sup>2</sup> for two children.*
- *The rooms must be self-contained and adjoined or preferably interconnecting. The letting must have its own directly accessible bathroom for exclusive use of that letting. Ideally the bathroom should have a bath rather than just a shower.*
- *Ideally, a play space and a desk shall be provided. Where there is a garden or other outside space associated with the dwelling, it shall be child friendly, safely and easily accessible to the children.*

**Commented [GJH8]:** New and updated explanation notes

**Kitchen facilities for exclusive use of an individual letting**

Where individual bedsit rooms are large enough to accommodate a kitchen or multi-room bedsits, or where a room is of adequate size to accommodate a separate kitchen for the exclusive use of the occupant(s) of an accommodation unit:

**Commented [GJH9]:** New table providing clarity as to what is required

**Table 6: Kitchen facilities for individual units of accommodation:**

Facility	Minimum Standard
<b>Sink</b> To be connected to the drainage system via a suitable trap.	<b>A fixed impervious sink with a drainer.</b> It must be provided with an adequate and wholesome supply of cold water and a constant supply of hot water.
<b>Cookers</b> Served either by a gas or (adequate) electric point.	<b>A cooker with at least 4 rings</b> with an oven and grill, including at least 300mm of worktop located either side, or if a microwave is provided this can be reduced to 2 rings.
<b>Electric sockets</b>	<b>3 double electric sockets</b> set at a convenient height and safe position including sockets for relevant white goods.
<b>A worktop for the preparation of food</b>	<b>Minimum size 500 to 600mm deep x 1000mm long.</b> The worktop should be secure, fixed and of an impervious material that can be hygienically cleaned.
<b>Cupboards for the storage of utensils and food</b> The cupboard space below the sink is disregarded.	<b>A floor based storage cupboard of 500mm wide</b> and of standard depth and height or; <b>a wall mounted food storage cupboard of 1000mm wide</b> and standard depth and height
<b>A refrigerator</b>	<b>A refrigerator with a freezer compartment.</b>

- *In the absence of adequate kitchen facilities, shared facilities will need to be present to accommodate the occupants.*

**Bed & Breakfast (or Hostel) type accommodation**

(occupied by persons or families as their main residence on a temporary basis, generally temporary homeless accommodation or supported living accommodation for the vulnerable or ex-offenders etc)

Commented [GJH10]: New table, graduated and clearer.

**Minimum room sizes**

**Table 7. Minimum room sizes for 'temporary' bedroom accommodation**

Occupants:-	1	2 (couple)	Couple + child under 10yrs
Bedroom only	6.51 m <sup>2</sup>	10.22 m <sup>2</sup>	15 m <sup>2</sup>
+ lounge	9 m <sup>2</sup>	14 m <sup>2</sup>	20 m <sup>2</sup>
+ kitchen	10.5 m <sup>2</sup>	15 m <sup>2</sup>	18.5 m <sup>2</sup>
+ lounge + kitchen	13 m <sup>2</sup>	19 m <sup>2</sup>	24 m <sup>2</sup>

**Table 8. Minimum room sizes for 'temporary' shared rooms**

Commented [GJH11]: New table and explanatory notes

Occupants:-	1-3	4	5	6	7	8	9	10**
Lounge	9 m <sup>2</sup>	10 m <sup>2</sup>	11 m <sup>2</sup>	12 m <sup>2</sup>	13 m <sup>2</sup>	14 m <sup>2</sup>	15 m <sup>2</sup>	16 m <sup>2</sup>
*Kitchen	5 m <sup>2</sup>	5.9 m <sup>2</sup>	6.7 m <sup>2</sup>	7.6 m <sup>2</sup>	8.4 m <sup>2</sup>	9.3 m <sup>2</sup>	10.1 m <sup>2</sup>	11 m <sup>2</sup>
*Kitchen-dining	10 m <sup>2</sup>	11.1 m <sup>2</sup>	12.3m <sup>2</sup>	13.4m <sup>2</sup>	14.6 m <sup>2</sup>	15.7 m <sup>2</sup>	16.8 m <sup>2</sup>	18 m <sup>2</sup>
Kitchen-lounge	15m <sup>2</sup>	16.8 m <sup>2</sup>	18.6 m <sup>2</sup>	20.4 m <sup>2</sup>	22.2 m <sup>2</sup>	24 m <sup>2</sup>	25.8 m <sup>2</sup>	27.6 m <sup>2</sup>

- The above applies to accommodation used as temporary accommodation generally occupied under licence.
- \*Where ALL meals are not provided for the residents.
- Where All meals are provided the kitchen facilities shall comply with the requirements of the Food Hygiene Regulations currently in force.
- A lounge may not be required where minimum bedroom + lounge room sizes above are met
- Where showers are provided in the bedroom a notional area for shower and shower use shall be disregarded from the calculation.
- \*\*Where numbers are in excess of 10 consultation with the Council is required.

**Dormitory accommodation**

(limited to accommodation occupied by seasonal migrant workers as their work residence on a temporary basis only and in some cases night shelters for the homeless).

**Commented [GJH12]:** New category to deal with agricultural HMOs

**Minimum room sizes**

**Table 9. Minimum room sizes for ‘temporary’ bedroom accommodation**

Occupants:-	1	2 (couple)	2****	3+ occupants
Bedroom only	6.51 m <sup>2</sup>	10.22 m <sup>2</sup>	12 m <sup>2</sup>	3.5 m <sup>2</sup> for each extra occupant***
+ lounge	9 m <sup>2</sup>	14 m <sup>2</sup>	16 m <sup>2</sup>	Separate areas for kitchen and lounge are required.
+ kitchen	10.5 m <sup>2</sup>	15 m <sup>2</sup>	17 m <sup>2</sup>	
+ lounge + kitchen	13 m <sup>2</sup>	19 m <sup>2</sup>	21 m <sup>2</sup>	

**Table 10. Minimum room sizes for ‘temporary’ shared rooms**

Occupants:-	1-3	4	5	6	7	8	9	10**
Lounge	9 m <sup>2</sup>	10 m <sup>2</sup>	11 m <sup>2</sup>	12 m <sup>2</sup>	13 m <sup>2</sup>	14 m <sup>2</sup>	15 m <sup>2</sup>	16 m <sup>2</sup>
*Kitchen	5 m <sup>2</sup>	5.9 m <sup>2</sup>	6.7 m <sup>2</sup>	7.6 m <sup>2</sup>	8.4 m <sup>2</sup>	9.3 m <sup>2</sup>	10.1 m <sup>2</sup>	11 m <sup>2</sup>
*Kitchen-dining	10 m <sup>2</sup>	11.1 m <sup>2</sup>	12.3 m <sup>2</sup>	13.4 m <sup>2</sup>	14.6 m <sup>2</sup>	15.7 m <sup>2</sup>	16.8 m <sup>2</sup>	18 m <sup>2</sup>
Kitchen-lounge	15 m <sup>2</sup>	16.8 m <sup>2</sup>	18.6 m <sup>2</sup>	20.4 m <sup>2</sup>	22.2 m <sup>2</sup>	24 m <sup>2</sup>	25.8 m <sup>2</sup>	27.6 m <sup>2</sup>

- Seasonal workers are those that are residing here for work on a temporary basis for a maximum of six months and may be subject to the conditions of a temporary seasonal worker visa. This type of accommodation is not suitable for **permanent** accommodation.
- \*Required where ALL meals are not provided for residents
- Where ALL meals are provided the kitchen facilities shall comply with the requirements of the Food Hygiene Regulations currently in force - and the model area above will not apply.
- Where en-suite bathrooms are provided this shall not count towards the bedroom area.
- Where showers are provided in the bedroom a notional area for shower and shower use shall be disregarded from the room size floor area calculation.
- \*\*Where numbers are in excess of 10 consultation with the council is required.
- \*\*\*exclusive of any area devoted to storage.
- \*\*\*\*The standards shall only be relaxed where bunk beds are in use and a reduction of .5m<sup>2</sup> per set shall apply. (assumed single bed 1.45m<sup>2</sup> and .95m<sup>2</sup> floor space required)
- Bunk beds shall not be used where the floor to ceiling height does not exceed 3m.

### 3.0 Further amenity requirements.

Commented [GJH13]: Updated Section with references to single family dwellings removed.

#### Heating

All units of accommodation (and communal areas) must be provided with adequate thermal insulation and a suitable and effective means of space heating - so that it can be economically maintained at a reasonable temperature.

An effective means of space heating may include:

- a programmable natural gas, LPG or oil central heating system;
- an electric storage heaters linked to an Economy 7 (or 10) tariff;
- an economical under-floor heating or warm air heating system;
- any similar economic heating system not described above.

All heaters must be securely fixed in position and heating must be fully controllable by occupiers (of each unit).

All habitable rooms, bathrooms and WC's should have a heating provision capable of raising the temperature of the room to 21°C and maintaining that temperature when the outside temperature is -1°C;

Communal areas should have a heating provision capable of raising the temperature of the areas to 19°C and maintaining that temperature when the outside temperature is -1°C;

#### Electrical Safety

All rented accommodation must comply with the requirements of *The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020*. As a consequence, landlords must ensure that every fixed electrical installation is inspected and tested at least every five years by a qualified person. Installations must be maintained in a safe condition for the duration of any tenancy. Any remedial works must be undertaken by a competent person.

#### Portable Appliance Testing (PAT testing)

Any electrical equipment that is provided by the landlord for a tenant must be safe and conform to *The Electrical Equipment (Safety) Regulations 2016* (or *The Electrical Equipment (Safety) Regulations 1994* for electrical equipment placed on the market before 8 December 2016) and the *Plugs and Sockets etc. (Safety) Regulations 1994*.

Where undertaken, PAT testing should be carried out by a competent person, and records maintained of the inspection and testing results. Copies of certificates issued by the competent person should be displayed in a suitable location in the property, or given directly to the occupiers. Frequency of testing will depend on whether the appliance is Class I (earthed) or Class II (double or reinforced insulation). Equipment should be tested at the beginning of a new tenancy, or regularly during a longer tenancy. Manufacturer's instructions for use of equipment should be available to tenants.



## Electric plug sockets

Determination of the number of sockets shall be bespoke to each property and room and shall take into account the following matters:

- The size and dimensions of the room and relative maximum distance from any point in a room and the nearest socket;
- Whether any sockets are unlikely to be used due to their positioning; and
- the recommended number of **double** sockets as follows:

As per Table 1 of Electrical Safety Council Guidance published March 2018 & BS7671:2018 IET Wiring Regulations 18<sup>th</sup> Edition and the IET On-Site Guide Table H7.

Location type	Smaller rooms (< 12m <sup>2</sup> )	Medium rooms (12-25 m <sup>2</sup> )	Larger rooms (> 25 m <sup>2</sup> )
Main living area	4	6	8
Dining area	3	4	5
Single bedroom	2	3	4
Double bedroom	3	4	5
Bedsitting room	4	5	6
Utility room/area	3	4	5
Hallways and landing	1	2	3

*HOME ENTERTAINMENT* - In addition to the number of socket-outlets shown in the table it is recommended that at least two further double socket-outlets are installed in home entertainment areas.

## Minor Domestic Electrical Installation Works Certificate

In order to comply with Part P of the Building Regulations, any electrical installation fitted in a room where water is present, such as a kitchen or bathroom, requires a minor domestic electrical installation works certificate.

## Gas Safety

Landlords must comply with *The Gas Safety (Installation and Use) Regulations 1998*. Among the requirements is that all gas appliances are tested on an annual basis.

Safety testing records for gas and electrical installations must be kept and made available to the council when requested.

Gas and electricity supplies to occupants of an HMO must not be unreasonably interrupted by the manager.

## Ventilation

All habitable rooms should be ventilated directly to the external air by a window which has an openable area not less than 1/20<sup>th</sup> of the floor area and must be adequately maintained.

## Lighting

All habitable rooms shall have an adequate level of natural lighting, provided via a clear glazed window or windows and/or door(s), the glazed area to be equivalent to at least  $\frac{1}{10}$ <sup>th</sup> of the floor area.

All staircases, landings, kitchens, bathrooms, and cloakrooms to have a window, if practicable. Windows to bathrooms and cloakrooms are to be glazed with obscure glass.

Adequate electric lighting points to be provided to all habitable rooms, staircases, landings, kitchens, and cloakrooms. Generally, lighting to common parts to be paid for by the landlord. Lighting to staircases etc. may be controlled by time switches and two-way switches.

## Ceiling Heights

All habitable rooms, kitchens, bathrooms, and WC compartments shall have a minimum floor to ceiling height of 2.14m (except as described previously for existing attic rooms).

## Disposal of Refuse

Commented [GJH14]: New section

Refuse should not be allowed to accumulate in the property except where properly stored pending disposal.

- Provide suitable rubbish containers of adequate size for the number of occupants (see Table 2).
- Site containers in the kitchen and in other appropriate locations.
- Ensure that tenants are aware of collection days for refuse and recycling (other than in areas where communal street bins are provided).
- Make arrangement for extra collections if there is not adequate space to store rubbish within the boundaries of the property.
- Make arrangements for the additional collection and disposal of refuse from the property if this is found to be necessary to avoid causing a nuisance to the neighbourhood.
- At the end of each tenancy any rubbish or unwanted household goods left by tenants should be removed and disposed of appropriately by the landlord prior to the commencement of the next tenancy.
- In particular, any refuse or goods left in front or rear gardens or yards and/or on the pavement should be removed immediately.

## **Gardens, Yards and Forecourts**

Commented [GJH15]: New section

In most circumstances the definition of a dwelling includes any garden, yard, forecourt, outbuildings or appurtenances contained within the same curtilage.

The landlord should ensure that all such areas are kept free from vermin, in good order, safe to use and repair when necessary all outbuildings, boundary walls, fences, railings and hedgerows.

Gates should be in a good state of repair and be fully serviceable and capable of being locked, especially rear garden or yard gates.

## **Furniture & Furnishings (Fire)(Safety) Regulations 1988 (as amended)**

Upholstered furniture and soft furnishings (beds, mattresses, pillows and cushions) provided by the landlord (including any furniture that has been left in the property by previous tenants for the use of the current or future tenants) must be compliant with the Regulations.

## **The Management of Houses in Multiple Occupation (England) Regulations 2006 (as amended)**

Commented [GJH16]: New section

The 'HMO Management Regulations' stipulate standards of management that apply to HMOs and should be read in conjunction with this document. These regulations apply to all HMOs and place a responsibility on landlords and managers to ensure for the safety of occupants. These Regulations cover items such as:

- Supply information: the name, address and a contact phone number for the manager must be supplied to each household and clearly displayed in a prominent position within the HMO;
- Maintain fire safety measures: all escape routes must be kept safe and free from obstruction (alarms, detection and firefighting equipment must be maintained in good working order);
- Protect occupiers from injury: apart from a general duty to maintain the structure, appropriate safeguards must be provided and maintained for roofs, balconies and low window sills
- Maintain water supply and drainage: all services and fittings shall be maintained in good, clean working order and free from frost damage (the manager must not unreasonably cause or permit the water or drainage supply to be interrupted);
- Ensure any gas appliances at the HMO are tested annually. The fixed electrical installation must be inspected and tested at intervals of no more than five years. Gas and electrical safety certificates must be supplied to the local authority within seven days of a request. The manager must not unreasonably interrupt the gas or electric supply;
- Maintain common parts, fixtures, fittings and appliances: these include stairs, handrails, banisters, lighting, ventilation, gardens, yards, paths, outbuildings etc;

- Maintain living accommodation: each room must be kept in good repair and installations in good working order;
- Provide waste disposal facilities: adequate arrangements must be made for the storage and disposal of refuse and litter

Under The Management of Houses in Multiple Occupation (England) Regulations 2006, alongside the landlords/managers responsibilities, there are duties that the occupiers must also adhere to.

Every occupier of the HMO must:

- not hinder or frustrate the manager in the performance of their duties;
- allow the manager, for any purpose connected with the duties imposed on them under this regulation to enter any living accommodation or other place occupied by that person;
- provide the manager with any such information as he may require for the purpose of carrying out their duties;
- take reasonable care to avoid causing damage to anything which the manager is under a duty to supply, maintain or repair;
- store and dispose of waste in accordance with the arrangements made by the manager;
- comply with the reasonable instructions of the manager in respect of any means of escape from fire, the prevention of fire and the use of fire equipment;

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



## Housing Standards

# Financial penalties under the Housing Act 2004 and Housing and Planning Act 2016

Commented [GJH1]: New format and new contents page

Borough Council of King's  
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## Introduction

### Financial penalties as an alternative to prosecution

Commented [GJH2]: New Introduction

#### Relevant housing offences

1. Section 126 and Schedule 9 of the Housing and Planning Act 2016 (“the 2016 Act”) amended the Housing Act 2004 (“the 2004 Act”) to allow financial penalties to be imposed by local housing authorities as an alternative to prosecution for certain housing offences.
2. Under section 249A of the 2004 Act, a local housing authority may now impose a financial penalty on a person if satisfied, beyond reasonable doubt, that the person’s conduct amounts to a “relevant housing offence”.
3. The relevant housing offences are offences under the 2004 Act, namely:
  - Failing to comply with an Improvement Notice (section 30);
  - Failing to licence a house in multiple occupation (“HMO”) under Part 2 (section 72(1));
  - Knowingly permitting the over-occupation of an HMO licensed under Part 2 (section 72(2));
  - Failing to comply with the condition of an HMO licence issued under Part 2 (section 72(3));
  - Failing to licence a house subject to selective licensing under Part 3 (section 95(1));
  - Failing to comply with the condition of a selective licence issued under Part 3 (section 95(2));
  - Failing to comply with an overcrowding notice in respect of a non-licensable HMO (section 139(7)); and
  - Failing to comply with HMO management regulations (section 234(3)).
4. A person who commits any of the above-mentioned offences without reasonable excuse is liable on summary conviction to a fine of any amount in the Magistrates’ Court. A financial penalty imposed by a local housing authority as an alternative must not exceed £30,000.

#### Breaches of banning orders

Commented [GJH3]: New reference

5. The 2016 Act also introduced banning orders under Chapter 2 of Part 2. A local housing authority may apply to a First-tier Tribunal for a banning order against a person who has been convicted of a “banning order offence”. A banning order offence is an offence set out in The Housing and Planning Act 2016 (Banning Order Offences) Regulations 2018 (SI 2018/216). A range of offences under 14 Acts of Parliament are listed, including those listed above as relevant housing offences.
6. A banning order made by a First-tier Tribunal may prohibit a person from engaging in one or more of the following activities:
  - Letting housing;
  - Engaging in letting agency work;
  - Engaging in property management work.

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7. A person who breaches a banning order commits an offence under section 21(1) of the 2016 Act and is liable on summary conviction to imprisonment, or to a fine, or to both. However, a local housing authority may instead impose a financial penalty under section 23 of the 2016 Act of an amount not exceeding £30,000.

### Prosecution or financial penalty

Commented [GJH4]: New for clarity

8. A local housing authority cannot both prosecute and impose a financial penalty in respect of the same offence. It must decide which course of action is most appropriate.

### Burden of proof

9. The same criminal standard of proof is required for a financial penalty as for a prosecution. Before taking formal action, a local housing authority must therefore be satisfied that if the case were to be prosecuted in the Magistrates' Court, there would be a realistic prospect of conviction.

### Statutory guidance

Commented [GJH5]: New clarification with regards Guidance

10. In exercising their functions in respect of financial penalties, local housing authorities must have regard to any statutory guidance issued under section 23(10) and Schedules 1 and 9 of the 2016 Act. The Ministry of Housing, Communities & Local Government issued such statutory guidance in April 2018, namely: *Civil penalties under the Housing and Planning Act 2016 - Guidance for Local Housing Authorities*.
11. The guidance requires local housing authorities to develop and document a policy which sets out:
- When it should prosecute and when it should impose a financial penalty; and
  - The level of financial penalty it should impose in each case.
12. The guidance states that local housing authorities should consider the following factors to help ensure that any financial penalty is set at an appropriate level:
- Severity of the offence;
  - Culpability and track record of the offender;
  - The harm caused to the tenant (actual and potential);
  - Punishment of the offender (the penalty should be proportionate to the offence and have a real economic impact);
  - Deter the offender from repeating the offence;
  - Deter others from committing similar offences;
  - Remove any financial benefit the offender may have obtained as a result of committing the offence.
13. This policy sets out how The Borough Council of King's Lynn & West Norfolk ("the council") will impose financial penalties in accordance with relevant legislation and statutory guidance.

### Commencement

14. This policy takes effect from [XXXXXXX] and applies to all relevant offences ("relevant housing offences" and breaches of banning orders) committed on or after this date.

Commented [GJH6]: Date to be inserted to reflect Council adoption

## When a financial penalty is to be imposed

### Crackdown on rogue landlords

Commented [GJH7]: New explanation

15. The Government announced the introduction of financial penalties for relevant housing offences with a press release entitled: "*Tougher measures to target rogue landlords - New rules will help crackdown on rogue landlords that flout the rules and improve safety and affordability for renters.*" The Government is obviously keen to see more enforcement action taken against the small minority of rogue landlords who neglect their responsibilities.
16. Significantly, these new powers allow local housing authorities to retain the income received from financial penalties to fund private sector housing enforcement activities. This is clearly intended to help local housing authorities take more enforcement action.
17. The council will use the new powers robustly whenever it is appropriate to do so.

### Determining an appropriate sanction

Commented [GJH8]: New explanation as to appropriateness of sanction

18. Each offence will be assessed on a case-by-case basis. However, the starting position is that the council will seek to impose a financial penalty for a relevant offence, unless there are circumstances relating to the offence that advocate pursuing a criminal prosecution instead.
19. The council may choose to prosecute for a relevant offence if it is of a particularly serious nature. The imposition of a financial penalty in accordance with the policy set out below may not constitute a sanction of sufficient severity in relation to some offences, as the policy has prescribed ranges and is further restricted by the statutory maximum of £30,000. If the council is of the opinion that an offence is of such serious nature that it warrants a more significant financial sanction than that which could be imposed by this policy, it will normally seek to prosecute the offender(s).
20. The breach of a banning order under the 2016 Act is a serious offence, and the council will give careful consideration to the option of prosecution in such cases, as the courts have the power to impose a prison sentence as a punishment.
21. Prosecution may also be an appropriate course of action when an offender has committed the same offence on more than one occasion in the past. Preventing reoffending is an important consideration and a successful prosecution resulting in a criminal record might be a more significant deterrent in some circumstances.
22. Wider public awareness may also be a key consideration. Prosecutions are held in the public domain and can be publicised by the council and local media. Such publicity in respect of an offender may be in the public interest in certain circumstances. Naming and shaming also helps to deter others from committing similar offences. If an offender is subject to a financial penalty, their personal information will not be available in the public domain.
23. There may be other situations in which prosecution may be the most appropriate sanction. Accordingly, the council will carefully review the merits of prosecution for every offence before making a final decision as to an appropriate sanction.

# Determining the starting point for a financial penalty

## Severity of the offence

**Commented [GJH9]:** New wording to provide clarity as to how the penalty will be calculated

24. A financial penalty may be of any amount up to the statutory maximum of £30,000. However, local housing authorities are expected to reserve the higher amounts for the worst offenders and take a logical and proportionate approach to setting the level of financial penalties more generally. The overarching principle is that the more serious the offence, the higher the penalty should be. The penalty for each offence must therefore be determined on a case-by-case basis.
25. Having due regard to the statutory guidance published by Government, the council has developed the Table of Financial Penalties set out below. The table specifies a range of starting points from £1,000 to £30,000. The starting point is determined by the severity of the offence, which is based on an assessment of the following factors:
- Culpability;
  - Track record;
  - Portfolio size;
  - Risk of harm
26. The following paragraphs set out how each determinant is assessed.

## Culpability

27. Culpability is a key factor in determining the severity of an offence. Therefore, the level of any penalty will initially be set by calculating the culpability category, which then determines the culpability premium. There are four culpability categories, namely:
- Very High;
  - High;
  - Medium;
  - Low

### Very High

28. This category applies to offences where the offender has deliberately breached or flagrantly disregarded the law. This category is subject to a 100% culpability premium.

### High

29. This category applies to offences where the offender had foresight of a potential offence, but through wilful blindness, decided not to take appropriate and/or timely action. This category is subject to a 80% culpability premium.

### Medium

30. This category applies to offences committed through an act or omission that a person exercising reasonable care would not commit. Any person or other legal entity operating as a landlord or agent in the private rented sector is running a business and is expected to be aware of their legal obligations. This category is subject to a 60% culpability premium.

### Low

31. This category applies to offences where there was fault on the part of the offender, but significant efforts had been made to secure compliance with the law, but those efforts were not sufficient. This category may also apply to situations where there was no warning of a potential offence. This category is subject to a 40% culpability premium.

### Track record

32. The council would expect a good landlord or agent to have very little contact with the council's Private Sector Housing Team, other than for advice or for licensing obligations. They would be expected to maintain their properties in a good and safe condition and keep up-to-date and comply with all relevant legal requirements. Unfortunately, there are landlords and agents who are regularly subject to enforcement action owing to their failure to maintain their properties in an acceptable condition.
33. The second step in determining the amount of financial penalty relates to the offender's track record. A historically non-compliant landlord or agent should be subject to a more significant penalty on the basis that they have yet to change their behaviour. A penalty amount adjustment relating to the offender's track record is therefore appropriate. This should help deter repeat offending.
34. The council will review all relevant records to identify any previous evidence of legislative failings. However, only evidence relating to the five years immediately prior to the offence date will be taken into account. The evidence reviewed will include:
- Any previous convictions for housing related offences;
  - Whether previously subject to a financial penalty for a housing related contravention; • Whether previously subject to, or associated with, statutory enforcement action (e.g. Improvement Notice, Emergency Prohibition Order, etc.); and
  - The number of genuine housing condition complaints received in respect of properties associated with the offender.
35. Following the review, the offender's track record will be classed as one of the following categories:
- Significant;
  - Some;
  - None or negligible.

**Commented [GJH10]:** More detailed explanation as to how the track record of a landlord is important to consider

### Significant

36. Where there is evidence of multiple enforcement interventions by the council's Private Sector Housing Team, together with evidence of non-compliance, the significant category will be used. In most cases, this category will also be used for any offender who has been successfully prosecuted for a housing offence or been subject to a housing related-financial penalty.

### Some

37. This category will be used where the offender is associated with more evidence than would normally be expected of a good landlord or agent having regard to the size and nature of their portfolio. There is likely to be evidence of statutory enforcement action.

### None or negligible

38. This category will be used if, following a review of the council's records, there is no relevant evidence associated with the offender. Any unsubstantiated housing condition complaints will be disregarded. The council may also exercise its discretion to disregard any evidence where the issues were minor in nature and there was no reluctance on the part of the landlord or agent to resolve the issues within reasonable timescales.
39. The descriptor "Negligible" has been included to allow for a fair and reasonable review of evidence in respect of landlords and agents with larger portfolios. Therefore, if the evidence is negligible having regard to the size of the portfolio in Thanet, this category will be used.

### Portfolio size

Commented [GJH11]: New factor to consider

40. The size of an offender's portfolio will be taken into account when determining the amount of financial penalty. While all landlords and agents are expected to be aware of their legal obligations, the larger the business is, the more proficient and professional the landlord or agent should be. Furthermore, offenders with a larger portfolio will have more assets and a higher rental income and as such the penalty should have regard to their ability to pay.
41. Taking into account the size of the offender's portfolio helps ensure that the penalty is set at a high enough level to have a real economic impact, such that it serves as an appropriate punishment as well as a deterrent.
42. The third step in determining the amount of financial penalty requires the council to allocate a portfolio size. There are four size categories which relate to the number of units of accommodation the offender has ownership of, responsibility for, or association with. The size categories are:
- One unit of accommodation;
  - Two to four units of accommodation;
  - Five to 19 units of accommodation;
  - 20 or more units of accommodation.
43. A unit of accommodation is a single dwelling house, a flat (whether self-contained or not) or a combination of 3 rooms or bedsits (including common parts) within a house in multiple occupation ("HMO").
44. Some offenders own properties directly; some are directors of companies which own property. It is also not uncommon for an offender to be strongly associated with the management of a rented property, but actual ownership, for whatever reason, is in the name of a husband, wife or partner. All units of accommodation that are clearly associated with the offender will be taken into account when determining the portfolio size.
45. The council will determine which category to place the offender in using the information it already holds and any information it can reasonably obtain in making the assessment.
46. If the council cannot ascertain any information as to whether the offender has any other properties, an assumption will be made, with the default position being two to four units of accommodation. However, if an agent is the offender, it will be assumed that they are responsible for 20 or more units of accommodation.

### Risk of harm

Commented [GJH12]: A clearer explanation as to the how to assess harms

48. The fourth step in determining the amount of financial penalty concerns the risk of harm associated with the offence. The nature of the exposure to a harmful occurrence is an important factor when considering the severity of an offence.

49. The council will make an assessment of the risk of harm by having regard to the seriousness of the harm risked as well as the likelihood of that harm occurring. The offence will be placed into one of the following four categories:

- Level 1;
- Level 2;
- Level 3; • Level 4.

50. To assist in determining the level of risk, potential harm outcomes are classified as serious, severe or extreme and the likelihood classified as low, medium or high.

**Level 1**

51. This category will be used when the risk of harm does not fall within the Level 2, Level 3 or Level 4 categories.

52. Any offence associated with the operation of an unlicensed premises under the HMO and selective licensing regimes will usually fall into this category if there is no particular risk of harm associated with the condition or management of the property concerned.

**Level 2**

53. The use of this category may infer that the offence was associated with an extreme harm outcome, but the likelihood of a harmful event occurring was low. This category may be used when the risk of harm related to a severe harm outcome and the likelihood of a harmful event occurring was medium. This category may also be used when the risk of harm related to a serious harm outcome and the likelihood of a harmful event occurring was high.

**Level 3**

54. The use of this category may infer that the offence was associated with an extreme harm outcome and the likelihood of a harmful event occurring was medium. This category may also be used when the risk of harm related to a severe harm outcome and the likelihood of a harmful event occurring was high.

**Level 4**

55. The use of this category will usually infer that the offence was associated with an extreme harm outcome and the likelihood of a harmful event occurring was high.

**Table of Financial Penalties**

56. Having made the four-step assessment described above, the council will determine the starting point for the financial penalty using the Table of Financial Penalties set out on the next page.

**Commented [GJH13]:** Complete new table and calculation matrix, clearer for officers, landlords and RPT's to understand

Culpability	Track Record	Portfolio Size	Risk of Harm			
			Level 1	Level 2	Level 3	Level 4
Very High (100% Premium)	Significant	1	£7,500	£10,000	£12,500	£20,000
		2 to 4	£10,000	£12,500	£15,000	£22,500
		5 to 19	£15,000	£17,500	£20,000	£27,500
		20 +	£17,500	£20,000	£22,500	£30,000
	Some	1	£5,000	£7,500	£10,000	£17,500

		2 to 4	£7,500	£10,000	£12,500	£20,000
		5 to 19	£12,500	£15,000	£17,500	£25,000
		20 +	£15,000	£17,500	£20,000	£27,500
	None or negligible	1	£2,500	£5,000	£7,500	£15,000
		2 to 4	£5,000	£7,500	£10,000	£17,500
		5 to 19	£10,000	£12,500	£15,000	£22,500
		20 +	£12,500	£15,000	£17,500	£25,000
High (80% Premium)	Significant	1	£6,000	£8,000	£10,000	£16,000
		2 to 4	£8,000	£10,000	£12,000	£18,000
		5 to 19	£12,000	£14,000	£16,000	£22,000
		20 +	£14,000	£16,000	£18,000	£24,000
	Some	1	£4,000	£6,000	£8,000	£14,000
		2 to 4	£6,000	£8,000	£10,000	£16,000
		5 to 19	£10,000	£12,000	£14,000	£20,000
		20 +	£12,000	£14,000	£16,000	£22,000
	None or negligible	1	£2,000	£4,000	£6,000	£12,000
		2 to 4	£4,000	£6,000	£8,000	£14,000
		5 to 19	£8,000	£10,000	£12,000	£18,000
		20 +	£10,000	£12,000	£14,000	£20,000
Medium (60% Premium)	Significant	1	£4,500	£6,000	£7,500	£12,000
		2 to 4	£6,000	£7,500	£9,000	£13,500
		5 to 19	£9,000	£10,500	£12,000	£16,500
		20 +	£10,500	£12,000	£13,500	£18,000
	Some	1	£3,000	£4,500	£6,000	£10,500
		2 to 4	£4,500	£6,000	£7,500	£12,000
		5 to 19	£7,500	£9,000	£10,500	£15,000
		20 +	£9,000	£10,500	£12,000	£16,500
	None or negligible	1	£1,500	£3,000	£4,500	£9,000
		2 to 4	£3,000	£4,500	£6,000	£10,500
		5 to 19	£6,000	£7,500	£9,000	£13,500
		20 +	£7,500	£9,000	£10,500	£15,000
Low (40% Premium)	Significant	1	£3,000	£4,000	£5,000	£8,000
		2 to 4	£4,000	£5,000	£6,000	£9,000
		5 to 19	£6,000	£7,000	£8,000	£11,000
		20 +	£7,000	£8,000	£9,000	£12,000
	Some	1	£2,000	£3,000	£4,000	£7,000
		2 to 4	£3,000	£4,000	£5,000	£8,000
		5 to 19	£5,000	£6,000	£7,000	£10,000
		20 +	£6,000	£7,000	£8,000	£11,000
	None or negligible	1	£1,000	£2,000	£3,000	£6,000
		2 to 4	£2,000	£3,000	£4,000	£7,000
		5 to 19	£4,000	£5,000	£6,000	£9,000
		20 +	£5,000	£6,000	£7,000	£10,000

## Determining whether adjustment of the financial penalty is appropriate

Commented [GJH14]: A new section to provide clarity for officers when considering adjustments

### Review

57. The level of financial penalty should, in a fair and proportionate way, meet the objectives of punishment, deterrence and the removal of gain. As such, the council will, once the starting point has been determined, review the proposed financial penalty and consider whether there are any other mitigating or aggravating factors that should be taken into account when setting the amount of financial penalty. If there are none, no adjustment will be made to the starting point identified by the Table of Financial Penalties.
58. Some examples of mitigating and aggravating factors are given below. However, the list is not exhaustive, and the council may take into account any factor deemed to be relevant.

#### Hardship (Landlord)

59. If at this stage of the process, the council is aware of the offender's personal situation and financial position, and is of the view that there are exceptional circumstances, it may be appropriate to reduce the amount of financial penalty.

#### Hardship (Tenant)

60. If, owing to the imposition of a financial penalty on a landlord, the tenant will - through no fault of their own - experience hardship, the council may consider reducing the amount of financial penalty, but only in exceptional circumstances.

#### Previous offences

61. While the Table of Financial Penalties takes into account the offender's track record, there may be circumstances in which the nature of previous offences require a more robust approach to punishment.
62. For example, if a historically non-compliant landlord persists in operating unlicensed premises, the starting point may not be sufficiently high enough in certain circumstances. Such circumstances could include when there are no significant hazards associated with the unlicensed premises. If a *Significant* track record category is already in use for a certain offender, repeated offences where the *Culpability* is very high would be restricted owing to the *Risk of Harm* categorisation. However, the repeated offences would be demonstrating a complete disregard for the law. Therefore, for any repeated offence so restricted, the council may consider increasing the amount of financial penalty.

#### Scale of exposure

63. The greater number of people exposed to the risk of harm, the more significant the offence. While the Table of Financial Penalties takes into account the risk of harm, it does not take into account the number of persons exposed to that harm. Accordingly, if the number of persons exposed is higher than average, the council may consider increasing the amount of financial penalty.
64. A risk of harm associated with a typical family unit would not usually necessitate an increase. However, if the risk of harm was in an HMO or the common parts of a building occupied by numerous persons, an increase in the amount of financial penalty may be appropriate.



### Actual harm

65. If actual harm has occurred, the council may consider increasing the amount of financial penalty. If the harm outcome is of a serious nature, it is likely the council will seek to review the financial penalty upwards.

### Adjustment range

66. The adjustment range will be limited to an amount equal to 50% of the starting point. The maximum 50% variance may be above or below the initial starting point. For example, if the starting point is £9,000, the maximum 50% variance is £4,500. As such, the financial penalty could be reduced to an amount not lower than £4,500 or increased to an amount not greater than £13,500.
67. The council will not, under any circumstances, vary the financial penalty by more than 50%, and is restricted by the statutory maximum of £30,000.

### Decision making

68. If the council decides to vary the proposed financial penalty away from the starting point identified in the Table of Financial Penalties, it will notify the offender of the reasons for that decision.
69. To ensure fairness and transparency, the decision to vary a financial penalty will be subject to review by an Assistant Director. In the first instance, the variation will be proposed by the Housing Standards Manager. The proposal will be reviewed by a relevant Assistant Director, or an officer of similar or higher seniority, and a final decision made by the Assistant Director.

## Right to make representations

**Commented [GJH15]:** New wording to make it clearer for landlords

### Notice of Intent

70. Before imposing a financial penalty, the council must first give the offender notice of its intention to impose such a penalty. This type of notice is known as a "Notice of Intent".
71. The Notice of Intent must be served within six months of the offence date. However, if the offence is ongoing, the Notice of Intent may be served at any time while the conduct is continuing. If the conduct stops, the Notice of Intent must be served within six months of the date the conduct ceased.
72. For example, if a person fails to licence an HMO subject to mandatory licensing without reasonable excuse, the council may at any time while the HMO remains unlicensed, serve a Notice of Intent. If such a person makes a valid licence application, the council will still have the option to serve a Notice of Intent, but if it chooses to do so, it must serve the Notice of Intent within six months of the date the valid licence application was made.
73. The Notice of Intent must set out:
- The amount of the proposed financial penalty;
  - The reasons for proposing to impose the financial penalty, and
  - Information about the right to make representations.

## Written representations

74. Any person served with a Notice of Intent may make written representations to the council about the proposal to impose a financial penalty. Any representations must be made within 28 days of the date the Notice of Intent was served.
75. Written representations may be made in respect of any matter.

### Financial position

76. The offender may wish to submit information as to their financial position. If the council was aware of the financial position of the offender before serving the Notice of Intent, the council may have already made adjustments to the proposed financial penalty. However, this may not be the case and offenders are advised to use the 28-day period for submitting written representations to make the council aware of their financial situation, particularly if they would have difficulties in paying the proposed financial penalty.

### False or misleading information

77. It is important to note that any person who supplies information to the council that is false or misleading, whether knowingly or recklessly, in connection with any proposed financial penalty, commits an offence and is liable on summary conviction in the Magistrates' Court to an unlimited fine.

## Review of representations

78. The council will carefully review any written representations received during the 28-day period before taking any further action. There is no statutory timeframe for the review process, but the council will seek to make a decision as to its proposed course of action as soon as possible.
79. The council will take one of the following courses of action:
- Withdraw the proposal to impose a financial penalty;
  - Impose a financial penalty of an amount lower than that proposed in the Notice of Intent;
  - Impose the financial penalty proposed in the Notice of Intent;
  - Propose to impose a financial penalty of an amount higher than that specified in the Notice of Intent.
80. If the council decides to withdraw the proposal to impose a financial penalty, it will confirm its decision in writing. If the council decides to impose a financial penalty of a lower or equal amount to that proposed in the Notice of Intent, it will serve a Final Notice.
81. If the offender has provided written representations that increase the severity of the offence committed, the council may seek to impose a higher financial penalty. If the council decides to take that course of action, it will withdraw the original Notice of Intent and serve a revised Notice of Intent proposing an increased financial penalty. The offender would then receive an additional 28 days in which to make further written representations.

## Reduction of financial penalty

82. A reduction in the amount of financial penalty to be imposed may arise from the council altering the starting point on the Table of Financial Penalties.

83. Whether the council decides to alter the starting point or not following any written representations, the council will not reduce the financial penalty by more than 50% of the finalised starting point.

84. If the council decides not to alter the starting point after its review of any written representations received, and it has already used its discretion to make the maximum 50% reduction from that starting point prior to serving the Notice of Intent, no further reduction will be made.

### Decision making

85. To ensure fairness and transparency, every decision to impose a financial penalty will be subject to review by a senior manager of the council. In the first instance, the imposition of a financial penalty will be proposed by the Housing Standards Manager, who will provide an assessment of any written representations received. The proposal will be reviewed or amended and authorised by the relevant Assistant Director, or an officer of similar or higher seniority.

## Final Notice and right of appeal

**Commented [GJH16]:** Again, new wording so that landlords can be clear as to the process

### Contents of Final Notice

86. If the council decides to impose a financial penalty following its review of any written representations received, it will serve a "Final Notice" on the offender.

87. The Final Notice will set out:

- The amount of the financial penalty;
- The reasons for imposing the penalty;
- Information about how to pay the penalty;
- The period for payment of the penalty;
- Information about rights of appeal; and
- The consequences of failure to comply with the notice.

88. The period in which a financial penalty must be paid has been determined by statute. All financial penalties must be paid within 28 days of the date the Final Notice was served.

### Appeals

89. A person on whom a Final Notice has been served may appeal to the First-tier Tribunal against:

- The decision to impose the financial penalty; or
- The amount of the financial penalty.

90. Appeals should be made within 28 days of the date the Final Notice was served.

91. Once an appeal has been lodged, the Final Notice is suspended until the appeal has been finally determined or withdrawn.

92. The First-tier Tribunal have the power to confirm, vary (reduce or increase), or cancel the Final Notice. If the First-tier Tribunal decides to increase the financial penalty, it may only do so up to the statutory maximum of £30,000.

93. The address and contact details of the First-tier Tribunal (Eastern Region) are:

First-tier Tribunal - (Property Chamber) Residential Property  
Cambridge County Court 197 East Road  
Cambridge  
Cambridgeshire  
CB1 1BA

Email: [rpeastern@hmcts.gsi.gov.uk](mailto:rpeastern@hmcts.gsi.gov.uk) | Tel: | 01223 841 524 Fax: 01264 785 129

94. The address of the First-tier Tribunal changes from time to time, but the latest address will be detailed on any Final Notice served and can be found at:

<https://www.gov.uk/courts-tribunals/first-tier-tribunal-property-chamber>

## Reduction for early acceptance of guilt

Commented [GJH17]: A new policy element to permit a reduction

### Public interest

95. As with criminal prosecutions, the council is of the opinion that an early acceptance of guilt is in the public interest. It saves public time and money.

### Demonstrating early acceptance of guilt

96. An offender can demonstrate an early acceptance of guilt by paying the financial penalty within 21 days of the date the Final Notice was served. If cleared payment is made within this time period, the offender can benefit from a 25% reduction in the amount of financial penalty payable.

97. A Final Notice will set out the finalised financial penalty amount determined having regard to this policy and an amount equal to 75% of that sum, which would be accepted if received within the 21-day period.

98. If the council is required to defend its decision at the First-tier Tribunal, there will inevitably be additional costs in officer time and expenses. As such, no reduction is available for cases subject to an appeal to the First-tier Tribunal. If an offender makes an early payment at the reduced rate, but then decides to appeal at a later date, the council will seek the full finalised amount during the appeal proceedings.

## Unpaid financial penalties

Commented [GJH18]: Again, all new for clarity for landlords

### County Court

99. The council will take robust action to recover any financial penalty (or part thereof) not paid within 28 days of the date the Final Notice was served.
100. An application for an order of the County Court will be made in respect of all unpaid financial penalties. A certificate signed by the Chief Finance Officer of the council stating that the financial penalty (or part thereof) has not been paid will be accepted by the court as conclusive evidence of that fact, in accordance with Paragraph 11 of Schedule 13A to the 2004 Act (relevant housing offences) and Paragraph 11 of Schedule 1 to the 2016 Act (breaches of banning orders).
101. In taking court action, the council would seek to recover interest and any court expenses incurred, in addition to claiming the full amount of unpaid financial penalty.

### Enforcement

102. If an offender does not comply with an order of the court, the council will make an application to enforce the judgement. The type of enforcement action pursued would depend on the circumstances of the case and the amount owed. The most likely types of enforcement action are shown below.

#### Court bailiffs

103. A court bailiff will ask for payment. If the debt is not paid, the bailiff will visit the offender's home or business address to establish whether anything can be seized and sold to pay the outstanding debt.

#### Charging order - Order of sale

104. The council can apply to place a charging order on any property owned by the offender. If a debt remains outstanding after a charging order has been registered, the council can make an application for an order of sale. The property would then be subject to an enforced sale and the proceeds used to settle the debt owed to the council.

#### Attachment to earnings order

105. If the offender is in paid employment, the council can apply to the court for an attachment to earnings order. Such an order would require the offender's employer to make salary deductions. Amounts would be deducted regularly at the direction of the court until the debt owed to the council has been fully discharged.

## Multiple offences

Commented [GJH19]: A new section to make it clear as to how multiple offences will be considered

### General principle

106. When considering imposing more than one financial penalty on an offender as a consequence of that offender committing more than one offence, the council will carefully consider whether the cumulative financial penalty would be just and proportionate in the circumstances having regard to the offending behaviour as a whole.
107. Taking into account the principle of totality ensures that the cumulative effect of any sanctions imposed by the council does not constitute an unjust and disproportionate punishment.

## Determining a just and proportionate punishment

108. The council will initially determine the amount of financial penalty that should be imposed in respect of each offence having regard to this policy. The council will then add up the financial penalties and make an assessment as to whether the cumulative total is just and proportionate.
109. If the council considers the cumulative total to be just and proportionate, it will normally impose a financial penalty for each offence.
110. However, if the council considers the cumulative total to be unjust and disproportionate, it will take one or both of the following actions to ensure that the cumulative total is reduced to an amount that does constitute a just and proportionate punishment.

### Reduction of financial penalty

111. The council may use its discretion to reduce the amount of a financial penalty at the review and adjustment stage, irrespective of whether or not there are other mitigating or aggravating factors. Any reduction would be similarly limited to an amount equal to 50% of the starting point identified in the Table of Financial Penalties. The additional reduction may be applied to one or more of the offences under consideration.

### Decision not to impose a financial penalty

112. The council may use its discretion to not impose a financial penalty in respect of every offence under consideration. If the council decides to take this course of action, the offence or offences disregarded will usually be of a lower severity.

## Rent Repayment Orders

**Commented [GJH20]:** Affords the BC to seek RRO's

113. In consideration of totality, the council may also take into account any requirements or proposals to pursue a Rent Repayment Order (RRO) in respect of the same behaviour.
114. A RRO may be pursued where there is a statutory duty to do so and where such information is available to proceed with an RRO. Where an RRO is sought by a tenant the council will seek to provide that tenant with the relevant information so as to assist that tenant in the application.
115. Where the council seeks to pursue an RRO it will do so in accordance with the statutory guidance issued under section 41 of the Housing & Planning Act 2016 and with reference to any relevant case law.
116. Any income received by the council arising from a RRO will be retained and used to further the local authority's statutory functions in relation to their enforcement activities covering the private rented sector, as specified in the Regulations.

## Banning Orders

**Commented [GJH21]:** All new and allows the BC to seek BO's where appropriate

117. In consideration of totality, the council will also take into account any requirements or proposals to pursue a Banning Order in respect of the same behaviour.

118. When a landlord of a property in the council's area has been convicted of a housing related offence, as recommended by the MHCLG guidance, the council will consider the following factors when deciding whether to apply for a banning order and when recommending the length of any banning order:

- **The seriousness of the offence.**

All banning order offences are serious. When considering whether to apply for a banning order the Council will consider the sentence imposed by the Court in respect of the banning order offence itself. The more severe the sentence imposed by the Court, the more appropriate it will be for a banning order to be made.

- **Previous convictions/rogue landlord database.**

The Council will check the rogue landlord database in order to establish whether a landlord has committed other banning order offences or has received any civil penalties in relation to banning order offences. A longer ban may be appropriate where the offender has a history of failing to comply with their obligations and/or their actions were deliberate and/or they knew, or ought to have known, that they were in breach of their legal responsibilities. Landlords are running a business and should be aware of their legal obligations.

- **Upper Tribunal Decisions**

The Council will refer to Upper Tribunal decisions. In particular, the decision contained in *Hussain & Ors v London Borough of Waltham Forest (HOUSING – licensing)* (2019) UKUT 339 (LC) and the evidence that may or may not be considered by tribunals in relation to the circumstance, taking account of the Rehabilitation of Offenders Act 1974.

119. The Council will also consider the likely effect of the banning order on the person and anyone else that may be affected by the order. These factors should include;

- **The harm caused to the tenant.**

This is a very important factor when determining whether to apply for a banning order. The greater the harm or the potential for harm (this may be as perceived by the tenant), the longer the ban should be. Banning order offences include a wide range of offences, some of which are more directly related to the health and safety of tenants, and could therefore be considered more harmful than other offences (such as fraud).

- **Punishment of the offender.**

A banning order is a severe sanction. The length of the ban should be proportionate and reflect both the severity of the offence and whether there is a pattern of previous offending. It is, therefore, important that it is set at a high enough level to remove the worst offenders from the sector. It should ensure that it has a real economic impact on the offender and demonstrate the consequences of not complying with their responsibilities.

- **Deter the offender from repeating the offence.**

The ultimate goal is to prevent any further offending. The length of the ban should prevent the most serious offenders from operating in the sector again or, in certain circumstances; help ensure that the landlord fully complies with all of their legal

responsibilities in future. The length of ban should therefore be set at a long enough period such that it is likely to deter the offender from repeating the offence.

- **Deter others from committing similar offences.**

An important part of deterrence is the realisation that (a) the local authority is proactive in applying for banning orders where the need to do so exists and (b) that the length of a banning order will be set at a high enough level to both punish the offender and deter repeat offending.

120. The Council may also have regard to other relevant matters deemed appropriate to the case.
121. Having had regard to this policy, a decision to commence the banning order procedure in any case will be confirmed by a Private Housing Manager/Service Manager who will also be responsible for considering any representations made by a landlord served with a notice of intention and for the decision to make an application for a banning order, including the recommended duration of the ban.
122. The decision will be recorded.
123. Subject to the MHCLG guidance and guidance provided by the Ministry of Justice details of all banning order offences will be published and held on a national register. Also subject to legal advice, the Council will consider publishing details of successful banning orders including the names of individual landlords/any business (managing or lettings agency).
124. The Council will also consider making information on banned landlords available to a tenant where it is in the public interest to do so.

## Help and advice

125. If you would like further advice or clarification, the Private Sector Housing Team can help. Please ring us on 01553 616301 and speak to one of our officers. We can also be contacted by email on: [housingstandards@west-norfolk.gov.uk](mailto:housingstandards@west-norfolk.gov.uk)
126. Alternatively, you can write to us at:  
Housing Standards  
Borough Council of King's Lynn & West Norfolk  
King's Court  
Chapel Street  
King's Lynn  
PE301EX



## Making a complaint

127. The Housing Standards Team aims to provide the best possible service. However, if you are not happy with the service you receive you can make a formal complaint.
128. If, after having gone through the council's formal complaints process, you believe that the council has not handled your complaint properly, you have the right to request an independent investigation by the Local Government and Social Care Ombudsman. The Ombudsman Service will review your complaint and decide if it is appropriate to carry out an investigation. The service is free of charge.
129. You can make a complaint by phone or online at:

**The Local Government and Social Care Ombudsman**

Telephone: 0300 061 0614 | Website: [www.lgo.org.uk](http://www.lgo.org.uk).

# Protocol for Managing Unauthorised Encampments

**Commented [GJH1]:** This is a new document and has been completely rewritten in conjunction with the Police and the Traveller Liaison Service at NCC. Previously 44 pages, cumbersome, too technical and did not reflect current Police stance and processes



# Contents

**Commented [GJH2]:** Previous contents 12 sections and 7 appendices - now abridged and succinct

1.	Introduction - why a protocol?	1
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3.	Local authority procedure for managing unauthorised encampments	5
4.	Criteria for toleration or eviction	7

Appendix 1 – The case conference process

Appendix 2 – ‘Code of Conduct’ for unauthorised encampments

# 1: Introduction

## Overview – why a Protocol?

1. The Government recommends the use of protocols between local authorities, the police and other relevant agencies as being highly effective in establishing how unauthorised encampments will be dealt with, to make sure that all parties are clear about their responsibilities and how they work together.
2. This protocol has been prepared to ensure that:
  - Everyone - landowners, those seeking to reside on land and the settled community - understands their roles and responsibilities;
  - The rights of everyone are considered fairly, consistently, and proportionately;
  - There are clear timeframes within which statutory agencies will act;
  - There are clear criteria by which an encampment may be tolerated or evicted.

## The guiding principles of this protocol

3. The guiding principles of this protocol are:
  - Equal consideration to be given to the rights of travelling, temporary and settled communities;
  - Balanced consideration to be given to each encampment on its own merits;
  - Toleration where possible, robustness where necessary;
  - Proportionality of all actions
4. The owner of the land on which the unauthorised encampment is located is responsible for deciding whether the encampment should be tolerated or evicted, in accordance with their legal rights and responsibilities. This may include taking into account any recommendations of a case conference.

## Definition of an Unauthorised Encampment

5. An unauthorised encampment is where any person camps (in vans, trailers, tents, or any other moveable accommodation) on land that they do not own, and where they do not have permission to reside.
6. Gypsies, Roma, and Travellers are the main group residing on temporary unauthorised encampments, in most cases, due to their nomadic lifestyle. Though, there has been an increase in non-Travellers trespassing to reside.

## Definition of an Unauthorised Development

7. An unauthorised development is where the person owns the land that they reside on but does not have planning permission for the developments they have undertaken or started to undertake. An unauthorised encampment is not necessarily unauthorised development.

**Commented [GJH3]:** Background of GRT removed  
Local statistics removed  
Ref to GRT Liaison Group Removed  
Why a protocol rewritten

**Commented [GJH4]:** New

**Commented [GJH5R4]:** Duties of Partners Removed

**Commented [GJH6R4]:** Police Section removed and added later

**Commented [GJH7]:** Health Service, Childrens Services, Race Equality Council, Environment Agency, Fire Service, Broads Authority, sections removed

**Commented [GJH8]:** No change to definition

## Legislation that underpins the protocol

8. Statutory agencies have legal responsibilities to ensure the welfare of those residing in unauthorised encampments, and a range of powers to take enforcement action, where this is appropriate.
9. These legal duties and powers are set out in the following Government guidance: 'Managing Unauthorised Camping – A Good Practice Guide 2004 and the supplement to this guide; the '[Guide to effective use of enforcement powers. Part 1: Unauthorised encampments 2006](#)' and '[Dealing with illegal and unauthorised encampments, summary of available powers](#)' 2015), published by the Department for Levelling Up, Housing & Communities.

**Commented [GJH9]:** HRA section removed, and Powers for removal removed as too technical and not required.

This protocol primarily addresses unauthorised encampments by Gypsies, Roma, and Travellers, although the principles may apply to other types of encampments.

Local authorities adopting this protocol may have separate policies or procedures to deal with these other types of encampments and adoption of this protocol does not prevent authorities from applying these separate policies or procedures.

## 2: Roles and responsibilities

**Commented [GJH10]:** Rewritten Section - Police and NGRTLS agreed wording

**Commented [GJH11]:** Fly tipping section removed

### Residents of the settled community

1. Most new unauthorised encampments are brought to the attention of the police or local authority by calls from the public. The authorities rely on this information, without which they would often be unaware of encampments.
2. When notifying relevant authorities of an encampment, only the facts should be reported. Because an encampment is new, it does not always follow that it is unlawful. What is most important to the authorities is the type of encampment, number of vehicles and people in attendance, the date of arrival and the ownership of the land (if known).

### Norfolk & Suffolk constabularies

3. The police are often the first agency to be notified of a new unauthorised encampment. The police have a duty to enforce the law including the Crime, Sentencing and Courts Act 2022 and will often take early action to assess the situation. Where there are reports of violence; threats or intimidation to landowners or occupants of an unauthorised encampment, or there is criminal or environmental damage caused, these will be taken as aggravating factors which the police will assess.
4. Before the police consider what action, they may wish to take, they will generally complete a risk assessment to determine whether a crime has been committed and what appropriate, proportionate response is required. This risk assessment will consider a range of factors and operational requirements.
5. The police will notify relevant local authorities of the presence of an unauthorised encampment, giving sufficient notification (where possible) for welfare enquiries and site assessments to be carried out. Police officers are not under any obligation to undertake welfare enquiries, although they must take into account humanitarian considerations when considering action to remove an encampment.
6. The police will also generally consult with the landowner, if known, in order to gather all the facts and may contact other third parties as and when required.

### Private landowners

7. When an unauthorised encampment occurs on private land it is generally the responsibility of the landowner to decide how they want to respond and to take appropriate action.
8. If a local authority receives a report of an unauthorised encampment on private land, they will endeavour to establish who the private landowner is; give information to the landowner about the date of arrival of the encampment and advise the landowner of their responsibilities, the law and what powers are available.
9. If the landowner does not take action to recover the land, the local authority may have to consider whether planning or licensing offences are taking place.

### County, city, district, borough councils

10. If an unauthorised encampment takes place on land owned by the county, city, district or borough council, the relevant local authorities should ensure that it is acted upon swiftly. They should nominate a named officer (or appoint an agent) who has the appropriate level of authority to make operational decisions on the ground, and cover arrangements should be put in place for those instances where this officer (or agent) is unavailable.
11. The local authority (or agent) is responsible for engaging with the encampment and conducting welfare enquiries and site assessments. It is the responsibility of the agency with the statutory duty to ensure they have discharged any statutory responsibilities towards the occupants under Children's Act, Care Act, Education Act, homelessness, or other legislation.
12. Where required, the local authority will support access to service providers with statutory duties (e.g., health, education, or social care). The local authority may take account of the views of other agencies and the settled community to decide whether the encampment should be tolerated or evicted and they should liaise with the police in order to establish whether a criminal offence has been committed under the Criminal Justice and Public Order Act 1994 (as amended).

### Town and parish councils

13. When an unauthorised encampment occurs on land owned by a town or parish council, it is the responsibility of the town or parish council to decide how they want to respond and to take appropriate action if they wish to remove the encampment. If they are of the view that a criminal offence has been committed then they should contact the police so that they can assess the encampment and make such a determination.
14. It should be noted that where the police do not believe that a criminal offence has been committed or it is reasonable to undertake any other formal action to remove the encampment, the town and parish councils have the power to serve a direction to leave under common law or apply to the courts for a possession order to remove trespassers.

### Elected members

15. Elected members have a duty to represent the interests of all residents including Gypsies, Roma, and Travellers as well as the settled community. Elected members- especially those members who represent the geographical area where the encampment is situated- can make representations at case conferences on behalf of the settled community or the occupants of unauthorised encampments.

## The Norfolk & Suffolk Gypsy Roma and Traveller Liaison Service

16. The Government recognises that in some cases the presence of a neutral third party may be helpful. Enforcement action can be stressful, particularly for private landowners. The presence of a third party to negotiate a solution may help action to go more smoothly, minimising distress for those involved.
17. Norfolk and Suffolk County Councils operate a Gypsy, Roma, and Traveller Liaison Service (NSGRTS). The NSGRTS will be the lead authority for all encampments upon Norfolk County Council owned land including highways and can give advice to private landowners on what they need to do to manage or remove an encampment.

### 3: Local authority procedure for managing unauthorised encampments

1. Following a report of an unauthorised encampment, the police will take early action to assess the situation, liaising with relevant statutory agencies.
2. The district, city, or borough council within whose boundary the new unauthorised encampment is located is responsible for establishing who owns the land.
3. The lead responsibility for all further actions is then handed over to the landowner.
4. If the landowner is a local authority (they will be known as the 'Lead Authority'), the local authority or their agent will aim to visit the site within two working days of being first notified of the unauthorised encampment. The purpose of this visit is to conduct a site assessment and make welfare enquiries of the occupants. This includes:
  - Establishing numbers of vehicles or other structures on the encampment; hazards that may make residing on the encampment dangerous to the occupants or settled community; nuisance or inconvenience to nearby residences, businesses, or amenities; travelling patterns of the group concerned; the presence of domestic or trade waste, or other environmental concerns; if animals are present, and if they pose a threat to the safety of the settled community.
  - Ensuring the encampment has been provided a Code of Respect and any other relevant support and guidance.

**Commented [GJH12]:** Preventing Further UE's section removed, out of date and case law changing constantly (injunctions etc)



5. If a case conference is planned (see Appendix 1), this site assessment will be sent to relevant statutory agencies who are due to attend so that they have all of the relevant facts.
6. In some cases, it may be appropriate for the police, in conjunction with the local authority, to seek to remove the encampment immediately however, if there is no immediate need then the case conference procedure may be used. A case conference should normally be convened by the lead authority within five working days of notification of the arrival of the encampment should it be thought necessary.<sup>1</sup>
7. The lead authority will notify all parties involved in both parts of the case conference procedure of the decision as soon as possible and within five working days.

<sup>1</sup> Where considered necessary, relevant local agencies will participate in a short daily strategy discussion (e.g., via conference call), chaired by the lead authority, to allow for information and intelligence to be shared and for the risk assessment to be reviewed daily leading to joint decision-making. The police will also be asked to participate in this process.

## 4: Criteria for tolerating or evicting unauthorised encampments

**Commented [GJH13]:** New section rewritten, clearer to public that process transparent and proportionate - no significant change to previous principles

### The decision to tolerate

1. Government guidance suggests that if the encampment residents are cooperative, only wish to stay for a short time and the encampment is not in a sensitive location, it may only be necessary to monitor the situation pending their departure. Where unauthorised campers have chosen an unobtrusive location in which to camp it may be preferable to agree a departure date with them.
2. Where it is not expedient to take enforcement action against unauthorised encampments, local authorities could consider providing basic facilities, such as skips and chemical toilets, for a reasonable fee payable by the residents on the site. The county/city/district/borough council may provide plastic bin bags for occupants of the unauthorised, encampment. The city/district/borough council may make arrangements to collect the waste in accordance with their own local policies.
3. Where the lead authority agrees to tolerate an encampment for a period of time, it will request members of the encampment to agree to a Code of Respect. Significant failure to observe the terms of such an agreement will result in the lead authority considering enforcement action.
4. The lead authority may agree a specific fixed period that an encampment can be tolerated for, or it may decide to tolerate the encampment on a 'rolling toleration' basis, which is until a suitable alternative location becomes available. In such a scenario, it would be expected that the encampment is visited at least weekly, and the situation reviewed with statutory agencies at least every 28 days.
5. Where an encampment is to be tolerated, an officer of the lead authority (or their agent) will visit the encampment at least once a week to ensure the Code of Respect is being followed. They will be the main point of contact for members of the public wishing to discuss the encampment.

### The decision to enforce

6. There are locations where action to remove an encampment will be more likely, such as on the grounds of safety or because the presence of the encampment is seriously disrupting the ability of the settled community to make use of facilities or to conduct their business, for instance, if the encampment:
  - Is likely to cause significant damage, disruption, or distress;
  - Is close to a busy highway, potentially endangering the safety of the campers and others;
  - Is located on operational land (for example on parks, school ground during term time, sports fields, retail parks, car parks etc);

- Prevents the use of the land for its lawful intended purpose by its owners;
  - Interferes with the peaceful enjoyment of a neighbouring property or creates an impact upon the use or habitation of a neighbouring property;
  - Is located on contaminated land;
  - Causes harm to the local environment or amenities which includes fly tipping or lighting fires to burn waste materials;
  - Is located on an environmentally sensitive area such as a Site of Special Scientific Interest (SSSI);
  - Is harming good community relations;
  - Is not adhering to the code of respect;
  - Has exceeded the length of time previously agreed by the lead authority.
7. If it is decided that an unauthorised encampment cannot be permitted to stay, but one or more of the occupants has a welfare need that requires urgent attention, the occupant/s should be given adequate time to address this with relevant care providers and an appropriate departure date agreed.
8. This means that removal of the encampment, or part of the encampment, could be delayed whilst this urgent welfare need is addressed.
9. It is important to note that if the site is particularly sensitive or hazardous to the wider public or members of the encampment themselves, it may be appropriate for the local authority or the police, to seek to remove the unauthorised encampment immediately.

## Appendix 1

### The Case Conference Procedure

**Commented [GJH14]:** Clearer explanation of case conference procedure and roles and responsibilities clearer

#### Introduction

1. The Government recommends that where possible, an interagency approach should be taken by statutory agencies when making decisions about how to deal with an unauthorised encampment on land owned by a local authority. Especially where the encampment is not in a critical location.
2. A case conference brings together relevant statutory agencies and stakeholders such as elected members and representatives from the settled and travelling communities, to ensure that the rights of all communities are heard and considered fairly, consistently, and proportionately.
3. Statutory agencies at the case conference listen to representations about the encampment and consider the findings of welfare enquiries and the site assessment before making a decision about whether the encampment should be tolerated or evicted. This may include stating a timescale for tolerating or removing the encampment and conditions.
4. The case conference provides a sound basis for enforcement action on land where toleration is not appropriate.

#### The case conference process

##### Part 1: stakeholders' meeting

5. The stakeholders' meeting is open to all parties who have a significant interest in the unauthorised encampment. Local authority officers, the police, elected members and occupants of the encampment (or their representatives) are invited as a matter of course, though numbers may be limited at the lead authority's discretion.
6. This part of the meeting is designed to ensure that the views of all parties are recorded and considered before a decision is made.
7. It is expected that the process will normally take no longer than one hour, at the end of which all parties apart from officers of statutory agencies will be asked to leave. Officers will remain to decide a course of action to recommend to the lead authority.

##### Part 2: officers' meeting

8. The officers' meeting is open to officers of statutory agencies involved in the encampment. The purpose of this part of the meeting is to arrive at a decision as to whether the encampment should be tolerated, or whether action should be taken to seek its removal. Personal or otherwise confidential information not suitable for the public domain will be considered during this part of the meeting, subject to data protection and information sharing protocols.

9. Consensus will be sought by the lead authority as to what action (if any) should be taken, which may require some level of compromise and/or agreeing of terms for the duration of the encampment. While the decision will ultimately rest with the lead authority, action by the police or application to the courts for possession of the land by the lead authority will normally be strengthened by consensus.
10. A recommendation is proposed and agreed as appropriate (local authority's may wish to refer recommendations to their legal teams to review before confirming a final decision).

#### Notification of decisions

11. All parties involved in both parts of the case conference will be notified of decisions made as soon as possible and within five working days. Parties may contact the lead authority if the need is more urgent.
12. Notification of decisions will normally be by email and will include case conference notes. Where parties do not have email access all reasonable efforts will be made by the lead authority to inform parties by other means.

Case conferences do not impact on a statutory agency's rights to take action on their own in accordance with their procedures and statutory responsibilities, neither do they provide an alternative to legal proceedings. Case conferences are used to find ways to respond to unauthorised encampments and protect the rights of all communities.

#### Chair of the case conference and members

13. Case conferences are chaired by the relevant lead authority (or their agent).
14. The range of agencies involved is dictated by the issues under discussion. The standing members may include:
  - A representative of the lead authority (chair);
  - The relevant nominated city, district or borough council officer;
  - Education or welfare officers;
  - The police designated officer;
  - A representative from the encampment;
  - Relevant elected members/s representing the views of the settled community, should the elected member/s wish to be involved
15. And where relevant:
  - Legal representatives from the lead authority;
  - Environmental services;
  - The relevant health authority;
  - Children and young people's services;
  - Adult and community services;
  - Any other party, as appropriate and agreed with the lead authority

## Appendix 2

**Commented [GJH15]:** New section to provide clarity as to what is expected with regards a tolerated encampment

### Code of Conduct for encampment occupants

1. Standards of behaviour on unauthorised encampments are the same as those expected of the wider community. The list below may be amended to reflect specific conditions for a particular encampment.
2. Intimidation from or towards encampments will not be tolerated.

#### Encampments are asked to:

- Please be considerate to other people and businesses near to the encampment;
- Please drive carefully in and around the encampment and do not drive on landscaped areas;
- Please space your caravans at least 6 metres apart and park away from other groups (this is to reduce fire risk);
- Please ensure that any children are adequately supervised at all times;
- Please do not play loud music or use loud equipment (i.e., generators);
- Please do not damage any land or property and please report any damage to your property to the police;
- Please do not have open fires in or around the encampment;
- Please dispose of all waste at official waste and recycling centres - use plastic bags for domestic rubbish and leave at agreed collection points if appropriate;
- Please keep animals under control at all times and clear up after them;
- Please do not block rights of way and do not prevent the local community using any adjacent facilities.
- Please keep the site and surrounding area clean and hygienic;

#### Note:

**Compliance with the above does not constitute permission to remain on the land.**

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



## Housing Standards

# Caravan Site Licence Conditions Single Family Sites

Commented [GJH1]: New title page and layout

(Non-Commercial Relevant Protected Sites)

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



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Commented [GJH2]: New contents page



## Introduction

A single occupancy site is where the people in each caravan are related to each other. This usually applies to smaller sites occupied by one extended family group such as gypsy & traveller families\*. A multi-occupancy site is where the people in each caravan form completely unrelated separate households.

These conditions shall apply to the land shown on the plan attached to the most recent site licence in connection with the stationing of caravans on that land for the purposes of human habitation.

Those items in *italics* are recommendations only.

The Licensing Authority is the Borough Council of King's Lynn & West Norfolk.

**Commented [GJH3]:** Introduction of '*recommendations*' in italics which downgrades from requirements previously

### 1. Number of caravans

At no time shall the number of caravans onsite, as defined by Section 29 of the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 exceed [ ] (xxx)

### 2. Boundaries and plan of the site

- (i) The boundaries of the site from any adjoining land shall be clearly marked by a man made or natural feature.

*Recommendation: Ideally no caravan or combustible structure should be positioned within 3 metres of the boundary of the site.*

**Commented [GJH4]:** Now a recommendation

- (ii) (a) A plan of the site shall be supplied to the local authority upon the application for a licence and, thereafter whenever there is a material change to the boundaries or layout of the site, or at any other time on the demand of the Licensing Authority.
- (b) The plan supplied must be of a scale no less than 1:500 and should clearly show all relevant structures, features and facilities on it and shall be of a suitable quality, as so defined by the Licensing Authority.

### 3. Density, spacing and parking between caravans

- (i) Except in the case mentioned in sub paragraph (iii) and subject to sub paragraph (iv), every caravan must where practicable be spaced at a distance of no less than 6 metres (the separation distance) from any other caravan which is occupied **by a separate household**. (i.e. where separate caravans are occupied by separate family units).

**Commented [GJH5]:** Amended condition for clarity

- (ii) *Where caravans are stationed adjacent another caravan as part of the same residence, such as a touring caravan used as an additional bedroom, they should be positioned so as to not impede escape in the event of an emergency.*

**Commented [GJH6]:** New condition for fire safety purposes

- (iii) Caravans must not be more than 50 metres from an access road or site entrance.

**Commented [GJH7]:** Condition Amended to reflect removal of 2m from road or communal car park element

- (iv) Where a caravan has retrospectively been fitted with cladding from Class 1 fire rated materials to its facing walls, then the separation distance between it and an adjacent caravan used **by a separate household** may be reduced to a minimum of 5.25 metres\*\*.

- (v) In any case mentioned in subparagraph (i) or (iv):

- (a) A porch attached to the caravan may protrude one metre into the separation distance and

must not exceed 2 metres in length and 1 metre in depth. The porch must not exceed the height of the caravan. Where a porch is installed only one door may be permitted at that entrance to the home, either on the porch or on the home.

- (b) Eaves, drainpipes and bay windows may extend into the separation distance provided the total distance between the extremities of two facing caravans is not less than 5 metres, except where sub paragraph (iii) applies in which case the extension into the separation distance shall not exceed 4.25 metres.
- (c) Any structure including steps, ramps, etc. (except a garage or car port), which extends more than 1 metre into the separation distance shall be of non-combustible construction. There should be a 4.5 metre clear distance between any such structure and any adjacent caravan.
- (d) A garage or car port may only be permitted within the separation distance if it is of non-combustible construction.
- (e) Windows in structures within the separation distance shall not face towards the caravan on either side.
- (f) Fences and hedges, where allowed and forming the boundary between adjacent caravans occupied as a separate residence should be a maximum of 1 metre high.
- (g) Private cars may be parked within the separation distance provided that they do not obstruct entrances to caravans or access around them and they are a minimum of 3 metres from an adjacent caravan.

**Commented [GJH8]:** Amended to include separate residences

#### 4. Roads, gateways and overhead cables

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

**Commented [GJH9]:** Roads and footpaths condition removed

#### 5. Bases

Every caravan must stand on a concrete base or hard-standing.

**Commented [GJH10]:** Base condition amended

#### 6. Supply & storage of gas etc.

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

#### 7. Electrical installations

- (i) On the site there shall be installed an electricity network of adequate capacity to meet safely all reasonable demands of the caravans and other facilities and services within it.
- (ii) The electrical network installations must be designed and installed in accordance with the provisions of the relevant statutory requirements in force at the time of installation.

**Commented [GJH11]:** Amended condition

## 8. Water supply

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

## 9. Drainage and sanitation

- (i) Surface water drainage shall be provided where appropriate to avoid standing pools of water.
- (ii) There shall be satisfactory provision for foul and waste water drainage either by connection to a public sewer or sewage treatment works or by discharge to a properly constructed septic tank or cesspool.
- (iii) All drainage and sanitation provision shall be in accordance with all current legislation and British or applicable European Standards extant at the time of installation.

**Commented [GJH12]:** Amended to remove stringent contractor condition

## 10. Domestic refuse storage & disposal

No domestic refuse shall be allowed to accumulate at any point on the site, including the caravan surrounds. Appropriate refuse bins should be used for all domestic waste.

**Commented [GJH13]:** Amended to reflect domestic refuse only, reference to household items etc removed

## 11. Documents

A copy of the current site licence and associated conditions shall be retained on site and available for inspection.

**Commented [GJH14]:** Amended to documents

## 12. Flooding

*Recommendation: The Borough Council recommends that the site owner establish the likelihood of flooding, the depths and velocities that might be expected and any site considered to be in a location regarded as high risk of flooding should ideally be registered with the Environment Agency Floodline.*

**Commented [GJH15]:** Amended to recommendation

## 13. Fire fighting equipment & precautions

*Recommendation: Where standpipes are not available, fire extinguishers of the 'water mist' variety could be provided.*

**Commented [GJH16]:** Amended to recommendations as not previously enforced

*Recommendation: It is recommended that no flammable materials or liquids shall be left stored on any part of the caravan standing. Space under any caravan shall not be used for the storage of any materials which contribute to a fire hazard.*

## 14. Fire warning

*Recommendation: Where there is more than one caravan occupied as a separate residence a suitable means of raising the alarm in the event of a fire is recommended.*

## 15. General

The site shall be restricted to that for which planning permission is held.

**Commented [GJH17]:** Amended to remove occupant design criteria.

Note: In normal circumstances on single occupancy sites there will not be any caravans let for residential purposes however where a caravan is being let, in accordance and in compliance with planning permission, additional or different conditions may be applied for example, in respect to the standard of the caravan being let etc.

*\* The definition of Gypsies, Roma & Travellers is as defined in Annex 1 of 'Planning Policy for Traveller Sites'.*

*\*\* The Licensee may be required to provide supporting evidence of the fire rating or combustibility of materials and/or structures to the satisfaction of the Licensing Authority.*

### Notes in respect to the operation of the Caravan Sites and Control of Development Act 1960 (as amended);

#### Section 7

(1) Any person aggrieved by any condition (other than the condition referred to in subsection (3) of section five of this Act) subject to which a site licence has been issued to him in respect of any land may, within twenty-eight days of the date on which the licence was so issued, appeal to a magistrates' court acting for the petty sessions area in which the land is situated; or in a case relating to land in England, to a residential property tribunal; and the court or tribunal, if satisfied (having regard amongst other things to any standards which may have been specified by the Minister under subsection (6) of the said section 5) that the condition is unduly burdensome may vary or cancel the condition.

In a case where a residential property tribunal varies or cancels a condition under subsection (1), it may also attach a new condition to the licence in question.

In so far as the effect of a condition (in whatever words expressed) subject to which a site licence is issued in respect of any land is to require the carrying out on the land of any works, the condition shall not have effect during the period within which the person to whom the site licence is issued is entitled by virtue of the foregoing subsection to appeal against the condition is pending.

#### Section 8

Where the holder of a site licence is aggrieved by any alteration of the conditions attached thereto or by the refusal of the local authority of an application by him for the alteration of those conditions, he may, within twenty-eight days of the date on which written notification of the alteration or refusal is received by him, appeal to a magistrates' court or, in a case relating to land in England, to the tribunal; and the court or tribunal may, if they allow the appeal, give to the local authority such directions as may be necessary to give effect to their decision.

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



## Housing Standards

# Caravan Site Licence Conditions Multi-Occupancy Sites

Relevant Protected Sites (Commercially Operated Sites)

**Commented [GJH1]:** New title and clarification with regards applicable sites

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



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Commented [GJH2]: New contents page and sections

## Introduction

A multi-occupancy site is where the people in each caravan form separate households. A single occupancy site is where the people in each caravan are normally related to each other. This usually applies to smaller sites occupied by one extended family group such as gypsy & traveller sites\*.

Where family sites are operated on commercial terms, for example where caravans are let for residential purposes to non-related households, then the multi-occupancy site licence conditions will apply. This is because the single-family site conditions have been created for those occupying their own caravans on their own caravan site.

These conditions shall apply to the land shown on the plan attached to the most recent site licence in connection with the stationing of caravans on that land for the purposes of human habitation.

The Licensing Authority is the Borough Council of King's Lynn & West Norfolk.

Commented [GJH3]: New Introduction to clarify

### 1. Number of caravans

At no time shall the number of caravans onsite, as defined by Section 29 of the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 exceed [ state number ]

### 2. Boundaries and plan of the site

- (i) The boundaries of the site from any adjoining land shall be clearly marked by a man made or natural feature.

*Note: This will generally be a fence, hedge or wall.*

- (ii) No caravan or combustible structure should be positioned within 3 metres of the boundary of the site.

*Note: This is to facilitate privacy and to also minimize the risk of fire spread from external sources. Tolerant may be acceptable where there is no development on the adjacent land.*

Commented [GJH4]: New clarification note

- (iii) (a) A plan of the site shall be supplied to the local authority upon the application for a licence and, thereafter whenever there is a material change to the boundaries or layout of the site, or at any other time on the demand of the Licensing Authority.

- (b) The plan supplied must be of a scale no less than 1:500 and should clearly show all relevant structures, features and facilities on it and shall of a suitable quality, as so defined by the Licensing Authority.

### 3. Density, spacing and parking between caravans

- (i) Except in the case mentioned in sub paragraph (iii) and subject to sub paragraph (iv), every caravan must be spaced at a distance of no less than 6 metres (the 'separation distance') from any other caravan which is occupied as a separate residence.

*Note: The 'separation distance' is envisaged as a 6m sterile strip between caravans in any direction for privacy and fire safety purposes.*

Commented [GJH5]: New clarification note

- (ii) No caravan shall be stationed within 2 metres of any road or communal car park within the site or more than 50 metres from such a road within the site.

- (iii) Where a caravan has been constructed with, or retrospectively fitted with cladding from Class

1 fire rated materials to its facing walls, then the separation distance between it and an adjacent caravan may be reduced to a minimum of 5.25 metres.\*\*

(iv) In any case mentioned in subparagraph (i) or (iii):

- (a) A porch attached to the caravan may protrude one metre into the separation distance and must not exceed 2 metres in length and 1 metre in depth. The porch must not exceed the height of the caravan. Where a porch is installed only one door may be permitted at that entrance to the home, either on the porch or on the home.

*Note: Where a porch is installed it is important that such an installation is demountable and does not constitute a permanent structure.*

**Commented [GJH6]:** New clarification note

- (b) Eaves, drainpipes and bay windows may extend into the separation distance provided the total distance between the extremities of two facing caravans is not less than 5 metres, except where sub paragraph (iii) applies in which case the extension into the separation distance shall not exceed 4.25 metres.
- (c) Any structure including steps, ramps, etc (except a porch, garage or car port), which extends more than 1 metre into the separation distance shall be of non-combustible construction. There should be a 4.5 metre clear distance between any such structure and any adjacent caravan.
- (d) A garage or car port may only be permitted within the separation distance if it is of non-combustible construction.
- (e) Windows in structures within the separation distance shall not face towards the caravan on either side.
- (f) Fences and hedges, where allowed and forming the boundary between adjacent caravan pitches should be a maximum of 1 metre high.

**Commented [GJH7]:** 'Pitches' added to clarify scope of condition for fire safety purposes

*Note: This provision was originally detailed within the BRE Information Paper IP 15/91 September 1991 Fire Spread Between Caravans. The Licensing Authority believes that this is an important condition as caravans are often positioned in a linear fashion often with limited distance between the caravan and the pitch boundary. Should the boundary fence or hedge between pitches be greater than 1m then should the occupants escape to the rear of the pitch they may be trapped in a rear area in close proximity to a burning structure. Also, in order to escape they could be required to run towards the fire in order to escape past the burning structure. Fences and hedges at 1m will facilitate escape from the rear of pitches and it will increase the visibility of anyone trapped for those affecting a rescue.*

**Commented [GJH8]:** Introduction of the word 'pitches' and important new note to clarify reasoning behind

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

*Notes: Motorhomes present a significant increase in fire load compared to a normal car. See single site conditions for reference to additional use of touring caravans as additional bedrooms and note that site licence conditions may be amended to reflect specific site circumstances.*

**Commented [GJH9]:** New note for clarity

(v) The density of caravans on a site shall be determined in accordance with relevant health and safety standards and any relevant fire risk assessments.



#### 4. Roads, gateways and overhead cables

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

#### 5. Footpaths and pavements

- (i) Every caravan shall be connected to a road by a footpath with a hard surface which shall be maintained in good condition.
- (ii) Communal footpaths and pavements shall not be less than 0.9 metres wide, should be level and sealed to facilitate safe passage.

#### 6. Lighting

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

#### 7. Bases

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

#### 8. Maintenance of common areas (including grass, vegetation and trees)

- (i) Every part of the site to which the public have access shall be kept in a clean and tidy condition.
- (ii) Every road, communal footpath and pavement on the site shall be maintained in a good condition, good repair and clear of rubbish.
- (iii) Grass and vegetation shall be cut and removed at frequent and regular intervals.

- (iv) Trees within the site shall (subject to the necessary consents) be maintained and shall not present a fire risk.
- (v) Any cuttings, litter or waste shall be removed from the immediate surrounds of a pitch.

**Commented [GJH10]:** Modified condition to clarify for fire safety purposes

## 9. Supply & storage of gas etc.

- (i) Gas (including natural gas) and oil installations, and the storage of supplies shall meet current statutory requirements, relevant Standards and Codes of Practice.
- (ii) Liquefied Petroleum Gas cylinders must not be positioned or secured in such a way as to impede access or removal in the event of an emergency.
- (iii) Gas cylinders connected to a caravan should be sited on a sound level base, and the bottle should be secured to the caravan by way of a chain or strap to prevent movement or it falling over.
- (iv) Gas cylinders should be clearly visible and should not be stored in locked cabinets or housings.  
  
*Note: This is to ensure that the fire services can rapidly locate all gas bottles and ensure that measures are taken to either remove or protect the cylinders in-situ.*
- (v) Any caravan let for residential purposes shall be fitted with a carbon monoxide detector. It shall be of a type which gives an audible warning and be installed in accordance with the manufacturer's instructions. The detector shall be subject to an annual inspection and/or in accordance with the manufacturer's instructions.

**Commented [GJH11]:** Due to lack of specific standards or guidance for caravan sites a new condition for clarity

**Commented [GJH12]:** New condition & New clarification note

## 10. Electrical installations

- (i) On the site there shall be installed an electricity network of adequate capacity to meet safely all reasonable demands of the caravans and other facilities and services within it.
- (ii) The electrical network installations shall be subject to regulation under current relevant legislation and must be designed, installed, tested, inspected and maintained in accordance with the provisions of the current relevant statutory requirements.
- (iii) Any work on electrical installations and appliances shall be carried out only by persons who are competent to do the particular type of work being undertaken, in accordance with current relevant statutory requirements.
- (iv) Any work on the electrical network within the site shall be done by a competent person fully conversant with the appropriate statutory requirements.
- (v) Any electrical installations, appliances and associated installations to caravans which are let shall be inspected and tested in accordance with The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.

**Commented [GJH13]:** New condition to reflect Electrical Safety Regs

## 11. Water supply

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

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

## 12. Drainage and sanitation

- (i) Surface water drainage shall be provided in order to avoid standing pools of water, especially on footpaths and roadways.
- (ii) There shall be satisfactory provision for foul and waste-water drainage either by connection to a public sewer or sewage treatment works or by discharge to a properly constructed septic tank or cesspool. Any such installation should be constructed so as to meet the needs of all caravans which it serves and it should be adequately cleaned and maintained.
- (iii) All drainage and sanitation provision shall be in accordance with all current legislation and British or applicable European Standards extant at the time of installation.
- (iv) Work on drains and sewers shall be carried out only by persons who are suitably qualified in the particular type of work being undertaken and in accordance with current legislation and British or applicable European standards.

## 13. Domestic refuse storage & disposal

- (i) Where communal refuse bins are provided these shall be non-combustible and housed within a properly constructed bin store.
- (ii) All refuse disposal shall be in accordance with all current legislation and regulations.
- (iii) No refuse shall be allowed to accumulate at any point on the site outside of the designated refuse points, including the caravan surrounds. In this condition refuse includes derelict vehicles, discarded household items or other such **waste**.

**Commented [GJH14]:** Modified condition for clarity

## 14. Communal Vehicular Parking

Suitably surfaced parking spaces shall be provided to meet the requirements of residents and their visitors. There should be adequate parking so as to prevent ad-hoc parking that may hinder the access and movement of emergency **vehicles**.

**Commented [GJH15]:** Modified condition including reference to ad-hoc parking

## 15. Communal Recreation Space

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

## 16. Notices and Information

- (i) The name of the site shall be displayed on a sign in a prominent position at the entrances to the site together with the current name, address and telephone number of the licence holder and manager and emergency contact details, a copy of the site licence or the front page of the said licence and details of where the full licence and other information required to be available under this standard can be viewed and between which times (if not displayed on the notice board).
- (ii) A current plan of the site with roads and pitches marked on it shall be prominently displayed at the entrances to it.

- (iii) A copy of the current site licence shall be available for inspection in a prominent place on the site.
- (iv) In addition at the prominent place the following information shall also be available for inspection at the prominent place:
  - (a) A copy of the most recent periodic electrical inspection report.
  - (b) A copy of the site owner's certificate of public liability insurance.
  - (c) A copy of the local flood warning system and evacuation procedures, if appropriate.
  - (d) A copy of any relevant fire risk assessment.
- (v) All notices shall be suitably protected from the weather and from direct sunlight.

## 17. Flooding

- (i) The site owner shall establish whether the site is at risk from flooding by referring to the flood risk information pages on the Borough Council's website.
- (ii) The site owner shall establish the likelihood of flooding, the depths and velocities that might be expected and any site considered to be in a location regarded as high risk of flooding shall be registered with the Environment Agency Floodline service.
- (iii) Where the site is at a lower risk it is recommended that the site owner/Licensee is registered with the Environment Agency Floodline service.

## 18. Regulatory Reform (Fire Safety) Order 2005 (or as may be amended)

Where the Regulatory Reform (Fire Safety) Order 2005 (or as it may be subsequently amended) applies, the site owner shall make available the latest version of any fire risk assessment carried out for inspection by residents and when demanded, a copy of the risk assessment shall be made available to the Licensing Authority.

## 19. Fire Safety

Each and every condition of this site licence shall not apply to any fire safety matter to which requirements or prohibitions that are/or could be imposed by the Regulatory Reform (Fire Safety) Order 2005 (or any subsequent amendments apply).

### Fire Points

- (i) These shall be located so that no caravan or site building is more than 30 metres from a fire point.
- (ii) Each fire point should consist of a red high visibility waterproof housing, be accessible and clearly and conspicuously marked 'FIRE POINT' and shall have affixed a weatherproof action instruction notice on the outside.
- (iii) Each Fire Point shall contain inside;
  - a) A portable air warning horn, warning bell, or other warning device which must be fully serviceable and available for use at all times.
  - b) A fully serviceable hand-held torch.

- (iv) The following advice should appear in writing at each fire point in clear distinct signage;
  - a) Raise the alarm by activation of the alarm mechanism provided
  - b) Ensure that the fire and rescue service is called.
  - c) The nearest public telephone is located at.....
  - d) The address and the postcode of this site is.....
  - e) Meet the fire and rescue service on their arrival in order to facilitate access, directions and to report should you be aware of any persons either missing or trapped.

Commented [GJH16]: No changes

#### Fire Fighting Equipment

- (v) Where water standpipes are provided:
  - (a) The water supply shall be of sufficient pressure to project a jet of water not less than 5 metres from the nozzle.
  - (b) There shall be a reel that complies with the current British or European Standard, with a hose not less than 35 metres long, having a means of connection to a water standpipe (preferably a screw thread connection) with a water supply of sufficient pressure and terminating in a small hand nozzle.
  - (c) Hoses shall be housed in a red box and marked "HOSE REEL". Access to the fire point shall not be obstructed or obscured.
- (vi) Where hydrants are provided, hydrants shall conform to the current British or applicable European Standard.
- (vii) Access to hydrants and other water supplies shall not be obstructed or obscured.
- (viii) Where standpipes are not provided or the water pressure or flow is not sufficient, each fire point shall be provided with water mist extinguishers (2 x 9 litres) which comply with the current British or applicable European Standard. Extinguishers shall be installed, tested and maintained in working order by persons who are qualified in the particular type of work being undertaken and be available for inspection by, or on behalf of, the occupants, the Licensing Authority or the Fire and Rescue Service.
- (ix) Any caravan let for residential purposes, in accordance and in compliance with planning permission, shall be provided with a fire blanket to use in an emergency.
- (x) All firefighting equipment, where provided, should be freely accessible, be in good working order and adequately protected from weathering and the effects of frost.
- (xi) All alarm and fire-fighting equipment shall be installed, tested and maintained in working order by persons who are qualified in the particular type of work being undertaken and be available for inspection by, or on behalf of, the Licensing Authority or the Fire and Rescue Service. A record shall be kept of all testing and remedial action taken.
- (xii) No flammable materials or liquids shall be left stored on any part of the caravan standing. Space under any caravan shall not be used for the storage of any materials which contribute to a fire hazard.

Commented [GJH17]: Reference to water mist to reflect current technology and best practice

## 15. General

- i) The site shall be restricted to that for which planning permission is held.
- ii) Every caravan on site used for residential purposes must comply with BS3632.
- (iii) Any caravan let for residential purposes on site must be manufactured to comply with BS3632\*\*\* 2005 edition other than those occupied by the Licensee and members of their family.

Commented [GJH18]: Amended condition for clarity

Commented [GJH19]: Amended condition for clarity

\* The definition of Gypsies, Roma & Travellers is as defined in Annex 1 of 'Planning Policy for Traveller Sites'.

\*\* The Licensee may be required to provide supporting evidence of the fire rating or combustibility of materials and/or structures to the satisfaction of the Licensing Authority.

\*\*\* The Licensee will be required to provide all necessary supporting technical information, to the satisfaction of the Licensing Authority.

## Notes in respect to the operation of the Caravan Sites and Control of Development Act 1960 (as amended);

### Section 7

(1) Any person aggrieved by any condition (other than the condition referred to in subsection (3) of section five of this Act) subject to which a site licence has been issued to him in respect of any land may, within twenty-eight days of the date on which the licence was so issued, appeal to a magistrates' court acting for the petty sessions area in which the land is situated; or in a case relating to land in England, to a residential property tribunal; and the court or tribunal, if satisfied (having regard amongst other things to any standards which may have been specified by the Minister under subsection (6) of the said section 5) that the condition is unduly burdensome may vary or cancel the condition.

In a case where a residential property tribunal varies or cancels a condition under subsection (1), it may also attach a new condition to the licence in question.

In so far as the effect of a condition (in whatever words expressed) subject to which a site licence is issued in respect of any land is to require the carrying out on the land of any works, the condition shall not have effect during the period within which the person to whom the site licence is issued is entitled by virtue of the foregoing subsection to appeal against the condition is pending.

### Section 8

Where the holder of a site licence is aggrieved by any alteration of the conditions attached thereto or by the refusal of the local authority of an application by him for the alteration of those conditions, he may, within twenty-eight days of the date on which written notification of the alteration or refusal is received by him, appeal to a magistrates' court or, in a case relating to land in England, to the tribunal; and the court or tribunal may, if they allow the appeal, give to the local authority such directions as may be necessary to give effect to their decision.

**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 Terry Parish E-mail: <i>Cllr.Terry.Parish@west-norfolk.gov.uk</i>			Other Cabinet Members consulted:		
			Other Members consulted:		
Lead Officer: B Box E-mail: <i>becky.box@west-norfolk.gov.uk</i> Direct Dial:			Other Officers consulted:		
Financial Implications YES	Policy/ Personnel Implications NO	Statutory Implications YES/NO	Equal Impact Assessment NO If YES: Pre-screening/ Full Assessment	Risk Management Implications NO	Environmental Considerations NO

Date of meeting: 26<sup>th</sup> September 2023

**MEMBERS ALLOWANCES**

<p><b>Summary</b></p> <p>To agree the cost of living increase applied to Member's allowances for the 23/24 year.</p> <p><b>Recommendation</b></p> <p><u>Recommendations to Full Council:</u></p> <p>That Council be invited to consider the 4 options set out in section 2 of the report and vote to decide which, of options 1,2, 3 or 4 is adopted as the increase for Members allowances with effect from 1<sup>st</sup> April 2023.</p> <p><u>Cabinet Resolves</u></p> <p>That Cabinet note a separate report will be presented later in the municipal year regarding the process for convening an Independent Review Panel for Members allowances.</p> <p><b>Reason for Decision</b></p> <p>The Council's Members Allowance Scheme provides for allowances to be updated annually in line with the Officer's cost of living pay award.</p>
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## 1 Background

The Council's Member allowances are reviewed annually.

In February 2022, Cabinet recommended to Council that allowances for a maximum period of 3 years commencing 2022/23 should continue to be increased in line with the officers' pay award. This recommendation was agreed by Council on 23<sup>rd</sup> March 2022.

In 2023, the Officer's cost of living pay award will, subject to Cabinet approval 01/08/23 and Full Council approval 24/08/23, be:

- a) "£1925 or 5% (whichever is greater)
- b) A flat rate non-consolidated cost-of-living payment of £750pa (pro rata for part time employees) to be paid to all permanent employees and temporary staff (with a contract specifying a duration of 12 months or more) who were in post on 1<sup>st</sup> April 2023. This payment to be paid in 12 monthly instalments with effect from April 2023."

The £1925 or 5% (whichever is greater) proposal represents a 10.38% increase to staff on the lowest pay point, reducing as pay points increase through to a 5% increase for higher paid staff. The median % increase for staff will be 7.04%.

It is therefore necessary for Members to determine the % increase applicable for this year's cost of living update to Member allowances. The Monitoring Officer has assessed the situation and advised that a sensible interpretation of "indexed in line with the Officer's pay award" will be permissible.

NB. As the flat rate payment of £750 payable to staff is non-consolidated it is not proposed to include this amount in the options to increase member allowances.

The Council's budget for 23/24 has allowed for a 5% increase in Member allowances.

Arrangements for Member allowances are subject to review by an Independent Review Panel (IRP). In 2022 Cabinet resolved that "An IRP may be called at any time should the need arise or be otherwise appropriate but in any case will be called no later than autumn 2024 to conduct a further review and to report its findings in sufficient time to allow a revised scheme to be approved by Council, in accordance with the regulations, to come into effect on 1<sup>st</sup> April 2025". Members should note that this matter will be subject to a separate report to Cabinet, to be presented later during the current municipal year.

## 2 Options Considered



The following options have been modelled for consideration, in line with the minimum, median and maximum increases proposed in the officer pay award:

<b>Option</b>	<b>Proposal</b>	<b>Additional Budget Required</b>
Option 1	10.38% increase	£27,566
Option 2	7.04% increase	£10,491
Option 3	5% increase	£62
Option 4	10.38% increase to basic allowances and 5% increase on special responsibility allowances	£20,213/£20,762 (depending on whether ICT allowance is increased by 5% or 10.38%)

### **3 Policy Implications**

Options 1 – 4 above are within existing policy, as outlined in the Members Allowance Scheme.

### **4 Financial Implications**

The additional cost of each option is set out in section 2 of the report. Whilst option 3 is in line with the budget, options 1, 2 and 4 will require additional funding. If any of these options are supported then the additional costs will be sought in the current year in the following order:

- Offset by underspend in the service or directorate area in year
- Any additional turnover savings identified
- Or General fund reserve

There will also be an impact on future years which will need to be reflected in the base budget from 2024/2025 onwards.

### **5 Personnel Implications**

None.

### **6 Environmental Considerations**

None.

### **7 Statutory Considerations**

It is a statutory requirement for the Council to adopt a Members Allowance Scheme.

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

Completed pre-screening form attached.

## **9 Risk Management Implications**

The Council must provide a Members Allowance Scheme in accordance with the Local Authorities (Members' Allowances (England)) Regulations 2023. The independent review that must be called by Autumn 2024 so that a revised scheme can be implemented by 1<sup>st</sup> April 2025. Relevant Officers will commence work on a timetable for the review in autumn 2023 to ensure it is progressed in a timely manner.

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

## **11 Background Papers**

(Definition : Unpublished work relied on to a material extent in preparing the report that disclose facts or matters on which the report or an important part of the report is based. A copy of all background papers must be supplied to Democratic Services with the report for publishing with the agenda)

**Pre-Screening Equality Impact Assessment**

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



Name of policy/service/function	Members Allowance Scheme – annual cost of living update				
Is this a new or existing policy/service/function?	Existing				
<p>Brief summary/description of the main aims of the policy/service/function being screened.</p> <p>Please state if this policy/service is rigidly constrained by statutory obligations</p>	To agree the annual cost of living update to Members allowances for the 23/24 year.				
<b>Question</b>	<b>Answer</b>				
<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 <b>according to their different protected characteristic</b>, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</b></p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p>		Positive	Negative	Neutral	Unsure
	Age			√	
	Disability			√	
	Gender			√	
	Gender Re-assignment			√	
	Marriage/civil partnership			√	
	Pregnancy & maternity			√	
	Race			√	
	Religion or belief			√	
	Sexual orientation			√	
	Other (eg low income)			√	

