

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



Cabinet

Agenda

Tuesday, 5th December, 2023
at 6.00 pm

in the Council Chamber, 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
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CABINET AGENDA

DATE: CABINET - TUESDAY, 5TH DECEMBER, 2023

**VENUE: COUNCIL CHAMBER, TOWN HALL, SATURDAY
MARKET PLACE, KING'S LYNN PE30 5DQ**

TIME: 6.00 pm

As required by Regulations 5 (4) and (5) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 - Item 15 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 31 October and 20 November 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 6)

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 7 - 11)

A copy of the Forward Decisions List is attached

9. MATTERS REFERRED TO CABINET FROM OTHER BODIES (Pages 12 - 17)

To receive any comments and recommendations from other Council bodies some of which meet after the dispatch of this agenda.

Corporate Performance Panel – 13 November 2023 - Council Tax Support Scheme

Environment and Community Panel – 14 November 2023 – Assets of Community Value and Exempt – Framework Agreement for Care and Repair Handyperson Prevention Service.

10. COUNCIL TAX SUPPORT - FINAL SCHEME FOR 2024-2025 (Pages 18 - 52)

11. ASSETS OF COMMUNITY VALUE POLICY REVIEW (Pages 53 - 69)

12. CIL GOVERNANCE AND SPENDING DOCUMENT 2024 AND ANNUAL INFRASTRUCTURE FUNDING LIST (Pages 70 - 106)

13. COUNCIL COMPANY FUNDING - WEST NORFOLK PROPERTY LIMITED AND WEST NORFOLK HOUSING COMPANY LIMITED (Pages 107 - 221)

14. EXCLUSION OF THE PRESS AND PUBLIC

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

PRIVATE ITEM

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

15. FRAMEWORK AGREEMENT FOR CARE & REPAIR HANDYPERSON PREVENTION SERVICE (Pages 222 - 227)

To: Members of the Cabinet

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

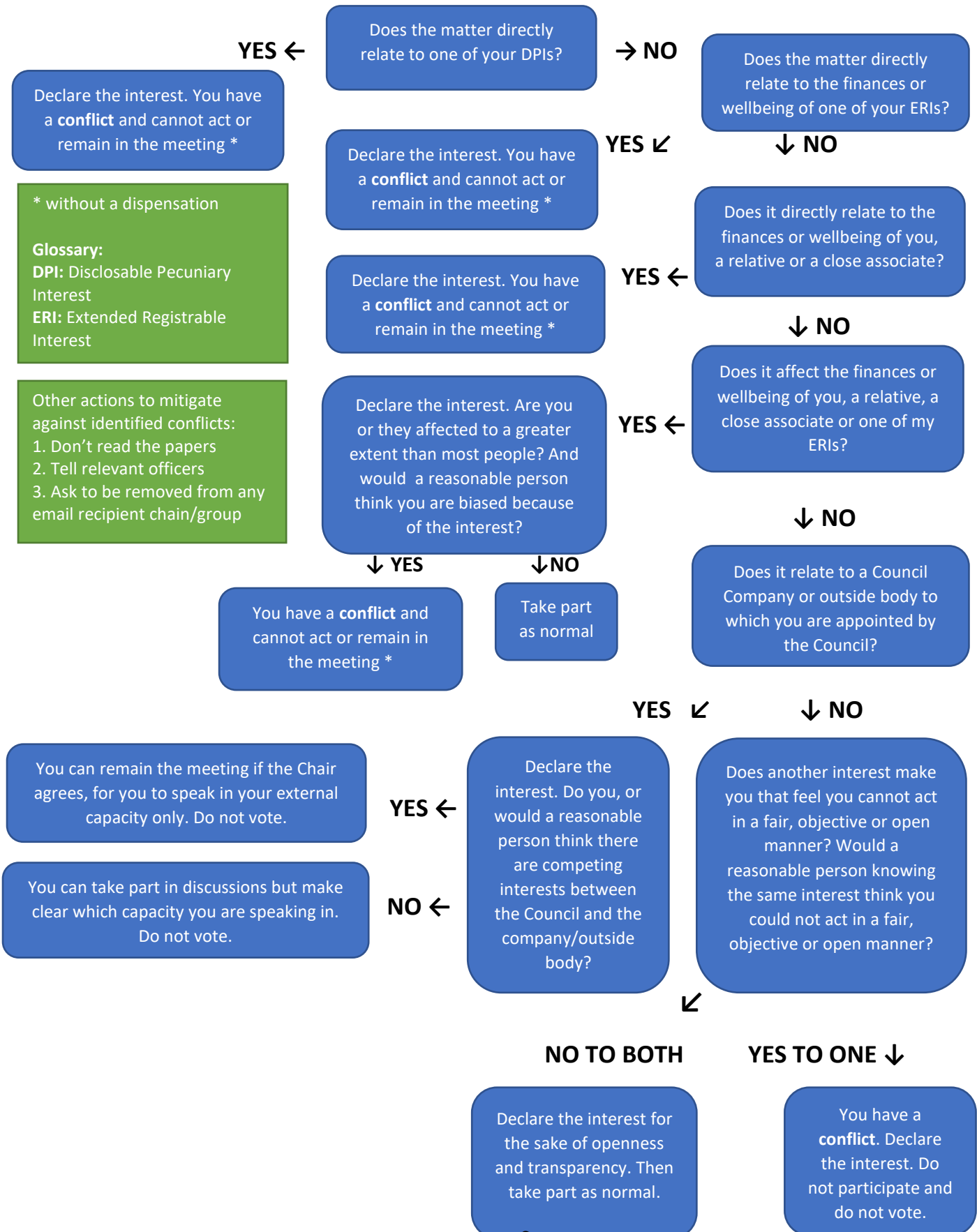
For Further information, please contact:

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



Declare the interest. You have a **conflict** and cannot act or remain in the meeting *

* without a dispensation

Glossary:

DPI: Disclosable Pecuniary Interest

ERI: Extended Registrable Interest

Other actions to mitigate against identified conflicts:

1. Don't read the papers
2. Tell relevant officers
3. Ask to be removed from any email recipient chain/group

FORWARD DECISIONS LIST

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
7	Care and Repair Contract – Handy Person Prevention Framework.		Cabinet			Private Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority)
	Assets of Community Value	Non	Cabinet	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)
	CIL Governance and Spending Document 2024 and Annual Infrastructure Funding List	Key	Cabinet	Regeneration and Development		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
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)
∞	Florence Fields – Tenure Mix	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
	Overnight Campervan parking in Hunstanton	Non	Cabinet	Leader Asst Director – M Chisholm		Public
	Polling District Review	Key	Council	Leader Chief Executive		Public
	Council Tax for Second Homes	Key	Council	Leader Exec Dir – Finance		Public
	Hardings Way/Boal Quay – Village Green	Non	Cabinet	Property and Corporate Services – or Development and Regeneration? Exec Director		Public

	Appointment of Honorary Aldermen	Non	Council	Chief Executive Leader		Public
	Housing Options Officer post	Non	Cabinet	People and Communities Asst Dir D Hall		Public
	Whistleblowing Policy	Non	Council	Leader Assistant Director – A Baker		Public
	Local Plan Gypsy & Traveller Preferred Sites Consultation Document	Key	Cabinet	Development and Regeneration Asst Dir S Ashworth		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
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
	Treasury Management Strategy/ Investment Strategy	Key	Council	Finance Asst Director – Resources		Public
	Empty Homes Strategy Review	Key	Council	People and Communities Asst Dir M Whitmore		Public
	Article 4 Direction	Non	Cabinet	Regeneration and Development Assistant Director – S Ashworth		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)
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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
	Peer Review Challenge Action Plan	Non	Council	Leader Chief Executive		Public
	Data Protection Policy Review	Non	Council	Leader Monitoring Officer		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
23 April 2024						
	Local Plan Gypsy & Traveller Preferred Sites	Key	Council	Development and Regeneration Asst Dir S Ashworth	Public consultation	Public

Items to be scheduled

	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

RECOMMENDATIONS TO CABINET 5 DECEMBER 2023 FROM THE CORPORATE PERFORMANCE PANEL HELD ON 13 NOVEMBER 2023

CP79 CABINET REPORT: COUNCIL TAX SUPPORT SCHEME - FINAL SCHEME

[Click here to view a recording of this item on You Tube](#)

In presenting the report, the Revenues and Benefits Manager explained that the Council operated a scheme to help working age people on low incomes with the cost of their council tax by reducing their council tax bill. This was known as the Council Tax Support (CTS) Scheme. There were national regulations for a CTS Scheme for customers who had reached pension age, but the Council were free to decide the rules for its own CTS schemes for working age people in our area, taking into account certain government requirements. It was highlighted that the report only referred to the Council's own CTS Scheme for working age group.

The Revenues and Benefits Manager advised that the report followed on from the Corporate Performance Panel (CPP) report of 24 July 2023 outlining the options for a draft CTS Scheme to go to public consultation and recommending Option 1. It was noted that at its meeting on 1 August 2023 Cabinet agreed that Option 1 was their preferred scheme to consult on and a public consultation ran from 21 August 2023 to 1 October 2023. Members were advised that the results were summarised at section 3 and Appendix C.

The Revenues and Benefits Manager explained that the final CTS scheme for 2024/2025 must now be agreed by January 2024 ready for implementation on 1 April 2024.

The Revenues and Benefits Manager drew attention to the four options set out in the report.

The Panel's attention was drawn to section 3 – Consultation and the Revenues and Benefits Manager explained that in response to feedback from the 2023/2024 scheme consultation, the survey questions had been refreshed and reworded to make them clearer and to attempt to promote more engagement and responses. The updated questions are shown in Appendix C. The consultation was widely publicised with press and radio coverage and promotions on social media. Members were also advised that the consultation also included an online calculator so people could check if they would be eligible to claim CTS, or if their CTS would increase under the Council's proposals. The Panel was reminded that the consultation went live on 11 September 2023 and six people had used the service. The public consultation ran for six weeks from 21 August 2023 to 1 October 2023 and the consultation webpage received 2,345 hits and 41 surveys were

completed, a 64% increase compared to the 25 responses received in 2023/2024.

The Revenues and Benefits Manager explained that the consultation response from Norfolk County Council was included in the CPP and Cabinet reports for the draft CTS scheme. Norfolk Police's and Crime Commissioner had not responded.

It was noted that the CTS caseload had reduced over the past year and was having less of a financial impact than was estimated in the Financial Plan. This means there is sufficient scope to cover the additional cost of a more generous scheme without having to specifically raise council tax or spend less on other services.

The financial implications were outlined as set out in the report.

The Chair, Councillor Dark thanked the Revenues and Benefits Manager for the report and invited questions and comments from the Panel, a summary of which is set out below.

Councillor Long drew the Panel's attention to section 3.5 results of the consultation and added that 37% agreed with the proposal and 51% disagreed and asked why the recommendation was to go ahead with Option 1 and outlined the reasons why he could not support the proposal.

Councillor Blunt asked why did the Council undertake the consultation exercise when the Council's proposal was to ignore the results of the consultation. In response, the Revenues and Benefits Manager explained that the consultation was part of the Regulations which required the Council to undertake the consultation exercise. The Panel was advised that as part of the consultation views were sought from Norfolk County Council (NCC) and the Police and that to date a response had been received from NCC but no response had been received from the Police.

The Chair, Councillor Dark asked for details of the NCC response. The Revenues and Benefits Manager explained that NCC supported a scheme across Norfolk for 75% support model.

The Vice Chair, Councillor Osborne outlined the reasons and referred to national policy as to why he supported option 1 to assist households as set out in the recommendation and urged the Panel to support option 1.

Councillor Rose gave an overview of the current consultation being undertaken by the Police and Crime Commissioner in Downham Market on a proposed increase on Band D properties in 2024/2025 which ended on 24 November and undertook to forward the information to the Revenues and Benefits Manager.

Councillor Devulapalli commented that she supported the Council Tax Scheme but also agreed with the points made regarding the democratic deficit from the consultation and asked if the Council had considered how this may be changed going forward to look at the actual benefits. Councillor Devulapalli added that there was nothing worse than undertaking consultation and not taking notice of the results.

The Chair, Councillor Dark stated that he was conflicted about the report and highlighted that the previous Administration had looked at other Council's schemes and had increased the support from 75% to 84% which was a move forward to support those people who needed it. The Chair added that he was conscious that not all the schemes were the same and explained that his personal view was around the impact on others such as NCC and the Police.

The Chair commented on the consultation which had been undertaken and asked if the reasons were available as to why people disagreed with the proposal. The Chair added that a lot of work had been undertaken this year prior to the consultation and articles had been published in the press.

The Chair referred to the email received from Councillor Morley, Portfolio Holder for Finance which had been copied to all Members of the Panel.

The content of the email received from Councillor Morley is set out below.

"However, I would like to add an aspect, not included in this factual report, regarding the consultation process. We changed the format of the questions this year to make it easier to follow and widely promoted the scheme.

This resulted in 41 surveys being completed, which, in itself, is a small number but represents a 64% increase over the previous year. Nevertheless, the web site had 2,345 hits and I hypothesise, that with only 41 completed surveys, nearly all people who looked at the scheme were content for it to go ahead as recommended.

I would also wish to draw the Panel's attention to Para. 3.7 explaining that, as for Universal Credit beneficiaries, a large number of working age people are eligible for CTSS. This surely says something about health, jobs and wages in West Norfolk and the need for support in these difficult times.

Paragraph 4.7 explains that, as we have more Band D equivalent properties in the tax base, the scheme can be accommodated within the current Financial Plan.

All in all, I trust your Panel will recognise that this move to offer 100% support to working age people is needed, perhaps more than any period since, in my view, 1945, and support a positive recommendation.”

The Chair stated that he could not support Councillor Morley’s hypothesis that anyone who looked at a consultation but does not respond to it should automatically be considered in favour of the recommendation as the Council do not do it elsewhere.

The Chair outlined the other issues to consider, for example, the proposal to look at a King’s Lynn Town Council and if that was established that would there be a precept. The Chair added that personally he looked at option 1 and commented that he would go against or abstain as the proposal went against the responses received from the consultation. The proposal would be debated at Cabinet and Full Council. In conclusion, the Chair, Councillor Dark stated that he would abstain as he was not comfortable with the proposal.

Councillor Nash outlined the reasons why he could not support the proposal for option 1. Councillor Nash commented that his personal view was that there was a lot of working people struggling and paying the full amount. The Council was already generous giving an 84% allowance as opposed to the 75% proposed by the County Council. Councillor Nash added that there was a 100% scheme available to those where there was a need so there was an opportunity to seek assistance.

In response to a question from Councillor Long if 100% discount was given were bills issued, the Revenues and Benefits Manager explained that a bill was still sent out for people to check and confirm if the information held by the Council was correct or required amendment.

Under Standing Order 34, Councillor Joyce addressed the Panel and outlined the reasons why in his opinion that help should be given to those who required assistance.

The Leader, Councillor Parish referred to the questions set out in the consultation exercise and the replies received. The Leader added that consultation had been undertaken with other interested parties including NCC and the Police listen to recording and the Council made efforts to provide provision in dire circumstances which would impact on the Borough Council.

RESOLVED: That the Corporate Performance Panel noted the consultation responses and decided to recommend to Cabinet and Council that the changes detailed Option 1 are adopted as the final CTS Scheme for 2024/2025 (**Votes: 3 For, 1 Against, 4 Abstentions**).

RECOMMENDATIONS TO CABINET 5 DECEMBER 2023 FROM THE ENVIRONMENT AND COMMUNITY PANEL MEETING HELD ON 14 NOVEMBER 2023

EC58: CABINET REPORT – ASSETS OF COMMUNITY VALUE

[Click here to view the recording of this item on You Tube.](#)

The Corporate Governance Manager presented the report which considered the approval of an amended policy and statutory process for Assets of Community Value and the Community Right to Bid. It was explained that the refresh was required following the transfer of Legal Services back in-house and it was hoped that the revised document was now more user friendly and less technical. The document had been completely rewritten, however the fundamentals had not changed.

The Corporate Governance Manager highlighted the amendments to the delegations to authorise Assets of Community and make non-material amendments to the policy, as set out in the recommendations.

The Chair thanked the Corporate Governance Manager for her report and invited questions and comments from the Panel, as summarised below.

Councillor Bhondi commented that this policy was a good tool to protect community assets and he had used it to protect an asset in his Ward. He encouraged Councillors to consider protecting assets of community value as required.

In response to a question from the Vice Chair, Councillor Devulapalli, the Corporate Governance Manager explained that religious use was not a criteria and the definitions were cultural, sporting and recreational uses that provided social value. The Corporate Governance Manager agreed to confirm if religious buildings fell into the definition of social value within the scheme.

Following the Meeting the Corporate Governance Manager confirmed that any land or building could potentially be listed as an Asset of Community Value and it is for the nominating group to make the case, provide the evidence and proof as to how the particular piece of land or building meets the criteria of the act.

Councillor Bubb asked if there were limitations on what could be included and it was confirmed that it had to be an asset that was in current use for the benefit of the community and needed to be protected for social wellbeing.

RESOLVED: That the Environment and Community Panel supports the recommendations to Cabinet, as set out below.

a) Cabinet is recommended to agree the Borough Council of King's Lynn and West Norfolk policy and statutory process for Assets of Community Value, as attached and recommend to Council for approval.

b) The material update to the policy is changing the delegation to authorise Assets of Community Value from council officer to Portfolio Holder in consultation with the Executive Director of Place and relevant ward members.

c) Cabinet is recommended to give delegated authority to the Monitoring Officer to make future non-material updates to the policy (non-material definition – amendments which will not significantly change the policy by will update in line with legislative changes or will achieve improvements to the process).

EC61: **EXCLUSION OF PRESS AND PUBLIC**

[Click here to view the recording of this item on You Tube.](#)

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

EC62: **EXEMPT CABINET REPORT - FRAMEWORK AGREEMENT FOR CARE AND REPAIR HANDYPERSON PREVENTION SERVICE**

Officers presented the report, as included in the Agenda which set out the Framework Agreement for the Care and Repair Handyman Prevention Service. It was explained that the tender process had been carried out and contractors would be appointed from January 2024.

The Chair thanked officers for the report and invited questions and comments from the Panel, as summarised below.

The Portfolio Holder for People and Communities, Councillor Rust commented that this was an important service that the Council provided to help with independent living and enabling people to stay in their homes for longer.

RESOLVED: That the Environment and Community Panel supports the recommendations to Cabinet as set out in the report.

REPORT TO CABINET

Open		Would any decisions proposed:			
Any especially affected Wards	Mandatory	Be entirely within Cabinet's powers to decide NO			
		Need to be recommendations to Council YES			
		Is it a Key Decision NO			
Lead Member: E-mail: Cllr Chris Morley Cllr.chris.morley@west-norfolk.gov.uk		Other Cabinet Members consulted: Leader and Cabinet			
		Other Members consulted: Corporate Performance Panel			
Lead Officer: Jo Stanton, Revenues and Benefits Manager E-mail: joanne.stanton@west-norfolk.gov.uk Direct Dial:01553 616349		Other Officers consulted: S151 Officer			
Financial Implications YES	Policy/ Personnel Implications NO	Statutory Implications YES	Equal Impact Assessment YES If YES: Pre-screening only	Risk Management Implications YES	Environmental Considerations NO
If not for publication, the paragraph(s) of Schedule 12A of the 1972 Local Government Act considered to justify that is (are) paragraph(s)					

Date of meeting: 5 December 2023

COUNCIL TAX SUPPORT: FINAL SCHEME FOR WORKING AGE PEOPLE FOR 2024/2025

Summary

We operate a scheme to help working age people on low incomes with the cost of their council tax by reducing their council tax bill. This is known as the Council Tax Support (CTS) scheme. There are national regulations for a CTS Scheme for customers who have reached pension age, but we are free to decide the rules for our own CTS schemes for working age people in our area, taking into account certain government requirements. **This report only refers to our CTS Scheme for working age people.**

Our CTS Scheme is reviewed annually and can only be amended from the start of a financial year. This report follows on from the Cabinet report of 1 August 2023 outlining the options for a draft CTS Scheme to go to public consultation and selecting Option 1 as the preferred scheme to consult on. The public consultation ran from 21 August 2023 to 1 October 2023 and the results are summarised at section 3 and Appendix C.

Cabinet is asked to note the consultation process, the widening of the criteria in the current economic climate to match the support given to protected groups and agrees to Option 1 being the recommendation for the final CTS scheme for working age people for 2024/2025. This must be agreed by full Council by 31 January 2024 ready for implementation on 1 April 2024.

The CTS Scheme forms part of the Taxbase calculation. The Taxbase must be set by 31 January 2024 so the CTS Scheme must be decided at the Council meeting of 31 January 2024.

Recommendation

Cabinet notes the consultation process, the widening of the criteria in the current economic climate to match the support given to protected groups and agrees to Option 1 being the recommendation for the final CTS scheme for working age people for 2024/2025.

Cabinet notes that if full Council does not agree the CTS Scheme detailed in Option 1, the current CTS Scheme will continue in default.

Reason for Decision

To ensure a CTS scheme for working age people for 2024/2025 is agreed by full Council by the deadline of 31 January 2024.

1. Introduction

- 1.1. We operate a scheme known as Council Tax Support (CTS) to help working age people on low incomes with the cost of their council tax bills. There are national regulations for the CTS Scheme for customers who have reached pension age.
- 1.2. The CTS regulations¹ require us to decide our own CTS scheme for working age people which we must review and agree each financial year, taking into account the government requirement to consider the impact on vulnerable groups and to incentivise work.
- 1.3. The CTS regulations set out the process we must follow when reviewing and agreeing our scheme². We must first consult with our major Preceptors (Norfolk County Council and the Police and Crime Commissioner), then decide a draft CTS scheme to go to public consultation. The final CTS scheme must then be agreed by full Council by March 2024, before the start of the new financial year, although for operational reasons a January 2024 deadline is imposed.
- 1.4. The draft CTS scheme has been decided and Option 1 was agreed as the draft scheme to go to public consultation. Option 1 widens the criteria of the existing CTS Scheme to bring it into line with the more generous national scheme for pension age people. This means all working age people would be able to receive help up to cover up to 100% of their council tax bill, and will benefit around 1,500 people currently subject to the 84% cap.
- 1.5. This report contains updated estimates of the financial implications at section 4 and a refreshed Equality Impact Assessment Pre-Screening form at Appendix A.
- 1.6. This report should be read in conjunction with the 'Draft Council Tax Support Scheme for 2024/2025' reports and minutes from the Corporate Performance Panel meeting of 24 July 2023 and Cabinet meeting of 1 August 2023. These reports deal with the process of selecting the draft CTS Scheme for consultation

¹ S13A(2) Local Government Finance Act 1992

² Schedule 1A 3(1) Local Government Finance Act 1992

and contain the details of each of the options considered, and the option chosen for the draft CTS scheme.

2. Statutory Requirements

- 2.1. The final CTS Scheme for working age people for 2024/2025 will be considered by Council on 31 January 2024. A decision on the scheme must be made at this meeting as the CTS Scheme forms part of the council's taxbase which the regulations³ state we must calculate and notify to the major preceptors by 31 January 2024.
- 2.2. Failure to agree a CTS Scheme, and therefore the taxbase, by 31 January 2024 has significant implications for our budget setting process. We will be unable to set a budget and agree the Financial Plan or the Council Tax Resolution, meaning we will not be able to set the council tax charge for 2024/2025. The major precepting authorities will be in a similar position.
- 2.3. To avoid this, if full Council does not support Option 1, the current CTS Scheme (Option 4 – no change) will continue for 2024/2025 as a default as there is not enough time to consult on alternative options.

3. Options Considered

2.1 CPP and Cabinet have already been presented with four options for the draft CTS Scheme to go to public consultation. The options were:

- Option 1: Make the CTS Scheme more generous by using the Protected Scheme rules as the rules for the Local Scheme
- Option 2: Reduce the taxbase impact of the CTS Scheme by reducing the Protected Groups
- Option 3: Look at alternative models for assessing and paying CTS
- Option 4: No change

2.2 Cabinet selected Option 1 to go to public consultation. Full details of all the options are in the original reports, and details of Option 1 are also included at Appendix B for ease of reference. A summary of our current CTS schemes, the national CTS scheme and the draft scheme that went to public consultation is included below:

	Our Current Local Scheme⁴	Our Current Protected Scheme⁵	National Pension Age Scheme	Our Proposed Scheme (Option 1)⁶
Maximum Level of Support	84%	100%	100%	100%
Capital Limit	£6,000	£16,000	£16,000	£16,000
Weekly Deduction for a Non-Dependant: • Not working	£10	£4.60	£4.60	£4.60

³ S8 The Local Authorities (Calculation of Council Tax Base)(England) Regulations 2012

⁴ Applies to working age people not in a Protected Group

⁵ Applies to working age people in a Protected Group

⁶ Proposed for all working age people

• Weekly Earnings under £236	£10	£4.60	£4.60	£4.60
• Weekly Earnings between £236-£410	£10	£9.40	£9.40	£9.40
• Weekly Earnings between £410-£511	£10	£11.80	£11.80	£11.80
• Weekly Earnings above £511	£10	£14.15	£14.15	£14.15
• Any other not included above	£10	£0	£0	£0
Weekly Earnings Disregard:				
• Single	£15	£15	£5	£15
• Couple	£20	£20	£10	£20
• Disabled or Carer	£30	£30	£20	£30
• Lone Parent	£35	£35	£25	£35
Self-employed people – earnings used	Minimum income floor ⁷	Actual earnings	Actual earnings	Actual earnings
Second Adult Rebate ⁸	None	Included	Included	Included

2.3 The CTS Scheme rules will also continue to reflect any relevant welfare benefit changes made to the working age Housing Benefit scheme.

2.4 If Option 1 is not agreed, Option 4 (the current scheme and the no change option) will continue in default.

4. Consultation Process

4.1. The CTS regulations state we must select and consult on one option as our draft CTS Scheme. Option 1 was chosen as the CTS scheme to go to public consultation.

4.2. In response to feedback from the 2023/2024 scheme consultation, the survey questions have been refreshed and reworded to make them clearer and to attempt to promote more engagement and responses. The updated questions are shown in Appendix C. The consultation was widely publicised with press and radio coverage and promotions on social media.

3.2 The consultation also included an online calculator so people could check if they would be eligible to claim CTS, or if their CTS would increase under our proposals. This went live on 11 September 2023 and was used six times.

3.3 The public consultation ran for six weeks from 21 August 2023 to 1 October 2023. The consultation webpage received 2,345 hits and 41 surveys were completed, a 64% increase compared to the 25 responses received in 2023/2024.

3.4 The consultation response from Norfolk County Council is included in the Cabinet reports of 1 August 2023. Norfolk's Police and Crime Commissioner has not responded.

⁷ Instead of using actual earnings we use an assumed earnings amount based on the number of hours worked, multiplied by the national minimum wage.

⁸ Certain people who do not qualify for CTS can receive a discount of up to 25% if they have a second adult living with them who is on a low income.

3.5 The full results of the survey, including all the comments, are included at Appendix C which should be read in conjunction with this section. The responses show the following:

- 15 responses (37%) agree with the proposals, 21 (51%) disagree and 5 (12%) said they did not know,
- 3 responses (7%) said they are receiving CTS, the remaining 38 (93%) are not,
- 14 responses (34%) said they are over the age of 65, and
- To fund a more generous scheme, 21 responses (51%) said we should spend less on other schemes or projects, 6 (15%) said we should make savings elsewhere and 3 (7%) felt we should increase council tax. 11 responses (27%) were not sure how we should fund any extra cost.

3.6 The 21 responses which disagreed gave the following reasons:

- 10 did not agree that we should increase council tax to pay for a more generous scheme,
- 6 felt our scheme was already too generous and some felt people were getting a 'free ride', and
- Four did not give a specific reason but some appear to have misread 'working age' as 'working'.

3.7 The council taxbase for 2024/2025 calculated at the start of October 2023. There is significant growth in the taxbase, both from new properties being added to the council tax list and from a reduction in the current CTS caseload. This growth exceeds the estimate in the Financial Plan and is more than enough to offset the impact of a more generous CTS scheme. **This means that we will not specifically have to increase council tax to pay for a more generous CTS scheme in 2024/2025.**

3.8 There are a wide range of comments about the scheme and possible alternatives. The two main themes are:

- support for increasing the help given to those who are more vulnerable and on lower incomes; and
- not spending more to help those already in receipt of CTS. Some responses said they feel our CTS scheme is already too generous and that everyone should contribute to their council tax bill, whilst others feel not enough help is given to other people in need during the cost of living crisis.

3.9 It is worth noting that a significant proportion of working age people receiving CTS are employed and 43% of people who also claim Universal Credit are working or self-employed.

3.10 More information on the financial implications is included at Section 4.

5. Financial Implications of Proposal

5.1. CTS is treated as a council tax discount and the financial impact is expressed in Band D equivalent properties as part of our annual taxbase calculation which feeds into the council tax and budget setting process.

5.2. The overall cost of CTS is shared between the Preceptors in proportion to their shares of the council tax bill. Our share is 6.8%.

5.3. The actual amount of CTS awarded, and therefore the financial impact on our income, can be calculated by multiplying the number of Band D equivalent properties by the Band D council tax charge, either for the total charge to give the overall cost, or the preceptor's charge to give an individual cost.

5.4. The table below shows the impact of the 2023/2024 CTS Scheme and the estimated impact of the revised CTS scheme for 2024/2025 under Option 1. The more generous scheme reduces the taxbase by an additional 128.4 band D equivalent properties and will cost £271,400, of which our share is £18,471. The 'Total Impact' shown below is for all CTS claims, including working age and pension age customers.

2024/2025	Band D Council Tax		Current Budget Impact	Impact of Making the Scheme More Generous	Total impact
Reduction in Band D Equivalent Properties 2024/2025			4,764.5	128.4	4,892.9
Norfolk County Council	£1,592.64	75.3%	£ 7,588,133	£ 204,469	£ 7,792,602
Police and Crime Commissioner	£ 302.94	14.3%	£ 1,443,358	£ 38,892	£ 1,482,250
Borough Council	£ 143.87	6.8%	£ 685,469	£ 18,471	£ 703,939
Parish / Town Councils	£ 74.53	3.5%	£ 355,098	£ 9,568	£ 364,667
Total	£2,113.98	100.0%	10,072,058	£ 271,400	£ 10,343,458

5.5. The proposed council taxbase for 2024/2025 was calculated at the start of October 2023. The working age CTS caseload has reduced by 6% in the last 12 months, so the financial impact of the current CTS scheme is lower than the estimate.

5.6. **We have 591.6 more band D equivalent properties than we estimated in the Financial Plan.** This is due to a reduction in the CTS caseload (408.1 band D equivalent properties) and new properties being added to the council tax list (183.5 band D equivalent properties).

5.7. **This growth is sufficient to offset the additional 128.4 band D equivalent property impact of the more generous CTS Scheme proposed for 2024/2025.** This means we can implement a more generous scheme whilst remaining within the estimates in the Financial Plan and would not need to increase council tax or make cuts to other services to fund the cost.

5.8. Moving to the CTS Scheme proposed in Option 1 will reduce the council tax bill of a household in Band A by up to £223 a year (£4.29 a week), a band B property by £260 a year (£5.00 a week) and a Band C property by £297 a year (£5.72 a week).

6. Recommendation

6.1 Cabinet notes the consultation process, the widening of the criteria in the current economic climate to match the support given to protected groups and agrees to Option 1 being the recommendation for the final CTS scheme for working age people for 2024/2025.

6.2 Cabinet notes that if full Council does not agree the CTS Scheme detailed in Option 1, the current CTS Scheme will continue in default.

7. Equal Opportunity Considerations

- 7.1 The Equality Impact Assessment Pre-Screening form for implementing Option 1 is included at Appendix A. The proposed change would have positive equality impacts as it maintains the more generous CTS support for those in vulnerable groups and those with relevant protected characteristics, whilst providing more help to customers not in vulnerable groups or covered by equality considerations.
- 7.2 On 1 October 2023 there are 1,259 CTS claims not in a protected group with a 84% limit on their maximum level of support. Making the working age CTS scheme more generous would reduce the council tax bill of 1,259 low income households meaning they have less, or no, council tax to pay.

8. Any other Implications/Risks

- 8.1 Failure to agree a CTS Scheme by 31 January 2024 means that we are unable to set our council taxbase for 2024/2025, and therefore unable to agree a budget and the council tax charge for the coming year.
- 8.2 To avoid this, if Option 1 is not agreed as the CTS Scheme for 2024/2025, the existing scheme will continue for another year.
- 8.3 The budget impact of the CTS scheme is based upon the household numbers described above which form the basis of the Financial Plan. The impact will be affected by the changing circumstances and demographic of our taxpayers; for example, household welfare, age mix and additional households entering our tax base.
- 8.4 The CTS scheme is based on an assessment of a household's income against an allowed amount. The cost-of-living crisis is not causing an increase in the CTS caseload as household incomes are generally stable or rising with higher wage and benefit increases. However, household expenditure is also increasing causing pressure on household budgets. Other support with these rising costs is being given by us (for example through the Household Support Fund), from government and from other organisations.
- 8.5 In the current economic climate, the risk assessment cannot be neutral, but it is considered that there is sufficient flexibility in our financial structure to withstand any adverse impact.
- 8.6 If the CTS caseload falls our taxbase and council tax income will increase, creating a surplus on the Collection Fund.
- 8.7 The impact of the CTS scheme is, and will continue to be, operationally reviewed monthly and reported to Members annually in October.

9. Corporate Priorities

- 9.1 The CTS Schemes supports the promotion of Social Mobility and Inclusion for our residents.
- 9.2 Implementing Option 1 where the scheme is made more generous will increase the income of over 1,250 households who are not in a Protected Group.

10. Conclusion

- 10.1. The options for a revised CTS Scheme have been debated the public has been consulted on the preferred option. Cabinet is asked to note the consultation responses and decide whether to recommend to Council that the changes detailed Option 1 are adopted as the final CTS Scheme for 2024/2025.

11. Personnel Implications

- 11.1. None

12. Environmental Considerations

- 12.1. None

13. Statutory Considerations

- 13.1. We are required to agree a CTS Scheme for the 2024/2025 financial year by 11 March 2024, although in practice it has to be agreed by 31 January 2024 as it forms part of the council's taxbase and budget setting process.

14. Declarations of Interest / Dispensations Granted

- 14.1. None

15. Background Papers

- 14.2. None

Appendix A

Pre-Screening Equality Impact Assessment

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



Name of policy/service/function	Local Council Tax Support Scheme 2024/2025				
Is this a new or existing policy/service/function?	Continuation of, and updates to, an existing Policy				
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	Council Tax Support is a discount given to residents on a low income to help with the cost of their council tax bill. The council is free to agree its own local scheme for the discount for working age people.				
Question	Answer				
<p>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups according to their different protected characteristic, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</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)	√				
Question	Answer	Comments			
<p>2. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the Council, for example because it is seen as favouring a particular community or denying opportunities to another?</p>	No				
<p>3. Could this policy/service be perceived as impacting on communities differently?</p>	No				
<p>4. Is the policy/service specifically designed to tackle <u>evidence of disadvantage</u> or potential discrimination?</p>	Yes	The CTS Scheme is designed to help people on low incomes or in receipt of certain welfare benefits with the cost of their council tax bill.			

5. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions? If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section	No	Actions:
		Actions agreed by EWG member:

If 'yes' to questions 2 - 4 a full impact assessment will be required unless comments are provided to explain why this is not felt necessary:

The CTS Scheme is designed to help working age local residents on low incomes with the cost of their council tax bill. The help is provided through a discount on their council tax bill. The CTS scheme is being updated and made more generous for 2024/2025. This means more people will be eligible for help, and the removal of the cap on the maximum level of support means those already receiving help could see their CTS award increase. These impacts are all positive and will increase the financial support given to residents.

Decision agreed by EWG member:

Assessment completed by:	
Name	Jo Stanton
Job title	Revenues and Benefits Manager
Date	18 October 2023

Appendix B

Option 1: Make the CTS Scheme more generous by using the Protected Scheme rules as the rules for the Local Scheme

We could consider changes to the principles of the existing CTS scheme model to bring the Local and Protected Schemes in line and make our Local Scheme more generous.

There are currently 5,240 working age households claiming CTS, and 3,700 (over 70%) of these are in a protected group, with 1,540 assessed using our Local Scheme rules.

There is a growing trend across England for local authorities to make their CTS schemes more generous in response to the cost of living crisis. In 2032/2024 29 authorities increased their level of support, and around a third of CTS schemes now cover up to 100% of a household's council tax bill.

Another reason to use the more generous rules is the wider rollout of Universal Credit (UC). People in protected groups are often identified by their entitlement to certain benefits, but over the next two years these benefits will end and be replaced by UC. This means we will not be able to identify these households as needing protection and they may lose out on support if the two schemes are not the same.

The changes to bring the schemes for the two groups into line would include:

- **Increasing the maximum weekly council tax bill that is paid under the scheme to 100%:**
This would mean all working age people could receive CTS for up to 100% of their council tax bill (people who have excess income, for example if they have earnings above the disregard as shown in Appendix A, may receive less than 100% CTS).
- **Raising the Capital Limit:**
Under our Local Scheme the maximum amount a household can hold in capital (money, shares and savings) is £6,000. Raising this to £16,000 would be in line with the Protected and Pension Age Schemes and would mean more people are able to claim CTS.
- **Changing Non-Dependant Deductions:**
To align both schemes the non-dependant deduction rates will need to be changed. The deductions for the non-protected groups would be aligned with the two other schemes so the same deductions are applied to all customers.
- **Changing the treatment of Self-employed people:**
The rules for earnings for self-employed people would be amended to mirror those for the protected groups and pension age schemes
- **Re-introducing Second Adult Rebate**
The numbers of people qualifying for this discount are generally low, and it has been removed for our Local Scheme. This would be reinstated in line with the Protected and Pension Age schemes.
- **Retaining the more generous Earnings Rules and War Pension rules**
The extra £10 weekly earning disregard would be retained for our Local scheme and we would continue to disregard War Pensions.

Appendix C – Consultation Survey and Responses

Summary of Consultation Survey Questions

No.	Question
1	I confirm I have read and understood the information on the CTS Consultation webpage
2	Do you agree or disagree with our proposals for making our working age CTS Scheme more generous?
2a	What are your reasons for your answer?
3	How do you think we should find the additional money for the scheme?
4	<p>We would like to hear your views on any other changes you think we should make to our CTS scheme and the reasons for these.</p> <p>Please use the space below to explain what changes you would like to see and the reasons for this.</p> <p>We would also like to know what you think the impact will be on both people receiving CTS, and other council tax payers who will be impacted by the financial effects of any changes to our CTS scheme.</p>
4a	The changes I would propose are:
4b	The reasons for these changes are:
4c	The impact on Council Tax Support recipients and wider council tax payers will be:
5	Equality Questions
5a	Do you receive CTS?
5b	What is your age group?
5c	Are you Male / Female / Other / Prefer not to Say

Responses to Survey Questions

Q1 - I confirm I have read and understood the information on the Council Tax Support webpage	%
Yes	100%
No	0%
Totals	100%

Q2 - Do you agree or disagree with our proposals for making our working age CTS scheme more generous	Total	%
Agree	15	36.6%
Disagree	21	51.2%
Don't know	5	12.2%
Totals	41	100.0%

Q3 - How do you think we should find the additional money for the scheme?	Total	%
By increasing Council Tax	3	7.3%
By making savings elsewhere	6	14.6%
By not spending as much on other schemes or projects	21	51.2%
Not sure	11	26.8%
Totals	41	99.9%

Q5a - Are you, or someone in your household, getting Council Tax Support at this time?	Total	%
Yes	3	7.3%
No	38	92.7%
Totals	41	100.0%

Q5b - What is your gender?	%
Male	34.1%
Female	48.8%
Prefer not	17.1%
Totals	100.0%

Q5c - What is your Age?	Total	%
18-24	0	0.0%
25-34	5	12.2%
35-44	4	9.8%
45-54	8	19.5%
55-64	6	14.6%
65-74	11	26.8%
75-84	3	7.3%
85+	0	0.0%
Prefer not to say	4	9.8%
Totals	41	100.00%

Q5d - Disability: Are your day to day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months?	Total	%
Yes	9	22.0%
No	24	58.5%
Don't know/Not sure	3	7.3%
Prefer not to say	5	12.2%
Totals	41	100.0%

Council Tax Support Survey 2024 - Results

I confirm I have read and understood the information on the CTS Consultation webpage	Do you agree or disagree with our proposals for making our working age CTS Scheme more generous?	What are the reasons for your answer?	How do you think we should find the additional money for the scheme?	Any further comments:	We would like to hear your views on any other changes you think we should make to our CTS scheme and the reasons for these. Please use the space below to explain what changes you would like to see and the reasons for this.		
					We would also like to know what you think the impact will be on both people receiving CTS, and other council tax payers who will be impacted by the financial effects of any changes to our CTS scheme.		
					The changes I would propose are:	The reasons for these changes are:	The impact on Council Tax Support recipients and wider council tax payers will be:
Yes	Agree	I feel that some people do require extra support, especially during the current economic climate	By making savings elsewhere	I am sure savings could be made elsewhere and feel it would be unfair to raise Council tax for those not entitled to support, some people who are not eligible for support are also struggling and council tax has a large impact on peoples income being the 2nd highest bill next to rent/mortgage	To increase the council tax support, however to find the extra from other means apart from increasing the council tax for non claiming residents	to keep the council tax affordable for all	Not sure

Yes	Agree	People are really struggling with the cost of living, so this will help reduce the pressure	By not spending as much on other schemes or projects	I think it's important, but don't believe it's fair to increase Council Tax for everyone else to pay for it, as everyone's already struggling with the cost of living, especially rents and mortgage payments	I don't know enough to propose any changes	As above	If it doesn't go ahead, then we'll see more people getting into debt and using food banks
Yes	Don't know		By not spending as much on other schemes or projects				
Yes	Disagree	Everyone needs to pay something, the more people who get a free ride the more others have to pay. I think it's selfish and wrong	By not spending as much on other schemes or projects	If it costs you £18000 it will cost the county council even more so other people will suffer and the wrong.	Leaving the CTS as it is, it is more than generous and people should be satisfied. It's a ridiculous idea going for 100% and you should think about other people	The previous scheme is more than adequate, to many people are expecting more handouts and that's an insult to hard working people	The impact wouldn't change from last year

Yes	Agree	It seems to simplify the scheme and bring it in line with other schemes which means it will be easier to understand for recipients and easier to administer. All good things. The cost to council is small, and likely could be swallowed simply from the efficiency savings alone. NCC already has a big budget and PCC gets too much money already.	By not spending as much on other schemes or projects	Scale back or scrap the big vanity projects that the Tories put in place.	No I think the new proposal is good enough	The new proposal is good	Particularly during this cost of living and inflation crisis, but also generally, the most vulnerable need additional support. The new scheme offers people that help. It also makes things simpler which is a big benefit.
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Yes	Agree		By not spending as much on other schemes or projects				
Yes	Disagree		Not sure	Don't make it more generous and then you won't have to find additional money for the scheme. Other people shouldn't have to suffer and pay more council tax or have reduced spending on other schemes, for those people who already get benefit, to then get even more benefit	None	keep things as they are, people already get enough help.	People who don't qualify are still impacted by the cost of living and having their council tax raised to fund those who are already getting help is just not fair. Those who already get help then benefit from lots of other support so this doesn't need increasing.

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Yes	Disagree	There are numerous other benefits. etc. available to the less well off. Including food banks. The existing level of support is generous already and at the time of a cost of living crisis everybody is having to make savings and manage their budgets more.	By not spending as much on other schemes or projects	It seems to me that there is a new section of "poor" in the community which is ignored. People who are on the government pension (particularly the, "old scheme") with a small private pension, cannot get any support. While all governments departments , national and local keep awarding extra benefits to those already getting support.	I propose no change / a reduction in the existing scheme. 85% is more than generous.	The council should be looking at ways to save money. They have a duty to ALL council tax payers.	No change to the scheme would aid the council to manage their budget and keep any increase to a minimum at what is a difficult time to all of the community.
Yes	Don't know	It's already complicated. Your proposed changes make it even more complicated.	Not sure	I'm not at all sure you should be making these changes. Your question presupposes I agree with your proposed change and I don't think I do!	This seems to be an exercise to make changes for the sake of making changes. Why not just leave things as they are?	Not applicable.	No impact.

Yes	Disagree	It is unfair on those who do not qualify. It further disincentivises work. The bills go up year after year for everyone else & disproportionately hit single people.	By not spending as much on other schemes or projects	When people pay nothing, they can happily vote for candidates & policies that cost everyone else more.	Council Tax needs reform at government level to account for additional adults in a household.	Working adults living in house-shares are only paying a two- person charge for the whole property. Young adults still at home can be earning a good wage, but pay nothing.	You would have more income to offer discounts to those in need without penalising those who do not qualify.
Yes	Disagree		By making savings elsewhere				
Yes	Disagree	Working people are stretched by inflation, those in receipt of benefits and discounts should also be stretched.	By not spending as much on other schemes or projects	Benefits and discounts should be funded by govt, not by others where the deprivation exists.	Remove local funding of discounts.	Benefits and discounts should not be funded by local taxation	Working taxpayers in the Borough are already funding social benefits for others all over the country. We should not have to supplement this even more.
Yes	Agree	It's so expensive one of my highest bills! Other than rent and I struggle to pay it	By not spending as much on other schemes or projects		To make cut backs else where people need the help now! Not the	It will be taken back somehow or another	Appreciate the help at the time of need

		every month			future		
Yes	Agree	Better support for those with least.	By not spending as much on other schemes or projects		Reducing subsidy to events in towns.	Subsidies not targeted and many people outside Borough benefit. Car parks are full so most people attending could afford to contribute. Suggest that , at least, voluntary contributions are sought - secure collection bins.	

Yes	Agree	It is reasonable for those with more income to help those with less. This is one way to make that happen but it also does not put money in peoples pockets that might be spent on unrelated expenses.	By increasing council tax	The amount CT would have to be increased is minimal and would fall on those with more ability to pay. That would leave the money available to spend on schemes and projects untouched.	A higher rate council tax that was set and then cost of living linked for future rises and falls. An element set out for social care that is linked to full employment costs for that sector. Current levels of staffing cause a sever lack in facilities for those in need of help on all social care levels. An open and well funded independent information service,that helps those in need of help to access information and assistance to gain help or sup	A woeful lack of support for people in need in this county.	A minimal impact on CT payers especially second home owners. More finance to support lower income residents and added resources to help those that need support to access it.
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Yes	Disagree		By not spending as much on other schemes or projects				
Yes	Disagree	Anybody that is working can pay a % of their council tax and should continue to do so to support small villages	By making savings elsewhere	Again ludicrous to make people already paying 100% pay more. Anybody that works can afford to make a contribution to their council tax	Council tax should be paid by all, we all have a need for the services it provides everyone can pay a percentage towards it based on their income.	Working families who pay 100% of this council tax should not see further increase to find those who don't pay any of it despite them earning an income.	Wider tax paying families and their children will suffer further and go without as the cost of living continues to rise.
49 Yes	Disagree	The help which it already given is a lot and should be on us working people to manage our money better, it's not fair on the the schemes to then suffer	Not sure	By increasing councils tax does not make sense as you are proposing to pay the tax for people it's not fair on those who manage there money better to have to spend more so others can live more luxurious			

Yes	Disagree	Not fair on most council tax payers who work hard, if not harder.	Not sure		All income included such as those earned from YouTube, Onlyfans, etc.	A lot of people are taking in extortionate additional income which the council does not account for.	That less money is paid out under the scheme
Yes	Disagree	there are other options for low income households to be able to seek help if in financial difficulties, including the option to take on additional work if possible, reduced income to the council which could impact services for all is in my opinion not in the overall common good,	Not sure				

Yes	Disagree	There is never any support for people who are working full time, not on benefits and still struggle with the cost of living. You always have to be in receipt of benefits to get any support. This is not a good model, it just keeps people on benefits because they know they will lose all these support schemes when they come off it. Its frustrating	By making savings elsewhere	As someone who constantly works to just have tax and council tax taken off my pay. Its becoming unmanageable with the cost of everything going up. Council tax already went up last year and that really has put us in hardship. We couldnt afford another increase. Start giving support to hard working people who dont get benefits, and stop giving it to everyone who already has plenty of support schemes to choose from	Stop giving all the schemes to people on benefits. Make it available to people who work full time, dont qualify for benefits but are struggling with the cost of living. It is because of these schemes that council tax keep going up and the people who work hard have more taken off their pay slips.	its unaffordable if the way its funded is to increase council tax	Its unaffordable to keep putting up the council tax. my husband and I are hard working people, we never qualify for any schemes despite paying all our tax etc and struggling to make ends meet. If council tax increases anymore, we may have to sell our home.
Yes	Disagree	Too much state intervention. BTW, how many Sky channels do these claimants have. Do you ask that question?	By not spending as much on other schemes or projects		Reduce all KLWNBC staff salaries.	Currently a waste of money.	Nothing
Yes	Agree		By not spending as much on other schemes or projects	And you lot taking less wages			

Yes	Don't know	I disagree with allowing the increase in savings	By not spending as much on other schemes or projects		Is it applied to lower bands only - I don't think people with vast property wealth should be getting discounts		
Yes	Don't know	I agree if the cuts are to the extras that this Council supplies (ie the free entertainment across the summer), I do not agree if there are going to be further cuts to the outlying areas of King's Lynn, ie West Lynn, Clenchwarton etc., where already maintenance is at an all time low.	By not spending as much on other schemes or projects	Use rates on the commitments first and the extras second.	I would like to see money spent on areas not in the town centre. West Lynn and Clenchwarton have become shabby through lack of money spent on grass cutting, hedge cutting, pavement maintenance. Cars parking blocking pavements and on corners is now rife, which is a social nuisance and forces walkers, prams and disability vehicles into	So that in my area we got something for our rates other than our bins emptied (and schools for those with children). I support 100% CTS payment for those that need it, what I don't support is further cuts to necessary maintenance etc., in the outlying areas, whilst money is still being spent on free	People in the outlying areas will get their area maintained, and people that want to go to the events across the summer can pay towards these events

					the road. Speed signs are hidden behind overgrown hedges.	entertainment in the town centre. Take the extra money from the extra's budget not the outlying areas budget	
Yes	Disagree	I believe too much is paid in benefits to people who would be able to support themselves.	Not sure	Please don't penalise the general public who are over the threshold for getting benefits. Any other reduction in services to the wider public such as taking money from libraries, swimming pools etc is not on	A tighter regulation on who can apply for council tax funding.	You are taking money from the wider public to pay yourselves.	A better management of council properties and encouraging more people to pay into the council pot rather than some playing the system and being unfair

Yes	Agree	With uprising costs of living a Bills' water rates higher this week and Gas and electric , This all needs to be forced back to the lower rates in payments or these uprising ' Get rid of EDF ' to lower the rates and any other high risen suppliers ,Internets companies lower the rates of living to pay for the NHS and north wind turbines 'To pay for a NHS in council tax .	By not spending as much on other schemes or projects	kids educations and needs , uniforms , Home teachings , tutors on line teachings , Foster family with support and single parents , More free sports tennis swimming , rowing . educations in wold life areas and future aspects universal grades inventions to save the world floods , Clubs or a active world .	more News on council tax to the NHS /Dentist , what it is actually doing ,	Because times are changing and New of a more outcome , Less roads and More of the community NHS . or how much % is going towards the NHS ,	NHS our Loving adorable Hospital that holds its strength because we need her .
Yes	Agree	It will help everyone including those on a low income	Not sure				If households have more disposable income, they will hopefully spend it in the town.

Yes	Disagree	The money used to fund it will need to come from somewhere else so either full council tax payers or cuts elsewhere.	By not spending as much on other schemes or projects				
Yes	Disagree	I am unable to save money and yet pay full tax. I understand the £16k limit is in line with other benefits but if you have this much money then surely you can afford the full bill.	By increasing council tax	Increasing the burden on the rest of us is the only way to stop services suffering. I can't afford an increase but if it's necessary, it's necessary			
Yes	Disagree	My pension is currently £203 a week our Council tax bill is £302 a month. I cannot afford any more	By making savings elsewhere	Recover the costs of this scheme from second home, holiday home rentals.	Increase Council tax substantially for second home and holiday home/airbnb owners.	These properties contribute little to the local community	More funds for this scheme and other local projects
Yes	Disagree		Not sure	By not implementing these generous changes	leave as is		Increased taxation for working people.
Yes	Agree	There seems no reason why Norfolk should be less generous than the national scheme	By making savings elsewhere				

Yes	Disagree	You should be reducing the council tax for all. Therefore ensuring all can pay rather than subsidising people.	By increasing council tax	This would be counter productive as more people would require the scheme. The council leaders could, of course, take a reduction in pay and expenses to the tune of an estimated £18,000 per annum	Reduce the council tax burden on all to ensure all can pay without the need for subsidies	Everyone who pays council tax will be more content to pay.	Council tax support recipients would not require the scheme a The wider council tax payers would not feel as though they are paying for everyone else.
Yes	Agree	It is designed to help those most in need.	Not sure	Increasing council tax for those of us who can afford it would seem the most sensible answer but that could presumably also increase the amount of money required for the scheme if more people would thereby need support, and would therefore need to be carefully managed. If savings can be made elsewhere or other schemes were to lose funding, again this would need to ensure that those who are struggling would not be adversely affected.	Higher charges for those whose property here is not their main residence.	They can afford it and are able to use local services to the same extent as those living here all year round.	See comments on previous screen. I would expect those who own property in the area as second homes to pay more. Higher rated homes to have their rates increased proportionately.
Yes	Agree		By not spending as much on other schemes or				

			projects				
Yes	Agree	I regard it as an absolute priority to be relieving poverty and hardship in all their forms. This is one measure that will help this cohort.	By not spending as much on other schemes or projects	I see BC spending way too much on things for the benefit of people who are better off - typically and topically, all of the entertainment events funded at Hunstanton.	I support the changes you propose, as set out on your web page.	Poverty relief measure as I have said.	Assistance or additional assistance to recipients - every little helps, so to speak. It is right these changes should be targeted. The better off do not need these changes. The issue or risk of other better-off CT taxpayers objecting is better approached by looking more widely at BC spend - as I say, the money I see being spent on leisure for the better off. The principle should be - for the common good.

Yes	Agree	More people need more help	Not sure	Look for efficiencies and value for money in ongoing projects- eg highways maintenance seems wasteful - lots of men doing little work on road closures; poor use of materials or processes on potholes means temporary benefits only ;			
Yes	Disagree	I don't believe anyone should get 100%, everyone needs to pay some or nobody pays anything at all. This council is already giving away to much and we people on the edge have to pay even more	By not spending as much on other schemes or projects	Perhaps you should cut the wages of the top 30% of your pay scale	I would leave the CTS scheme as it is, this is a silly idea. How about not putting up council tax at all	Why should these people get a free ride when inflation is high and we all need a little help, just this once	Your scheme will cost everyone and the county and police will also suffer, leave things alone and the tax payer will get a small break
Yes	Don't know	Still don't understand it	Not sure	You will do as you please anyway so as to benefit yourselves as always	All pensioners should not have to pay anything at all they have contributed all their workings lives if you worked as I did and do not receive any	Equality for pensioner's	Not sure what this means but sure as eggs are eggs the rich get rich and the poor get poorer 😊

					benefits at all ☹		
Yes	Disagree	Would likely have an adverse effect on budget and the staff have recently been awarded approx 10.8% or 5% increases depending on positions and at yesterday Cabinet it's recommended that council will vote to implement option 4 giving councillors similar increase in allowances.	By not spending as much on other schemes or projects	An increase in council tax is unacceptable . 84% was a very generous discount, many retirees have to pay full council tax because they have worked and saved and paid into pension schemes . People of working age need to live within their means	Keep the current CTS scheme which has been properly thought through and funded	No change	The majority of folk who pay full amounts are not made to pay more to fulfill an unrealistic scheme , worthy of someone like Birmingham or Thurrock councils and they both turned out well !


Appendix A

Pre-Screening Equality Impact Assessment


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



Name of policy/service/function	Local Council Tax Support Scheme 2024/2025				
Is this a new or existing policy/service/function?	Continuation of, and updates to, an existing Policy				
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	Council Tax Support is a discount given to residents on a low income to help with the cost of their council tax bill. The council is free to agree its own local scheme for the discount for working age people.				
Question	Answer				
<p>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups according to their different protected characteristic, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</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)	√				
Question	Answer	Comments			
2. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the Council, for example because it is seen as favouring a particular community or denying opportunities to another?	No				
3. Could this policy/service be perceived as impacting on communities differently?	No				
4. Is the policy/service specifically designed to tackle <u>evidence of disadvantage</u> or potential discrimination?	Yes	The CTS Scheme is designed to help people on low incomes or in receipt of certain welfare benefits with the cost of their council tax bill.			

<p>5. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions? If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section</p>	No	Actions:
		<p>Actions agreed by EWG member:C. Marriott..... </p>

If 'yes' to questions 2 - 4 a full impact assessment will be required unless comments are provided to explain why this is not felt necessary:
The CTS Scheme is designed to help working age local residents on low incomes with the cost of their council tax bill. The help is provided through a discount on their council tax bill. The CTS scheme is being updated and made more generous for 2024/2025. This means more people will be eligible for help, and the removal of the cap on the maximum level of support means those already receiving help could see their CTS award increase. These impacts are all positive and will increase the financial support given to residents.

Decision agreed by EWG member:C. Marriott .....

Assessment completed by:	
Name	Jo Stanton
Job title	Revenues and Benefits Manager
Date	18 October 2023

REPORT TO CABINET

Open/Exempt		Would any decisions proposed :			
Any especially affected Wards	Mandatory/	Be entirely within Cabinet’s powers to decide		YES/NO	
	Discretionary /	Need to be recommendations to Council		YES/NO	
	Operational	Is it a Key Decision		YES/NO	
Lead Member: Cllr Baljinder Anota E-mail: cllr.baljinder.anota@west-norfolk.gov.uk		Other Cabinet Members consulted:			
		Other Members consulted:			
Lead Officer: Honor Howell – Corporate Governance Manager E-mail: honor.howell@west-norfolk.gov.uk Direct Dial:01553 616550		Other Officers consulted: Alexa Baker – Monitoring Officer			
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: 5 December 2023

ASSETS OF COMMUNITY VALUE

Summary

The report considers the approval of an amended policy and statutory process for Assets of Community Value and the Community Right to Bid.

Recommendation

- a) Cabinet is recommended to agree the Borough Council of King’s Lynn and West Norfolk policy and statutory process for Assets of Community Value, as attached and recommend to Council for approval.
- b) The material update to the policy is changing the delegation to authorise Assets of Community Value from council officer to Portfolio Holder in consultation with the Executive Director of Place and relevant ward members
- c) Cabinet is recommended to give delegated authority to the Monitoring Officer to make future non-material updates to the policy (non-material definition – amendments which will not significantly change the policy but will update in line with legislative changes or will achieve improvements to the process).

Reason for Decision

- a) To approve the revised policy on Assets of Community Value to amend the decision-making process to reflect current Portfolio arrangements.
- b) To enable non-material amendments to the policy to be made without the need for Cabinet and full council authority.

1 Background

- 1.1 The council has had a policy in place to administer the Assets of Community Value (ACV) since the process was introduced in the Localism Act 2011. The ACV process allows interested community groups to bid for assets of community value, whereby they can 'pause' any sale process, giving them six months to prepare a bid to buy the Asset before it can be sold.
- 1.2 This report updates the policy in line with current best practice and procedures.
- 1.3 There are currently 6 assets listed as Assets of Community Value in the borough. There have been two unsuccessful applications in the past 12 months.

2 Changes to the existing Policy

- 2.1 The ACV Policy has been updated to clarify the procedure and guidelines following the Legal Service being transferred to an in-house provision in April 2023. The responsibility for the operation of the ACV process is now with the Corporate Governance Team. The other amendment is the delegated authority to authorise an asset being added to the ACV Register will transfer to the Portfolio Holder for Property and Assets, in consultation with the Executive Director of Place and the relevant Ward Member whereas in the earlier version of the policy, this was delegated to the Executive Director, Central Services.
- 2.2 Article 4 (4.01)(b) of the council's Constitution reserves the approval of amendments of council policies to full council. For future revisions of this policy, if the revision is non-material and does not significantly change the policy but is updated in line with legislation or to improve a process, it is requested that Cabinet delegate approval of such amendments to the Monitoring Officer to negate the necessity for full council approval.

3 Options Considered

- 3.1 Retain the policy in current format. The current process can introduce delays into a process with timescales set out in statute and did not require Portfolio Holder consultation.

4 Policy Implications

- 4.1 The report recommends approval of the revised policy on Assets of Community Value for the Council.

5 Financial Implications

- 5.1 The Act allows owners, who believe that they have incurred losses as a result of these procedures, to apply for compensation from the Council. This will be dealt with within existing budgetary provision.

6 Personnel Implications

- 6.1 No direct implications

7 Environmental Considerations

- 7.1 There are no environmental considerations.

8. Statutory Considerations

- 8.1 The Assets of Community Value policy is compliant with the Localism Act 2011.

9 Equality Impact Assessment (EIA)

(Pre screening report template attached)

10. Risk Management Implications

- 10.1 Failure to have a policy in place would contravene the requirements of the Localism Act 2011.

11 Declarations of Interest / Dispensations Granted

- 11.1 None

12 Background Papers

- 12.1 None

Pre-Screening Equality Impact Assessment

Borough Council of
King's Lynn & West Norfolk



Name of policy/service/function	Assets of Community Value				
Is this a new or existing policy/service/function?	New Existing (delete as appropriate)				
<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>	<p>Assets of Community Value policy required updating to reflect changes to Legal services and transfers delegated authority to approve an addition to the Assets of Community Value Register to the relevant Portfolio Holder, in consultation with the Executive Director, Place and the ward members.</p> <p>Statutory process as defined in the Localism Act 2011.</p>				
Question	Answer				
<p>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups according to their different protected characteristic, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</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	



ASSETS OF COMMUNITY VALUE AND COMMUNITY RIGHT TO BID

PROCEDURE AND GUIDANCE

Assets of Community Value and the Community Right to Bid

Introduction

Across the Borough Council of King's Lynn and West Norfolk's district, there are buildings, amenities, and land (assets) which are important to local people. The Localism Act 2011 introduced a procedure designed to give communities the opportunity to protect these assets by allowing relevant groups to nominate them as "assets of community value".

When a property is registered as an Asset of Community Value (ACV) the process temporarily stops certain proposed sales of property or land so that community groups can put together a bid to buy it; allowing local people to protect places which are important to their social interests and wellbeing. This is referred to as the "Community Right to Bid" (CRTB).

For land or buildings to be listed as an Asset of Community Value (ACV), their current (or very recent past) use must benefit the social wellbeing and interests of the community; and it must be reasonable to assume that it will continue to do so in the future. Social interests include sporting, cultural or recreational uses.

The social use of the building or land is not deemed 'ancillary', i.e. of secondary purpose. This means that the use of the land or building to further social wellbeing or interests of the community must be its principal use. For example, a school's primary purpose is educational. The aspects of the asset which fulfil social and community purposes are ancillary to this and therefore the asset would not be listed.

The use of the land/building will continue to further the social wellbeing or interests of the local community in the future:

- Where an asset is presently in social use there should be a presumption of continued viability, unless clear evidence suggests otherwise
- For social use which has lapsed and needs to be re-established, the council will need to take a view on the realism of re-establishing this within the next 5 years

There are some limited situations where land or buildings are exempt from being listed as an Asset of Community Value, including residential property.

What an ACV is not:

Whilst this statutory procedure is a useful tool for communities who want to protect and retain community assets, there are limitations to the legislation. It is important to note that the scheme does not:

- Force a property owner to sell their asset to a community group or give a community group the right of first refusal
- Prevent a property owner from selling their property on the open market indefinitely
- Empower the council to make any judgement on whether the property should

be sold to the community group or not.

Nominations

To nominate a property as an ACV, a voluntary or community group must make a request to the council for the building or piece of land to be added to the 'Community Asset Register.'

All voluntary and community bodies making nominations must be able to demonstrate a local connection by demonstrating that their activities are wholly or partly concerned with the local authority area where the asset sits.

On receipt of eligible applications, applicants and the landowner will be notified of whether the asset has been listed within 8 weeks of the application. The owner then has a further 8 weeks to appeal against any listing.

Assessment and Listing of an ACV

A set process is followed and will assess the nomination against the criteria and guidance notes to determine whether the application is compliant with the prescribed requirements. This document has been developed by amalgamating the requirements set out in the Localism Act 2011, relevant regulations, and the council's own scheme of delegation.

If the nomination is accepted by the council, the property/land will be listed on the council's 'Register of Successful Bids for Assets of Community Value' for a period of five years. Nominations which are unsuccessful will be listed on the 'Register of Unsuccessful Bids for Assets of Community Value' for a period of five years.

An unsuccessful nomination can be resubmitted if new information is included within the application.

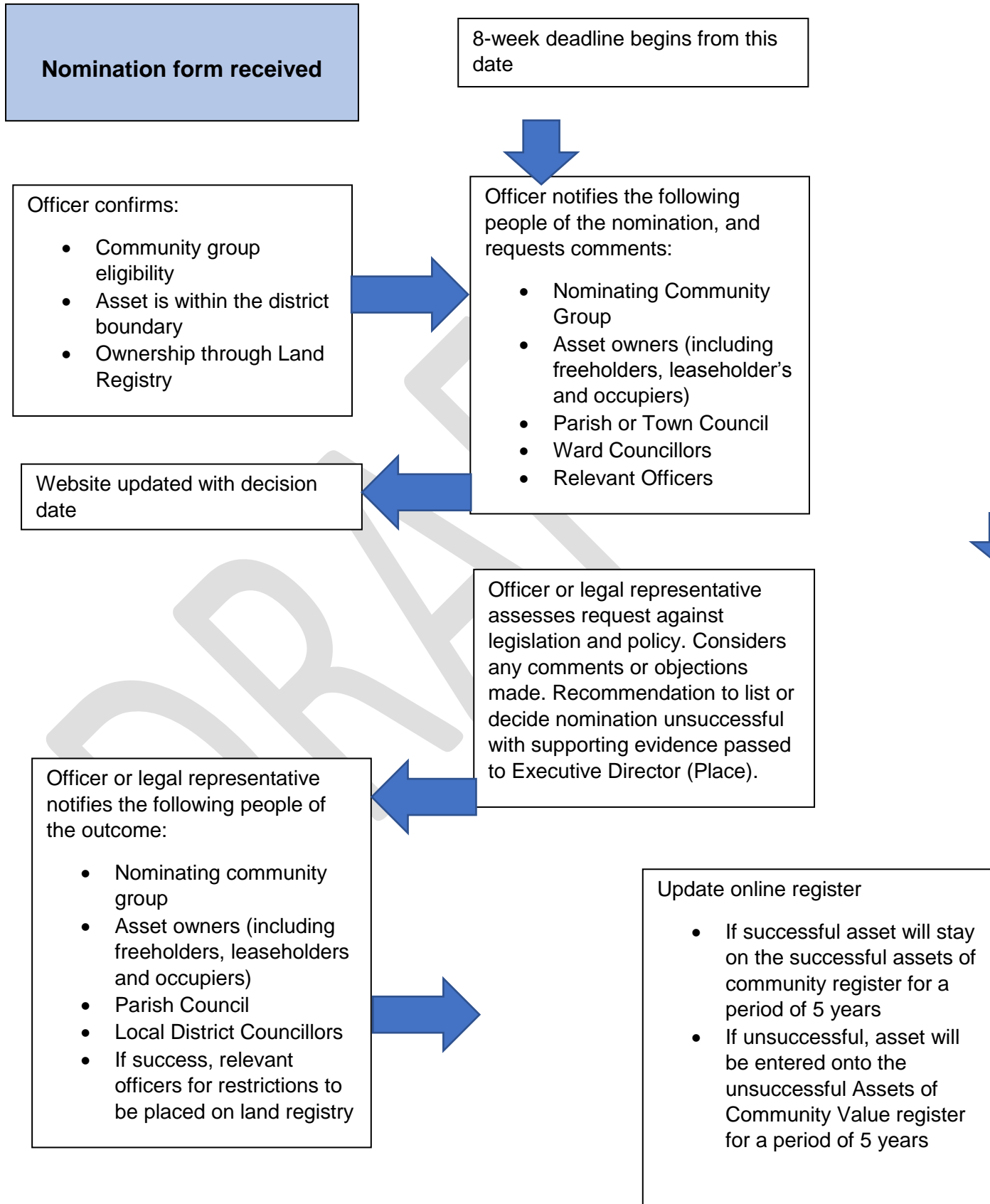
If the nomination to list as an ACV is successful, the owner of the asset can request an internal review of the Council's decision. This review will be conducted by the Monitoring Officer or, if unavailable, the Deputy Monitoring Officer.

Asset Owner's Responsibilities after Registration

The owner of a registered ACV must contact the councils Legal Team if they are intending to sell the registered property. If the sale is a relevant disposal, then the Community Right to Bid process will begin.

The owner is advised to contact the Legal Department at the earliest opportunity as it is not possible to shorten the time taken to conduct the statutory procedure.

Asset of Community Value Process



Explanation of Terms

The Act states that an Asset is of community value if in the opinion of the council:

- I. An actual current use of the asset, which is not ancillary, furthers the social wellbeing or social interests of the local community
- II. It is realistic to think that there can continue to be principal use of the asset which will further (whether or not in the same way) the social wellbeing or social interests of the local community
- III. There was a time in the recent past when an actual use of the asset (which was not an ancillary use) furthered the social wellbeing or interests of the local community
- IV. It is realistic to think that there is a time in the next five years when there could be non-ancillary use of the asset that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.

Social Wellbeing

The Act defines that social interests include the following:

- Cultural interests
- Recreational interests
- Sporting interests

If the use does not meet the social interest criteria, then the Asset can only be listed if it meets the social wellbeing criteria.

There is no set definition for social wellbeing, either in the Act or in general circulation. During the passage of the Bill through Parliament, the Government stated that 'it is the Government's intention to set out a definition of an asset of community value in regulations that will require local authorities to judge whether an asset meets that definition in particular local circumstances.

What constitutes community value will differ in separate places. For example, a small shop might satisfy the requirement in a small, remote rural community but it may not do in a more urban and densely populated area. The Borough Council of West Norfolk stretches across 550 square miles across rural and urban areas so the very type of asset might satisfy the requirement in one part of the area, but not in another.

Realistic

The council's approach will be:

- If the asset has a current principal use that meets the criteria it will be presumed that the same use can continue in the future; and
- If the asset had a use in the recent past that meets the criteria, it will be presumed that the same use can continue, unless there have been events that would prevent such a use, such as dereliction or

demolition.

Recent Past

The phrase 'recent past' is also not defined in the Act. The Act does however define a time period for when the land could be bought back into community use as five years.

In determining whether there was a time in the recent past when the actual use of the asset furthered the social wellbeing or interests of the local community, the council will consider:

- If the land has been disused for more than five years and when it was last in use, its principal use furthered the social wellbeing or social interests of the community
- If the land has been in use, but has been used for a non-qualifying purpose, and the land was purchased using a compulsory purchase order or other statutory power for use by the council or another public sector body.

Other Considerations

Where the owner of a listed asset, such as a pub, applies for a change of use, then the fact that the asset is listed as an asset of community value may be a material consideration in making a decision on the planning application.

Appeals

Within eight weeks of being notified of their property being listed as an 'asset of community value', the owner can appeal to the council's Monitoring Officer for a 'listing review'. The asset will remain listed during the review period. The owner and the council will bear their own costs associated with the review.

An appeal to the Monitoring Officer should be emailed to legal.services@west-norfolk.gov.uk

The council will then have eight weeks from the date of receiving the request to carry out the review.

Upon completion of the internal review, the council will produce a report of its findings and notify the owner and the community group of the outcome. Where a change in the status of the property occurs out of the review, it will then be moved to the appropriate register.

If the owner of an asset has been successful in having the asset moved to the 'Register of Unsuccessful nominations', there will be no right of appeal for the nominating community group.

Tribunal Review

If the owner is dissatisfied with the internal review, they will have 28 days from the date on which the council notifies them of the internal review decision to appeal for a review by the General Regulatory Chamber of the First-Tier Tribunal.

The address to appeal the decision is:

General Regulatory Chamber
HM Courts and Tribunals Services
PO Box 9300
Leicester
LE1 8DJ

grc@justice.gov.uk

Telephone: 0300 123 4504

Appeal by the Nominator

There is not a process by which a nominator can appeal a decision made. However, the nominator is able to submit a nomination for an asset as many times as they wish.

Community Right to Bid

Across King's Lynn and West Norfolk, there are buildings, amenities and land which are important to local people. The Localism Act 2011 put in place a process designed to give the community the opportunity to protect local 'Assets of Community Value' (ACV).

When a property/asset is listed as an ACV, it temporarily pauses certain proposed sales of property so that community groups can put together a bid to buy it, allowing local people to protect places which are important to their social interests and wellbeing. This is referred to as the "Community Right to Bid".

The Community Right to Bid (CRTB) aims to give community interest groups the opportunity to bid for them when those assets are placed on the market for sale by their owners. The CRTB allows community groups the opportunity to prepare a business plan and gather finances in order to buy the asset if it became available, and thereby continue its use in the interest of the community.

Property Owner's Responsibilities after Registration of an ACV

The owner of a registered ACV must contact Legal Team at the Borough Council if they are intending to sell their property and enter into a 'relevant disposal'.

This document will outline the statutory process which is triggered whenever the property of an ACV intends to enter into a relevant disposal, which means they plan to:

- Sell the property with vacant possession
- Grant a lease of more than 25 years with vacant possession
- Assign the lease of the property (where the property owner is a Tenant of the property, and their lease was initially granted for a term of more than 25 years)
- Enter into a contract to do any of the above

What will not trigger the procedure?

Even when a property is registered as an Asset of Community Value there are still many things that can take place without triggering the statutory CRTB procedure. Some examples are listed below (this list is not exhaustive)

- Granting a lease of the property for a term of less than 25 years
- Selling the property subject to an existing lease (i.e. with a tenant in place)
- Any assignment or underletting of the property by the tenant (where the property is subject to a lease and the property owner as defined by the legislation is the Landlord)
- Granting rights over the property such as a right of way

- Applying restrictive covenants to the property
- Giving the property away
- Selling the property to certain family members
- If the property is part of a business, selling the property as part of the business as a going concern
- Selling the property to fulfil a separation agreement between spouses or civil partners
- Selling the property to fulfil a court order
- Transferring the property to fulfil certain types of contract that were in place before the property was listed as an ACV

the list above demonstrates that there are various ways in which the registered ACV could change hands without triggering the statutory CRTB procedure. In addition to this, there are rules which apply in special cases such as the death or insolvency of the property owner; part listed properties and properties in trust.

When an owner of an ANC should contact the council

Even if a transfer of a property falls within one of the listed exceptions, the owner is requested to contact the Legal Department when any of the above takes place – and if a new owner or lease is involved, to inform us of their details.

It is advised that the owner who intends to enter into a relevant disposal contacts the Legal Team at the earliest opportunity as it is not possible to shorten the time taken to carry out the statutory procedure.

Details of the property and the proposed transaction should be sent to:

legal.services@west-norfolk.gov.uk

The Community Right to Bid: Statutory Procedure

Following confirmation that the owner is entering a relevant disposal, the following procedure applies:

Stage One: The Interim Moratorium

The first stage of the procedure is a six-week moratorium. This means that the property owner cannot proceed with the transaction for this time period in order to give community groups an opportunity to request to be treated as a potential bidder for a property.

During the six-week interim moratorium, the legal team will:

- Update the Register of Successful ACV's to show:
 - That notice of a proposed relevant disposal has been received
 - The date on which the notice was received; and
 - The date on which the interim moratorium will end
- Notify the group that nominated the asset that notice of a proposed disposal has been received
- Publicise that a proposed disposal has been received within the area local to the property
- Inform the property owner and update register of ACV if a community group notifies that it wishes to be treated as a potential bidder for the property

During the six-week interim moratorium, the property owner can:

- Conduct negotiations to move the transaction forward (i.e. instruct solicitors, negotiate contract etc)
- Sell the property to any community group that is eligible to request to be treated as a potential bidder for the property

The property owner cannot:

- Complete the transaction that triggered the procedure

During the six-week interim moratorium, a community group can:

- Notify the legal team that it wishes to be treated as a potential bidder to buy the property. This can be any community interest group (as defined by the Localism Act) and does not have to be the group that originally nominated the property to become an Asset of Community Value.

If no community group expresses interest in the property during this six-week interim holding period then the statutory procedure ends here and the property owner may sell the property to whoever they choose, and at their chosen price.

Stage Two: The Full Moratorium

This second stage will only be triggered if a community group has notified the Legal Team that it wishes to be treated as a potential bidder for a property. This means that the owner cannot proceed with the proposed disposal for a total period of six months, in order to give the community group an opportunity to put together a bid to buy the property.

This six-month period begins at the date the legal team originally received notice of the relevant disposal from the property owner.

During the full moratorium, the property owner can:

- Conduct negotiations to move the transaction forward (i.e. instruct solicitors, negotiate contract etc.)
- Sell the property to any community group that is eligible to request to be treated as a potential bidder for the property

The property owner CANNOT:

- Complete the transaction that triggered the procedure

During the full moratorium, a community group can:

- Put a bid directly to the property owner to purchase the property

Stage 3 – The Protected Period

After the full moratorium has ended, the property owner may sell the property to whomever they choose, and at their chosen price. Even if a community group has made a bid to purchase the property during the moratorium period, the owner does not have to sell the asset to the group.

The protected period lasts for 18 months, beginning at the date that the Borough Council of King's Lynn and West Norfolk originally received notice of the relevant disposal from the property owner.

Once the 18-month protected period is over, the statutory procedure will once again apply, and the property owner must notify the Legal team of any proposed relevant disposals.

Enforcement

The statutory procedure is enforced by making sure that the potential purchasers of a property are aware if it is registered as an Asset of Community Value. The council is required to notify potential purchasers of a property that it is a registered Asset of Community Value by:

- Placing it on the Community Asset Register
- Registering the property as an Asset of Community Value on the local land charges register

REPORT TO CABINET

Open/Exempt		Would any decisions proposed:		
Any especially affected Wards All	Mandatory/	Be entirely within Cabinet's powers to decide	YES/NO	
	Discretionary/	Need to be recommendations to Council	YES/NO	
	Operational	Is it a Key Decision	YES/NO	
Lead Member: Cllr J Moriarty E-mail: cllr.James.Moriarty@West-Norfolk.gov.uk		Other Cabinet Members consulted: All		
Lead Officer: Hannah Wood-Handy E-mail: hannah.wood-handy@west-norfolk.gov.uk Direct Dial:01553616734		Other Members consulted: CIL Spending Panel, Regeneration and Development Panel		
Other Officers consulted: Management Team				
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

Date of meeting: 05 December 2023

Community Infrastructure Levy (CIL) – Revised Governance and Spending arrangements 2024

<p>Summary</p> <p>The CIL Spending Panel Group, have proposed a scheme for allocating funds collected through the CIL and a final version of the proposed priorities are presented for the Cabinet to agree for 2024.</p>
<p>Recommendation</p> <p>That Cabinet agree to adopt the arrangements in the CIL Governance and Spending document attached as Appendix 1.</p>
<p>Reason for Decision</p> <p>1.To ensure the Borough Council meets its legal requirement to administer CIL funds in an appropriate way.</p> <p>2. To ensure that the benefits of CIL are shared across the Borough to meet the infrastructure demands of a growing Borough.</p>

1 Background

The Borough Council of King's Lynn and West Norfolk approved the introduction of the Community Infrastructure Levy (CIL) in December 2016 and started charging on 15 February 2017. The Levy is paid to the Borough Council by developers after their planning permissions are implemented. It is governed by the CIL Regulations 2010 (amended).

In the Borough of King's Lynn and West Norfolk, CIL is charged on all residential and retail developments, which add one or more new dwelling(s) or more than 100sqm of floor space. It is charged at a rate per square metre and varies according to land use. CIL is just one funding stream that can be used, in conjunction with others, to fund infrastructure projects. Alongside CIL, S106 obligations will still exist, but generally as one-off agreements to mitigate the impacts of larger developments and to secure on-site developer requirements, such as the provision of affordable housing.

As a CIL Collecting Authority, the Council has an obligation to:

- Prepare and publish the CIL Charging Schedule
- Determine CIL spend, ensuring it is used to fund the provision, improvement, replacement, operation, or maintenance of infrastructure to support development of its area
- Report publicly on the amount of CIL revenue collected, spent, and retained each year.

The Borough Council as a CIL Collecting Authority is required, to identify the types of infrastructure it wishes to fund in whole or in part by CIL monies. These are outlined in the Council's Annual List of Infrastructure Projects (Infrastructure Funding List). CIL money collected can only be allocated to and spent on these types of infrastructure.

When the Borough Council Cabinet agreed to adopt the CIL Governance arrangements, the CIL Spending Panel was set up. The CIL Spending Panel provides an elected Member oversight of the Community Infrastructure Levy spending on infrastructure across the Borough, having reference to the adopted 'CIL Spending and Governance' Policy Document. It also considers and agrees certain types of projects and recommends action on others.

Following a review of the current Governance Document, against CIL Funding Applications received to date, the Spending Panel have revised the funding criteria, to enable the most effective use of available funds, linked to current Corporate Objectives. This work has now concluded, and a final draft of the proposed scheme is presented at Appendix 1.

It is recommended by the CIL Spending Panel, for adoption by the Cabinet.

2 The proposed funding criteria

The criteria have four main elements:

- The definition of what could be eligible for funding
- Creation of one list, which includes more comprehensive descriptions of projects, that may be considered.
- Amendment to the decision-making process, to enable the Council's Management Team to view project applications and advise the Spending Panel of any links to Corporate Projects or funding.

- Raise the amount of funding the Spending Panel may allocate without Cabinet approval from £30k to £50k - the original amount agreed when the CIL Governance framework was adopted by the Regeneration & Development Panel and Cabinet in August 2020.

Taking each in turn. (All the following elements are explained in greater detail in the document at Appendix 1).

3 Definition of what could be eligible for funding:

These projects will be selected by the Borough Council, with more weight given to projects with the greatest amount of match funding and community backing, to support new residential development in the Borough.

The Borough Council will make the allocations for spending on infrastructure, in accordance with the Council's adopted CIL Infrastructure Funding List.

The Infrastructure Funding List will be reviewed annually and updated to reflect the changing needs within the Borough. (This annual review mechanism applies to all the project categories, as outlined below).

4 The proposed list of Infrastructure Projects eligible for funding in 2024 are:

Green Infrastructure Projects

- Projects relating to public open spaces such as new or improved footpaths and cycleways to support new development
- Installation & improvement of public play areas and equipment
- Open spaces used for education, to support environmental initiatives.
- Improvement of habitats for wildlife and nature, to alleviate the effects of new development.
- Environmental services such as flood defence or absorption of air pollution.

Leisure Time Activities Infrastructure -

- Infrastructure projects, to support accessible leisure time activities such as new facilities, improvement of existing facilities or upgrade of facilities to enable an increase of usage, to support new development of an area

These Projects are in line with the Borough Council's Corporate Business Plan and meet Corporate Priorities and Objectives:

- **Promote growth and prosperity to benefit West Norfolk** - Encourage housing development and infrastructure that meets local need and promote West Norfolk as a destination.

- **Protect our environment** - To create a cleaner, greener, and better protected West Norfolk by considering environmental issues.

5 Amendment to the decision-making process

To enable Management Team to view projects giving a Corporate overview, and advise the Spending Panel of any additional funding streams available to support project applications. This will allow the panel to make informed decisions on the allocation of funding, taking into consideration the Councils strategic priorities and other available funds.

6 Raise the amount of funding the Spending Panel may allocate

To allow the Spending Panel to allocate funding up to £50k, in line with the original framework adopted by Cabinet in 2020. This will reduce the impact on Cabinet, by reducing the project applications that will need to be considered by Cabinet and reduce the timescale for applicants relating to the smaller scale projects up to £50k. The Cabinet will only be required to consider projects, which the Spending Panel have recommended allocation of funding over £50k.

7 All Projects:

- must commence within 1 year of being allocated CIL,
- and must be completed within 5 years.
- CIL will be paid on completion of the project.

8 Application processes

The 'CIL Governance and Spending 2024' policy document is at Appendix 1 to this Report. The proposed Annual Infrastructure Funding List 2024, the statutory document providing details of the projects to which CIL funding will be applied, is at Appendix 2.

9 Options

There is a legal duty to spend CIL in accordance with Regulations, but the priorities can be determined to suit local circumstances within the overall framework.

The CIL Spending Panel have debated and reported options to the Regeneration and Development Panel previously.

The options around the following items have been considered:

- The creation of a list of project criteria, that could be supported, taking into consideration previous application submissions and the current Corporate Objectives.
- More detailed descriptions relating to the criteria of projects that could be supported, to provide more clarity for applications, and to support the decision-making process.
- The democratic accountability for spending is agreed

10 Policy implications

CIL legislation gives significant scope for individual councils to direct CIL spending to reflect the local situation, as long as it conforms to general principles set out regarding 'infrastructure'.

Proposals for assessing bids in the current period are aligned to the Borough Council Corporate objectives.

In supporting extra growth across the Borough, consideration should be given to those locations experiencing the most obvious pressures.

The assessment criteria refer to this.

11 Financial implications

None specifically. CIL is collected and administered by Borough Council as the CIL Collecting Authority. The costs of administration are met from receipts. The available funds can be spent on the schemes / types of projects suggested.

12 Personnel implications

The creation of one funding list, will reduce the burden on officers when scoring and presenting the projects to the Panel..

13 Statutory implications

Our spending and governance need to conform to the relevant Regulations.

14 Equality impact assessment implications

None.

15 Risk Management implications

Monitoring of spending and more particularly delivery is important to ensure money is directed to improved infrastructure in the Borough.

16 Corporate priorities

The proposals in the document are firmly referenced back to the Corporate priorities.

17 Conclusion

A scheme for the spending of CIL receipts, according to the relevant Regulations is proposed.

The CIL Spending Panel and Regeneration and Development Panel have considered the various aspects and recommends the attached proposal (Appendix 1).

18 Background papers

- Borough Council CIL Spending Panel agendas outline the development of the proposals.

CIL Spending and Governance Document 2024

CIL Infrastructure Funding List 2024

Pre-Screening Equality Impact Assessment

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



Name of policy/service/function	CIL Governance and Spending				
Is this a new or existing policy/ service/function?	New / Existing (delete as appropriate)				
<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>	<p>Amendment to regulations on processes to spend CIL</p> <p>The CIL service is constrained by Regulations. The Governance Document 2023, is in line with current CIL Regulatory requirements.</p>				
Question	Answer				
<p>5. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups according to their different protected characteristic, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</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 (e.g. low income)			x		

Question	Answer	Comments
2. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the Council, for example because it is seen as favouring a particular community or denying opportunities to another?	Yes / No	
3. Could this policy/service be perceived as impacting on communities differently?	Yes / No	
4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?	Yes / No	
5. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions? If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section	Yes / No	Actions: N/A
		Actions agreed by EWG member:
If 'yes' to questions 2 – 4 a full impact assessment will be required unless comments are provided to explain why this is not felt necessary:		
Decision agreed by EWG member:		
Assessment completed by: Name	Hannah Wood-Handy	
Job title	Planning Control Manager	
Date		



Community Infrastructure Levy (CIL)

Annual List of Infrastructure Projects 2024

Following the deletion of CIL Regulation 123 in September 2019, each Collection Authority must produce an Annual Infrastructure Funding Statement.

The infrastructure funding statement will be produced and published no later than the 31 December annually and will provide details of CIL receipts, expenditure, allocations and payments.

To support the Annual Infrastructure Statement, the Borough Council of King's Lynn and West Norfolk have produced a list of criteria for which CIL may be used for in 2024.

Green Infrastructure Projects

- Projects relating to public open spaces such as new or improved footpaths and cycleways to support new development
- Installation & improvement of public play areas and equipment
- Open spaces used for education, to support environmental initiatives.
- Improvement of habitats for wildlife and nature, to alleviate the effects of new development.
- Environmental services such as flood defence or absorption of air pollution.

Leisure Time Activities Infrastructure -

- Infrastructure projects, to support accessible leisure time activities such as new facilities, improvement of existing facilities or upgrade of facilities to enable an increase of usage, to support new development of an area

This list will be continually reviewed, to meet the changing needs and aspirations of the Borough to support future infrastructure.

CIL Spending Panel – Sub-Committee of Cabinet - Terms of Reference

Overview

The CIL Spending Panel is to provide oversight of the Community Infrastructure Levy spending on infrastructure across the Borough and implement, where defined, the 'CIL Spending and Governance Policy' document, as amended and adopted. The Panel will consider and ~~agree~~approve certain types of projects and ~~recommends~~recommend action on others.

Membership

There shall be 6 Members in total of the CIL Spending Panel. Quorum shall be 3.

The CIL Spending Panel shall be chaired by the Cabinet Member for Development

Members from other political Groups are to be invited to take voting seats on the Panel to achieve political balance of the Panel-.

Group nominations shall be made by Group Leaders to the Chief Executive who is authorised to appoint them to the CIL Spending Panel.

Tasks

1. To keep under review the 'CIL Spending and Governance Policy' document and make recommendations for change to Cabinet.
2. To receive recommendations from Officers and approve or reject these in respect of 'Infrastructure Projects up to £50k'.
3. To receive recommendations from Officers on 'Infrastructure Projects over £50k', review these and make comments to Cabinet.
4. To support coordination of information on applications and comments across Portfolio Holders and other Borough Council bodies.
5. To receive monitoring reports from Officers on the operation of CIL, including necessary statutory reporting (Annual Infrastructure Funding Statement; Parish Annual Spending Reports).
6. To consider and make recommendations to Cabinet as appropriate on the implementation, spending and monitoring of CIL.

Meetings

At such frequency as the CIL Spending Panel Chair determines to fulfil its Tasks.

Review

Membership and these Terms of Reference shall be reviewed annually by Cabinet.

APPENDIX 1

CIL Governance and Spending_2024

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Version 1 - CIL Spending Panel - Review Document 30/10/2023
Version 2 - R&D Review Document

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CIL Governance and Spending_2024

1 Introduction

1.0.1 The Borough Council of King's Lynn and West Norfolk approved the introduction of the Community Infrastructure Levy (CIL) in December 2016 and started charging on 15 February 2017.

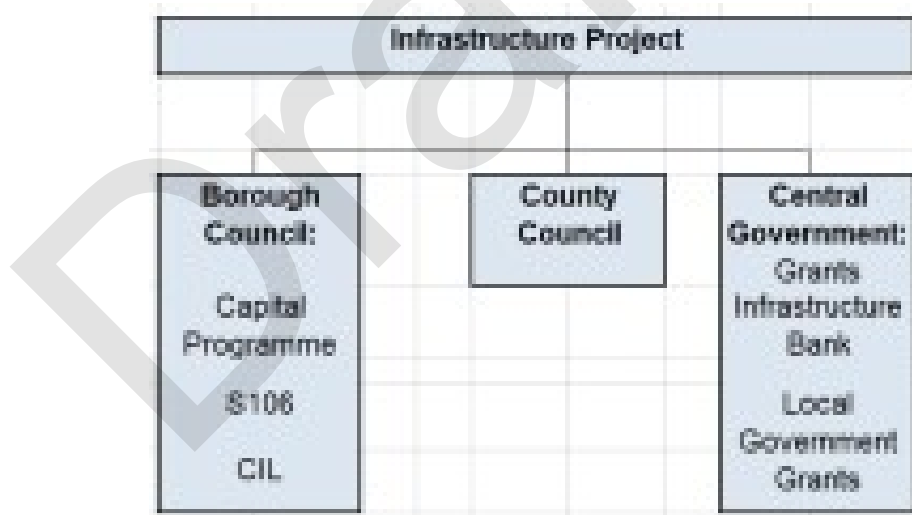
1.0.2 CIL is paid to the Borough Council by developers after their planning permissions are implemented.

1.0.3 CIL is governed by the CIL Regulations 2010 (amended). In the Borough of King's Lynn and West Norfolk, CIL is charged on all residential and retail developments, which add one or more new dwelling(s) or more than 100sqm of floor space.

1.0.4 CIL is charged at a rate per square metre and varies according to land use.

1.0.5 CIL is just one funding stream that can be used, in conjunction with others, to fund infrastructure projects. Alongside CIL, S106 obligations will still exist, but generally as one-off agreements to mitigate the impacts of larger developments and to secure on-site developer requirements, such as the provision of affordable housing. Examples of how infrastructure projects can be funded can be seen in Figure 1.

1.0.6 Funding Streams



1.0.7 This document details the governance arrangements in place at the Borough Council of King's Lynn and West Norfolk, for the allocation and spending of CIL.

1.0.8 The original parameters for the governance arrangements of CIL were agreed at Cabinet on 17 August 2020.

1.0.9 The governance arrangements will be reviewed on an annual basis, to meet the Corporate Objectives and Priorities, by Cabinet.

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1.0.10 This document is based on the 7 'Appendix 1 - CIL Annual List of Infrastructure Projects' and is applicable for the financial year 2024

1.0.11 The spending priorities (as aligned to the Corporate Business Plan) will be reviewed on an annual basis.

1.1 Statutory Requirements

1.1.1 Under CIL, the Borough Council will act as the designated Charging Authority.

1.1.2 As a Charging Authority the Council has an obligation to:

- Prepare and publish the CIL Charging Schedule
- Determine CIL spend, ensuring it is used to fund the provision, improvement, replacement, operation or maintenance of infrastructure to support development of its area
- Report on the amount of CIL revenue collected, spent and retained each year.

1.1.3 The Council are required under [The Community Infrastructure Levy \(Amendment\) \(England\) \(No. 2\) Regulations 2019](#), to produce a statement of the infrastructure projects or types of infrastructure which the Council intends will be, or may be, wholly or partly funded by CIL.

1.1.4 This is referred to as the Community Infrastructure Levy List of Infrastructure Projects and replaces the Regulation 123 list (R123 list).

1.1.5 CIL money collected may only be allocated to and spent on these types of infrastructure.

1.1.6 The Borough Council's Annual List of Infrastructure Projects and Annual Infrastructure Funding Statement detailing CIL receipts, balances and expenditure for each financial year can be found on the Council's CIL webpages at https://www.west-norfolk.gov.uk/homepage/276/cil_financial_reports.

1.2 What can CIL be spent on

1.2.1 CIL Regulations set the context for the spending of CIL funds on infrastructure. The regulations encourage the accumulation of CIL funds into a 'pot'.

1.2.2 Unlike other obligations or charges, CIL spending does not need to be directly related to the donor development and can address infrastructure needs in general across the Borough Council's administrative area.

How CIL is proportioned and allocated

1.2.3 As per the CIL Regulations and Guidance, CIL is proportioned and allocated using the following approach:

CIL Governance and Spending_2024

- 5% is retained by the Borough Council of King's Lynn and West Norfolk to cover administrative costs (including consultation on the levy charging schedule, enforcing CIL, legal costs and reporting on CIL activity)
- 15%, known as the Neighbourhood Allocation, is established for spending within the neighbourhood of contributing development (up to a maximum of £100 per existing Council Tax dwelling). This allocation can either be transferred to the relevant Parish Council or retained by the Borough Council to be spent on neighbourhood projects where the development is not in a Parish. This allocation rises to 25% when a Parish has a Neighbourhood Plan in place.
- 80%, known as the CIL Infrastructure Fund, is retained by the Borough Council, to allocate to projects in accordance with the Council's Infrastructure List, which is reviewed annually, and in line with the agreed CIL Governance arrangements.

For example:

If £1,000 is received it would be distributed as follows:

- Where 1% = £10
- 5% Admin = £50
- 15% (without Neighbourhood Plan) = £150 or 25% (with Neighbourhood Plan) Parish Payment = £250
- the remaining sum is placed in the CIL Infrastructure fund 80% = £800 or 70% (with Neighbourhood Plan) = £700

It is very unlikely that CIL will generate enough funds to completely cover the cost of new infrastructure needed to fully support planned development. As such, there will be competing demands for this funding. With this in mind, it is important to ensure that there are robust, accountable and democratic structures in place to ensure the spending of CIL funds are prioritised in the right way.

1.2.4 The sections that follow set out the Governance Arrangements and approach for how decisions are made on the prioritisation and spend of the CIL Infrastructure Fund.

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2 What is Infrastructure

Definition of Infrastructure

2.0.1 The infrastructure of a country, society, or organization consists of the basic facilities such as transport, communications, power supplies, and buildings, which enable it to function.

CIL Regulation Key Points

2.0.2 The key points set out by the CIL Regulations and Guidance relating to CIL funding are:

- CIL should be spent on infrastructure including: roads and other transport, schools and other education, community facilities, health, sport / recreation and open spaces
- The infrastructure funded **must support the development of the area**
- CIL can be used to increase the capacity of existing infrastructure or to repair failing infrastructure, if needed to support development
- CIL and Section 106 should not be secured to fund the same infrastructure project e.g. Social/Affordable Housing

Government Guidance

Government have provided additional information: Extract from: <https://www.gov.uk/guidance/community-infrastructure-levy#spending-the-levy>:

2.0.3 *The levy can be used to fund a wide range of infrastructure, including transport, flood defences, schools, hospitals, and other health and social care facilities. This definition allows the levy to be used to fund a very broad range of facilities such as play areas, open spaces, parks and green spaces, cultural and sports facilities, healthcare facilities, academies and free schools, district heating schemes and police stations and other community safety facilities.*

2.0.4 *Local authorities **must spend the levy on infrastructure needed to support the development of their area**, and they will decide what infrastructure is needed.*

2.0.5 *The levy can be used to increase the capacity of existing infrastructure or to repair failing existing infrastructure, if that is necessary to support development.*

2.0.6 Non-CIL Projects

2.0.7 The following applications will **not** be considered for CIL Funding:

- Projects in areas with no development, which will not benefit the wider community or support new development
- Improvements to private enterprises/charitable or community facilities, which will not increase capacity

CIL Governance and Spending_2024

2.0.8 What is NOT Infrastructure

2.0.9 The following projects will not be considered for CIL Funding, as they do not fall within the definition of infrastructure to support new development:

2.0.10 The Provision of Services:

2.0.11 Service is described in the Oxford English Dictionary as *“the action of serving, helping, or benefiting; conduct tending to the welfare or advantage of another;*

2.0.12 Examples of services which will not be considered as infrastructure are:

- Payments to individuals/businesses which will not specifically related to new development
- Staffing costs
- Ongoing costs, to maintain the project, once it has been completed

2.0.13 Non_Infrastructure Projects:

- Projects that do not increase the capacity of a facility/building or structure
- Projects that relate to sundry items - miscellaneous small items or works that do not fit within the definition of infrastructure

CIL Governance and Spending_2024

3 Governance Arrangements

3.0.1 The estimated annual income of CIL is 1 million pounds.

All projects must:

- **start within 1 year, from when funding is formally allocated AND be completed within 5 years**
- **or as stated on the funding application.**

3.0.2 In order to aid the organisation, checking and decision making, the Borough Council has set up a CIL Spending Panel.

CIL Spending Panel

3.0.3 The CIL Spending Panel is formed from elected Councillors and assisted by Officers and reports to Cabinet.

3.0.4 The CIL Spending Panel are required to:

- review the funding applications received
- make recommendations for suitable project spending
- monitor project spend and progress.

Criteria for Funding Selection

3.0.5 The Spending Panel will review each application and base their decision on the following:

3.0.6 Project Scoring

- filter the projects based on BC Officers' scoring
- take into consideration Management Team recommendations
- prioritise the projects with the highest scoring;

3.0.7 When there are more project applications, than CIL Funding available, the Spending Panel will take into consideration:

- the amount of development in the relevant area, based on planning application history, **to identify need for infrastructure**
- the amount of CIL Neighbourhood Parish money retained and unallocated
- the amount of CIL Funding already received relating to the area and/or project, to allow funding to be allocated to areas with less funding

CIL Governance and Spending_2024

3.0.8 The Panels role in the Governance Framework, is shown in Appendix 2 - 8 'Appendix 2 - CIL Governance Framework'

3.0.9 The current list of eligible spending is detailed in Appendix 17 'Appendix 1 - CIL Annual List of Infrastructure Projects', and may change in subsequent years.

3.0.10 Cabinet will review and decide on amended priorities, as appropriate, on an annual basis.

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CIL Governance and Spending_2024

4 Applying for CIL funds

4.0.1 Annually, the Borough Council will publicise the amount of CIL funding collected.

4.0.2 The Council will encourage the submission of Expression of Interest Forms, requesting CIL funding.

4.0.3 Key internal and external stakeholders responsible for delivering the infrastructure identified in the Council's Infrastructure List will receive direct notification of the opportunity to request CIL funding.

4.0.4 The stakeholders automatically notified will be:

- Internal Departments within BCKLWN
- Norfolk County Council
- Parish and Town Councils within the Borough
- All BCKLWN Councillors

4.0.5 Information about the opportunity will also be available on the Council's website.

4.0.6 The allocation of these funds will be made through an 'Expression of Interest' process.

4.0.7 A diagrammatic summary of the decision making process for CIL is set out in 8 'Appendix 2 - CIL Governance Framework', which shows the spending and reporting arrangements that are in place.

4.0.8 Expression of Interests will be made on a standard online template, prepared by the Borough Council.

4.0.9 **The application form will request key information about the project, including:**

1. Description and details of the project
2. Purpose of the project and its benefit to the community
3. Financial details:
Expected expenditure which must include:
 - a. summary of proposed costs
 - b. details of quotes, to demonstrate that the funding request has been researched
 - c. Amount of CIL funding requested - £
 - d. Details of any match funding
4. Any other supporting information e.g. Project Report and Timescales.

CIL Governance and Spending_2024

The Borough will set a timescale for the submission of applications, which will be published on our webpages.

The decision making process, as detailed in Appendix 2, will commence after the application deadline has ended, to:

- ensure that all projects are reviewed fairly and transparently
- give each project the same opportunity for funding

BCKLWN Linked Funding Applications

To ensure transparency, any application made on behalf of the BCKLWN or subsidiary organisation, will be passed to the Cabinet for scrutiny as part of the decision making process. This will apply to all funding applications from any project group.

CIL Governance and Spending_2024

4.1 Application Essential Requirements

4.1.1 Bodies applying for funds, will need to demonstrate that they are properly constituted, and reflect appropriate national policies e.g. Equality, Safe Guarding and Discrimination.

4.1.2 It is expected that project sustainability has been considered, prior to applying for funding, to ensure the continued success of the project on completion.

4.1.3 In order for a project to be considered for CIL funding, the following eligibility criteria needs to be met:

- The project is clearly defined as 'Infrastructure', in accordance with the CIL Regulations; and
- The Application Form has been completed satisfactorily; and
- The project must meet at least one of the criteria, as detailed in the 7 'Appendix 1 - CIL Annual List of Infrastructure Projects'; and
- The organisation **must** have the legal right to carry out the proposed project; and
- The proposed project **will not provide a financial advantage, to benefit a commercial or private business.**

The Project must:

commence within 1 year of being allocated CIL; AND be completed within 5 years.

Applications must NOT include a schedule of ongoing costs, to maintain the project, once it has been completed.

CIL Governance and Spending_2024

4.2 Consultation Requirements

4.2.1 As part of the application process, it is essential to consult with local community groups.

4.2.2 Areas in the Borough with a Local Council (Town or Parish Council):

Applications **must** be made in liaison with the relevant Local Council, this is to ensure:

- that the project meets the communities needs,
- they are given the opportunity to offer their support to the project,
- may provide an opportunity of match funding from either the Parish Precept or CIL Parish payment, where appropriate.

4.2.3 Unparished areas within the Borough:

- **Where no Local Council is present**, it would be beneficial for applicants to liaise with the local community group, usually identified as 'Parish Meeting'.
- **Where there is no community group**, applicants are advised to seek support from their local elected member(s).

4.2.4 Applicants may also wish to liaise with local elected members.

4.2.5 Details of local councils and elected members can be found on the BCKLWN Democratic Services website.

CIL Governance and Spending_2024

5 Infrastructure Project Funding Applications

5.0.1 Projects will be selected, in line with the CIL Governance arrangements, **with more weight given to areas with significant development taking place.**

5.0.2 Allocations for spending on infrastructure, will be made to projects in accordance with the Council's adopted CIL Infrastructure List.

These Projects must:

- **commence within 1 year of being allocated CIL**
- **and be completed within 5 years.**

5.0.3 The Infrastructure list will be reviewed annually and updated to reflect the changing needs within the Borough.

The current list of Infrastructure Projects eligible for funding are:

Green Infrastructure Projects

Projects relating to public open spaces such as new or improved footpaths and cycleways to support new development..

- Installation & improvement of public play areas and equipment
- Open spaces used for education, to support environmental initiatives.
- Improvement of habitats for wildlife and nature, to alleviate the effects of new development.
- Environmental protection such as flood defence or absorption of air pollution.

Leisure Time Activities Infrastructure-

Infrastructure projects, to support accessible leisure time activities such as: new facilities, improvement of existing facilities or upgrade of facilities to enable an increase of usage, to support new development of an area.

The Project selection criteria are in line with the Borough Councils Corporate Business Plan.

The Project Criteria meet the Corporate priorities and objectives:

5.0.4 Promote growth and prosperity to benefit West Norfolk - Encourage housing development and infrastructure that meets local need and promote West Norfolk as a destination.

CIL Governance and Spending_2024

5.0.5 Protect our environment - To create a cleaner, greener, and better protected West Norfolk by considering environmental issues.

Question 1

Do you want to apply for CIL Infrastructure Project Funding?

5.0.6 If you wish to apply for CIL Project Funding, please click on the link below and it will take you to the online form.

5.0.7 [CIL Online Application Forms](#)

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CIL Governance and Spending_2024

5.1 The Decision Making Process for Infrastructure Projects

5.1.1 Once the Project Application Forms, requesting CIL funding, have been validated by a Council Officer, initial scoring of the projects will then take place.

5.1.2 The factors that these Projects will be assessed against include:

- evidence of Local Council, Community meeting and elected member(s) support
- evidence to demonstrate community need and support
evidence to demonstrate a commitment to the project, including details of match funding project timescales and deliverability
- details of expenditure, how the money will be spent
- details of new and proposed development, in the project area

5.1.3 Projects will be viewed favourably if they lever in other funds that wouldn't otherwise be available, particularly where those funds may not be available in future years.

5.1.4 Ideally, bids should include significant sums of match funding

5.1.5 The Application forms, scoring sheets and officer comments, will then be taken to the BCKLWN Management Team to review.

5.1.6 The Management Team are required to:

- review the funding applications, to identify whether the projects may be linked to Corporate Projects
- consider whether there could be links to other areas of corporate or partner spending e.g. spending on habitats (Natura 2000 sites) mitigation works.
- make recommendations to the Spending Panel, on which projects they consider eligible for CIL funding

5.1.7 The funding applications will **not** be filtered, based on Management Team recommendations.

5.1.8 Once Management Team have made their recommendations, as appropriate, the Council Officer will produce a full list of all project applications received, which will be published as an agenda item, for the CIL Spending Review Meeting.

5.1.9 CIL Spending Panel - Review Meeting

CIL Governance and Spending_2024

5.1.10 All Councillors, including Portfolio Holders, will be notified of when the CIL Spending Review Meeting will take place.

5.1.11 Any elected member may attend the CIL Spending Review meeting under Standing Order 34.

5.1.12 The recommendations will be reviewed, by the CIL Spending Panel.

5.1.13 The CIL Spending Panel is required to:

- reach a balanced judgement over which projects to select; and
- agree on which projects will receive CIL funding up to £50k
- agree and make recommendations to Cabinet, relating to the allocation of funding over £50k

5.1.14 CIL payments up to £50,000 will then be signed off by a Senior Council Manager.

Applications over £50k

5.1.15 All project funding over £50k, must be agreed by Cabinet.

5.1.16 Once Cabinet have agreed which projects should receive CIL funding, the application stakeholders will be informed and funds will be allocated.

5.1.17 CIL payments up to £1,000,000 will then be signed off by a senior Council Officer.

5.1.18 CIL will be paid on completion of the project.

CIL Governance and Spending_2024

6 Once the funding decisions have been made

6.0.1 Once funding decisions have been made, in line with the CIL Governance process, all applicants will be notified of the outcome.

6.0.2 Successful applications will be sent, via email, a Funding Offer Letter and formal legal agreement.

6.0.3 **The completed Agreement Form must include 2 signatories.**

6.0.4 To enable funding to be formally allocated to the project, the signed agreement **must be returned** and formally acknowledged by the Borough Council.

6.0.5 Where an agreement has not been returned, the funding offer will be withdrawn and the sum reallocated as part of the next round of applications.

6.0.6 Successful applicants of CIL funding will be expected to maintain communication with the Borough Council, on the progress of their project, after a decision has been made to provide funding.

6.1 Project Progress Reports

6.1.1 We require the following information, during the progress of the project, which must include:

1. **Notification when the project starts:**

A project may be started in several ways, such as the commencement of physical works, starting the tender process or securing contracts relating to the project.

2. **An annual report must be submitted at the end of each financial year, and no later than 01 May:**

The annual report will need to provide information on the progress of each scheme that funding has been allocated to, until such time that the project is completed.

3. **Regular updates** on the progress of the project, until it is completed.

4. **Notification of potential delays.**

As funding is allocated based on the scoring of project timescales, it is important to let us know if the project is not expected to be completed as stated on the application. If the project is going to take longer, there is a requirement to request a variation to the original timescale. Any requests will be reviewed by the CIL Spending Panel.

6.1.2 The requirement to submit this information, forms part of the agreement that the successful applicant is required to sign between themselves and the Borough Council of King's Lynn and West Norfolk.

CIL Governance and Spending_2024

6.1.3 If an applicant does not spend CIL money within five years of receipt, or does not spend it as agreed then the Borough Council may require the applicant to repay some or all of those funds.

6.2 Project Completion

6.2.1 Where funding has been allocated 'in principle' or where staged payments are agreed, the scheme applicant will be expected to provide information to justify funding being transferred. The evidence of completion must include:

- Original Invoices- to demonstrate expenditure
- Photographs of completed project - to demonstrate completion and also for publicity purposes
- In some cases, to enable the project to progress, planning permission may be required. If this is the case, other relevant evidence may include:
- Written Statement of completion
- Planning Approval/Building Control Completion Notices - to demonstrate adherence to statutory obligations

6.2.2 Applicants should continue to provide information, until the scheme has been completed and all CIL funding has been spent.

6.3 Monitoring and Review

6.3.1 The Borough Council of King's Lynn and West Norfolk is committed to ensuring the use of CIL is open and transparent.

List of CIL Funded Projects

The Borough Council will publish a list of all projects that have been allocated CIL funding on our website.

Annual Infrastructure Funding Statement

In line with the CIL Regulations, as amended in September 2019, the Borough Council will publish an Annual Infrastructure Funding Statement.

This report will provide details of CIL and also S106:

- receipts
- balances
- expenditure
- allocations.
- will be published on our website annually, for each financial year, no later than 31 December.

CIL Governance and Spending_2024

6.3.2 The published reports can be found on the CIL Financial Reports webpages at: https://www.west-norfolk.gov.uk/homepage/276/cil_financial_reports

Annual List of Infrastructure Projects

6.3.3 The Council are required under [The Community Infrastructure Levy \(Amendment\) \(England\) \(No. 2\) Regulations 2019](#), to produce a statement of the infrastructure projects or types of infrastructure which the Council intends will be, or may be, wholly or partly funded by CIL.

6.3.4 This is referred to as the Community Infrastructure Levy 7 'Appendix 1 - CIL Annual List of Infrastructure Projects' and replaces the Regulation 123 list (R123 list).

6.3.5 CIL money collected can only be allocated to and spent on these types of infrastructure.

The CIL Spending Panel

6.3.6 The CIL Spending Panel will:

- review the uptake of projects within the project categories, after each application deadline has been met
- monitor the operation and implementation of CIL funding
- review the List of Infrastructure Projects, on an annual basis
- recommend amendments to the project selection criteria
- produce a Draft List of Infrastructure Projects

6.3.7 Recommendations from the CIL Spending Panel, will then go forward to Cabinet.

Cabinet

6.3.8 Cabinet will:

- review the recommendations
- approve the Annual List of Infrastructure Projects,

6.3.9 The Annual List of Infrastructure Projects will be published on the [CIL Governance and Funding webpages](#).

6.3.10 If you have any questions about this guidance, or CIL generally, please contact the Borough Council's CIL Monitoring and Compliance Officer at CIL@west-norfolk.gov.uk.

CIL Governance and Spending_2024

7 Appendix 1 - CIL Annual List of Infrastructure Projects

7.0.1 The Council are required under [The Community Infrastructure Levy \(Amendment\) \(England\) \(No. 2\) Regulations 2019](#), to produce a statement of the infrastructure projects or types of infrastructure which the Council intends will be, or may be, wholly or partly funded by CIL.

7.0.2 This is referred to as the Community Infrastructure Levy List of Infrastructure Projects and replaces the Regulation 123 list (R123 list).

7.0.3 CIL money collected can only be allocated to and spent on these types of infrastructure.

Green Infrastructure Projects

- Projects relating to public open spaces such as new or improved footpaths and cycleways to support new development
- Installation & improvement of public play areas and equipment
- Open spaces used for education, to support environmental initiatives.
- Improvement of habitats for wildlife and nature, to alleviate the effects of new development.
- Environmental services such as flood defence or absorption of air pollution.

Leisure Time Activities Infrastructure-

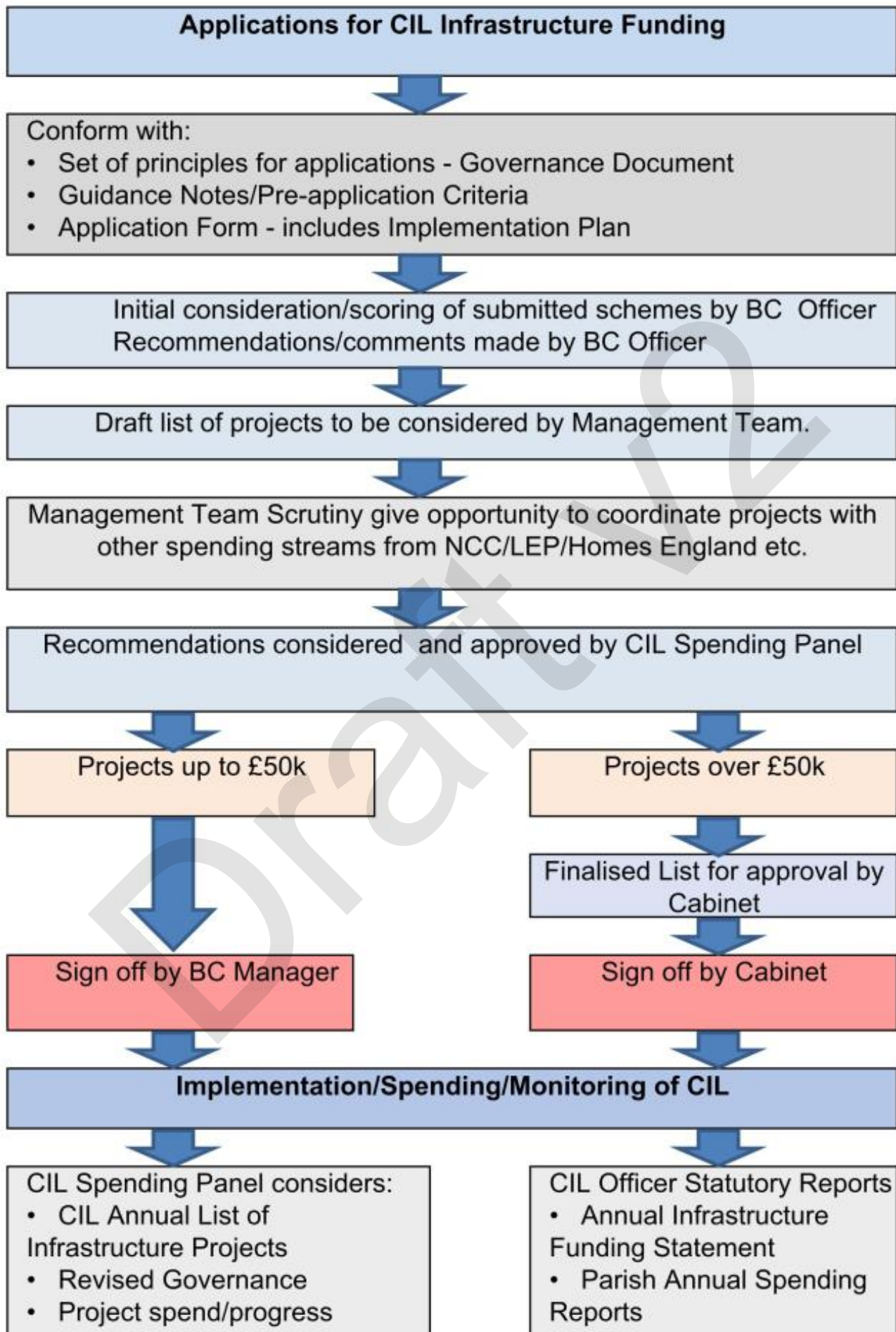
- Infrastructure projects, to support accessible leisure time activities such as new facilities, improvement of existing facilities or upgrade of facilities to enable an increase of usage, to support new development of an area.

7.0.4 This list will be continually reviewed, to meet the changing needs and aspirations of the Borough to support future infrastructure.

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8 Appendix 2 - CIL Governance Framework

Draft V2



CIL Governance and Spending_2024

9 Appendix 3 - Infrastructure Projects Application Scoring Criteria

Infrastructure Project Application Form

To view and submit the CIL Funding Application, please use the online form at: https://west-norfolk.objective.co.uk/portal/cil_folder/cilappsfy/

Scoring Criteria

9.0.1 There is a maximum of 15 points available based on the information provided.

Any Infrastructure Project Application must meet all criteria below:

- Is this project necessary to support local growth?
- Has match funding and financial commitment been secured?
- Is the project deliverable within 1-5 years?

Each project will be scored on the following:

Evidence of Need - What evidence that local people support the project - Maximum 5 points

- Support from Local Council (Parish/Town Council) or Community Group (Parish Meeting), as appropriate
- Support from Local Elected Members (Ward Councillors)
- Support from Community Groups
- Letters of support from new/existing users
- Support from County Council/Professional Bodies

9.0.2 **Finance and Deliverability**

- Amount of CIL funding requested
- Details of proposed expenditure
- Quotes **must** be submitted - 1 quote for funding up to £5k and 3 quoted for project funding over £5k
- Amount of funding committed to the project by applying any match funding - **maximum 5 points:**
 - 0 = 0 Points
 - 1% - 20% = 1 Point

CIL Governance and Spending_2024

- 21% - 40% = 2 Points
- 41% - 60% = 3 Points
- 61% - 80%= 4 Points
- 80+% = 5 Points

9.0.3 Project Timescale

All projects are expected to start, within 1 year from the date the CIL Funding is formally allocated.

9.0.4 **Once started**, how long the project is expected to take, to be completed - **maximum 5 points**:

- 0 – 6 months = 5 Point
- 6 – 9 Months = 4 Points
- 9 – 12 Months = 3 Points
- 12 – 18 Months = 2 Points
- 18 Months - 5 Years = 1 Point

The Spending Panel will consider the amount of development within each Parish making an application, and also how much CIL Infrastructure funding has already been allocated to that Parish/Ward.

DRAFT - REPORT TO CABINET

Open (appendices exempt if they contain commercially sensitive information)		Would any decisions proposed :			
		Be entirely within Cabinet's powers to decide		YES/NO	
		Need to be recommendations to Council		YES/NO	
Any especially affected Wards	Mandatory/ Discretionary / Operational	Is it a Key Decision		YES/NO	
Lead Member: Cllr Beales E-mail: <i>cllr.alistair.beales@west-norfolk.gov.uk</i>			Other Cabinet Members consulted: Leader, Deputy Leader, Finance Portfolio Holder		
			Other Members consulted: Cabinet		
Lead Officer: David Ousby E-mail: <i>david.ousby@west-norfolk.gov.uk</i> Direct Dial:01553 616505			Other Officers consulted: Executive Directors, Chief Executive, Monitoring Officer, S151 Officer		
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
If not for publication, the paragraph(s) of Schedule 12A of the 1972 Local Government Act considered to justify that is (are) paragraph(s)					

Date of meeting: 5th December 2023

COUNCIL COMPANY FUNDING – WEST NORFOLK PROPERTY LIMITED (WNPL) AND WEST NORFOLK HOUSING COMPANY LIMITED (WNHC)

Summary

This paper needs to resolve the current position as follows:

- Properties leased from the Council to the companies need to be offered for transfer (sale) into the companies freehold (subject to Company Board agreement);
- New and clear funding criteria needs to be in place to support the transfer and to meet governance requirements

Recommendation

Cabinet Resolves:

- To agree the Funding for Companies structure as set out in this paper
- To agree for the Council to 'offer' the drawdown facility to the companies as set out, subject to the due diligence as outlined;
- To give delegated authority to [Portfolio Holder / Shareholder Committee / Executive Director / S151 officer / Monitoring Officer / others as resolved by Cabinet] to agree the final terms of the funding agreements with the housing companies

Recommendations to Full Council: *That Council be recommended to approve the funding for the council owned housing companies as set out in this Cabinet report*

Reason for Decision

1. To deliver on Council Corporate Objectives:
 - Promote growth and prosperity to benefit West Norfolk;
 - Protect our environment;
 - Efficient and effective delivery of our services; and,
 - Support our communities.
2. To deliver affordable and private rented housing for acquisition by the council's wholly owned housing companies to support the delivery of council corporate objectives.

1. Executive Summary

This paper brings together the advice the council has received from legal, financial and tax advisors on the funding of the council housing companies. It proposes the financing arrangements for West Norfolk Property Limited (WNPL) to allow the company to purchase from the council the private rented (PRS) properties in its portfolio, and the future pipeline of properties being delivered through the council's Major Housing Programme (MHP). It updates the financing arrangements for West Norfolk Housing Company Limited (WNHC), which expired in March 2023, to allow that company to continue to purchase properties, both from the MHP and elsewhere.

The paper sets out the total amount of borrowing available that the council can provide to support the housing companies, and the details of the funding agreements between the council and the companies.

The report and its recommendations are currently under review by consultants Grant Thornton. Their findings will be incorporated in the final version of this report submitted to Cabinet. The timescale for this work is due to complete by 30th November and is set out below:

Week	Key Activities/ deliverables
W/C 6 November	Briefing call Fieldwork
W/C 13 November	Fieldwork Delivery Milestone 1 Weekly call with Council
W/C 20 November	Weekly call with Council Issuing of draft report at the end of this week (24th)
W/C 27 November	Review and feedback from Council via call Issuing of final report (Milestone 2) as agreed with officers, ready for presentation to members (30th)

2. Background

2.1. West Norfolk Property Limited (WNPL)

WNPL was incorporated in April 2018 and was set up to acquire properties from the Borough Council of King's Lynn and West Norfolk (the Council), to let for private rent to residents of the Borough. In January 2019, Cabinet approved the business plan for WNPL, including the principle of retaining for private rent 20% of the homes developed by the Council through the Development Management Agreement with Lovell Partnerships Limited. Delegated authority was also given to agree the financing arrangements for the freehold transfer of the properties from the Council to WNPL.

The details of the financing arrangements were not resolved prior to the first stock being transferred to WNPL. To facilitate the transfer of properties into the company, in September 2020 a lease agreement for the term of 4 years based on 70% of gross rent until such time as the loan agreement was agreed between the council and the company. The first PRS properties were leased

to WNPL in November 2020, with a total of 27 PRS properties joining the portfolio from November 2020 to April 2021.

Managing agents (Touchstone) and legal services (Howes Percival) for the company were procured in 2021, and a Service Level Agreement (SLA) between the council and the company was also agreed.

Between June 2022 and June 2023, a further 47 PRS properties from the council's Nora 4 (Nar Valley Park) development were leased to the company. One of the original 27 properties was transferred at open market value to West Norfolk Housing Company in 2023 to provide accommodation funded through the Local Authority Housing Fund. The number of properties in the portfolio is currently 74 dwellings.

The performance of the portfolio is reported through a KPI dashboard, which summarises key metrics including rent collected, voids, bad debts and management and maintenance costs. The gross to net revenue ratio is around 16.5%. In addition to the management and maintenance costs, the company is charged for services provided by the council through the SLA (approx. £54k per annum)

2.2. West Norfolk Housing Company (WNHC)

WNHC was incorporated in 2016 and set up to increase capacity in the social housing sector to deliver new affordable housing in the Borough and to provide a vehicle to help meet the Council's priorities particularly in relation to accommodation for homeless households. It was registered as a not-for-profit Registered Provider of Social Housing in 2018.

The Company has acquired 47 affordable homes to date (35 rent and 12 shared ownership). The Company also leases 7 flats from the council at 37 Broad Street which are used to help meet the Council's statutory homelessness duties to provide temporary accommodation.

The company's properties are managed and maintained by Broadland Housing Association under a mix of leases and management contracts.

To date, the principal way in which the Company has acquired new affordable homes has been through debt finance provided by the Council with loans of £3.2m currently outstanding. The company's £10m loan facility with the Council expired in March 2023. The increase in the Bank of England Base Rate had meant that the interest rate of 4.5% above the Bank of England base rate, with the interest rate for each drawdown fixed at the time of each drawdown, was no longer financially viable for the company when acquiring new stock.

This has meant that the Company has had to make alternative temporary arrangements to acquire units on the NORA 4 developments including agreeing to defer payment on several units.

The company is due to acquire an additional 73 homes from the Council up until 2026-27. The estimated value of these homes is circa £7.9m

The Company acquires S106 affordable housing units based on the capitalised income from the properties minus costs such as management and maintenance. This is typically around 50% of open market value. This is the standard methodology for valuing S106 units in the affordable housing market and reflects that the homes are secured as affordable housing in perpetuity.

The price offered by West Norfolk Housing Company is benchmarked against other affordable housing transactions and data held by the council.

The Company may be able to obtain grant funding from Homes England to deliver additional affordable housing both on the Council's developments and elsewhere. This funding would only be available where the affordable housing is not a requirement of planning policy. Discussions with Homes England regarding access to grant funding are ongoing.

3. Current position

The council has obtained financial advice from Link Group Treasury Services, tax advice from PS Tax, and advice from Ensors Accountants on appropriate Loan to Value (LTV) percentages to use for property acquisitions for the housing companies. Governance advice has been provided by Anthony Collins Solicitors, leading to the formation of a Shareholder Committee for the council companies. These reports are attached at **Appendix 1**.

The advice has informed the options for financing arrangements set out below.

3.1. The Council as Funder for the Companies – Funding Mechanism

It should be recognised that the companies are able to approach other funders other than the Council. Whilst the Council holds 100% of the shares in the companies, the Boards have Director responsibilities to those companies to ensure they are run well. The duties of a Director are outlined in the Companies Act 2006 and include promoting the success of the company and exercising reasonable care, skill and diligence.

This paper outlines an effective 'offer' to those companies and it is for the Board of those companies to decide to accept/ drawdown on that offer.

It is recommended that a 'drawdown facility' is put in place with pre-agreed finance for the separate companies to call upon when required and agreed by the respective Boards with due diligence on affordability as outlined made at the time of a 'call' to drawdown.

3.2. Prudential Borrowing – The Prudential Code

Section 2 of The Local Authorities (Capital Finance and Accounting) (England) Regulations 2003 requires Local Authorities to have regard to the Prudential Code when complying with the duty under section 3 of the Local Government Act 2003 – the duty to keep under review how much it can afford to borrow.

The finance team in the council has reviewed the current Capital Programme and advised that the “maximum” borrowing limit for external debt for the council is £64.5m. Referred to as the Operational Boundary, in CIPFA guidance, this is the limit for external borrowing, with the exception that headroom for a further £5m exists in the “Authorised Limit”, but that is intended for very short-term borrowing such as overdrafts for cashflow purposes.

As outlined in the Council Budget and MTFFS (Medium Term Financial Strategy) currently the council has £10m of external debt finance taken out in 2007 through Barclays Bank at a fixed rate of 3.81% which is fixed for 70 years and due to expire in 2077.

Therefore, the Council effectively has £54.5m of potential external debt financing available before it meets its Prudential Borrowing ‘ceiling’ as determined in accordance with statute and guidance by the s.151 statutory officer.

The council is budgeted to have £3.497m for capital expenditure in earmarked reserves as at 31 March 2024 and so will look to balance any capital requirement using a mix of reserves and borrowing from external markets to support the capital programme requirement. This means that it is possible that not all of the ‘drawdown facility’ will be required from external finance. This balance will be managed in accordance with the Treasury Management Strategy and in liaising with the s151 officer (AD Resources) to ensure that this is held within acceptable limits.

The S151 officer, as statutory officer, has advised that the maximum prudential lending facility for Housing Companies is £50m. For illustration, this could be made up as follows:

- West Norfolk Housing Company (WNHC) - £14m
- West Norfolk Property Limited (WNPL) - £36m

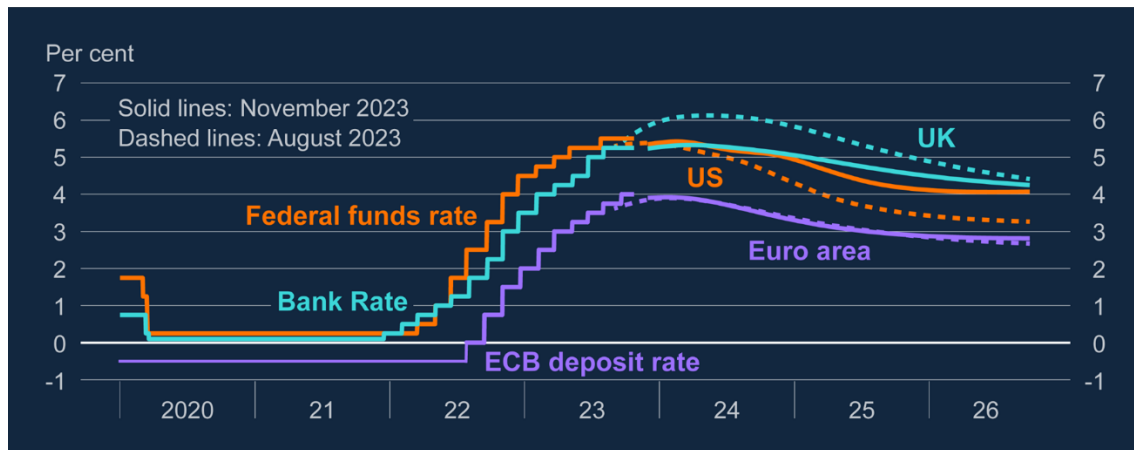
This would leave £8m capital available for other requirements (for example, enterprise zone infrastructure and other capital programme development costs).

3.3. Prevailing Economic Conditions

The most recent Bank of England Monetary Policy Report (November 2023) found that:

- Maintaining higher interest rates are working to reduce inflation;
- Inflation has fallen and is expected to fall further this year and next;
- Interest rates will be kept high enough for long enough to get inflation back to the 2% target

It is to be expected therefore that interest rates will remain at the current level until inflation begins to fall in line with the current BoE outlook.



Interest rates are at or close to the peak of their market-implied paths in the US, euro area and UK (source: BoE, November 2023)

3.4. Advice on Loans to Companies – Lending Criteria

External advice has been taken regarding the lending criteria that the Council should use when acting as lender to companies. Two options have been presented as follows:

- 1) EU Reference Base Rate. This is based on an initial reference rate as set under European Commission legislation. Additionally, where a company has limited or no credit history, the interest rate should be increased by 400 base points and where the loan exceeds 1 year, a further 2 base points should be added to reflect the additional administration required. This results in an interest charge to the company of 9.11% made up as follows (at 30 September 2023):
 - State aid reference rate – 5.09%
 - Limited credit history – 4.00%
 - Loan beyond 1 year – 0.02%

- 2) The Subsidy Control (Gross Cash Amount and Gross Cash Equivalent) Regulations 2022. These regulations set out the requirements for determining an interest rate on a loan that might reasonably have been expected to be available on the market. It sets a base rate according to the length of the loan and then looks at the creditworthiness of a company as rated between satisfactory to strong. There are 3 levels of satisfactory to consider based on the level of risk of loss in the event of a default on the loan. Applying this results in an interest charge to the company of 6.5% which is made up as follows:
 - Length of Loan @ 25 years – 3.1%
 - Creditworthiness as satisfactory with loss in the event of default as more than 60% or not known – 3.4%

When considering the above options, it has been recommended that the Subsidy Control Regulations are preferable to the EU Reference Base Rate as the Competition Markets Authority would not regard the latter as a determinative in their decisions on this issue. However, it should be noted that

the Subsidy Control Regulations were written when the Bank of England (BoE) interest rate was set at 3% and there is no mechanism in the legislation to track against BoE base rate which is now 5.25%. It is also noted that the length of loan only goes up to 25 years and the calculated loan rate of 6.5% provides less than 1% margin against the PWLB loan rate of 5.63% which does not allow sufficient risk margin for the council (see section 3.6 for the council's proposal to build a risk reserve).

Taking all of the above into consideration, the following sets out the recommendation for a suitable basis for a loan facility to the companies which would be to use the higher of the following:

- The loan rate as set out in the Subsidy Control (Gross Cash Amount and Gross Cash Equivalent) Regulations 2022 (currently maximum of 6.5%); or
- PWLB rate plus 2% (currently 7.63%)

This would mean that the council is covering its position in applying the Subsidy Control Regulations but also allowing for a margin against PWLB rates so the council can set aside an amount in a risk reserve. It also allows some flexibility for the loan rate to reduce as interest rates fall or to adopt the Subsidy Control rate at such time when it is appropriate to do so in line with a fall in BoE base rate which is currently forecast to reduce to 2.5% in 2027. It is also recommended that the loan facility allows for a review of the creditworthiness of the companies when the servicing of their loan arrangements are more established and they can take advantage of a lower mark-up rate.

3.5. Drawdown Facility and Lending Criteria

As part of this the lending criteria for loans to companies will include:

- Loans will be available for up to 90% LTV (or as advised following advice from Grant Thornton);
- The loan will also allow up to a further 7.5%¹ of total LTV for the first 5 years (to be reviewed at years 2-5) to be used to support the company in its initial 'start-up' company phase;
- Subject to review of the Business Plan of the company and suitable plan re: affordability & repayment to ensure that cash-flow allows for the company to remain sustainable over the long term (10 years) and meeting its repayment requirements. The business plan should also outline an acceptable 'exit plan' in order to meet its obligations;
- The Council will place a charge against the properties in relation to the loan as security for up to the full market value of the properties;

¹ To be updated following Grant Thornton review

- Funding will only be available for where the Council has a controlling interest in the Company:
- The interest charged and conditions for the loans will differ depending on the situation of the companies, risk and where the activities of the company meet key objectives of the Council (e.g. homelessness), notwithstanding other conditions set out in this paper (i.e. sustainability). An illustrative outline is provided below for WNHC and WNPL;
- Interest will be at the prevailing rate obtained by the Council plus a 'risk-premium' as advised;
- The Council reserves the right to withdraw future funding through the facility.

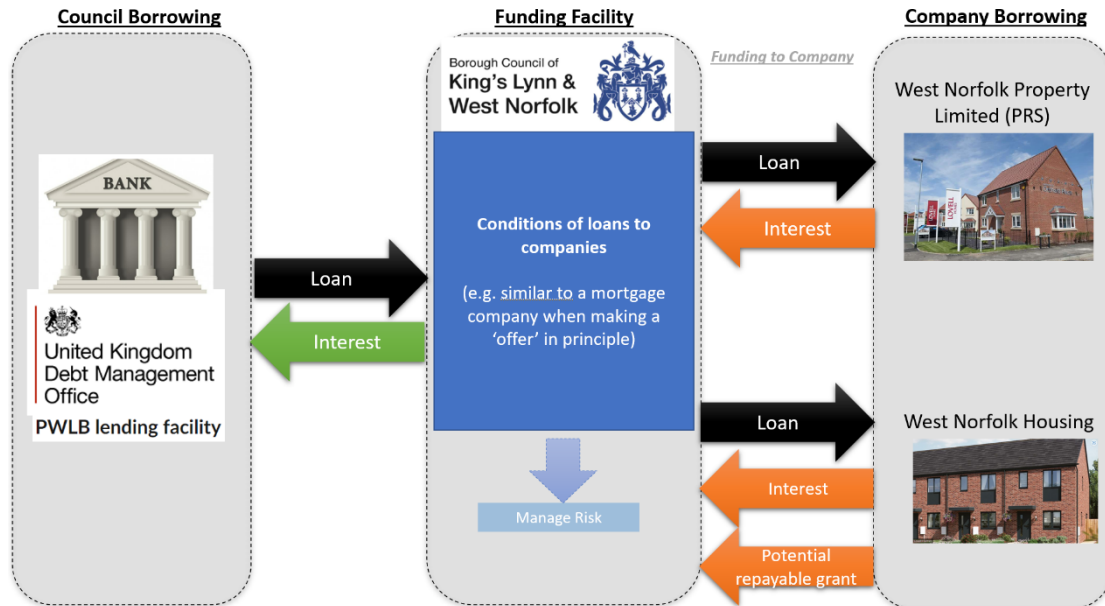
3.6. Risk Reserve

The council will hold a 'risk reserve' of at least [%]² of income generated through the interest rate differential between the Council and the Company i.e. between the % charged to the Companies and the interest rate paid by the council on borrowing. The % and total fund required to be defined by the S151 Officer. This will be held to manage the risk around the uncertainty in the market in the short to medium term and support the Council/ shareholder to help mitigate some of the risks.

3.7. Overall Flows of Finance for Lending

The diagram below sets out the relationships between the housing companies, the councils borrowing and the funding facility between the council and the companies. The actual interest rates used will be determined following the advice from external consultants Grant Thornton:

² Percentage to be advised following review report by Grant Thornton



3.8. Affordability to the Companies

This section to be finalised, setting out the range of options available to the council and the companies, and the financial and tax considerations of the same.³

4. Companies Funding Requirements

4.1. WNPL - Transfer of Existing Stock (£14.18m) – Council Financial Treatment of Funds from Transfer

The 'current stock' (currently leased by the council to the company) has a value of £14.18m and is currently fully funded and owned as an asset of the Council. Table 1 below includes acquisition of this stock by the company and the funding for this should be included in the value of the loan to the company.

The delay in capital receipts for these properties is currently diminishing the Council's cashflow and ability to invest. It is therefore desirable that the company include the cost / value of the existing portfolio within the loan draw down facility. This will improve the Council's cashflow, working capital and funding for internal borrowing for its future capital programme.

The Open Market Value of the portfolio is circa £15.8m⁴, with gross rent of approximately £824,000 per annum, representing a gross yield of 5.2%.

Future PRS stock from Parkway and Lynnsport 1 developments will increase the portfolio to 139 properties with an estimate Open Market Value (OMV) of £29.1m

³ Following review report by Grant Thornton

⁴ July 2022 Red Book portfolio valuation

Table 1 – WNPL portfolio (existing and pipeline)

Scheme	Units	OMV (£m)	90% OMV (£m)	Total development costs (£m)
Existing portfolio	74	15.8	14.2	12.3
Parkway	46	8.8	7.9	8.6*
Lynnsport1	19	4.5	4	4.3*
Total	139	29.1	26.1	25.2

* = estimated maximum development cost

Initially the company's net revenue will be insufficient to repay the loans on the full value of the properties if drawn down from the facility at the current advised loan rate, therefore the need to have the option to have sufficient 'headroom' within the draw down facility to allow additional borrowing by the company to service the debt repayments. Alternative options may include a debt / equity financing model for the companies (to be detailed in section 3.8 above following advice from Grant Thornton).

4.2. WNHC

Due to WNHC being a Registered Provider of Social Housing delivering Affordable Housing, certain exemptions may be met in relation to Subsidy Control. This would mean that the Council has the ability to provide grant funding to WNHC to fund new Affordable Housing. Therefore the Council could fund WNHC through a mixture of repayable grants with no interest and loans at an appropriate rate. This can then provide an overall blended rate. Further due diligence is required to confirm whether the exemption would be met.

Modelling carried out for the company suggest that in order to ensure viability for the company, the blended rate would need to be no higher than 5.25%. Based on current interest rates, this blended rate could be reached using a 70/30 split of loan and repayable grant. However, consideration would also need to be given to the Council's own rate of borrowing. The current appropriate PWLB rate would be 5.27%⁵

It is proposed that the Council provides WNHC with 2 separate facilities:

- A loan facility equal to circa 70% of the companies total funding requirement. This facility should include flexibility for the company to take out interest only or repayment loans at fixed or variable rates as long as defined covenants set by the Council are complied with.
- A repayable grant facility equal to circa 30% of the total funding

⁵ 23/11/23 PWLB Standard Fixed Interest Rates Over 40 not over 40½ years, maturity, less 20 basis point concessionary rate. To be finalised following grant Thornton review.

requirement.

This would enable the company to draw down an appropriate mix of grants and loans depending on market conditions and the company's circumstances at the time. It is anticipated that the proportion of grant funding drawn down would fall as interest rates are reduced. The Council will set parameters setting limits on the maximum proportion of total drawdowns to be grants.

Table 2 – WNHC portfolio (existing and pipeline)

WNHC funding requirements		
Scheme	Units	£m
Nora 4	7	0.661
LAHF 1	16	1.611
Parkway	34	3.549
Lynnsport 1	10	0.822
Southend Rd	6	0.500
LAHF 2	7	0.775
plus existing borrowing	47	3.257
Total	127	11.165

5. Policy Implications

The long term funding of WNPL to manage private rented properties allows the council to intervene in the private rented market and set a high standard for the quality of housing and management with longer term family friendly tenancies.

Similarly the investment in WNHC ensures that the Council has a vehicle to deliver affordable housing in the borough and meet the Council's housing priorities.

6. Financial Implications

Rent income and capital values will increase over time, whilst borrowing costs are fixed (based on maturity loans).

The financial implications for the council are that it will have a commitment to borrow capital to finance the housing company portfolios for the longer term, thereby restricting capital available for investment in other areas. The risk is mitigated by the extent to which the companies are able to dispose of properties (or portfolios) on the open market, with WNPL able to dispose of the portfolio either as investments or with vacant possession, at open market values.

For WNHC, the funding agreement the liquidity of the portfolio (the ability to dispose of the properties) is limited by the Existing Use Value (EUV) of the properties as affordable rented or shared ownership homes.

7. Personnel Implications

The WNPL portfolio is managed via agents (Touchstone), and a SLA exists to recover council staff costs

The WNHC portfolio is predominantly leased to Broadland Housing Association – due to expire in March 2029 - and an SLA exists to recover council staff costs.

8. Environmental Considerations

The high standard of homes acquired by the housing companies from the MHP sites ensures the portfolio will contribute towards net zero for the council with low running costs for tenants due to high EPC ratings, ensuring less disposable income required on household energy bills and therefore less stress on affording rental payments.

9. Statutory Considerations

Latest HM Treasury guidance is that they will support the use of PWLB finance by wholly owned council housing companies where the council has set up a housing strategy to address housing shortages in its area.⁶

9.1. Subsidy Control (previously State Aid)

The Council will be disposing of the properties under section 123 Local Government Act 1972, which generally provides that a local authority may dispose of land in any manner it wishes. Under the General Disposal Consent (England) 2003 local authorities can dispose of land for less than best consideration, on condition that the undervalue does not exceed two million pounds, and where the authority considers that this will contribute to the promotion or improvement of economic, social or environmental well-being in its area.

10. Equality Impact Assessment (EIA)

(Pre screening report template attached)

11. Risk Management Implications

<i>Table 3</i> Risk items	Risk Implications and Sensitivity	Level of Risk
Market values fall	<p>Risk In terms of market values, these are anticipated to fall by 11% in 2023, with an overall growth of 3% in the 5 years to 2027. Within the Major Housing Programme, there are 32 properties due to complete in May 2024 at Southend Road Hunstanton, 6 of these are affordable homes for WNHC. There are no PRS properties on this scheme, and no other properties of any tenure due to complete before the end of 2024</p> <p>Sensitivity/Consequences The sales valuations are based on current market values, which are due to fall in the near term but recover in the medium term.</p>	Medium

⁶ PWLB Guidance to Applicants, HM Treasury, June 2023

<i>Table 3</i> Risk items	Risk Implications and Sensitivity	Level of Risk
Market values fail to increase as expected	<p>Risk The anticipated growth over the 5 years to 2027 does not materialise- property prices either stagnate or fall in real terms</p> <p>Sensitivity/Consequences Housing markets are cyclical, but demand for housing remains strong. The council will retain the option of disposing of properties into the private rented market to mitigate this risk. A more detailed assessment of house price forecasts is included within Appendix 4</p>	Low
Higher than anticipated interest rates	<p>Risk Mortgage interest and PWLB rates continue to increase</p> <p>Sensitivity/Consequences Markets are currently pricing BoE holding the base rate rise 5.25% with no further increases anticipated, and rates remaining at this level until core inflation is seen to fall within acceptable parameters. Base rates have a direct impact on PWLB rates.</p>	Low
Borrowing requirement to fund the development phase	<p>Risk Council is required to use PWLB borrowing to support the development of the scheme, and to fund the purchase of properties for the wholly owned companies</p> <p>Sensitivity/Consequences PWLB rates are considered to be at the peak of the cycle. The risk can be mitigated by the council borrowing at short term rates from other local authorities, at rates generally below current PWLB. Over the longer term the options for borrowing are:</p> <ol style="list-style-type: none"> 1. Public Works Loan Board (PWLB) between 1-50 years. This can be based on interest only or have some form of repayment of the principle. An application form is submitted and generally the funding is received in 5 days. 2. Pension funds will also lend to local authorities. These are typically used on a forward funding basis and helps to manage risk if the council knows that there is a need to borrow in future and knows how much is required. The forward interest rate curve will be used to assess the applicable rate to be charged. Currently there are no interest rate reductions built into the curve to reflect any downturn in future interest rates so there is currently no benefit in looking at this option but it could be considered in a year's time as the position is likely to change once inflation comes down and stabilises. Typical entry level is £30m which does not have to be in one loan payment. This can be drawn down in tranches over time. The arrangements tend to be on an annuity basis as these organisations tend to buy long dated gilts. They will look at the credit rating of a local authority and many local authorities do not have one. Those that do will have paid to have their rating. There is also a tendency to use Moody's metrics to assess the rating of a LA and these organisations will carry out their own due diligence and they will determine the pricing according to their own assessment. A local authority can borrow from PWLB at gilt plus 80 basis points so they will benchmark against that based on the authorities position so it is a fairly subjective approach that is undertaken. It is also worth noting that there are no recent transactions evident in the market since early 2022 as authorities are holding back and using short term solutions. 	Low

<i>Table 3</i> Risk items	Risk Implications and Sensitivity	Level of Risk
	<p>3. Bonds – The council could not issue in our own name as these are in general around £200m plus. The council would need its own credit rating which can cost circa £40k and it is unlikely that the council would get any better terms than PWLB at the moment.</p> <p>4. UK Municipal Bond Agency – activity has gone quiet. The last report issued stated that they were not able to compete with PWLB. However, they would want more assurance and would drill down into more detail to ensure the council’s business case stacks up and the loan can be repaid. Due to the issue of more and more local authorities in headlines for the wrong reasons, this has the potential to add more risk to pricing based on previous experience.</p>	

12. Declarations of Interest / Dispensations Granted

13. 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)

Appendix 1 – Reports from Link, Ensors & PS tax

Appendix 2 – WNPL assumptions, portfolio & dashboards

Appendix 3 – WNHC assumptions, portfolio & dashboards

Appendix 4 – PRS market forecasts for rents and capital value

Appendix 5 – PRS sensitivity analysis

Pre-Screening Equality Impact Assessment

Borough Council of
King's Lynn & West Norfolk



Name of policy/service/function					
Is this a new or existing policy/service/function?	New / Existing (delete as appropriate)				
<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>					
Question	Answer				
<p>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups according to their different protected characteristic, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</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 (e.g. low income)					

Appendix 1

Reports from Link, PS Tax and Ensor Included here

Financial appraisal assumptions and outputs for WNPL business case modelling

WNHC assumptions

Private Rental Market analysis

Appendix 5 - scenario analysis

Sensitivity analysis & Scenario Testing [to be provided here]

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Private Rental Market analysis

Rental growth has been strong in recent years and is forecast to rise by 18.8% over the 5 year period from 2022 – 2026. Historic rental price data from 2006-2022 has shown an average annual increase of 1.8%, with rents falling between 2009-2010, during the financial crash, but otherwise increasing around 2% per annum.

MAINSTREAM RENTAL VALUE FORECAST

	2022	2023	2024	2025	2026	5-year
UK rental growth	5.5%	3.7%	3.2%	3.2%	3.0%	19.9%
London rental growth	6.5%	4.0%	3.5%	3.5%	3.0%	22.2%
UK excluding London rental growth	5.0%	3.5%	3.0%	3.0%	3.0%	18.8%
UK income growth	3.9%	3.5%	3.1%	3.1%	3.0%	17.6%

Source: Savills Research

N.B. These forecasts apply to average rents in the second hand market. New build rental values may not move at the same rate.

Over the same period, CPI rose by an average of 1.5% per annum. There is a strong correlation between wage inflation and private rent inflation. In the 12 months to July 2023 the UK annual private rental price change rose to 5.3%

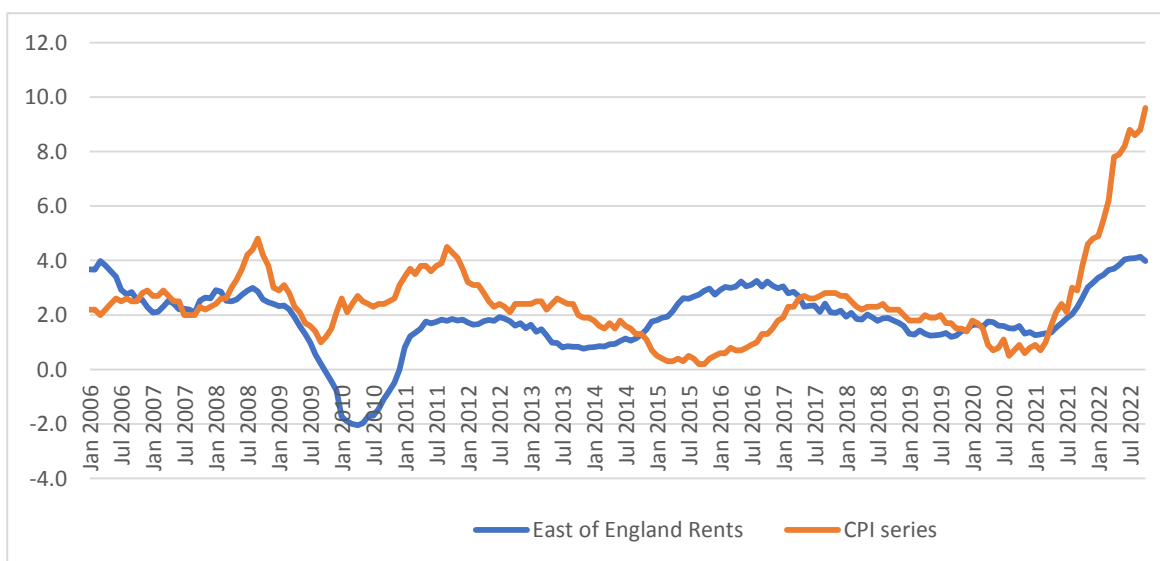
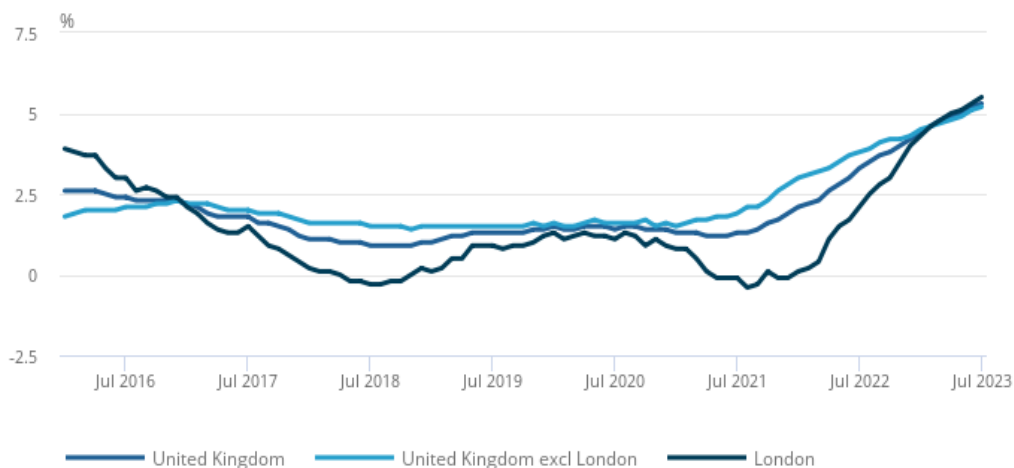


Figure 1: The UK annual private rental price percentage change rose to 5.3% in the 12 months to July 2023

Index of Private Housing Rental Prices percentage change over 12 months, UK and London, January 2016 to July 2023



Source: Index of Private Housing Rental Prices from the Office for National Statistics

Capital values are forecast to increase by 3% over the 5-year period from 2023 to 2027.

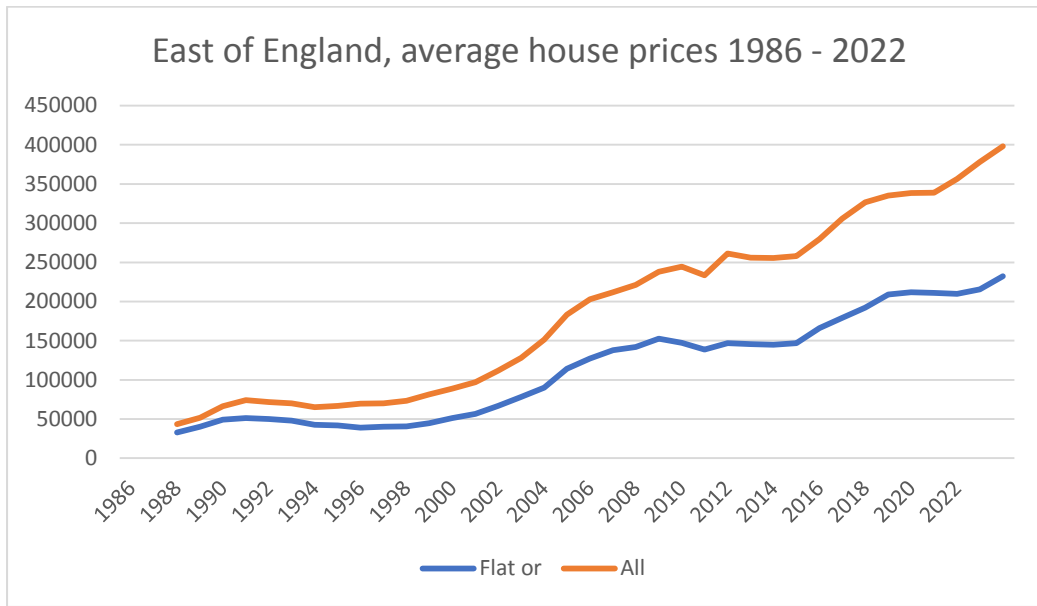
House Price Forecast

	2023	2024	2025	2026	2027	5 years to 2027
UK	-10.0%	1.0%	3.5%	7.0%	5.5%	6.2%
North West	-8.5%	2.5%	4.5%	7.5%	6.0%	11.7%
Yorkshire and The Humber	-8.5%	2.5%	4.5%	7.5%	6.0%	11.7%
North East	-8.5%	2.5%	4.5%	7.5%	6.0%	11.7%
Wales	-8.5%	2.0%	4.5%	7.5%	6.0%	11.1%
Scotland	-9.0%	2.0%	4.0%	7.5%	5.5%	9.5%
East Midlands	-9.0%	1.5%	4.0%	7.5%	5.5%	8.9%
West Midlands	-9.0%	1.5%	4.0%	7.5%	5.5%	8.9%
South West	-10.0%	1.0%	3.5%	7.0%	5.5%	6.2%
South East	-11.0%	0.0%	3.0%	6.5%	5.5%	3.0%
East of England	-11.0%	0.0%	3.0%	6.5%	5.5%	3.0%
London	-12.5%	-1.0%	2.0%	6.0%	5.0%	-1.7%

Source: Savills Research

Note: These forecasts apply to average prices in the second hand market. New build values may not move at the same rate.

Over the period from 1986 – 2022 the average increase in values for flats and apartments in the East of England is 6% per annum¹



Taken together, over a 25-year period, it would be realistic to anticipate rental growth of 2% per annum and capital growth of 3% per annum.

¹ ONS House price simple averages dataset annual tables 20 to 30 (table 26)

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