



Cabinet

Agenda

Tuesday, 16th November, 2021
at 3.30 pm

in the

**Remote Meeting on Zoom and available for
the public to view on [WestNorfolkBC on You
Tube](#)**



King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX
Telephone: 01553 616200
Fax: 01553 691663

CABINET AGENDA

DATE: CABINET - TUESDAY, 16TH NOVEMBER, 2021

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

TIME: 3.30 pm

**As required by Regulations 5 (4) and (5) of The Local Authorities
(Executive Arrangements) (Meetings and Access to Information)
(England) Regulations 2012 - No items will be considered in private.**

1. MINUTES

To approve the Minutes of the Meetings held on 21 September and 20 October 2021 (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

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

These declarations apply to all Members present, whether the Member is part

of the meeting, attending to speak as a local Member on an item or simply observing the meeting from the public seating area.

5. CHAIR'S CORRESPONDENCE

To receive any Chair's correspondence.

6. MEMBERS PRESENT UNDER STANDING ORDER 34

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

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

7. CALLED IN MATTERS

To report on any Cabinet Decisions called in.

8. FORWARD DECISIONS (Pages 6 - 10)

A copy of the Forward Decisions List is attached

9. MATTERS REFERRED TO CABINET FROM OTHER BODIES (Pages 11 - 14)

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

Environment and Community Panel – 5 October 2021 (attached)

Regeneration and Development – 19 October 2021 (attached)

Corporate Performance Panel – 8 November 2021

Member Major Projects Group – 10 November 2021

King's Lynn Area Consultative Panel -11 November 2021

10. CORPORATE BUSINESS PLAN 2021-2023 (Pages 15 - 24)

11. CLEAN NEIGHBOURHOODS, FLY TIPPING AND ENFORCEMENT (Pages 25 - 35)

12. MEMBERS MAJOR PROJECTS BOARD ; REVIEW OF TERMS OF REFERENCE (Pages 36 - 48)

13. COMMUNITY INFRASTRUCTURE LEVY (CIL) - APPLICATION FOR A GRANT FROM THE INFRASTRUCTURE FUND FOR NEW LYNNSPORT 3G AND COACHING ACADEMY PROJECT AT LYNNSPORT (Pages 49 - 63)

14. **3G PITCH DEVELOPMENT AT LYNNSPORT** (Pages 64 - 73)
15. **COMMUNITY INFRASTRUCTURE LEVY GOVERNANCE CHANGES-
CONSIDERATION OF 'LESSONS LEARNT' FROM THE FIRST ROUND OF
GRANT APPLICATIONS FOR CIL FUNDING** (Pages 74 - 106)
16. **COMMERCIAL SERVICE PLAN 2021** (Pages 107 - 139)
17. **GAMBLING ACT 2005 - UPDATE** (Pages 140 - 186)
18. **REQUESTS FOR VARIATION OF NUMBERS OF PARISH COUNCILLORS**
(Pages 187 - 192)

To: Members of the Cabinet

Councillors R Blunt, S Dark (Chair), A Dickinson, P Kunes, A Lawrence,
B Long, G Middleton (Vice-Chair) and S Sandell

For Further information, please contact:

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

FORWARD DECISIONS LIST

Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
16 November 2021	Gambling Act – Statement of Principles	Non	Council	Environment Assistant Director – S Ashworth		Public
	Enforcement Policy on Fly Tipping and Public Nuisance	Non	Council	Environment Assistant Directors – J Greenhalgh and M Chisholm		Public
	Review of Corporate Business Plan	Key	Council	Leader Chief Executive		Public
	Commercial Team Service Plan	Non	Cabinet	Environment Asst Dir – S Ashworth		Public
	Update to the Major Project Board terms of reference	Non	Cabinet	Leader Asst Dir Property & Projects – M Henry		Public
	CIL Report- application for grant for 3G and Coaching Academy	Non	Cabinet	Regeneration & Development Asst Dir S Ashworth		Public
	Lynnsport - 3G Pitch and coaching academy	Non	Cabinet	People & Communities Chief Executive		Public
	Request for the review of Parish Council numbers	Non	Council	Leader Chief Executive		Public
	Community Infrastructure Levy (CIL) – Consideration of lessons learnt from the first round of grant applications for CIL funding	Non	Cabinet	Development Asst Dir – S Ashworth		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
14 December 2021						
	Council's Insurance Tender	Key	Cabinet	Finance Asst Dir – M Drewery		Private - Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority)

Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
11 January 2022						
	Hackney Carriage and Private Hire Licensing Procedures and Conditions Review	Non	Council	Environment Assistant Director – S Ashworth		Public
	Review of Governance of Council Companies	Non	Cabinet	Leader Chief Executive		Public
	Guildhall Future Governance Options	Non	Council	Business, Culture and Heritage – G Middleton Asst Director – D Hall		Public
	Custom and Self Build Site – Stoke Ferry	Non	Cabinet	Regeneration and Development Assistant Director - D Hall		Public
	Members Allowances Independent Review	Non	Council	Finance Chief Executive		Public
	Asset Management – Land and Property Disposals	Key	Cabinet	Property Asst Dir Property and Projects		Private - Contains exempt Information under

						para 3 – information relating to the business affairs of any person (including the authority)
	Balloon and Lantern Policy	Non	Cabinet	Corporate Services and Environment Asst – M Chisholm		Public
	Corporate Enforcement Policy	Non	Council	Development Asst Dir J Greenhalgh		Public
	Notice of Motion 7-21 – Councillor Kemp – Equalities	Non	Council	Leader Asst Dir B Box		Public
∞	Review of Legal Services	Key	Council	Leader Chief Executive		Private - Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority)
	Appointment of External Auditors	Key	Council	Finance S151 officer		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
8 February 2022						
	Budget	Key	Council	Leader S151 Officer Asst Dir Resources		Public
	Capital Programme	Key	Council	Leader S151 Officer Asst Dir Resources		Public
	Treasury Management Strategy	Key	Council	Leader S151 Officer Asst Dir Resources		Public
	Capital Strategy	Key	Council	Leader S151 Officer Asst Dir Resources		Public
	Derelict Land & Building Group	Non	Council	Regeneration & Development Asst Director – Duncan Hall & S Ashworth		
9	Lynnsport One	Key	Council	Project Delivery Asst Dir Companies & Housing Delivery – D Ousby		Private - Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority)
	Procurement Strategy	Non	Cabinet	Finance Asst Dir Resources		Public
	Housing Delivery Test Action Plan	Non	Cabinet	Development & Regeneration Asst Director S Ashworth		Public
	Five Year Housing Land Supply assessment	Non	Council	Development & Regeneration Asst Director S Ashworth		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
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15 March 2022						
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RECOMMENDATIONS TO CABINET ON 16 NOVEMBER 2021 FROM THE ENVIRONMENT AND COMMUNITY PANEL MEETING HELD ON 5 OCTOBER 2021

EC34: RIVER LANE 3G PITCH DEVELOPMENT

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

The Chief Executive presented the Cabinet report which set out proposals for creation of a 3G pitch at River Lane. She explained that the summary of funding had changed slightly since the report had been written. An application for CIL funding had been submitted and if successful the funding from the Borough Council included in the report would not be required. It was also highlighted that the project was subject to an application to the Football Foundation and would also be subject to Planning Permission.

Tommy Goode from Alive West Norfolk provided the Panel with detail on the work carried out with Norfolk Football Association and local clubs and it had been highlighted that within local football facilities plans, King's Lynn was low on provision. He highlighted the funding available from the Football Foundation if the application was successful.

Details of the Fields in Trust status was provided, and it was explained that there was a formal process to go through to change the area to a 3G pitch.

Tommy Goode provided detail of the benefits of the 3G pitch which included better facilities, increased capacity and tackling antisocial behaviour.

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

Councillor Kemp raised concern about the level of public consultation, and it was explained that local Football clubs and users had been consulted on the process. Residents would be consulted as part of the planning application process. Tommy Goode also explained that currently people paid to use the existing pitches, and this was an additional provision to increase capacity.

Councillor Rust commented that she did not see the level of antisocial behaviour in this area that officers were using to justify the proposal. She also referred to Fields in Trust and that the project would remove space from public use. She was also concerned about noise and light pollution and the increased traffic at Beulah Street. She felt that removing green space was not inclusive and there was a lack of green and amenity space in the area. Councillor Rust also commented that many people would be unable to afford to use the space, which was currently free to use, it wouldn't help the health and wellbeing of local people and it was just a way for the Council to make money. Tommy Goode explained that discount for local residents was being looked at and a lot of free space for things such as recreation and dog walking would be retained. It would only be the 3G pitch area that would be fenced in. He made reference to other work being carried out in North Lynn to support residents and increase activity in the area. He explained that Dutton Pavilion would service the field and staff presence in the area should positively impact antisocial behaviour.

The Chair, Councillor Bower asked for detail on the 3.8 ha mitigation area referred to in the report and it was explained that this included the area to the rear of the car park where the Covid testing centre was currently situated.

Councillor de Whalley raised concerns relating to the 3.8 ha mitigation area and felt that this would be unsuitable for football or sport. He commented that there needed to be additional facilities, not a 3G pitch in place of an existing free to use pitch. He made reference to flooding in the area and the Green Infrastructure Plan which set out how we shouldn't target existing playing fields. He felt that an alternative site should be considered. He also asked if Hunstanton and Downham Market had been considered. Tommy Goode explained that more recreational space would be made available in the area and there were other pitches in the area that would be retained and available for hire, which were currently rarely used. He explained that drainage issues had been investigated and discussions had been held with the Internal Drainage Board.

Councillor Devereux felt that the proposals would improve the offer in the area and attract people to the underused area. He also reminded the Panel that the Norfolk Football Association had identified a lack of provision in the area. He asked what the lifespan of the pitch would be and if any specific drainage improvements would be required. Tommy Goode explained that the lifespan was 10-12 years, LED lights would be installed, and drainage would be looked at. He also explained that there were some Multi Use Games areas around the Borough and work was ongoing with the Purfleet Trust to try and encourage usage.

In response to a question from the Vice Chair, Councillor Bubb, it was explained that lighting would be on until 10pm at the latest and 3G pitches were designed that they could be used in all but severe weather.

Councillor Collop commented that more consultation with residents should take place. She also did not feel that the 3G pitch would last 10-12 years based on the state of the current 3G pitch which had been in situ for approximately three years. Tommy Goode explained that the 10-12 year lifespan was based on the specification from the Football Association.

In response to a question from Councillor Bullen regarding provision in Downham Market, it was explained that options would be looked at after this project.

Councillor Wilkinson asked if the costs of consultation and surveys had been considered and Tommy Goode explained that this would be picked up as part of the planning application process.

In response to a question from Councillor de Whalley it was explained that the 5-a-side pitches in the area were unsuitable for higher level sports and were more appropriate for recreational use or for younger children. Councillor Rust asked if the existing pitch could be upgraded to a 3G pitch instead and Tommy Goode explained that certain activities such as Hockey would not then be able to use it.

The Panel discussed the recommendation to Cabinet and Councillor de Whalley proposed that the Panel recommend to Cabinet that some form of public consultation with residents should be carried out and alternative sites should be looked at. The Panel discussed the proposed recommendation to Cabinet.

After being put to the vote the Panel agreed that the below be recommended to Cabinet.

RESOLVED: The Environment and Community Panel recommend to Cabinet that some form of consultation with residents should be carried out and alternative sites should be investigated for the 3G pitch.

EC35: COMMERCIAL TEAM SERVICE PLAN CABINET REPORT

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

The Environmental Health Manager presented the report which presented the service plan for the commercial team and highlighted the work of the team. It was noted that Food authorities were required by the Food Standards Agency to set out a scheme for the planning and delivery of food law enforcement and that the service plan had to be formally adopted by the Council.

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

Councillor Rust commended the team on their hard work, especially during the pandemic. The Environmental Health Manager explained that additional staff had now been recruited.

In response to a question from Councillor Devereux, the Environmental Health Manager explained that hospitality and catering had been hit hard by the pandemic, there were problems with staff shortages, and this had sometimes resulted in corners being cut, especially with regard to cleaning and hygiene. Inspections were still being carried out.

The Environmental Health Manager also explained that food hygiene costs were down due to staff vacancies.

In response to a question from Councillor de Whalley it was explained that when dog breeders were identified, the Environmental Health team worked with Planning Control to ensure that all the necessary permissions were in place.

RESOLVED: That the Environment and Community Panel support the recommendations to Cabinet as follows:

That the Council approves the Commercial Team Service Plan.

RECOMMENDATIONS TO CABINET 16 NOVEMBER 2021 FROM THE REGENERATION AND DEVELOPMENT PANEL ON 19 OCTOBER 2021

RD62: COMMUNITY INFRASTRUCTURE LEVY (CIL) – CONSIDERATION OF ‘LESSONS LEARNT’ FROM THE FIRST ROUND OF GRANT APPLICATIONS FOR CIL FUNDING

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

Councillor Blunt presented the Cabinet Report which presented a number of changes to the present processes following the first round of grant applications for CIL funding. The proposed changes were outlined to the Panel by the Planning Policy Manager and it was explained that the changes had been agreed by the CIL Spending Panel and would simplify the process.

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

Councillor Parish commented that he supported the recommendations to make the process simpler.

Councillor Bambridge asked if consideration could be given to making the pages easier to find on the website.

RESOLVED: That the Regeneration and Development Panel support the recommendations to Cabinet as follows:

Cabinet is recommended to make changes to the CIL Spending-Application process as set out in Section 3 of this 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		YES	
Lead Member: Cllr Stuart Dark E-mail: cldr.stuart.dark@west-norfolk.gov.uk			Other Cabinet Members consulted: All Cabinet members		
			Other Members consulted: Corporate Performance Panel		
Lead Officer: Ged Greaves E-mail: Ged.Greaves@West-Norfolk.gov.uk Direct Dial:01553 616804			Other Officers consulted: Management Team and Extended Management Team		
Financial Implications NO	Policy/ Personnel Implications NO	Statutory Implications NO	Equal Impact Assessment YES If YES: Pre-screening/ Full Assessment	Risk Management Implications YES	Environmental Considerations YES

Date of meeting: 16 November 2021

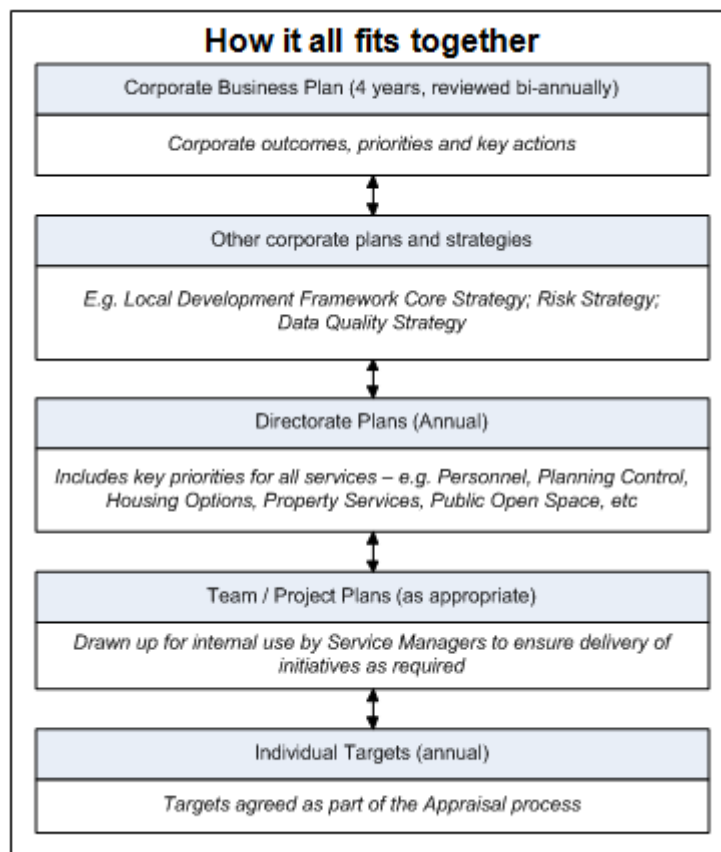
CORPORATE BUSINESS PLAN 2021-2023

<p>Summary This report appends the revised corporate business plan for the period to the next local elections in 2023.</p> <p>Recommendation That the attached corporate business plan is approved.</p> <p>Reason for Decision To establish the council's policy framework for the term of the current administration and how the council will focus its resources over the next four years.</p>

1 Background

- 1.1 This corporate business plan covers the remaining period of the administrative term 2021 to 2023/24.
- 1.2 It has been developed in the focused format used in the current corporate business plan as much of the detail underpinning this plan already exists in other strategies and documents or will be derived from developing work such as climate change, Towns Fund, Local Plan, etc.
- 1.3 In broad terms, the six priority areas that the council will continue to focus on are:
 - Focusing on delivery.
 - Delivering growth in the economy and with local housing
 - Protecting and enhancing the environment including tackling climate change.
 - Improving social mobility and inclusion.

- Creating and maintaining good quality places that make a positive difference to people’s lives.
 - Helping to improve the health and wellbeing of our communities.
- 1.4 These priorities are further defined in 12 objectives and 47 key initiatives that will be reflected in directorate and service plans and individual objectives set during staff appraisals.
- 1.5 The outline Corporate Business Plan is appended at Appendix A. It is a high level document and is supported by a framework of plans, strategies and targets as shown in the diagram below:



- 1.6 The plan will be monitored via the ‘Corporate Business Plan Monitoring Report’ and formally presented to the Corporate Performance Panel.
- 1.7 Work will also be undertaken, to align performance measures to the priorities and objectives outlined in the corporate business plan. In addition, the priorities outlined in the plan will underpin annual directorate and service plans, which in turn will be cascaded into annual performance targets for employees, through the council’s performance management scheme.

2 Options Considered

- 2.1 None.

3 Policy Implications

- 3.1 This document sets the council’s policy framework until the next electoral cycle in May 2023 and as such is the council’s primary policy document. All

other documents and plans will need to take account of this new policy framework when they are being prepared or refreshed.

4 Financial Implications

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

5 Personnel Implications

- 5.1 None.

6 Environmental Considerations

- 6.1 The corporate business plan includes a specific priority focused on protecting and enhancing the environment including tackling climate change. This will be progressed through the delivery of the council's climate change strategy and action plan and through related plans such as the emerging Local Plan.

7 Statutory Considerations

- 7.1 None.

8 Equality Impact Assessment (EIA)

- 8.1 None – see attached pre-screening report.

9 Risk Management Implications

- 9.1 There are risks that without the benefit of a coherent corporate business plan the work of the council could lack a clear focus and sense of direction. This plan provides clarity to our work and a rationale for our activities whilst aligning the work of the council with local and national political priorities.
- 9.2 The corporate risk register will be reviewed to ensure it is aligned with the new corporate business plan.

10 Declarations of Interest / Dispensations Granted

- 10.1 None.

11 Background Papers

- 11.1 None.

Pre-Screening Equality Impact Assessment

Borough Council of
King's Lynn & West Norfolk



Name of policy/service/function	Corporate Business Plan 2021-2023				
Is this a new or existing policy/service/function?	New (updated plan)				
<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>The corporate business plan sets the direction of the council and the priorities of the current administration.</p> <p>The plan reflects local need, local political priorities and the changing legislative and policy framework in which the council operates.</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				<input checked="" type="checkbox"/>	
Disability				<input checked="" type="checkbox"/>	
Gender				<input checked="" type="checkbox"/>	
Gender Re-assignment				<input checked="" type="checkbox"/>	
Marriage/civil partnership				<input checked="" type="checkbox"/>	
Pregnancy & maternity				<input checked="" type="checkbox"/>	
Race				<input checked="" type="checkbox"/>	
Religion or belief				<input checked="" type="checkbox"/>	
Sexual orientation				<input checked="" type="checkbox"/>	
Other (eg low income)				<input checked="" type="checkbox"/>	

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 evidence of disadvantage or potential discrimination?	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	No	Actions:
		Actions agreed by EWG member:
<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:</p> <p>Not applicable.</p> <p>Decision agreed by EWG member: <i>B. Box</i></p>		
Assessment completed by: Name	Ged Greaves	
Job title	Senior Policy and Performance Officer	
Date	26 October 2021	

Corporate Business Plan 2021-23

Priority: Focusing on delivery			
Objective	Key initiatives	Cabinet Portfolios	Lead Officers
Set a Medium-Term Financial Strategy to fund council services by a prudent mix of investment, services and tax income, while maintaining adequate reserves	Monitor performance against revenue and capital budgets on a monthly basis to Management Team and Members.	Finance	M. Drewery
	Report variances and corrective action in a timely manner to Management Team and Members.	Finance	M. Drewery
	Provide treasury functions for the delivery of the financial plan and advise and support on new projects and initiatives.	Finance	M. Drewery
	Prepare revenue and capital estimates and report to Panel/Cabinet as part of the budget and council tax setting process.	Finance	M. Drewery
Develop and increase the range and effectiveness of the Council's approach to communicating and engaging with employees, businesses, local communities and visitors	Develop and implement communications plans for major council projects as required or identified by Leader and Chief Executive.	Leader	B. Box
	Communicate the new corporate business plan.	Leader	B. Box H. Howell
Be attentive to our customer and community needs	Continue to deliver all statutory services to an appropriate standard within available resources, whilst also responding to the priorities set out in the Corporate Business Plan.	All	All
	Ensure that effective recruitment, retention and employee development processes are in place so that services are appropriately and effectively resourced and aligned to the delivery of statutory services and the Council's corporate priorities.	Leader	B. Box

Priority: Delivering growth in the economy and with local housing			
Objective	Key initiatives	Cabinet Portfolio	Lead Officer
21 Develop our town centres and the rural offering; recognised as great places to live, visit and invest into	Implement the Town Investment Plan.	Deputy Leader and Cabinet Member for Business, Culture and Heritage Development and Regeneration	D. Hall
	Develop a business case for projects / programmes that were part of the Heads of Terms agreement from MHCLG.	Deputy Leader and Cabinet Member for Business, Culture and Heritage	D. Hall
	Develop further the West Norfolk Holiday guide in the context of the on-going changes to accessing information digitally.	Deputy Leader and Cabinet Member for Business, Culture and Heritage	D. Hall
	Deliver the Council's directly managed commercial and housebuilding programmes.	Deputy Leader and Cabinet Member for Business, Culture and Heritage Development and Regeneration	D. Ousby
	Develop and manage the portfolio of PRS properties managed by West Norfolk Property Limited.		
	Develop affordable homes to be managed by West Norfolk Housing Company Limited.		
	Achieve community benefits through market engagement with Local Suppliers, SMEs & VCSEs - in support of the local economy; and measure the monetary value of social value provided by contractors (Through the 2021-2025 Procurement Strategy).	Finance	D. Ousby
Deliver the Local Plan	Ensure the close relationship between Local Plan, Corporate Business Plan and other corporate work.	Development and Regeneration	S. Ashworth
	Engage with internal departments in Local Plan Review consultation.	Development and Regeneration	S. Ashworth
	Take forward strategic transport policies for the Borough.	Development and Regeneration	S. Ashworth
	Assist towns and parishes to prepare their own neighbourhood plans.	Development and Regeneration	S. Ashworth

Priority: Protecting and enhancing the environment including tackling climate change			
Objective	Key initiatives	Cabinet Portfolio	Lead Officer
Deliver on our commitment to be carbon neutral by 2035 by implementing the council's carbon reduction strategy and encourage our partners, communities and local businesses to reduce their environmental impact	Declare a Climate Emergency.	Environment	S. Ashworth
	Adopt the Climate Change Strategy and Action Plan.	Environment	S. Ashworth
	Increase the number of trees in the district.	Environment	S. Ashworth
	Increase walking, cycling and sustainable transport.	Environment	S. Ashworth
	Work in partnership with the Chamber of Commerce to co-ordinate Expo22.	Environment	S. Ashworth
	Continue to provide an active role within the Norfolk Climate Change Partnership.	Environment	S. Ashworth
	Implement a communications programme to promote the council's activities to address climate change and encourage mitigation and adaptation by residents and businesses.	Environment	S. Ashworth B. Box
	Show leadership by assessing the environmental impact of council procurement (Through the 2021-2025 Procurement Strategy).	Finance	D. Ousby

22

Priority: Improving social mobility and inclusion			
Objective	Key initiatives	Cabinet Portfolio	Lead Officer
23 Assist our residents to maximise their opportunities by accessing the support and services they are entitled to	Review the Homelessness and Rough Sleepers Strategy following the implementation of 'Everyone In' initiative and the introduction of a number of new accommodation and support services funded by central government through the Next Steps Accommodation Programme and the Rough sleeper Initiative.	People and Communities	J. Greenhalgh D. Hall
	Support the production of and publish key strategic documents in conjunction with Norfolk County Council that identify needs, gaps in services and strategies to address them. Strategic work is underway with Norfolk County Council in the following areas; <ul style="list-style-type: none"> • Older Persons Housing Needs assessment • Norfolk Homelessness Prevention Strategy 2021-2025 • Support In Safe Accommodation Strategy for Norfolk 2021-2024 • Norfolk Domestic Abuse Support & Accommodation Needs Assessment 2021 • Supported Living Position Statement June 2021 	People and Communities	J. Greenhalgh D. Hall
	Deliver a Council Tax Support scheme for working age people in the borough that supports those most in need.	People and Communities	M. Drewery
	Improve the digital offer for our residents and service users and consider ways of addressing digital exclusion.	People and Communities	B. Box M. Drewery
	To help tackle loneliness and social isolation in adults of all ages.	People and Communities	J. Greenhalgh
Ensure the Council participates in a range of initiatives which support the development of skills in and pathways to work for local people.	Support the development of skills intervention projects including the College of West Anglia (CWA) School of Nursing, and the Town's Fund – King's Lynn Youth and Retraining Pledge.	People and Communities	B. Box D. Hall
	Explore ways of delivering an employment support initiative (possibly through Towns Deal) that could align with the emerging Youth Pledge.	People and Communities	D. Hall
	Continue to ensure opportunities for the provision of apprenticeships are maximised, both by the Council as an employer and by supporting local businesses to maximise use of apprenticeship schemes.	Leader	B. Box D. Hall
	Review and re-prioritise/re-focus the Council's improving educational attainment programme in line with identified needs in relation to skills in West Norfolk.	Leader	B. Box
	Assist educational agencies / establishments deliver work experience opportunities; enhance links with COWA and schools.	Leader	B. Box

Priority: Creating and maintaining good quality places that make a positive difference to people's lives			
Objective	Key initiatives	Cabinet Portfolio	Lead Officer
Target littering and fly-tipping.	Work with partners across the county and regionally to deliver the SCRAP fly-tipping campaign.	Corporate Services	M. Chisholm J. Greenhalgh
Maintain standards for open and green spaces.	Engage with the public to enhance the involvement and interest of local residents with regards to areas of Public Open Space.	Corporate Services	M. Chisholm
	Engage with and assist in developing and supporting existing voluntary and community group's including Parish Councils.	Corporate Services	M. Chisholm
	Continue to develop and improve visual image on key routes into west Norfolk.	Corporate Services	M. Chisholm

Priority: Helping to improve the health and wellbeing of our communities			
Objective	Key initiatives	Cabinet Portfolio	Lead Officer
24 Improve and develop the quality of local sport and leisure facilities.	Work with partners including Alive West Norfolk on local projects to improve health and physical activity levels.	People and Communities	J. Greenhalgh
	Support the development of health & well-being schemes to encourage activity.	People and Communities	J. Greenhalgh
	Consider Playstreet initiatives and specific health programmes for targeted groups.	People and Communities	J. Greenhalgh
	Work with NHS and Active Norfolk on a borough/county wide approach to exercise referral as well as implement a Cancer Rehab programme delivered from the new Wellbeing Centre at Queen Elizabeth Hospital.	People and Communities	J. Greenhalgh
Reduce crime and anti-social behaviour.	Work with partners to tackle anti-social behaviour, fear of crime and to deal with neighbourhood nuisance/public health issues.	People and Communities	J. Greenhalgh
	Provide technical knowledge and expertise to help develop proposals which benefit the town economically whilst conforming with current codes of practice on good design for noise control and ensuring opportunities for Crime and Anti-Social Behaviour are designed out.	People and Communities Development and Regeneration	J. Greenhalgh D. Hall S. Ashworth

REPORT TO CABINET

Open		Would any decisions proposed :			
Any especially affected Wards	Operational	Be entirely within Cabinet's powers to decide		YES	
		Need to be recommendations to Council		NO	
		Is it a Key Decision		NO	
Lead Member: Cllr Paul Kunes E-mail:		Other Cabinet Members consulted:			
		Other Members consulted:			
Lead Officer: John Greenhalgh, Assistant Director Martin Chisholm, Assistant Director E-mail: Direct Dial:		Other Officers consulted: Barry Brandford, Waste & Recycling Manager Nathan Johnson, Public Open Space Manager Mark Whitmore, Environmental Health Manager Becky Box, Assistant Director Stuart Ashworth, Assistant Director			
Financial Implications YES	Policy/ Personnel Implications YES/NO	Statutory Implications NO	Equal Impact Assessment YES If YES: Pre- screening/ Full Assessment	Risk Management Implications YES	Environmental Considerations YES

Date of meeting: 16 November 2021

CLEAN NEIGHBOURHOODS, FLY-TIPPING AND ENVIRONMENTAL ENFORCEMENT.

Summary

Environmental issues, including the illegal dumping of waste on land in West Norfolk is a priority for this council. This report looks to prioritise and improve the response to dumped waste along with improving the education of residents and visitors, supporting community litter-picks and other initiatives to improve their locality, whilst dealing firmly with those who are intent on illegally discarding their waste.

Recommendation

- 1. To commit additional resourcing to address the clean neighbourhood issues and reinforce the council's commitment to dealing with litter, fly-tipping and clean neighbourhood issues to improve the appearance and environment of the borough.**
- 2. Approve the resourcing and expenditure as set out in the report.**
- 3. To approve the vehicle procurement in line with our climate change policy as set out in the report.**

Reason for Decision

The council wishes to reduce the social and environmental impact of fly-tipped waste on communities by increasing and refocussing its resources dedicated to communication and the clearance of small-scale fly-tipping and ultimately to increase its capacity to enforce the law.

1. Background

- 1.1. Fly-Tipping as defined by Defra (The Department for Environment, Food and Rural Affairs), describes the “illegal dumping of liquid or solid waste on land or in water”, the Keep Britain Tidy group further define fly-tipping as “the ‘illegal deposit of any waste onto land that does not have a licence to accept it’.
- 1.2. In the period April 2018 to March 2021 the council received an average of 1300 reports of illegally dumped waste a year. Whilst a significant number this represents a drop from an average of 1900 reports per year in the period April 2014 to March 2018. There has also been a steady decrease in fly tips from 2014 (when the CSNN team took on responsibility for waste enforcement work) with a year on year drop in reported cases to March 2020 and 41% overall drop from 2014 to 2020. In order to build on this success officers have been asked to look at how education and enforcement work can be strengthened further to allow more incidents to be investigated and cleared in a timely and efficient manner.
- 1.3. The council recognises that the majority of these tips occurred on public land and that there is an under reporting of tips on private land. It is expected that with an increased profile and visibility there will be an initial increase in fly-tipping numbers reported in the next few years as the public see the benefit in reporting cases.
- 1.4. Not all fly-tips are large in volume which is the usual perception, many (56%) were a single item of waste or single black-bag in size. A further 29% were equivalent to a car boot volume of materials. Fortunately, at the opposite end, only 4% amounted to a large van or tipper lorry load.
- 1.5. Most waste being dumped is domestic in nature (49%), with the next nearest type classification being tyres (10%). This does not mean that all this waste is being dumped by householders. Domestic waste disposal is often undertaken by third parties who offer to take waste away for a small fee and go on to fly tip.
- 1.6. The above data represents only the cases we are aware of. The council are aware that littering of public open spaces is becoming a greater focus of public attention and annoyance.

2. Education / Communications

- 2.1. The council has participated in a range of educational and promotional work through the #SCRAP campaign, although this work was largely suspended throughout the pandemic. In addition, in hot spot areas education via door knocking and targeted leafleting has taken place. However, it is recognised that a more coherent and structured approach is needed, that goes beyond the SCRAP messaging. It is proposed to develop a package of educational and promotional issues.
- 2.2. Using the 'Love West Norfolk', '#SCRAP' and 'Love Norfolk, Hate Litter' brands as a central theme a programme of communications will be developed which will have four audiences:
 - i. All residents and businesses raising awareness of the impacts of fly-tipping and the ways of reporting incidents
 - ii. Very local neighbourhood focussed communications where fly-tipping leads to a degraded environment
 - iii. Children and young people to enable them to make good environmental choices reinforcing the benefits which reducing waste brings, including recycling.
 - iv. Specific pragmatic information to support those groups which contribute to an improved environment through litter picks, including the acknowledgement of their help.
- 2.3. None of the above brands are owned by the Council and their use will be subject to stakeholder agreement. It is not envisaged that this will be a difficulty as all of the brands are concerned with improving the environment.
- 2.4. The outcome of this work is to reinforce the message that fly-tipping is an unacceptable behaviour due to the harm it creates and the cost to the community of dealing with waste.
- 2.5. This work will be led by the Communications Team to ensure a consistent and cohesive approach. They will be provided with the resources to generate content for presentations and social media as well as local communications. The plan includes resources which can be used either within the team or using external professional producers to ensure that content is impactful and engaging for the audience at which it is focussed.
- 2.6. This work will also highlight the interventions and enforcement activity undertaken by the council to tackle irresponsible behaviour and those flouting the law.
- 2.7. It is proposed that a further review is undertaken during year 3 to identify further priorities and the impact of the work stream and where necessary adjust resources to meet the needs of the community.

- 2.8. The proposal sets out a mixed approach which is intended to make positive interventions to reduce and address the impacts of fly-tipping on land in the borough.

3. Community initiatives

- 3.1. For a number of years the council have supported individuals and community groups undertake initiatives to keep their localities clean and free of litter. Community litter picking kits are available and regularly loaned to groups to support these initiatives. Similarly, there are kits available in Hunstanton, which allow visitors to contribute to keeping the beach and water's edge free of waste. These initiatives and the efforts of residents to protect their local environment is an area of activity to be celebrated, however, much of the littering that groups wish to tackle is on land which the public have access to but is in private ownership. This is an area that traditionally we have not supported, merely signposting the volunteers to the landowner. We wish to improve our involvement in this area by taking the difficulties of coordination and liaising with landowners away, as far as is possible, from the volunteers and undertaking that work ourselves to ensure that the efforts of these valued groups can be maximised.
- 3.2. In preparation for the submission of this report the council has engaged with Norfolk County Council through their Head of Waste to ensure that the most pragmatic approaches to dealing with litter and waste collected can be disposed of safely and in accordance with the law. Norfolk County Council by supporting the disposal of waste are ensuring that resources can be focussed on education and engagement.
- 3.3. Serco, as the council's contractor for waste collections, have made commitments to the three councils in the contract, to support initiatives in the community on environmental improvement. This includes practical logistical support such as collecting bagged waste from litter picks and supporting the increased provision of litter picking equipment.
- 3.4. The council, through the CSNN team, will continue to support owners of private land who are victims of fly-tipping by working with them to identify offenders and undertake enforcement action wherever possible. CSNN will also continue to support the Norfolk Waste Enforcement Group and Rural Crime Network.

4. Options Considered

- 4.1. The following options were considered:
- 4.2. No change
The current resourcing limits the council's ability to target and disrupt small scale fly tipping incidents, with the focus being on investigating more significant fly tips.

- 4.3. Waste which is affecting the environment on the margins of publicly accessible land is left as the responsibility of the landowner to deal with, along with all the associated costs.
- 4.4. Area teams within Public Open Space will clear relevant land¹ of fly-tipped waste and maintain our service standard but this will continue to act as a distraction from scheduled works.
- 4.5. Proposed integration
Providing an integrated response to 'domestic' incidents provides for evidence gathering and follow up to be pursued from the first reports and that waste can be cleared immediately by the investigator and taken for disposal through safe and legitimate routes. The receipt of complaints through investigation and clearance for small scale incidents is dealt with through a single service based within Public Open Space. Public Open Space Operations Managers and their teams will clear larger or more complex incidents from relevant land.
- 4.6. Where there is evidence of organised criminality or the amount of waste is either equivalent or greater than a small van load or hazardous with evidence to suggest lines of enquiry these will be passed to CSNN for specific investigation.
- 4.7. CSNN will also receive and collate intelligence around waste enforcement cases. Where this intelligence indicates that small scale tipping is part of a wider level of organised criminality case investigation will be managed by CSNN.
- 4.8. Outcomes of both CSNN and PoS investigations will be reviewed by Service Managers and recommendations made to Assistant Directors on any changes required to ensure maximum benefit to the community.
- 4.9. The first element of the integration will be for the development of the communications and outreach materials. The Waste and Recycling Manager has worked effectively with the Communications Manager and her team over a number of years. Communication will be the first important step in making the desired step change.
- 4.10. Norfolk County Council has worked with the council in this approach which will mean that where the council takes these steps on education, communication and outreach Norfolk County Council will accept 'household waste' collected by the borough in a highly pragmatic approach. This will be extended to litter picked from public land by residents and collected by the council or Serco will also be freely accepted by the Waste Disposal Authority.

¹ Relevant Land is defined as land that is all of the following:

- open to the air on at least one side
- under the council's direct control
- publicly accessible (with or without payment)

5. Policy Implications

5.1. The proposal supports the following Corporate Priorities:

5.2. Three - Protecting and enhancing the environment including tackling climate change

The objectives are to:

- Develop and implement the council's carbon reduction strategy and encourage our partners, communities and local businesses to reduce their environmental impact
- Improve recycling levels

5.3. Five - Creating and maintaining good quality places that make a positive difference to people's lives

The objectives are to:

- Protect, promote and enhance the borough's natural and built environment
- maintain accessible, clean, pleasant and safe public places and communities

5.4. Enforcement activity will be subject to the councils Enforcement Policy, this document is being reviewed and updated to better reflect the Councils priorities, before being presented for approval.

6. Financial Implications

6.1. These proposed changes will have the costs outlined in the tables below:

6.2. **Capital**

	Cost
2No. Electric Vehicles	£60,000
Ancillary items, ICT Technology	£15,000
CSNN Ancillary Items 1No. vehicle	£7,500 £30,000
Total	£112,500

6.3. **Revenue**

	Cost (pa)
2No. Clean Neighbourhood Officers (*subject to job evaluation)	£73,000 (inc on-cost*)
1No. FTE Administration (*subject to job evaluation)	£31,400 (inc on-cost*)
Vehicle Maintenance / Servicing / internal borrowing	£20,000

Ancillary items, ICT Technology	£10,000
Community Engagement	£5,000
CSNN – Enforcement Intelligence officer / case manager (subject to Job Evaluation)	£42,000 (inc on-cost)
Vehicles	£10,000
Total	£191,400

Notes:

These revenue budgets will need to be revised at the third-year review as there may be a change in prioritisation.

There may be a need for an additional Enviro-Crime officer within the CSNN team, but this is dependent on the workload which as yet cannot be accurately determined at this stage. This will be reviewed at the end of year one.

7. Personnel Implications

- 7.1. The proposals outlined in this report include a recommendation to create four additional fixed term posts (each on a 3 year contract). Three posts will sit within the Clean Up Team and the Intelligence Officer / Case Manager post will sit within the Community Safety and Neighbourhood Nuisance Team. There is also an additional CSNN Enforcement Officer post, the need for which will be reviewed at year one and be subject to a separate bid if required.
- 7.2. This additional resource will directly support the delivery of the high priority work in relation to fly tipping and environmental enforcement. The fixed term contract period will enable the service to review impact and focus after the initial three year period and revise the approach as required at that point in time.
- 7.3. The additional posts will be subject to job evaluation processes prior to advertising the positions and once recruited will be managed within the existing Clean Up and CSNN structures.

8. Environmental Considerations

- 8.1. The removal of waste from land prevents environmental harm and has positive reputational benefits for the council. Land which is initially degraded by waste may be subject to further dumping causing further pollution.

9. Statutory Considerations

- 9.1. The council has a duty to clear waste from relevant land under the Environmental Protection Act 1990. The Waste Disposal Authority (Norfolk County Council) has a duty to dispose of waste collected by the council as household waste. Household waste is a defined term which is subject to some complexity.

10. Equality Impact Assessment (EIA)

(Pre screening report template attached)

- 10.1. The Screening assessment shows no negative impacts but does indicate a positive impact on those on low incomes. This is because fly-tipping is a problem in some areas with high levels of rented homes some of which are also houses in multiple occupation. Part of the problem also appears to be landlord clearance of properties between lets. Additionally, some people will travel to fly-tip waste in these areas because of perceived lack of intervention and the presence of waste.

11. Risk Management Implications

- 11.1. The current arrangements for the collection and disposal fly-tipped waste creates reputational and environmental harms in west Norfolk. The quicker removal of waste from publicly accessible land will reduce those harms.
- 11.2. Encouraging residents to be engaged and supported in clearing small waste items by litter picks on publicly accessible community land reduces environmental harms and increases community engagement and ownership of the local environmental quality.
- 11.3. Enforcement actions against individuals may create risks of perception and reputation but these will be managed through effective communication and compliance with our enforcement policy.
- 11.4. Increasing the scope of the land the council will clear of waste and raising the expectations of the public and interested parties can create performance and reputational risk and this is being addressed by the provision of resources within this report.

12. Declarations of Interest / Dispensations Granted

None

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)

Pre-Screening Equality Impact Assessment

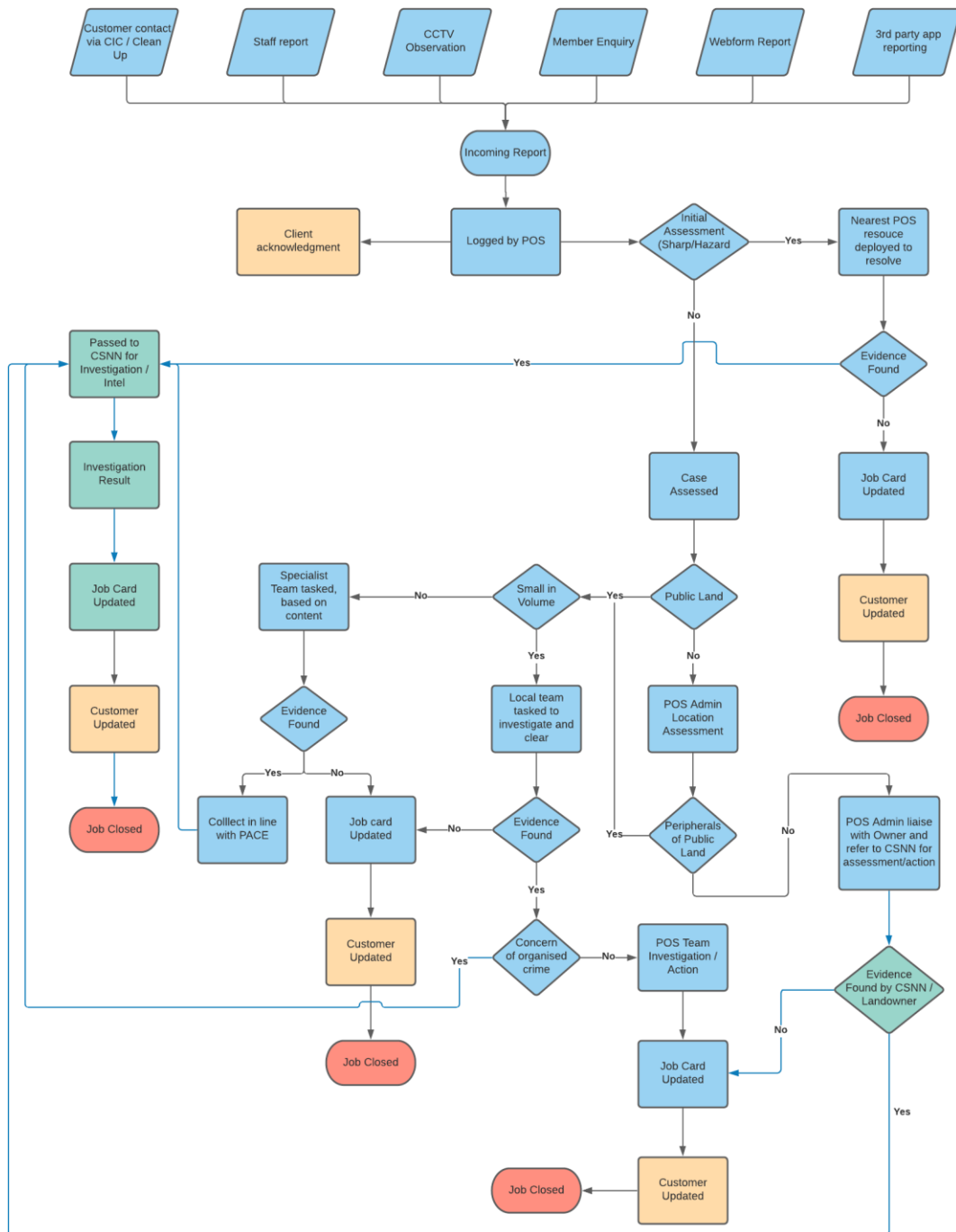
Borough Council of
King's Lynn & West Norfolk



Name of policy/service/function	Small scale waste enforcement				
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>Provide new additional resources and arrangements to increase the capacity of the council to deal with fly-tipping through education and enforcement.</p> <p>Enforcement of the law on waste is highly constrained. There are complex arrangements relating to collection and disposal of waste on land.</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			

Appendix 1

Proposed Waste Enforcement & Clearance Workflow



REPORT TO CABINET

Open		Would any decisions proposed :			
Any especially affected Wards	Operational	Be entirely within Cabinet's powers to decide	YES		
		Need to be recommendations to Council	NO		
		Is it a Key Decision	NO		
Lead Member: Cllr Stuart Dark (Leader) E-mail:		Other Cabinet Members consulted: Cllr Angie Dickinson, Cllr Richard Blunt			
		Other Members consulted:			
Lead Officer: Matthew Henry (Assistant Director Property & Projects) E-mail: Direct Dial:		Other Officers consulted: Lorraine Gore (Chief Executive), Alexa Baker (Monitoring Officer)			
Financial Implications	Policy/ Personnel Implications	Statutory Implications	Equal Impact Assessment	Risk Management Implications	Environmental Considerations
NO	NO	NO	NO	YES	NO

Date of meeting: 16 November 2021

MEMBER MAJOR PROJECTS BOARD – REVIEW OF TERMS OF REFERENCE

Summary

The Council set up a Member Major Projects Board (MMPB) during 2019 to provide more formal over-sight and monitoring of the delivery of the Council's major projects and the programme of major projects.

The operation and effectiveness of this Board has been hampered particularly by the Covid-19 pandemic, with many projects being stalled or delayed and Board meetings being cancelled.

The Council's Cabinet recognises the important role projects have in helping to deliver its aims and objectives and wants to ensure that these projects are delivered successfully and in an appropriate way. Cabinet considers that a Project Board comprising a broad spectrum of Members/Councillors will help to provide greater over-sight and management of the Council's programme of major projects.

This report seeks to provide a greater degree of clarity in respect of the role of the MMPB and particularly its relationship with other existing Panels and Committees within the Council. To this end revised Terms of Reference for the Member Major Projects Board are set out within this report.

Recommendation

It is recommended that :

Cabinet note the content of this report and approve the revised Terms of Reference for the Member Major Projects Board.

Reason for Decision

The Terms of Reference for the Member Major Projects Board needed to be reviewed to provide greater clarity in respect of its purpose and function. It is important that the format and function of the Member Major Projects Board does not impinge, or impact upon the role of the existing Panels and Committees of the Council.

1.0 Background

- 1.1 The Council's Member Major Projects Board (MMPB) was set up by Cabinet at its meeting on 18th June 2019, following recommendations made by the Audit Team in its review of the council's handling of one particular project : the delivery of the King's Lynn Innovation Centre (KLIC).
- 1.2 The Cabinet Report also set out that an Officer Major Projects Board (OMPB) would be created that would allow Senior Management Team and relevant professional officers to review and monitor the council's major projects and the overall programme of projects.
- 1.3 The Terms of Reference for both the MMPB and the OMPB were set out within the Cabinet Report and it was proposed that the Officer Board would sit monthly and the Member Board would sit quarterly.
- 1.4 Unfortunately the MMPB has only been convened three times since it was formed : October 2019, July 2020 and July 2021. A number of meetings needed to be cancelled mainly relating to the Covid pandemic.
- 1.5 It is important to note that many projects being undertaken by the council were delayed, or postponed, owing to the impact of Covid, with council resources being diverted to deal with issues affecting borough residents.
- 1.6 When the MMPB was formed by Cabinet it was always intended to review the MMPB and its Terms of Reference, and this was placed on the Cabinet's Forward Decisions list.
- 1.7 This report sets out some of the options considered and makes recommendations to Cabinet for consideration.

2.0 Options Considered

- 2.1 There has been a suggestion that MMPB should be a free standing Overview and Scrutiny body, rather than being a sub-committee of Cabinet. This report therefore seeks to provide clarification around how the MMPB fits within the overall governance arrangements in the

council structure.

2.2 The review process has re-flagged the issue that the MMPB seems to overlap with the functions of other established Panels and Committees such as Regeneration & Development Panel, Corporate Performance Panel (both of which are Overview and Scrutiny bodies) and Audit Committee. Cabinet could therefore re-consider the appropriateness of the MMPB, and whether this Cabinet Sub-Committee should continue, if its functions can be fulfilled by other Council Bodies.

2.3 The Panels and Committees mentioned in 2.2 above currently deal with policy development and scrutiny and these issues sit within their existing Terms of Reference. For example :

2.3.1 Regeneration and Development Panel (R&D), Environment and Community Panel (E&C), and Corporate Performance Panel's (CPP) Terms of Reference also state :

"(c) post implementation reviews of major projects and significant policy changes and the introduction of new policies.", and

"(f) question members of the Cabinet and senior officers about their decisions and performance, whether generally in comparison with Directorate plans and targets over time, or in relation to particular decisions, initiatives or projects,"

2.3.2 Audit Committee's Terms of Reference (under its "Core Functions") state :

"b. Monitor action taken on risk-related issues identified by management, auditors and inspectors (notably through monitoring progress identified on risks included in the corporate risk register)."

2.4 Noting the above, Cabinet has potentially two main options :

2.4.1 Disband the Member Major Projects Board and for CPP, E&C, R&D and Audit Committee to undertake their functions under their existing Terms of Reference; or

2.4.2 Continue with the MMPB, but with greater clarity in terms of its role and the boundaries within which it operates.

2.5 Noting the volume of projects currently underway, and those in early concept development, together with the new Central Government funding streams such as Town Deal and potentially Levelling Up Fund,

the Council will be dealing with multiple, complex projects and programmes of projects. Noting this, it is considered appropriate to recommend to Cabinet that the Member Major Project Board is not disbanded and continues to contribute to the governance and improvements to the delivery of the council's major projects, and the programme of projects.

3.0 Clarification on the role of the MMPB

- 3.1 During the MMPB on 29th July 2021 the Board Members debated the function of the MMPB, and it was apparent that there was a lack of clarity about the Board's role and how it sat in relation to other Panels and Committees, particularly Corporate Performance Panel (CPP), Regeneration and Development Panel (R&D) and Audit.
- 3.2 The above issues have been reviewed and discussed between Cabinet Members, the council's Section 151 Officer, Monitoring Officer, Democratic Services Manager and members of Senior Management Team.
- 3.3 For clarity the Member Major Projects Board (MMPB) :
 - 3.3.1 is a Board set up as part of the Cabinet function i.e. it is a "sub-committee" of Cabinet;
 - 3.3.2 can invite non-administration councillors to join the Board;
 - 3.3.3 can only make recommendations to Cabinet.
- 3.4 The role of the MMPB does not relate to :
 - 3.4.1 Decision-making in respect of which projects are delivered – this is a Cabinet function.
 - 3.4.2 Does not deal with policy development – this is a Panel function.
 - 3.4.3 Does not have a scrutiny function – this too is a Panel function.
- 3.5 One of the important issues to arise from reviewing the Terms of Reference for the MMPB is the role of the Panels, particularly their scrutiny functions. The current Terms of Reference for the MMPB includes that the Chair of R&D and the Chair of Audit Committee form part of the Board membership. Concern has been expressed about the conflict this may create in the Panels' scrutiny function, as such it is proposed that the Chairs of Audit and R&D will no longer be invited to join the MMPB.
- 3.6 To replace the Chairs of Audit and R&D it is proposed that relevant Cabinet Portfolio Holders are invited to form part of the MMPB. This ensures that the Chairs of Audit and R&D remain unfettered in their

scrutiny and monitoring of Major Projects on their own respective Committees.

3.7 In terms of a project's "life-cycle", below sets out in broad terms how the Panels, Cabinet and the MMPB relate :

Project Stage		Governance
Project Conception	Initial proposals and ideas	Portfolio Holders and Officers.
Project Definition & Planning	Development and shaping of a potential project. Development of the Outline Business Case for the project Project Brief	Portfolio Holders and Officers. Relevant Panel i.e. CPP or R&D
Business Case	Setting out the: Viability Budget estimates Risk issues Timelines Milestones Outputs Project Initiation Document (subject to decision being made)	Portfolio Holders and Officers. Relevant Panel i.e. CPP or R & D
Project Launch	Decision made (on the basis of the Business Case) to proceed with the project. Decision made on whether the project is considered to be a "Major Project".	Cabinet [Potentially Full Council too depending upon relevant factors] [Note: CPP, R&D, and Audit retain their over-view and scrutiny functions as set out within their own Terms of Reference]
Project Performance & Over-sight	Status Tracking Key Performance Indicators eg cost and time Variations and impacts to Business Case Recommendations to	Officer Major Projects Board Member Major Projects Board [Note: CPP, R&D, and Audit retain their over-

	Cabinet	view and scrutiny functions as set out within their own Terms of Reference] [Note: CPP and R&D, retain their right to exercise their over-view and scrutiny functions on the operations and activities of the MMPB]
Project Close	Review outcome and outputs from completed project. Identify “lessons learned”	Member Major Projects Board Corporate Performance Panel, Regeneration & Development Panel and/or Audit Committee

3.8 For the avoidance of doubt, the MMPB is a sub-committee of Cabinet. It is for Cabinet to decide if a project should be considered to be a “Major Project”. For example, a project may be of relatively low value i.e. below the value set out within the current definition of a “major project”, however there may be specific risks, or significant impacts identified, therefore, Cabinet may consider it appropriate for the MMPB to monitor this project as part of their work programme.

3.9 During this review of the Member Major Projects Board, the programme of Major Projects has also been reviewed. The project list attached to this report is the Major Projects Programme, as at the date of this report. As Cabinet makes decisions on new projects to deliver, and Cabinet considers these to be “major projects” they will be added to the programme.

4. Policy Implications

4.1 None

5. Financial Implications

5.1 None in relation to the way that Major Projects are managed and monitored. All financial implications for the projects themselves will follow the usual process.

6. Personnel Implications

6.1 None

7. Statutory Considerations

7.1 Statutory provisions are not altered

8. Equality Impact Assessment (EIA)

8.1 Pre-screening report attached. No requirement for a full equality impact assessment necessary.

9. Risk Management Implications

9.1 Risk management is built-in to each project, with Management Team, the Corporate Risk Register and the Audit Committee all featured within the process and the proposed Member Major Projects Board.

10. Declarations of Interest / Dispensations Granted

10.1 None

11. Background Papers

11.1 Cabinet Report (18th June 2019) : “Major Projects within the Borough Council”.

Pre-Screening Equality Impact Assessment



Name of policy/service/function	Process for dealing with Major Projects				
Is this a new or existing policy/ service/function?	Existing				
Brief summary/description of the main aims of the policy/service/function being screened. Please state if this policy/service rigidly constrained by statutory obligations	Process for dealing with Major Projects, including set up of Major Projects Member Board				
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 evidence of disadvantage or potential discrimination?	No				
<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:			
		Actions agreed by EWG member:			
Assessment completed by: Name Matthew Henry					
Job Title : Assistant Director Property & Projects	Date 27.10.21				

Revised Terms of Reference for Member Major Projects Board

1. Composition

The Member Major Projects Board is a sub-committee of Cabinet shall consist of 7 elected members as shown below, subject to proportionality considerations.

Board members:	Number
• Leader of the Council	1
• Deputy Leader of the Council	1
• Portfolio Holder Development & Regeneration	1
• Portfolio Holder Finance	1
• Representative(s) from other political groups ¹	3
TOTAL	7

The Member Major Projects Member Board shall:

- Appoint its own Chair and Vice-Chair
- Meet quarterly
- Be supported by officers including Management Team representative, S151 Officer, Internal Audit, Legal and lead officers for specific projects

2. Aims and Terms of Reference

2.1 The objective of the Member Major Projects Board, subject to statutory provision, is to:

- (a) monitor the delivery of the Council's Major Projects, once Cabinet has approved a project and once Cabinet has identified the project as a "major project";
- (b) operate on behalf of the Cabinet, to provide assurance that the council's major projects programme is run in accordance with the Officer Major Projects Board² Terms of Reference
- (c) form an integral part of the governance of the major projects programme.

¹ To achieve appropriate proportionality

² An officer Board, consisting of Executive Directors and representatives from Property Services, Legal, Planning and Finance

- 2.2 To achieve its aims, the Member Major Projects Board shall:
- (a) consider the agenda items and minutes produced from the previous meetings³ of the Officer Major Projects Board and decide whether appropriate recommendations have been made by the Board and subsequently agreed by Management Team on those specific items and report to Cabinet as appropriate;
 - (b) consider the exception reporting that the Officer Major Projects Board have received at its previous meetings and whether appropriate action has been identified and taken place;
 - (c) consider the forward programme for the Member Major Projects Board and review where/whether enhanced oversight and monitoring should be focused and vary the Board's forward programme accordingly;
 - (d) consider post project evaluations and lessons learned (note these findings may need to feed into the relevant Panel or Committee and/or reported through to Cabinet for further consideration);
 - (e) consider risk associated with delivery of the major projects programme.
 - (f) make reports and/or recommendations to Cabinet in connection with the discharge of any of their functions.

³ This would usually be the three previous meetings; as this Member group is due to meet quarterly.

Major Projects Programme [November 2021]

No.	Heading	Scheme	Description	Strategic fit	Cabinet date(s)	Lead Portfolio
1	Carbon Reduction Strategy	RE:Fit Scheme	Phase 1 – energy efficiency schemes – streetlighting to be completed Phase 2 – carbon reduction schemes - funded by grant of £3.8m from Public Sector Decarbonisation Scheme (PSDS), covers various works over 9 sites.	- Part of Climate Change Strategy & Action Plan to Cabinet Sept 2021 - Grant funding accepted	21 September 2021	Environment
2	NORA & Enterprise Zone	Road infrastructure and utilities	Infrastructure – roads and services. Funded via Business Rates - deal with LEP and other Norfolk LA's via Business Rates scheme. Site commencement anticipated early 2022.	- Helps deliver strategic employment development land - Contractually committed	24 September 2019	Development & Regeneration
3 46	NORA & Enterprise Zone	Development of spec units	Phase 1 - Spec Build Units Will deliver 2no. 5,000 sqft. Offices and 2no. 10,000 sqft. light industrial units. Earthworks commenced Summer 2021. Main contract to commence Autumn 2021. LEP Funding Agreement in place. Phase 2 - Spec Build Units 2no. 10,000 sqft. light industrial units – subject to LEP funding (TBC). Out to tender Autumn 2021.	- Delivery of business premises to accommodate local or other businesses - Contractually committed	24 September 2019	Development & Regeneration
4	Major Housing	NORA 4	Mixed tenure scheme total 105 dwellings. First units on this development being delivered December 2021. Completion anticipated May 2023.	- Development partnership with Lovells to deliver 1,000 homes - Fits with Corporate Business Plan objective no 2	4 February 2020	Development & Regeneration
5	Major Housing	Parkway, Western side, KL	New development of mixed housing. Currently awaiting determination by planning.	- Development partnership with Lovells to deliver 1,000 homes - Fits with Corporate Business Plan objective no 2	15 June 2021	Development & Regeneration
6	Major Housing	Salters Road,	Development of 78 units.	- Development partnership	16 March 2021	Development &

No.	Heading	Scheme	Description	Strategic fit	Cabinet date(s)	Lead Portfolio
		King's Lynn (also known as Columbia Way)	Works have commenced on site.	with Lovells to deliver 1,000 homes - Fits with Corporate Business Plan objective no 2		Regeneration
7	Major Housing	Bus Station and NCC Library Site (St Edmunds Terrace), Hunstanton	Development of 47 units and a new library site. Scheme will also include a 'changing place' as part of the accessible toilet (public conveniences). Planning achieved earlier in 2021.	- Development partnership with Lovells to deliver 1,000 homes - Fits with Corporate Business Plan objective no 2	2 February 2021	Development & Regeneration
8	Major Housing	Southend Road coach / car park, Hunstanton - potential new development of mixed housing.	Potential for 32 units, 15% of which need to be affordable. Planning achieved earlier in 2021.	- Development partnership with Lovells to deliver 1,000 homes - Fits with Corporate Business Plan objective no 2	16 March 2021	Development & Regeneration
47						
9	West Winch Growth Area	West Winch. 3,500 units allocated in local plan.	BCKLWN taking the lead in an overall collaboration agreement with the multiple owners of the land identified within the Local Plan Allocation to deliver a strategic housing allocation. Significant infrastructure requirements. Working with NCC and Homes England. Joint BCKLWN & NCC Cabinet briefing took place in October 2021.	- This Growth Area is the main allocation for housing in the Local Plan	13 November 2018	Development & Regeneration
10	Regeneration	South Gate area regeneration	Redevelopment of gateway site into King's Lynn. Includes potential acquisition of sites, master-planning, road scheme and infrastructure. Cabinet agreement to progress summer 2020. Links to NCC Levelling Up Fund application for the roundabout.	- Within the Town Investment Plan (TIP). - Forms part of HAZ programme - Funding secured for master-planning from BRP	15 June 2021	Development & Regeneration

No.	Heading	Scheme	Description	Strategic fit	Cabinet date(s)	Lead Portfolio
11	Town Deal	Various projects / programmes of work	<p>£25m of Town Deal Funding to enhance the long-term economic outlook and growth of King's Lynn.</p> <p>Projects/programmes of work are:</p> <ul style="list-style-type: none"> - Multi-user community hub - Youth and retraining pledge - St George's Guildhall Complex - School of Nursing - Active and clean connectivity - Riverfront regeneration - Town centre repurposing - Public realm 	- Agreed under the Town Deal with government	24 August 2021	Business, Culture & Heritage

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
All				
Lead Member: Cllr R Blunt E-mail: cllr.richard.blunt@west-norfolk.gov.uk		Other Cabinet Members consulted: All		
		Other Members consulted: CIL Spending Panel		
Lead Officer: Alan Gomm E-mail: alan.gomm@west-norfolk.gov.uk Direct Dial:01553616237		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: 16 November 2021

Community Infrastructure Levy (CIL) – Application for a grant from the Infrastructure Fund for New Lynnsport 3G and Coaching Academy project at Lynnsport.

Summary

As part of the implementation of CIL applications were invited for the first round of grants. This included a bid under the ‘Strategic’ element of the scheme for the above project. The CIL Spending Panel recommended approval of the grant of £250 000. The decision falls to Cabinet to make under the CIL Governance framework. A Member objection has been received to the scheme as a whole and is outlined in the context of the CIL grant application.

Recommendation

The CIL Spending Panel has recommended to Cabinet that the application to the CIL Infrastructure Fund should be approved, therefore Cabinet is invited to agree the grant be made, subject to the grant of planning permission.

Reason for Decision

To ensure that the CIL monies collected are being spent on appropriate infrastructure projects to reflect the growth of population occurring in West Norfolk.

1 Background

1.1 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. 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.

1.2 As a Charging Authority the Council has an obligation to: (my emphasis in *italic / bold*)

- 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.***

1.3 The Borough Council is required, in the CIL Regulations, 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. CIL money collected can only be allocated to and spent on these types of infrastructure.

2. CIL Spending Panel recommendation

2.1 The Panel met on 22 July and considered a schedule of applications and agreed the Officer recommendations for all the potential Local Project grants, and Management Team subsequently agreed the Community grants. However, for 'Strategic' grants (the subject of this report) this is subject to final agreement by Cabinet with recommendation from Management Team. The provisions which apply in accordance with the Governance framework previously agreed by Cabinet are noted below.

2.2 The main points in summary are:

- Strategic projects are scrutinised and agreed by Cabinet with recommendations from officers and comment from the Spending Panel - Management Team reviews these recommendations.
- The processes are intended to maximise involvement of elected Members but allows for officers to co-ordinate applications and achieve a Corporate focus (This would include reference to spending from other sources considered regularly by Management Team).

2.3 The only 'Strategic' project received in the first round of applications was for a project at Lynnsport and is brought to this meeting for consideration.

2.4 Details of the bid can be found at Appendix 4, but in summary the bid covers:

- It is proposed to develop a new additional 3G pitch on the River Lane playing fields at Lynnsport.
- This will help to alleviate the pressure on the current 3G.
- It will provide time for coach education sessions.
- Alive West Norfolk will work in partnership with The College of West Anglia, University Centre West Anglia and Anglia Ruskin University to develop a Coaching Academy starting with developing young leaders at school who progress to CWA.
- They will then undertake work placements and/or apprenticeships with Alive progressing to higher level apprenticeships or higher education within West Norfolk.
- It will avoid the loss of talent and staff turnover when young people have to leave for university.

2.5 The criteria for assessing Strategic projects are outlined in Appendix 3.

2.5 The recommendation of the CIL Spending Panel to Cabinet is that the New Lynnsport 3G and Coaching Academy project should be supported with a £250 000 grant. Management Team passed it for consideration by Cabinet.

3. Views received from Members about the scheme

3.1 As part of the CIL Spending Panel processes details of any applications are circulated to all Members for their potential input prior to the CIL Spending Panel meeting. When this was done prior to the meeting on 22 July, no responses were received in respect of the Alive West Norfolk proposal. However subsequent to the meeting On 27 July the Planning Policy Manager received an email from Councilor Jo Rust commenting on the application. It states:

I've just been made aware of the strategic project planned for Lynn Sport, whereby local residents will lose the use of green space and natural grass in order for a 3g football pitch to be built. I wholly oppose this. This site is currently open to all. it's well used and free for all. Why does it need to be turned into a fee generating 3 g pitch?

This project isn't necessary to support infrastructure and it certainly won't help with transport of climate change!

I wish to register my opposition to this.

3.2 Given that this application for grant falls to be considered by the Cabinet, there is therefore an opportunity for these views to be taken into account before Cabinet makes a final decision.

3.3 A separate report is being presented to Cabinet at this meeting regarding the Alive West Norfolk proposal for works at Lynnsport, clearly this is relevant in the consideration of this specific CIL Grant response.

4. Options

4.1 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 Spending Panel have considered the bid. Alternative options are not available to the Panel or Cabinet as we are considering the proposal made by the applicant body. However, depending on Cabinet's consideration, it would be an option to refuse the grant application.

5. Policy implications

5.1 CIL legislation gives significant scope for individual councils to direct CIL spending to reflect the local situation, so 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.

6. Financial implications

6.1 None specifically. CIL is collected and administered by Borough Council. The available funds can be spent on the schemes / types of projects suggested. There is sufficient funding available to award a grant to the proposal.

7. Personnel implications

7.1 None specifically.

8. Statutory implications

8.1 Our spending and governance needs to conform to the relevant Regulations.

9. Risk Management implications

9.1 None specifically. Monitoring of spending and more particularly delivery is important to ensure money is directed to improved infrastructure in the Borough.

10. Corporate priorities

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

11 Equality Impact Assessment (EqIA)

(Pre-screening report template attached)

11.1. Attached

12 Declarations of Interest/Dispensations Granted

12.1. None.

13. Conclusion

13.1 The proposal is for a significant upgrade to the 3G pitch provision at Lynnsport, but with additional education and training programmes in the form of a Coaching Academy, leading to higher education qualifications for people in the West Norfolk area. As such it meets criteria within the CIL Governance Framework for assessing bids for CIL infrastructure spending. (See Appendix 3). Officers recommended approval to the CIL Spending Panel and they have agreed in turn to recommend

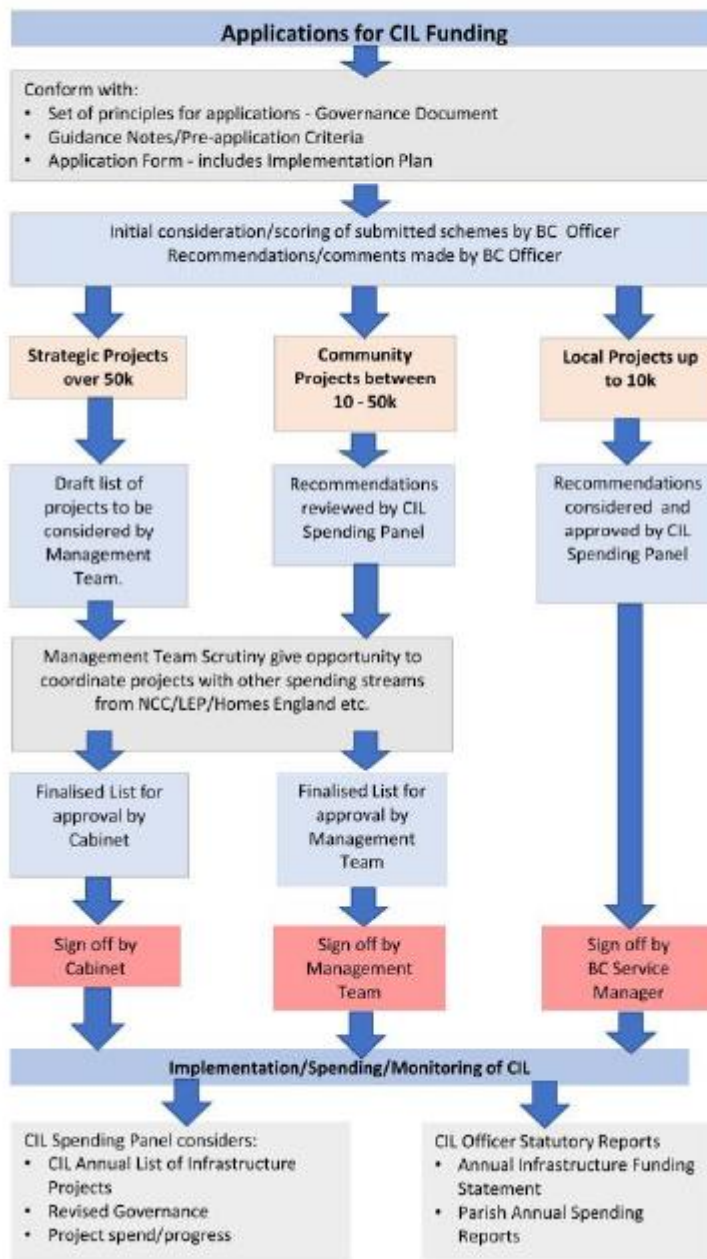
approval to Cabinet. A Member representation was received to the scheme, and this has been reported for Cabinet to consider.

14. Background papers

Borough Council CIL Spending Panel notes and agendas outline the consideration of the particular proposal.

CIL Governance decision making outline diagram

12 Appendix 2 - CIL Governance Framework



CIL Spending Panel – Terms of Reference

Overview

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 Process' document. It also considers and agrees certain types of projects and recommends action on others.

Tasks

1. To keep under review the 'CIL Spending and Governance Process' document and make recommendations for change to Cabinet.
2. To receive recommendations from Officers and approve or reject these in respect of 'Local Projects' under the scheme.
3. To receive recommendations from Officers on 'Community Projects', review these and recommend approval or rejection to Management Team.
4. To receive recommendations from Officers on 'Strategic Projects', review these and make comments to Cabinet via Management Team.
5. To seek to ensure coordination of information on applications and comments on these across Portfolio Holders and other Borough Council bodies.
6. To receive monitoring reports from Officers on the operation of CIL, including necessary statutory reporting (Annual Infrastructure Funding Statement; Parish Annual Spending Reports).
7. To consider and make recommendations to Cabinet as appropriate on the implementation, spending and monitoring of CIL.

Definition of what could be eligible for funding under ‘Strategic Projects’

(taken from the CIL Governance document)

The **Strategic Projects** will be selected by the Borough Council, with more weight given to areas with significant development taking place. The Borough Council will make the allocations for spending on infrastructure, in accordance with the Council's adopted CIL Infrastructure List. The Infrastructure 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).

The proposed list of Strategic Projects eligible for funding in the current year are:

- Education - related to 18+ employment - college based education
- Transport - linked to the Lynn Transport Plan
- Environment - green areas linked to the Council's Climate Change Policy

The Strategic Projects are in line with the Borough Councils Corporate Business Plan. The Project Criteria as below are proposed so that they meet the Corporate priorities and objectives:

- **Education** - Improving social mobility and inclusion to work with partners to improve education attainment levels and the skills of local people.
- **Transport** - Delivering growth in the economy and with local housing to promote, lobby and support infrastructure improvements across the district.
- **Environment** - Protecting and enhancing the environment including tackling climate change to work with partners and the community to improve our natural environment and creating and maintaining good quality places that make a positive difference to people's lives to maintain accessible, clean, pleasant and safe public places and communities.

Details of the New Lynnsport 3G and Coaching Academy bid

From AD

Placeholder

Ref 32 <u>New Lynnsport 3G and Coaching Academy</u>	
Applicant	Alive West Norfolk
Description	<p>Sport England and the Football Association have identified insufficient artificial pitches in West Norfolk, the only one being located at Lynnsport and it is deemed there should be at least 3.5 3G pitches in West Norfolk to meet the population and affiliated football teams needs. This is consistent with the current 3G pitch usage which has 96% utilisation at peak times. Alongside this there is a shortage of sports coaches and particularly higher level coaches at level 3 or higher in the borough which means we cannot fulfil the demand in terms of school programmes, clubs and participation sessions. It is proposed to develop a new additional 3G pitch on the River Lane playing fields at Lynnsport to alleviate the pressure on the current 3G and this will provide time for coach education sessions. We will work in partnership with The College of West Anglia, University Centre West Anglia and Anglia Ruskin University to develop a Coaching Academy starting with developing young leaders at school who progress to CWA and then undertake work placements and/or apprenticeships with Alive progressing to higher level apprenticeships or higher education within West Norfolk so we do not lose talent and suffer staff turnover when young people have to leave for university.</p> <p>Supporting Information Submitted: Site Plan</p>
Additional Information	There is significant wider reach of this programme enhancing the physical and mental wellbeing of residents through schools programmes, community programmes, participation programmes and events. It will help inspire a generation of young people improving aspirations and attainment and providing a skilled workforce to enhance wellbeing in West Norfolk. Staff will be based at the Dutton Pavilion to manage the new development which will also aid in managing the open space at River Lane and reducing anti-social behaviour.
Amount of CIL funding requested:	£250,000.00
Total cost of project	£910,000
Total match funding secured	The Football Foundation have confirmed they will fund 75% (£660,000) of this project as a priority project in an area of high deprivation in West Norfolk.
BC Officer Recommendation	Made by: CIL Officer_ Amanda Driver Dated: 25 May 2020
<p>Summary of Project/Recommendation to Management Team:</p> <p>CWA Education Opportunities Meets current scope – Y Match Funded? Y Development in the Area – Y. Current No proposed Houses relating to the project – Local Plan Strategic Allocations 200+ Houses Local Plan: CS14/DM9 Community Facilities</p>	

Ward/Portfolio Cllr Comments	
Kings Lynn Ward North Lynn: Cllrs B Jones	
Portfolio Holders:	
CIL Spending Panel Comments	
Management Team Comments: Coordinate with Funding Streams	
Cabinet Decision	
Decision Approved/Refused:	Reason for Refusal (if applicable):
Cabinet Member sign off	
Signature:	Date:
BC Officer Actions	
Result: Refusal/Approval:	
Date Applicant Contacted with result:	
Total CIL Fund Allocated	£
Details of Project Manager	
Date Fund Transfer Raised & sent to Accountancy	





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 service/function?</p>	<p>No</p>	<p>CIL Infrastructure Grant proposal</p>			
<p>Is this a new or existing policy/service/function?</p>	<p>Existing scheme</p>	<p>under which a grant is considered.</p>			
<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>Proposal for additional facilities incorporating educational opportunities.</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 (e.g., low income)				x	

another?		
3. Could this policy/service be perceived as impacting on communities differently?	No	
4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?	No	The specific grant application is judged to be contributing to the educational (and indirect recreational) provision in respect of a growing population in the Borough.
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: None
		Actions agreed by EWG member: Claire Dorgan / Alison Demonty
<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:</p> <p>Decision agreed by EWG member:Claire Dorgan / Alison Demonty</p>		
Assessment completed by:		
Name	Alan Gomm	
Job title	Planning Policy Manager	
Date	21 October 2021	

REPORT TO CABINET

Open		Would any decisions proposed :			
Any especially affected Wards	Mandatory/	Be entirely within Cabinet's powers to decide		<u>YES/NO</u>	
	Discretionary /	Need to be recommendations to Council		<u>YES/NO</u>	
	<u>Operational</u>	Is it a Key Decision		<u>YES/NO</u>	
Lead Member: Cllr Sam Sandell E-mail: cllr.sam.sandell@west-norfolk.gov.uk		Other Cabinet Members consulted: Cllr Brian Long			
		Other Members consulted: Cllr Elizabeth Nockolds			
Lead Officer: Lorraine Gore BCKLWN E-mail: Lorraine.Gore@west-norfolk.gov.uk Tommy Goode AWN Tommy.Goode@alivewestnorfolk.co.uk		Other Officers consulted: Neil Gromett Managing Director – AWN Debbie Gates – Executive Director			
Financial Implications <u>YES/NO</u>	Policy/ Personnel Implications <u>YES/NO</u>	Statutory Implications <u>YES/NO</u>	Equal Impact Assessment <u>YES/NO</u> If YES: Pre-screening/ Full Assessment	Risk Management Implications <u>YES/NO</u>	Environmental Considerations <u>YES/NO</u>

Date of meeting: 16 November 2021

RIVER LANE 3G DEVELOPMENT

Summary

Sport England and the Football Association have identified insufficient artificial football pitches in West Norfolk, the only one being located at Lynnsport. The existing 3G pitch has 92% utilisation Monday to Thursday 5pm to 9pm, therefore is operating at near capacity. Alive West Norfolk (AWN) are regularly having to turn down booking requests from local clubs and organisations who are unable to access a 3G pitch.

It is proposed to develop an additional 3G pitch on the River Lane playing fields to provide extra capacity in an area already designated for use as football pitches. The Local Football Facilities Plan produced by the FA highlighted this development as the top priority for West Norfolk. This would enable the local community to benefit from additional football facilities utilising the existing Dutton pavilion for changing.

The Football Foundation funding covers development of a 3G pitch with floodlights and fencing only. If the pitch is not located at River Lane there would be an addition cost of c.250-300k for the development of changing rooms. The Football Foundation also prefer developments to be located with leisure operators who have the expertise to maintain and programme the venues for the whole community. River Lane currently has 4 grass football pitches which are underutilised due to regular water logging and it is very rare that 2 pitches are used at the same time despite the 4 available.

The River Lane playing fields are registered under Fields in Trust. Fields in Trust have confirmed that artificial pitches do not require their consent unless they take up the majority of the space. As this development is approximately 20% of the area no formal application is required.

River Lane and the Dutton Pavilion are subject to anti-social behaviour and vandalism. Lynnsport receive a number of nuisance calls related to drug use and anti-social behaviour in the area. This development would support the community in making the River Lane playing pitches a vibrant and active place for residents to undertake recreational physical activity and formal sport. Work is currently underway with the NHS, Freebridge and Greenpark Academy School to improve sport and physical activity opportunities for residents in North Lynn and the new 3G pitch will incorporate some of this programme as well as discounted off peak rates for local residents. The programme and facility development would breathe life into an underused green space which is specifically designated for sport and activity.

Recommendation

As detailed in the report Cabinet are recommended to:

1. Approve the development of a 3G pitch at River Lane playing pitches, subject to planning permission
2. Approve funding for the 3G pitch as set out in section 4 of the report.

Reason for Decision

There is a need for an additional 3G pitch to be developed at Lynnsport in order to meet demand of the affiliated game.

Additional local demand for 3G provision is being generated by the growth of the Women and Girls football with participation increasing within the traditional affiliated female game. Walking football is also seeing a rapid participation growth.

Football is also a strong tool to improve community cohesion and improve local issues such as anti-social behaviour. A new 3G pitch would enable recreational football programmes to be delivered which could improve community cohesion and social engagement.

1 Background

- 1.1 The existing 3G at Lynnsport attracts approximate 54,130 users per year with 33 specific football sessions, 13 football clubs, 2 football organisation and 3 football leagues. Lynnsport has a significant number of users of the multi-surface pitch but would prefer to use the 3G which is not possible due to it operating at near capacity, especially in the evenings. The 3G has utilisation of 40% at off-peak time and 75% at peak times (5-10pm Monday to Friday). This rises to 92% utilisation for Monday to Thursday 5-9pm.
- 1.2 Week-days, daytime use is predominantly by the local college sports department based at Lynnsport, Alive Kings Lynn Football in the Community and the local schools. Utilisation is based on availability from 9am to 10pm.

- 1.3 In 2011 the borough council commissioned consultants to undertake a review of sports facility provision in the borough. At that time, the report produced stated that west Norfolk's provision for artificial pitches was amongst the worst in the region.
- 1.4 The report outlined the Football Association's (FA) standard of 1 3G pitch per 25,000 residents and that west Norfolk would require a further 5 pitches to meet the FA's standard. Given the population growth in the area during the last 10 years since the report was produced, it is almost certain that these figures are now understated.
- 1.5 In 2020 a further report King's Lynn and West Norfolk Local Football Facilities Plan was published continuing to highlight the poor provision of 3G's for West Norfolk and identifying King's Lynn and specifically Lynnsport as priority projects for development given the local demand. Downham Market was also identified as a potential venue but not as high a priority as Lynnsport. Work has begun on a project in Downham in partnership with Downham Market Academy as a future development.

2. Healthy Communities

- 2.1 'Helping to improve the health and wellbeing of our communities' is a corporate priority. The COVID-19 pandemic has further highlighted the health inequalities faced by communities in areas of deprivation and the project will help to address this.
- 2.2 The Index of Multiple Deprivation (IMD) in west Norfolk provides an indication to the deprivation levels of neighbourhoods based on income, education, employment, health, crime, housing and the living environment. King's Lynn has a number of wards which are within the top 10% of most deprived wards nationally. 15% of children in west Norfolk live in low-income families.
- 2.3 The Sport England Active Lives Survey measures overall engagement with Sport and Physical Activity. It measures the number of people aged 16 and over who take part in sport and physical activity. In the division where Lynnsport is situated 22% of adults are inactive (take less than 30 mins exercise a week) and 67% of adults are overweight or obese (source: *Norfolk Insight*)
- 2.4 Nationally, the government strategy 'Sporting Future – A New Strategy for an Active Nation' seeks to address the flat-lining of levels of sport participation and high levels of activity in this country. Through this, the government is redefining what success in sport means, with a new focus on five key outcomes: physical wellbeing, mental wellbeing, individual development, social and community development and economic development. In future, funding decisions will be made on the basis of the outcomes that sport and physical activity can deliver.

- 2.5 As we recover from the pandemic, it will be more important than ever to be more inclusive and relevant. Many people and communities feel excluded, often unconsciously. If this occurs at local, grassroots level our residents feel excluded and sport participants do not represent the diverse population, leading to social isolation.
- 2.6 Improving our sports facilities will act as an enabler to increase sports participation in one of the more deprived areas of our borough.
- 2.7 Local children will be able to access the 3G at discounted rates at off-peak times, school holidays and we will work with local schools and the College of West Anglia to target hard to reach groups in the North Lynn community and raise aspirations through workforce and skills development in sports coaching.

3 Options Considered

- 3.1 The Norfolk FA are actively engaged with the borough council supporting the development of a second 3G pitch in King's Lynn. Lynnsport is the FA's preferred site. Norfolk FA are confident that delivery of a new 3G pitch will increase levels of physical activity, improve the levels of mental health and wellbeing as well as improving community cohesion in this area. Norfolk FA will actively support a funding application from the council to Football Foundation to support the financing of the proposed development.

3 Policy Implications

- 3.1 There are no policy implications. The proposal will meet the corporate priority 'Help to improve the health and wellbeing of our communities'.

4 Financial Implications

4.1 Cost of the scheme

An additional 3G pitch is estimated to cost £730k (plus VAT) for the pitch, floodlights and fencing. The FA and the Football Foundation will support the project and pending a funding application the Football Foundation will contribute approximately 82% of the cost due to the area of deprivation in which the proposed site lies. To enable the project to go ahead, partnership funding of £250k if required. There are currently 2 options for this funding:

Option 1: Borough Council Funding – The council would borrow the money and with anticipated interest would contribute c. £263k. A return to the borough council is anticipated to be £35k per annum for 10 years.

Option 2: Community Infrastructure Levy – An application has been made to this fund and the outcome will be decided by cabinet in November 2021. If successful, the full £250k will be awarded with no further contribution from the council required.

4.1.3 A sinking fund contribution of £25,000 per year will provide for replacement of the surface at the end of the life expectancy which is estimated to be 10-12 years.

4.2 Estimated Income

4.2.1 The estimated income from the new 3G is detailed below:

YEAR	INCOME £
Year1	75,000
Year2	80,000
Year3	85,000

4.2.2 There is likely to be approximately a £10k pa reduction in use on the multi-use pitch with football bookings potentially transferring to the new 3G.

4.2.3 Estimated annual running costs assuming LED lighting

AREA	COST £
Floodlights	5,480
Pitch Maintenance	7,700
Equipment/Service	1,700
Staffing	1,040
Sinking Fund	25,000
TOTAL	40,920

5 Personnel Implications

5.1 The operation of the new 3G will be absorbed into existing duties by staff at Lynnsport. A cost for staffing has been included in the financial assessment.

5.2 The Alive Football Department will move to be based at the Dutton Pavilion providing a stronger presence in the area to help reduce anti-social behaviour and help with a more active programme for River Lane sports fields.

6 Environmental Considerations

6.1 The proposed location of the new 3G pitch is on playing fields designated for use as football pitches near the Dutton Pavilion, accessed via River Lane. The playing fields are registered with Fields In Trust who have confirmed their approval to the building of the 3G pitch in this location.

- 6.2 In mitigation, in another area of Lynnsport, approximately 3.8 hectares of wasteland has been turned into green space for use by the local communities as part of the housing developments along Greenpark Avenue which more than covers the 3G development of approximately 0.8 hectares. All other activities such as walking, dog walking, recreational use of fields will be able to go ahead as normal.
- 6.3 The River Lane sports pitches regularly flood in winter months due to poor drainage making the pitches unplayable. In recent years most football provision has now moved to Kings Way with only one youth football team and some league fixtures now played. The development an all weather 3G pitch would provide reliability to the playing surface on offer and attract teams and clubs back to the facility making River Lane an active place for recreation.
- 6.4 Due to the decline in use of River Lane we have seen higher levels of anti-social behaviour with c.£30k in vandalism of the Dutton Pavilion on 2020-21 and regular nuisance complaints and needles/drug use. Better utilisation by the community and greater presence of staff would help deter this behaviour and support people in taking up a more active way of life.

7 Statutory Considerations

- 7.1 River Lane Sports Pitches are currently protected from develop under a Deed of Dedication with Fields in Trust. The Development Manager at Fields in Trust has confirmed a 3G development would be an acceptable project as it complies with the fields use for recreational activity.
- 7.2 The development of a 3G pitch at River Lane playing pitches will be subject to planning permission which will include the required public consultation.

8 Equality Impact Assessment (EIA)

(Pre screening report template attached)

9 Risk Management Implications

- 9.1 The Football Foundation will appoint Robinson Low Francis for professional duties in surveying the site and construction who are experts in the field of 3G developments.
- 9.2 Alive West Norfolk have worked closely with Norfolk FA, the Football Foundation, The College of West Anglia and local user groups such as Kings Lynn Town Football Club to identify the need for the facility and likely uptake on completion.

10 Declarations of Interest / Dispensations Granted

10.1 None

11 Background Papers

11.1 Project Initiation Document Alive Lynnsport River Lane 3G Development version 5 8th July 2021

11.2 3G Feasibility Report September 2020

11.3 King's Lynn and West Norfolk Local Football Facility Plan March 2020

11.5 King's Lynn and West Norfolk Sports Facilities Strategy 2011

11.6 King's Lynn and West Norfolk Strategy for Playing Pitches and Outdoor Sports Facilities 2002

Pre-Screening Equality Impact Assessment

Borough Council of
King's Lynn & West Norfolk



Name of policy/service/function	3G Pitch Development at River Lane Lynnsport				
Is this a new or existing policy/service/function?	New				
<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>New 3G Playing Pitch Development on River Lane Sports Pitches at Lynnsport. River Lane is protected under Fields in Trust for recreational use.</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 (eg low income)		✓			

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
All				
Lead Member: Cllr R Blunt E-mail: cllr.richard.blunt@west-norfolk.gov.uk		Other Cabinet Members consulted: All		
		Other Members consulted: CIL Spending Panel		
Lead Officer: Alan Gomm E-mail: alan.gomm@west-norfolk.gov.uk Direct Dial:01553616237		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: 16 November 2021

Community Infrastructure Levy (CIL) – Consideration of ‘lessons learnt’ from the first round of grant applications for CIL funding.

Summary

A successful exercise took place to distribute CIL funds to various types of infrastructure project in line with criteria agreed by Cabinet in the CIL Governance document. A second round is proposed. The CIL Spending Panel has considered a number of changes to our present processes and these are set out below to streamline the application processes.

Recommendation

Cabinet is recommended to make changes to the CIL Spending - Application process as set out in Section 3 (as listed A – D) of this report.

Reason for Decision

To ensure an efficient process for applicants and promote the provision of infrastructure for the growing needs of the Borough through use of CIL.

1 Background

1.1 As a Charging Authority the Council has an obligation to: (my emphasis in *italic / bold*)

- 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.***

1.2 The Borough Council has set up a CIL Spending Panel to assess and recommend expenditure on eligible projects.

1.3 We sought applications for CIL funding from community organisations in January this year and applications closed 3 months later in April. Some 70+ applications were made, and ultimately decisions were made about all 58 of the valid application, at the 22 July meeting of the Panel. This was the first time the Borough Council had undertaken such an exercise, and it is appropriate to undertake an assessment of how it went and consider if changes are required for the next round.

2. Reviewing the process

2.1 Appendix 1 gives a number of discussion points reflecting experience of the various stages and elements of the CIL spending processes during the first round, and pre and post application. Members may wish to use this list to highlight other issues not discussed in detail below.

2.2 In general terms the application process went well, and a significant number of applications were actually made, and some £1,414,211.14 was supported / committed to projects.

2.3 At a meeting of the CIL Spending Panel on 21 September the following items were discussed.

3. Discussion of specific items recommended for amendment

- **Combination of the ‘Local’ and ‘Community’ categories** – These were originally differentiated to allow a relatively small amount of grant to be given. However, the categories of allowable projects in each category proved confusing for applicants. Many lower value schemes found difficulty in expressing how they were meeting the relevant criteria, but would have qualified if they had applied for more money (i.e. the next £ banding). Members took a pragmatic view, but the initial analysis seemed too harsh.
- The wider set of projects that would be allowed for applications up to £50K will make applying a more straightforward affair. In essence these are all relatively small projects and the totality did not cause any financial stress on the fund.
- **A simpler application form is also proposed** for the new ‘Local Community’ category to only include the following elements:
 - Match Funding Details
 - Evidence of Need
 - Evidence of support
- To avoid additional reports needing to be created and further points of assessment it is proposed that the CIL Spending Panel is authorised to agree

the new combined category, with the actual payment delegated to a relevant officer.

- This leaves the £50K plus element of the fund (strategic projects) as it was, and criteria unchanged i.e. still needing agreement and being signed off by Cabinet
- The combined categories (renamed as 'Local Community' projects), are outlined in Appendix 2.
- **Timing and notice of the application period / notification of outcome** – The 3 month period for which the applications were open proved useful in giving time to prepare the relevant submission material, however it also meant a long wait for decisions on the projects for some applicants. The important consideration is applicants knowing when applications would be accepted and having time to prepare.
- The recommendation is that we set a more definite timetable so that applicants can prepare submissions and have less time waiting to hear the outcomes.
- It is proposed that the following schedule is implemented:

Application dates:

Advertise – Asap

1st Round - Start: 01/01/2022 Close: 01/02/2022 SP Meeting Early March (TBC) Funding allocated by Mid/End March

2nd Round - Start 01/07/2022 Close:01/08/2022 Funding Allocated by Mid/End Sept.

Other issues

- There were teething troubles with the administration of the process due to the fact it was the first ever round of our CIL application funding. Systems were new and officers and members were getting used to the procedures. A smoother process can be anticipated next time.

In summary Cabinet is asked to agree to:

- A. **Combining the 'Local' and 'Community' categories to form one set for all proposals up to £50K. The eligibility criteria are given in Appendix 2.**
- B. **Creating a simpler application form** for the new 'Local Community' category to only include the following elements:
 - Match Funding Details
 - Evidence of Need
 - Evidence of support
- C. A revised timetable for **the timing and notice of the application period and notification of outcomes to applicants**. As follows for the following year:
 - Bidding round dates:**
 - **1st Round for submission** –
 - Advertise – Asap
 - Open for applications: 01/01/2022 Close: 01/02/2022

- CIL Spending Panel Meeting Early March (TBC)
- Funding allocated by Mid/End March

- **2nd Round for submission of bids-**
- Start 01/07/2022 Close:01/08/2022
- CIL Spending Panel Meeting September (TBC)
- Funding Allocated by Mid/End Sept.

D. To give effect to the above changes further consequential work will be undertaken, as set out below. **Cabinet is asked to delegate the final wording to the Strategic Director in association with the Portfolio Holder.**

- Update and produce CIL Governance Document 2022
- Amend process flowchart
- Amend application forms and match scoring criteria
- Create online application details in Keystone system
- Publish Infrastructure Funding List for 2022 (Statutory Requirement)
- Update CIL Webpages to reflect changes and review wording to make application process clearer
- Advertise application dates
 - Produce posters for community notice boards
 - Newspaper Notice
 - Internal Affairs
 - Notify Internal Departments/|Staff
 - Notify Parishes/NCC
 - Webpages – Corporate Communications
- Provide Guidance/training for interested parties/Parish Councils
- Notify Councillors of timetable for applications
- Set up online Portal for receipt of applications
- CIC / Councillor Training

4. Options

4.1 The options above offer a modest adjustment to the CIL funding scheme to make it easier for communities to engage and apply so as to add to or improve infrastructure for a growing area.

4.2 Other more radical options could be to:

- Completely re-design the scheme. This is not felt appropriate as we are only in Year 1 and have not fully evaluated all the categories of spend, and the current priorities still reflect corporate priorities.
- No changes – This would fail to respond to the difficulties for applicants, and not help a more efficient processing for officers / time saving.

5. Policy implications

5.1 None as the broad direction is still the same. We are fulfilling the commitment to communities to engage and apply so as to add to or improve infrastructure for a growing area.

6. Financial implications

6.1 There is sufficient funding available to fund further applications, and the scoring mechanism provides a possibility of prioritizing bids should the scheme be over subscribed.

7. Personnel implications

7.1 None specifically, but it should enable officer time to be more efficiently used.

8. Statutory implications

8.1 Our spending and governance needs to conform to the relevant Regulations.

9. Risk Management implications

9.1 None specifically. Monitoring of spending and more particularly delivery is important to ensure money is directed to improved infrastructure in the Borough.

10. Corporate priorities

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

11 Equality Impact Assessment (EqIA)

(Pre-screening report template attached)

12 Declarations of Interest/Dispensations Granted

12.1. None.

13. Conclusion

13.1 Some modest changes to the application categories (although not the criteria) are proposed to aid the application process, and a clearer timetable for the next round will be set out.

14. Background papers

Borough Council CIL Spending Panel notes and agendas outline the consideration of the particular proposal.

Appendix 1

CIL Spending – Notes on recent grant applications processes / potential action points

Subject / aspect of the process	Comment / Issues ?	Action <i>(Highlighted points discussed in main report)</i>
Application submission Streamlining the application process	<ul style="list-style-type: none"> • We clearly set out categories of projects, but some applications didn't reflect the right categories. Could we simplify advice on how to apply? 	<ul style="list-style-type: none"> • Can we simplify / streamline the application process? • Combine some categories to simplify the application process.
Post application submission	<ul style="list-style-type: none"> • Great deal of telephone / email traffic on needing help to apply / fill in forms. Time consuming to service. • Pressure from applicants on needing a decision for projects. 	<ul style="list-style-type: none"> • Enhanced use of the website
CIL Spending Panel / internal processes	<ul style="list-style-type: none"> • CIL Spending Panel consideration of grant applications: <ul style="list-style-type: none"> ○ Presentation of material was clear / comprehensive ○ Decision making straightforward. ○ More clarity for subsequent internal BC processes. ○ Post decision processes took longer than anticipated given first time nature of the exercise. One off. 	<ul style="list-style-type: none"> • Can we simplify / streamline? <ul style="list-style-type: none"> ○ Reporting ○ Agreement details. ○ communicating to applicants • As above combine categories
Communications on outcomes	<ul style="list-style-type: none"> • Very important to ensure clear communications. • There was press coverage post Spending Panel meeting. 	<ul style="list-style-type: none"> • BC Comms engaged early.
Grant categories / priorities – new / flexibility of spending ideas / priorities	<ul style="list-style-type: none"> • x3 levels of projects, with different criteria for each. People didn't always read the guidance. • Are priorities still relevant? • Are there other potential 	<ul style="list-style-type: none"> • Can we simplify criteria? • Should criteria be expanded? • Categories themselves are quite wide already, suggest no change but

	categories?	<p>continue to monitor types of applications.</p> <ul style="list-style-type: none"> • Combining categories outlined above.
Next round – when, whom, how?	<ul style="list-style-type: none"> • Anticipated that we would undertake x2 rounds each year. • The number of applications was surprising and a challenge. 	<ul style="list-style-type: none"> • Announce towards the end of the year?
Timeframes	<ul style="list-style-type: none"> • Last time we gave 3 months for applicants to apply, would a shorter period be appropriate? • Another round when? 	<ul style="list-style-type: none"> • Suggest another 3 months period? • Include an announcement
Resourcing	<ul style="list-style-type: none"> • Conscious about the officer effort required to launch another round of bids / application. 	<ul style="list-style-type: none"> • Consider how to ensure internally that sufficient time is available to service the grant applications / spending / implementation.

Appendix 2

Local Community Projects

The current list of projects eligible for funding and the eligibility criteria are:

Education - Improving social mobility and inclusion to work with partners to improve education attainment levels and the skills of local people.

Health - Improving social mobility and inclusion by continuing to assist our residents to maximise their opportunities by accessing the support and services they are entitled to.

Economic Development - Delivering growth in the economy and with local housing to promote the borough as a vibrant place in which to live, to do business and as a leading visitor and cultural destination.

Community Facilities - Creating and maintaining good quality places that make a positive difference to people's lives to maintain accessible, clean, pleasant and safe public places and communities.

Green Infrastructure - Helping to improve the health and well-being of our communities by supporting our local communities to be healthy and more active

Open Space and Leisure - Creating and maintaining good quality places that make a positive difference to people's lives to maintain accessible, clean, pleasant and safe public places and communities and help to improve the health and well-being of our communities

Community Transport - Creating and maintaining good quality places that make a positive difference to people's lives and helping to improve the health and well-being of our communities by providing early help and support to communities and individuals who are vulnerable.

Applications for funding up to a CIL contribution limit of £50K



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 service/function?</p>	<p>No</p>	<p>CIL Infrastructure Grant proposal</p>			
<p>Is this a new or existing policy/service/function?</p>	<p>Existing scheme under which a grant is considered.</p>	<p>(delete as appropriate)</p>			
<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>The NSPF continues to provide an important function in delivering sustainable local plans capable of supporting housing and economic growth together with the necessary enabling infrastructure and service provision. Cross-boundary cooperation is a cornerstone of the Duty to Cooperate and of the NSPF; and is of particular importance in post-Covid recovery. It is also a statutory obligation.</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 (e.g., low income)			x	

community or denying opportunities to another?		
3. Could this policy/service be perceived as impacting on communities differently?	No	
4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?	No	The specific grant application is judged to be contributing to the educational (and indirect recreational) provision in respect of a growing population in the Borough.
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: None
		Actions agreed by EWG member: Claire Dorgan Sent 06/10
<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:</p> <p>Decision agreed by EWG member:</p>		
Assessment completed by:		
Name	Alan Gomm	
Job title	Planning Policy Manager	
Date	26 August /2021	

CIL Governance and Spending 2022

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CIL Governance and Spending 2022

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.

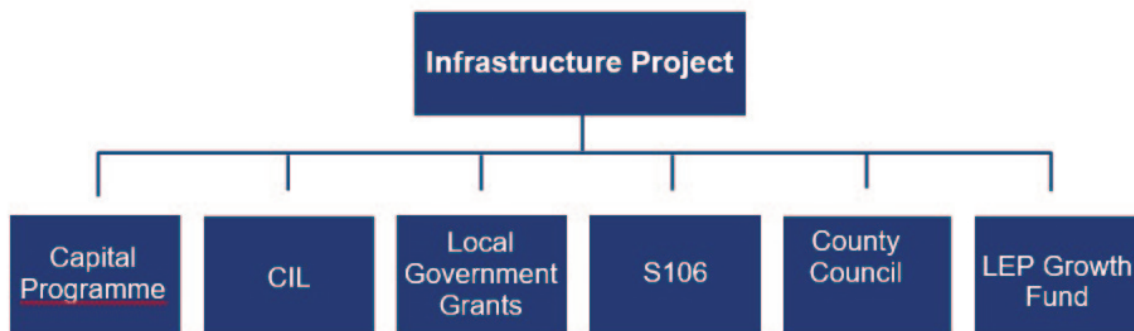
1.0.2 CIL is paid to the Borough Council by developers after their planning permissions are implemented.

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.

Figure 1 - Funding Streams



1.0.6 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.

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

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

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1.0.9 This document is based on the 7 'Appendix 1 - CIL Annual List of Infrastructure Projects' and is applicable for the financial year 2022/2023

1.0.10 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 website at <https://www.west-norfolk.gov.uk/CIL>

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.

1.2.3 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

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- 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

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

- 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.

1.2.5 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 Governance Arrangements

2.0.1 The CIL Infrastructure Fund has been separated into 2 specific project types, to enable the funding to meet wider borough infrastructure requirements and also to support local community needs.

2.0.2 The estimated annual income of CIL is 1 million pounds which would be split as follows;

60% Strategic Infrastructure Projects

- These are projects which require the most amount of CIL funding
- The strategic projects will be in excess of £50,000 and be fully match funded
- Longer term projects

40% Community and Local Projects

- These are projects which will meet the needs of Parishes and Wards, to fund community projects and smaller local projects between £2,000 and £50,000
- It is expected that there will be an element of match funding for these projects.
- Short to Mid term projects which must be completed within 5 years.

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

CIL Spending Panel

2.0.4 The CIL Spending Panel is formed from elected Councillors and assisted by Officers and reports to the BCKLWN Management Team and Cabinet.

2.0.5 The CIL Spending Panel:

- reviews the Funding Applications received
- makes recommendations for suitable project spending
- monitors project spend and progress.

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

2.0.7 The current list of eligible spending is detailed in sections 4 and 5. These may change in subsequent years.

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

CIL Governance and Spending 2022

3 Applying for CIL funds

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

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

3.0.3 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.

3.0.4 The stakeholders automatically notified will be:

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

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

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

3.0.7 A diagrammatic summary of the governance framework for CIL is set out in Appendix 1, which shows the spending and reporting arrangements that are in place.

3.0.8 Expression of Interests will be made on standard online templates, issued by the Borough Council:

- CIL Strategic Project Application Form
- CIL Community and Local Project Application Form

3.0.9 The application forms will request key information about the project, including:

- Description and details of the project
- Purpose of the project and its benefit to the community
- Financial details:
 - Estimated total cost of project
 - Amount of CIL funding requested
 - Details of any match funding
- Any other supporting information e.g. Project Report and Timescales

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

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- The Application Form has been completed satisfactorily
- The project must meet at least one of the criteria, as detailed in the Annual Infrastructure List.
- The organisation has the legal right to carry out the proposed project
- The project is clearly defined as 'Infrastructure' as per the CIL Regulations

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

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

CIL Governance and Spending 2022

4 Strategic Projects - above £50,000

4.0.1 60% of the CIL Infrastructure Funds will be allocated to Strategic projects.

4.0.2 Strategic Projects can apply for CIL funding of £50,001 or over.

4.0.3 The Strategic Projects will be selected by the Borough Council, with more weight given to areas with significant development taking place.

4.0.4 The Borough Council will make the allocations for spending on infrastructure, in accordance with the Council's adopted CIL Infrastructure List. The Infrastructure list will be reviewed annually and updated to reflect the changing needs within the Borough.

The current list of Strategic Projects eligible for funding are:

- Education - related to 18+ employment - college based education
- Transport - linked to the Lynn Transport Plan
- Environment - green areas linked to the Council's Climate Change Policy

The Strategic Projects are in line with the Borough Councils Corporate Business Plan. The Project Criteria meet the Corporate priorities and objectives:

- **Education** - Improving social mobility and inclusion to work with partners to improve education attainment levels and the skills of local people.
- **Transport** - Delivering growth in the economy and with local housing to promote, lobby and support infrastructure improvements across the district.
- **Environment** - Protecting and enhancing the environment including tackling climate change to work with partners and the community to improve our natural environment and creating and maintaining good quality places that make a positive difference to people's lives to maintain accessible, clean, pleasant and safe public places and communities

Question 1

Do you want to apply for CIL Strategic Project Funding?

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

4.0.6 [CIL Online Application Forms](#)

CIL Governance and Spending 2022

4.1 The Decision Making Process for Strategic Projects

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

4.1.2 The factors that Strategic Projects will be assessed against include:

- the need for the project
- benefit of the project
- deliverability of the project
- amount of development in the area of the project
- proposed no of houses in the project area

4.1.3 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.

4.1.4 Ideally, bids should include significant sums of match funding.

4.1.5 At this stage, the Council Officer will notify Cabinet Members with specific portfolio responsibilities and the Local Ward member(s) of proposed projects, giving an opportunity for comment.

4.1.6 The Application forms, Scoring Sheets and comments, will then be taken to the BCKLWN Management Team to review and make a formal recommendation.

4.1.7 The Management Team are required to:

- reach a balanced judgement over which projects are selected
- make recommendations on which projects should receive CIL funding
- consider whether there could be links to other areas of corporate or partner spending e.g. spending on habitats (Natura 2000 sites) mitigation works.
- take recommendations to the BCKLWN Cabinet for approval

4.1.8 Recommendations from the BCKLWN Management Team, will then go forward to Cabinet.

4.1.9 If agreed by Cabinet, the application stakeholders will be informed and funds will be allocated.

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

CIL Governance and Spending 2022

5 Community and Local Project Allocations between £2,000 and £50,000

5.0.1 40% of the CIL Infrastructure Funds will be allocated to Community and Local Projects requiring funds of a value between £2,000 and £50,000.

5.0.2 Project applications must be made in liaison with Parish/Town Councils, which includes the unparished area of King's Lynn, and Wards as appropriate.

5.0.3 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.

5.0.4 Adjacent Parish Councils may wish to submit a combined application, to meet infrastructure requirements within the wider community.

5.0.5 The Community and Local Projects will be selected by the Borough Council, with more weight given to areas with significant development taking place.

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

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

The current list of Community and Local Projects eligible for funding are:

- Education -- Local Initiatives
- Health
- Economic Development
- Community Facilities
- Green Infrastructure
- Open Space and Leisure
- Community Transport

The Community and Local Projects:

- must commence within 1 year of being allocated CIL

CIL Governance and Spending 2022

- be completed within 5 years.
- must be made in liaison with Parish/Town Councils, which includes the unparished area of King's Lynn, and Wards as appropriate.

CIL will be paid on completion of the project.

The Community and Local Projects are in line with the Borough Councils Corporate Business Plan.

The Project Criteria meet the Corporate priorities and objectives:

- **Education** - Improving social mobility and inclusion to work with partners to improve education attainment levels and the skills of local people.
- **Health** - Improving social mobility and inclusion by continuing to assist our residents to maximise their opportunities by accessing the support and services they are entitled to.
- **Economic Development** - Delivering growth in the economy and with local housing to promote the borough as a vibrant place in which to live, to do business and as a leading visitor and cultural destination.
- **Community Facilities** - Creating and maintaining good quality places that make a positive difference to people's lives to maintain accessible, clean, pleasant and safe public places and communities.
- **Green Infrastructure**- Helping to improve the health and well being of our communities by supporting our local communities to be healthy and more active
- **Open Space and Leisure** - Creating and maintaining good quality places that make a positive difference to people's lives to maintain accessible, clean, pleasant and safe public places and communities and help to improve the health and well being of our communities
- **Community Transport**- Creating and maintaining good quality places that make a positive difference to people's lives and helping to improve the health and well being of our communities by providing early help and support to communities and individuals who are vulnerable.

CIL Governance and Spending 2022

Do you want to apply for CIL Community and Local Project Funding?

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

[CIL Online Application Form](#)

5.1 The Decision Making Process for Community and Local Projects up to £50,000

5.1.1 Once the Community and Local 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 projects will be assessed against include:

- evidence to demonstrate community support
- evidence of Parish Council support
- evidence to demonstrate a commitment (financial or otherwise) to the project.
- evidence of match funding
- project timescales

5.1.3 Short term projects will be looked upon favourably, especially if the CIL can be allocated and spent within the same financial year.

5.1.4 A Council Officer undertaking the initial scoring of the project will make a recommendation, based on the scoring criteria.

5.1.5 At this stage, the Council Officer will produce a list of all projects received, which will be published as an agenda item, for the CIL Spending Review Meeting.

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

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

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

5.1.9 The CIL Spending Panel is required to:

- reach a balanced judgement over which projects to select
- agree on which projects will receive CIL funding

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

CIL Governance and Spending 2022

6 Once the funding decision has been made

6.0.1 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.

6.0.2 Where funding has been agreed 'in principle' or where staged payments are agreed, the scheme applicant will be expected to provide information to justify funding being transferred.

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

6.0.4 At a minimum, an annual report will need to provide information on the progress of each scheme that funding has been allocated to. A 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.

6.0.5 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.

6.1 Monitoring and Review

6.1.1 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 2022

6.1.2 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

6.1.3 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.

6.1.4 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).

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

The CIL Spending Panel

6.1.6 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

6.1.7 Recommendations from the CIL Spending Panel, will then go forward to Regeneration and Development (R&D) Panel.

The Regeneration and Development (R&D) Panel

The R&D Panel is made up of Elected Members, supported by Borough Council Officers.

6.1.8 The R&D Panel will:

- review the Draft List of Infrastructure Projects
- reach a balanced judgement on the project criteria, taking into consideration Corporate Priorities
- make recommendations to Cabinet

Cabinet

6.1.9 Cabinet will:

CIL Governance and Spending 2022

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

6.1.10 The Annual List of Infrastructure Projects will be published on the CIL Governance and Funding webpages.

6.1.11 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 2022

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.

Strategic Projects funding over £50,000

- Education related to 18+ employment – post college based education
- Transport – linked to the Lynn Transport Plan
- Environment – green areas linked to the BCKLWN Climate Change Policy

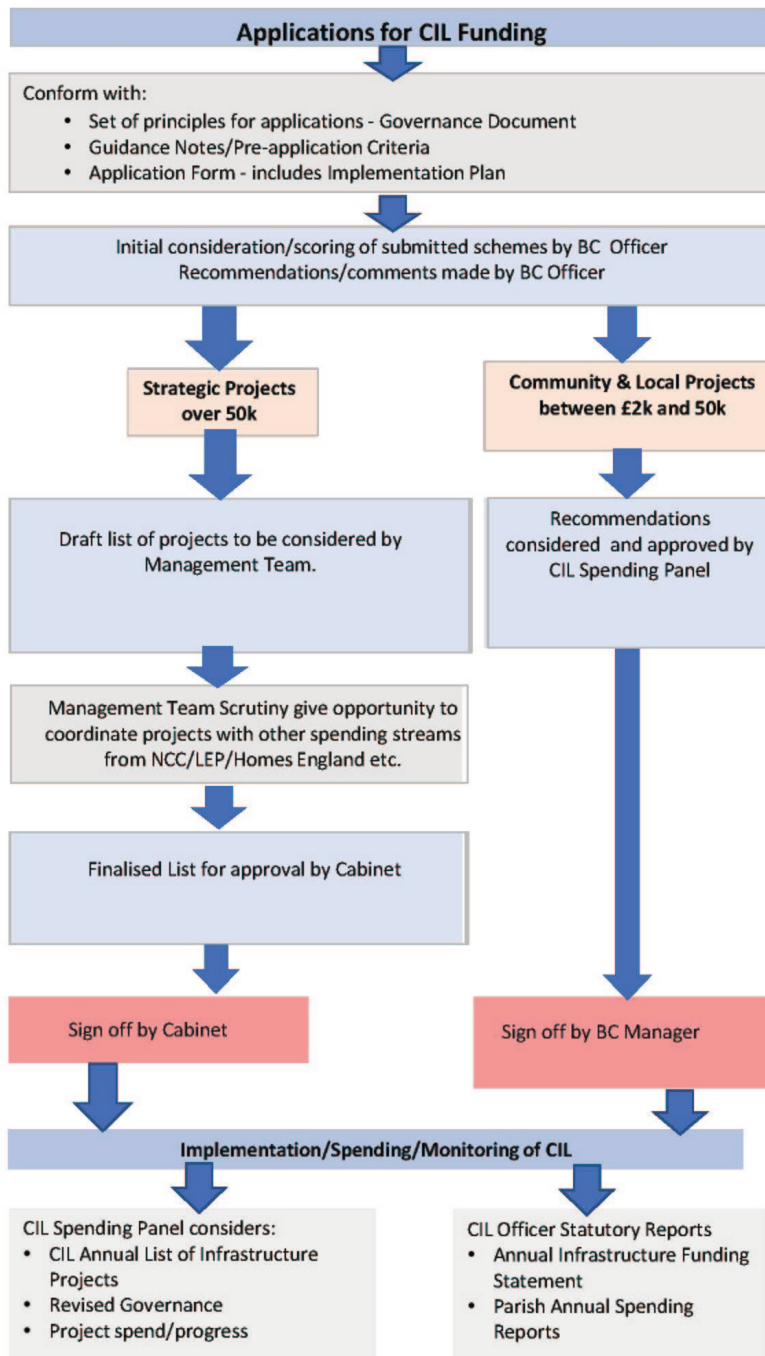
Community and Local Projects funding of £2,000 and up to £50,000

- Education – local initiatives
- Health
- Economic Development
- Community Facilities
- Green Infrastructure
- Open Space and Leisure
- Community Transport

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

CIL Governance and Spending 2022

8 Appendix 2 - CIL Governance Framework



CIL Governance and Spending 2022

9 Appendix 3 - Strategic Projects Application Scoring Criteria

Strategic Project Application Form

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

Scoring Criteria

Any Strategic Project Application must meet **all** criteria below:

- Is this project necessary to support infrastructure for development?
- Is the amount of CIL Funding you are requesting over £50,000?
- Has match funding and financial commitment been secured?

Current scope for funding (reviewed annually):

- Education related to employment (post 18 college based education)
- Transport, linked to Lynn Transport Plan
- Environment – green areas linked to Climate Change Policy

Each project will be scored on the following:

- Does the project meet the current scope, as listed above.
- Is the project match funded.
- Development in the area – based on planning application history
- Current number of proposed houses relating to the project - based on planning applications and local plan allocations

CIL Governance and Spending 2022

10 Appendix 4 - Community and Local Projects Application Form and Scoring Criteria

Community and Local Project Application Form

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

Scoring Criteria

Any Community and Local Project Application must meet all criteria below:

- Is this project necessary to support local growth?
- Is the amount of funding you would like to request, between £2,000 and £50,000?
- 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 score = 5**
 - Petitions
 - Support from Parish/Ward Council
 - Letters of support from new/existing users
 - Fundraising Initiatives

Finance and Deliverability

- **Amount of CIL funding requested**
- **Amount of funding committed to the project by applying organisation own funding (e.g. Parish precept):**
 - 1 – 5% = 1 Point
 - 5 – 10% = 2 Points
 - 11 – 15% = 3 Points
 - 16 – 20% = 4 Points
 - 21+% = 5 Points

CIL Governance and Spending 2022

- **Parish/Wards - Amount of funding committed to the project by applying Parish CIL funds**
 - No CIL = 1 Point
 - 10 – 25% = 1 Point
 - 25 – 45% = 2 Points
 - 45 – 65% = 3 Points
 - 65 – 85% = 4 Points
 - 85 – 100% = 5 Points

- **Details of other match funding secured, (amount and organisation providing funds)**
 - 1 – 5% = 1 Point
 - 5 – 10% = 2 Points
 - 11 – 15% = 3 Points
 - 16 – 20% = 4 Points

 - 21+% = 5 Points

Project Timescale

- Start date:
 - 0 – 6 months = 5 Point
 - 6 – 9 Months = 4 Points
 - 9 – 12 Months = 3 Points
 - 12 – 18 Months = 2 Points
 - 18 Months + = 1 Point



Community Infrastructure Levy

Annual List of Infrastructure Projects FY2022-2023

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 FY22/23.

Strategic Projects funding over £50,000

- Education related to 18+ employment – post college based education
- Transport – linked to the Lynn Transport Plan
- Environment – green areas linked to the BCKLWN Climate Change Policy

Community and Local Projects funding from £2,000 and up to £50,000

- Education – local initiatives
- Health
- Economic Development
- Community Facilities
- Green Infrastructure
- Open Space and Leisure
- Community Transport

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

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Mandatory/	Be entirely within Cabinet's powers to decide	YES	
	Discretionary /	Need to be recommendations to Council	NO	
	Operational	Is it a Key Decision	NO	
Lead Member: Cllr Paul Kunes E-mail: cllr.paul.kines@west-norfolk.gov.uk		Other Cabinet Members consulted: Cllr Dark		
		Other Members consulted: Cllr Sampson		
Lead Officer: Vicki Hopps E-mail: Vicki.hopps@west-norfolk.gov.uk Direct Dial:01553 616307		Other Officers consulted: Commercial Team; Stuart Ashworth		
Financial Implications NO	Policy/Personnel Implications YES	Statutory Implications YES	Equal Impact Assessment YES If YES: Pre-screening	Risk Management Implications YES

Date of meeting: 16 November 2021

COMMERCIAL TEAM SERVICE PLAN

Summary

Food authorities are required by the Food Standards Agency to set out a scheme for the planning and delivery of food law enforcement. It is expected that this scheme will take the form of a formally adopted service plan.

Recommendation

The Council approves the Commercial Team Service Plan.

Reason for Decision

The Council has the responsibility to ensure food businesses within the Borough maintain satisfactory standards of hygiene thus reducing the likelihood of food borne disease.

By not adopting the service plan the authority may be classed as a failing authority in the view of the Food Standards Agency.

1 Background

1.1 Food authorities are required by the Food Standards Agency to set out a scheme for the planning and delivery of food law enforcement. It is expected that this scheme will take the form of a formally adopted service plan.

1.2 The Commercial Team Service Plan (the Plan) encompasses all the services provided by the Commercial Team, namely:

- Food Safety and Hygiene;
- Health and Safety Enforcement;
- Licensing;
- Corporate Health and Safety;
- Public Health (including infectious diseases);
- Port Health.

1.3 The Plan has an important role in ensuring that national priorities and standards are addressed and delivered locally. It also provides a focus on key delivery issues and has an essential link with financial planning. The purpose of the service plan is to set objectives for the future and identify major issues that cross boundary services. In addition it presents the opportunity to manage performance and make performance comparisons.

1.4 The Food Standard Agency recognises that food authorities use various approaches to enforcement work depending on the prevailing circumstances, level of risk, political and stakeholder desire and other external influences.

1.5 The Plan sets out how the Team intends to meet its obligations in relation to food safety, health and safety and licensing and highlights the range of intervention methods and approaches utilised in order to ensure the safety and integrity of businesses within the Borough. These include education and business support through to enforcement and regulation.

1.6 Previously the service plan has been approved by the portfolio holder (cabinet member), however it is now expected that the plan should be approved by the “appropriate member forum”, in other words the cabinet, to ensure local transparency and accountability.

1.7 The Plan will be reviewed and revised periodically and used as a mechanism for keeping members informed of local activities undertaken by the Commercial Team .

2 Options Considered

None

3 Policy Implications

The Plan is a policy document that should be adopted by cabinet.

4 Financial Implications

None

5 Personnel Implications

None



6 Statutory Considerations

The Council has a duty to carry out its functions under food safety legislation and to comply with the obligations set out in the Food Standards Agency Framework Agreement. Having a formally approved service plan in place demonstrates that the Council is meeting its obligations

7 Equality Impact Assessment (EIA)

(Pre screening report template attached)

8 Risk Management Implications

The Council has the responsibility to ensure food businesses within the Borough maintain satisfactory standards of hygiene thus reducing the likelihood of food borne disease.

By not adopting the Plan the authority may be classed as a failing authority in the view of the Food Standards Agency.

9 Declarations of Interest / Dispensations Granted

None

Background Papers

none

Name of policy/service/function	Food Safety				
Is this a new or existing policy/ service/function?	Existing				
Brief summary/description of the main aims of the policy/service/function being screened. Please state if this policy/service rigidly constrained by statutory obligations	Food authorities are required by the Food Standards Agency to set out a scheme for the planning and delivery of food law enforcement. It is expected that this scheme will take the form of a formally adopted service plan.				
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		
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	Applies equally to all food businesses			
3. Could this policy/service be perceived as impacting on communities differently?	No				
4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?	No				
<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:			
		Actions agreed by EWG member:			
Assessment completed by: Name	Vicki Hopps				
Job title Environmental Health Manager	Date 13/08/2021				

Please Note: If there are any positive or negative impacts identified in question 1, or there any 'yes' responses to questions 2 – 4 a full impact assessment will be required.

Borough Council of
King's Lynn &
West Norfolk



Commercial Team Service Plan (Food, Health and Safety and Licensing) 2021-2024

Vicki Hopps
Environmental Health Manager

Reviewed June 2021

This Service Plan:

- Sets out the key activities that the service area delivers;
- Sets out the key tasks for the service area and the resources allocated to carry out those tasks;
- Identifies the main risks and challenges to the delivery of the service;
- Provides a high-level action plan for the service.

Contents

- Introduction
- Description of Services
- Links to the Council Business Plan
- Resources
- Service Delivery
- Performance and Review
- Challenges to service delivery
- Service Action Plan
- Food Service Activity Plan

1. Introduction

The Commercial Team Service Plan is an expression of the Council's continuing commitment to the provision of Food Safety, Health and Safety, Licensing and other related services.

Normally relevant parts of this plan would be compiled in accordance with the guidance issued by the Food Standards Agency (FSA), including the information required by the Framework Agreement on Local Authority Food Law Enforcement and guidance issued by the Health and Safety Executive (HSE) under the Health and Safety Executive National Local Authority Enforcement Code.

2. Description of Services

Specific functions undertaken by this service area:

The EH Commercial team provides a range of regulatory services to the business community and the general public as follows:

- **Food Safety.** Sustaining and improving the standards of safety and quality of food manufactured, prepared and supplied in King's Lynn and West Norfolk.
- **Port Health/Exports.** Ship sanitation inspections, inspections of shellfish exports and validation and certification of Export Health Certificates.
- **Health and Safety.** Ensuring that risks in the workplace for both workers and the public are properly and proportionally managed.
- **Infectious Diseases.** Investigating incidents of infectious diseases to control spread and identify causes.
- **Private Water Supplies.** Assessing risk and sampling water to ensure that supplies do not pose a threat to health.
- **Health Promotion and Education.** Providing training for food handlers, running campaigns on food safety and hygiene amongst others.
- **Animal Welfare Licensing.** Maintaining the standards of animal welfare in premises such as breeding and boarding establishments, pet shops and riding establishments.
- **Premises Licensing.** Ensuring that the licensing objectives enshrined on the Council's statements of licensing policy are fulfilled.
- **Licensing of Hackney Carriages and Private Hire Vehicles.** Protecting public safety through regulating vehicles, drivers and operators.
- **Licensing of sex shops, sex cinema and sexual entertainment venues, gambling activities and other miscellaneous activities.**
- Our business customers rely on the EH Commercial Team to maintain a level regulatory playing field in the markets they operate so that non-compliant businesses do not gain a competitive advantage. They expect us to be consistent and fair, providing advice and guidance when it is needed, using enforcement tools when appropriate.

- The public expect us to ensure that they are protected and increasingly that they have access to information that allows them to make educated choices including about the businesses they engage with.
- **Corporate Health and Safety.** Provision of advice to the Council and its officers on all aspects of Health and Safety, including the development of corporate Health and Safety policies and related Action Plans.

3. Links to the Corporate Business Plan

The EH Commercial Team service area supports the stated organisational vision of The Corporate Business plan for the Borough which is that, West Norfolk is a place where businesses and people can flourish; where communities are active and healthy; where residents and visitors can access fulfilling cultural, leisure and sporting activities; and where a good quality of life and environment are available to all.

Links to other strategies

- All officers are expected to act in accordance with the Council's enforcement policy, which puts the national 'Regulators' Code' at the centre of the Council's approach to regulating businesses and with that, an explicit commitment to carry out regulatory activities in a way that supports businesses to comply and grow.
- The service also has a major current role in the implementation of the Norfolk Covid—19 Outbreak Management Plan.

4. Resources

Financial

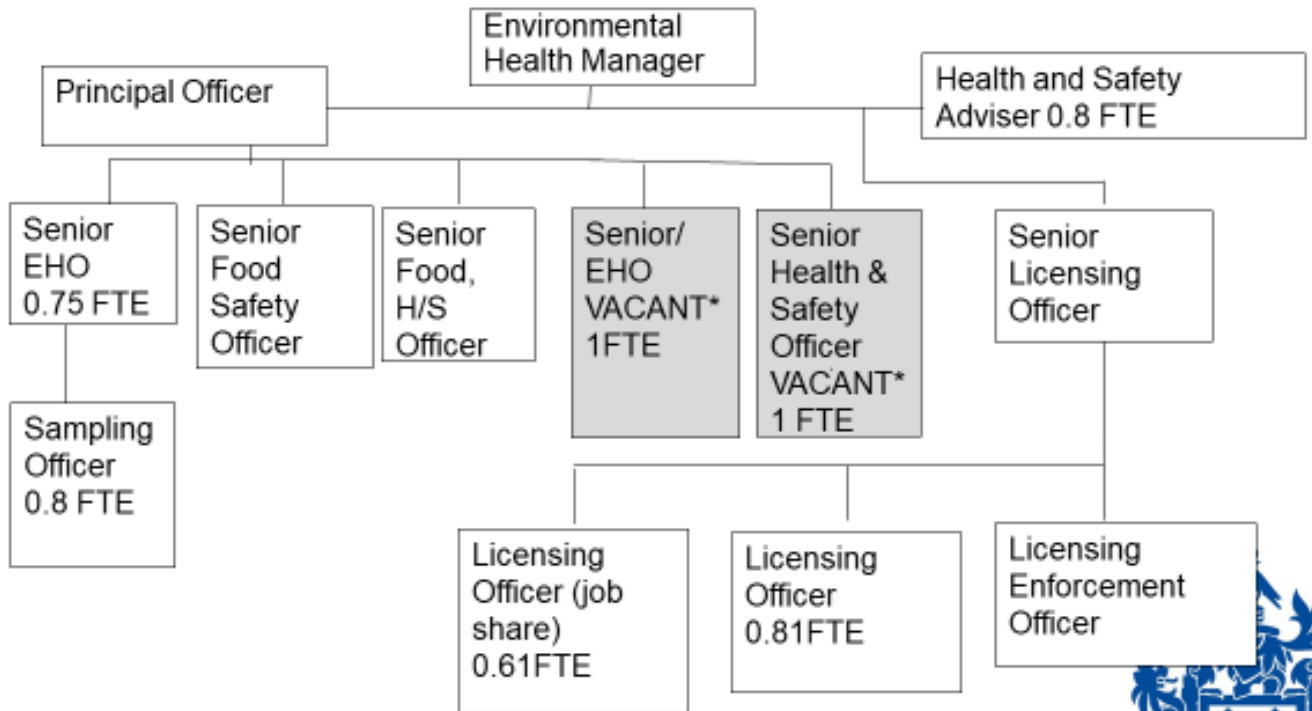
For 2021/22 the EH Commercial service has an internal budget of approximately:

		2018/19		2019/20		2020/21		2021/22
		Revised Budget	Actuals	Revised Budget	Actuals	Revised Budget	Actuals	Original Budget
FOOD HYGIENE	Gross Expenditure	552,520	544,812	469,230	484,142	488,140	476,474	565,110
	Gross Income	(32,030)	(34,300)	(41,960)	(17,656)	(8,600)	(19,667)	(24,000)
	NET COST	520,490	510,512	427,270	466,486	479,540	456,807	541,110
LICENSING	Gross Expenditure	289,380	254,685	252,680	258,410	228,660	232,910	255,610
	Gross Income	(263,610)	(256,499)	(273,270)	(275,797)	(202,090)	(216,866)	(277,290)
	NET COST	25,770	(1,813)	(20,590)	(17,387)	26,570	16,044	(21,680)
<u>TOTAL COST OF SERVICE</u>		546,260	508,699	406,680	449,099	506,110	472,852	519,430

Staffing

For 2021 the EH Commercial service establishment is shown in the structure chart below:

Food, Health & Safety and Licensing

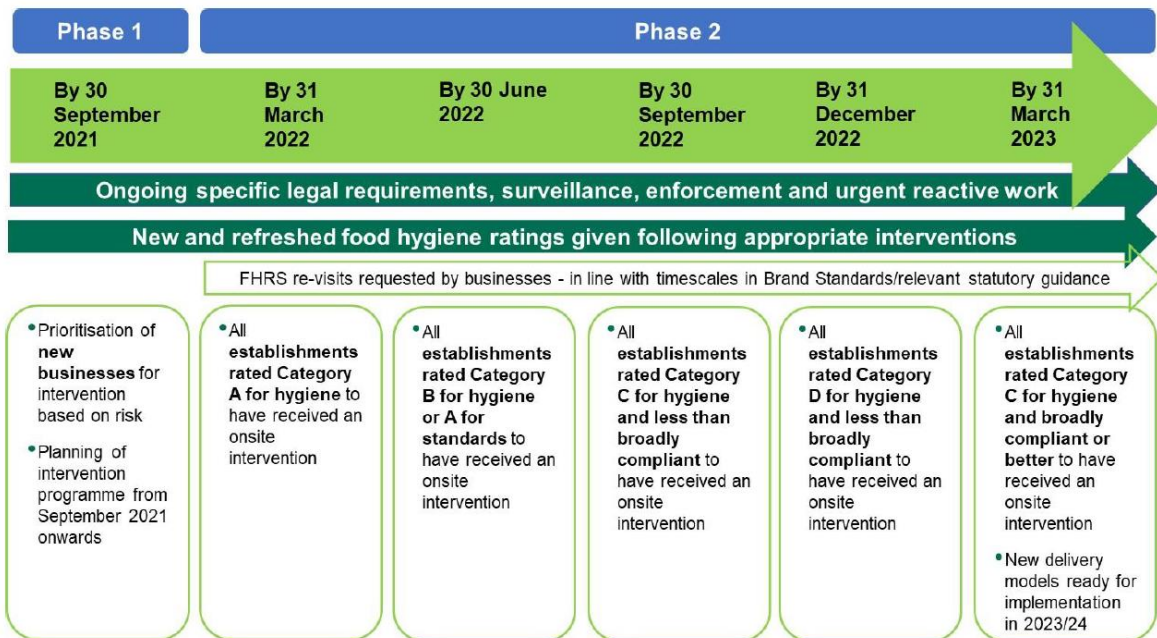


* Recruitment in progress



5. Service Delivery

At the time of writing, the EH Commercial service is still constrained by the impact of the covid-19 pandemic and not operating 'normally'. The service is still recovering from the impact of the pandemic which will possible carry on throughout the next few years. The FSA has published a recovery plan for local authorities to achieve certain milestones by specific dates. This is the minimum expected and the Council is committed to achieving ahead of the specified dates. A full outline of the recovery plan published by the FSA is outlined below:



The main descriptions below are of the service resourced by the Council's core funding and the additional work being undertaken in response to the pandemic.

i. Food Safety

a. Inspection of food businesses

The Council is committed to carrying out inspections that exceeds the requirement of the recovery plan. Once Phase 2 of the plan is complete the Council is committed to carrying out inspections at a frequency which is not less than that determined by the Food Law Code of Practice. There are around 2000 food businesses registered at the time this plan was written, there are up to 800 routine food safety interventions scheduled each year. An estimated full-time equivalent staffing allocation to food law related matters is 4.8FTE on the current establishment. The main activity for qualified officers will always be in carrying out all high risk and approved premises

inspections due as part of the inspection programme, in addition to Export Health Certificates for shellfish, fishery products and high-risk foods of non-animal origin.

Total Open Food Premises

Category Description	Total Premises
Primary Producers	25
Manufacturers & Packers	105
Importers/Exporters	2
Distributors/Transporters	46
Supermarket/Hypermarket	29
Small Retailers	252
Retailers - Others	84
Restaurant/Cafe/Canteen	269
Hotel/Guest House	92
Pub/Club	193
Take-away	116
Caring Premises	176
School/College	114
Mobile Food Unit	113
Restaurants & Caterers - Other	310
	1926
Reg Authority ONLY/Exc from Scheme	2
Premises Not Yet Trading	10

b. Food complaints and complaints about food premises

The Council investigates complaints it receives relating to food where it is the enforcement authority and will liaise with Home, Primary and Originating Authorities as appropriate. The Food Safety service aims to make a first response to this type of complaint within three working days.

The Council can elect not to deal with certain foreign body complaints that do not pose a threat to public health and manufacturers/suppliers cannot guarantee the absence of the foreign bodies. Examples include:

- Fruit flies and green flies in fruit and vegetables
- Grubs in tinned vegetables
- Small stones and soil in fruit and vegetables
- Struvite crystals in canned fish
- Sugar crystals in sweet and chocolates
- Codworm in white fish
- Bakery char in bakery products
- Carbonised grease in bakery products
- Lead shot in game

c. Advice to businesses

Officers are committed to building positive working relationships with food business operators (FBOs) and work with them to help them comply with the law and to improve food safety standards. Both new and existing businesses are encouraged to contact the service for advice and are obliged by law to register and tell us when significant changes are made.

d. Food Hygiene Rating System (FHRS)

The FHRS is a system operated by all English local authorities and continues to create a positive environment where, due to the public nature of the ratings (published on the FSA website at: <https://www.food.gov.uk/business-industry/hygieneratings>), there is a desire on the part of businesses to achieve a good rating. Businesses are able to request a rescore visit at any time after a rating is given following an inspection and a fee is charged for this. There is no limit to the number of rescoring a business can request. Rescore visits will be carried out within 3 months following payment of the fee.

e. Food inspection and sampling

Food samples are taken either in response to complaints or as part of the Council's proactive surveillance procedures for ensuring that food produced and/or sold in the district is safe to eat. The Council also participates in a regional sampling programme, coordinated from the Eastern Region Coordinated Food Sampling Liaison Group. The national sampling programme comes from Public Health England. Both programmes provide intelligence that can help identify the focus of food safety visits.

f. Export Certificates

Receipt and validation of Export Health Certificate (EHC) applications, information/evidence. Verification visits to food businesses exporting fish and fishery products, High Risk Foods of Non-Animal Origin and exports to third countries.

g. Shellfish Monitoring

Monitoring and sampling of bi-valve mollusc production areas and coastal waters. Monthly sampling for micro bacterial contamination and algal toxins in the winter months and bi-monthly sampling in the summer months for algal toxins.

ii. Health and Safety

Section 18(4) of the Health and Safety at Work etc. Act 1974 places a duty on Local Authorities to make 'adequate arrangements for the enforcement' of health and safety and the council has responsibility for the regulation of health and safety in the following types of businesses:

Total Open H&S Premises

Category Description	Total Premises
Retail Shop (HSW)	758
Wholesale/Fuel Depot (HSW)	97
Offices (HSW)	233
Catering Premises (HSW)	628
Hotel/Short-stay Accom	140
Leisure/Cultural (HSW)	530
Consumer Services (HSW)	345
Residential Care	79
Other Premises (HSW)	43
TOTAL	2853

There are approximately 3000 recorded businesses in the Council's district that fall in these categories, but it is known that there are many more not recorded. 0.8FTE is

allocated to health and safety work along with 0.20 FTE of the EHMs time which is described below.

a. Proactive Health and Safety interventions

HSE guidance (LAC67/2) gives local authorities the following overarching principle regarding planning regulatory interventions:

LAs should use the full range of interventions available to influence behaviours and the management of risk.

The National Local Authority Enforcement Code (the Code) advises that LAs should achieve targeting interventions on those activities that give rise to the most serious risks or where the hazards are least well controlled and do this by:

- Having risk-based intervention plans focussed on tackling specific risks;
- Considering the risks that they need to address and using the whole range of interventions to target these specific risks;
- Reserving unannounced proactive inspection only for the activities and sectors published by HSE or where intelligence suggests risks are not being effectively managed; and
- Using national and local intelligence to inform priorities.

LAC 67/2 states proactive inspection should only be used:

- a) For high risk premises/ activities within the specific LA enforced sectors published by HSE; or
- b) Where intelligence shows that risks are not being effectively managed.

There are 12 activities/issues identified by the HSE where proactive inspections are specifically allowed:

1. Legionella infection.
2. Explosion caused by leaking LPG.
3. E.coli/ Cryptosporidium infection.
4. Fatalities/injuries resulting from being struck by vehicles.
5. Fatalities/injuries resulting from falls from height/ amputation and crushing.
6. Industrial diseases (occupational deafness/cancer/ respiratory diseases).
7. Falls from height.
8. Manual Handling at high volume warehousing/distribution.
9. Unstable loads at high volume warehousing/distribution.
10. Crowd management & injuries/fatalities to the public at large scale public gatherings
11. Carbon monoxide poisoning at commercial catering premises using solid fuel cooking equipment
12. Violence at work at premises with vulnerable working conditions
13. Fires and explosions caused by the initiation of explosives such as fireworks
14. Musculoskeletal disorders in care homes

The focus of pro-active health and safety work is currently on-hold and only reactive work within health and safety is being carried out.

b. Accident Investigations

The law requires employers to report certain types of work-related accidents, diseases or dangerous occurrences. The Health and Safety Officer will investigate the most serious of these incidents to establish if health and safety law has been broken and also with the aim of preventing similar accidents from occurring and taking any appropriate enforcement action. LAs will, in accordance with their duty under Section 18 of the Health and Safety at Work etc Act 1974, allocate sufficient time and resources to investigate accidents, dangerous occurrences and causes of occupational ill health.

c. Complaints

Complaints from the public and employees concerning unsafe practices, poor working environment, excessive working hours and poor facilities e.g. toilet provision, are investigated. We have a range of legal powers to ensure the necessary improvements are made although it is our stated aim to work, wherever possible, with all parties concerned to achieve these objectives without having to take formal action.

d. Advice to Businesses

Officers are committed to building positive working relationships with business proprietors and work with them to help them comply with the law and to improve health and safety standards. Increasingly officers will point businesses at web-based resources, particularly those produced by the HSE and information is both held on and signposted from the Council website. Both new and existing businesses are encouraged to contact the service for advice.

e. Safety Advisory Group

The Safety Advisory Group (SAG) provides a forum where the Council and other agencies may develop a co-ordinated approach to crowd and spectator safety.

f. Smoke free

The EH Commercial team enforces the smoke free legislation which since July 2007 has made it illegal for workplaces and indoor public places to permit smoking. Advice is given to businesses and complaints relating to this law are investigated.

g. Registration of skin piercing

Businesses that carry out skin piercing activities, including acupuncture, tattooing, cosmetic piercing, semi-permanent skin-colouring or electrolysis, are required to register both people and premises with the local authority. The Health and Safety Officer ensures that those operating registered businesses understand what they need to do to prevent the transmission of blood borne diseases. The Council has published Byelaws covering these matters.

iii. Infectious Diseases

The Food Safety team carries out the statutory responsibilities of the authority with regards to infectious diseases. This includes but is not solely in relation to food borne illness so whilst the service will investigate outbreaks of Salmonella and E. coli for example, it will also follow up incidents of Legionella and Hepatitis. The duties include working with Public Health England (PHE) to identify sources of disease, reducing the risk of transmission, gathering data, liaising with people suffering from infectious diseases and when necessary taking formal legal action to prevent the spread of disease.

Investigation and control of major outbreaks is undertaken in conjunction with the Consultants in Communicable Disease Control at PHE. Investigation, the establishment of an Outbreak Control Team and control measures are all implemented in accordance with the agreed Joint Communicable Disease Incident/ Outbreak Management Plans.

iv. Private Water Supplies

The Water Industry Act requires a local authority to keep itself informed about the wholesomeness and sufficiency of every private water supply within its area. This is achieved through statutory duties which include; risk assessments, investigations, authorisations and monitoring (sampling and analysis). Regulations also make provisions for local authorities to charge fees to the relevant person(s) for conducting these duties. If through these duties the councils deem a private water supply to be unwholesome and/or insufficient then it has the power to serve notices on the supply in order to mitigate against these.

There are 85 private water supplies in the district:

Large Supplies (10m^3 /day or serve 50 people) or two or more dwellings where the water is used for a commercial premises	42
Small Supplies ($< 10\text{m}^3$ /day or serve < 50 people) to two or more dwellings (Domestic only)	7
Single dwellings water supplied to a single domestic dwelling	36
Private Distribution Systems	1

v. Port Health

The International Health Regulations provide for the global issuance of ship sanitation control/ exemption certificates. Ship Sanitation Certificates are designed to prevent international vessels from causing a public health risk and cover all areas of ship borne public health risks including vector control, potable and ballast water and food safety controls.

Ship Sanitation Certificates are issued by officers from the Food Team following an inspection of the ship and are valid for six months. Ship Sanitation Certificates can only be issued at ports which have been authorised to do so. If the ship inspection is satisfactory a Ship Sanitary Exemption Certificate will be issued. If Public Health risks are found on board ship officers will issue a Ship Sanitation Control Certificate and require that the problems are remedied within a certain timescale.

This is a chargeable service with the fee being set nationally by the Association of Port Health Authorities. The current fees are below and based on the tonnage of the vessel:

Gross tonnage:

Up to 1,000:	£105.00
1,001 - 3,000:	£140.00
3,001 - 10,000:	£210.00
10,001 - 20,000:	£270.00
20,001 - 30,000:	£345.00
Over 30,000:	£405.00

In 2020/21 there were 12 ship sanitation visits carried out compared to 9 the previous financial year.

vi. Health Promotion and Education

Dependant on the availability of resources, there are a variety of health promotion and Health education activities undertaken by the EH Commercial service as follows:

- FSA campaigns
Campaigns sponsored by the FSA to promote food safety including Food Safety week are participated in as appropriate.
- Use of social media
The Food and Safety service uses Twitter to promote the Food Hygiene Rating System in particular including by publicising businesses achieving a 5 rating as well as supporting the health promotions of other organisations around food safety and healthy lifestyles.

vii. Licensing

The service is responsible for the administration and enforcement of a number of licensing regimes as follows:

- Alcohol and Entertainment Establishments
- Gambling Establishments and Lotteries
- Temporary Events Notices
- Personal Licences
- Taxi and Private Hire
- Charity Collections
- Sex Establishments
- Caravan, Park Homes and Camping sites
- Animal welfare including
- Animal Boarding Establishments
- Dangerous Wild Animals
- Dog Breeders
- Pet Shops
- Riding Establishments
- Zoos.

The majority of licenses are administered by the Licensing Officers with enforcement carried out by the Licensing Enforcement Officer.

Licensing fees are charged on a cost recovery basis for most areas, apart from licences under the Gambling Act and Licensing Act.

viii. Covid-19 response

The EH Commercial team has taken a lead role for the Council in working with the Director of Public Health and other partners in Norfolk to implement the covid-19 Outbreak Control Plan and subsequent Outbreak Management Plan.

Representatives of the team have attended the Health Protection Board, set up in response to the pandemic. The Norfolk groups have acted to coordinate the response across Norfolk in implementing regulations created to deal with covid-19 through the Public Health (Control of Disease) Act 1984 and the Coronavirus Act 2020.

- The majority of work has been to provide advice and guidance to businesses and the wider public on the changing regulatory controls as well as having an enforcement role.

ix. Corporate Health and Safety

Coronavirus has dominated the work of Corporate Health and Safety since March 2020 and has provided challenges in dealing with new work areas or managing how to undertake work in new safe ways.

- Accidents/Incidents

The number of accidents reported during the period of April 2019-March 2020 totalled 30, of which 8 were required be reported to the Health and Safety Executive (HSE) under the Reporting of Injuries Diseases and Dangerous Occurrences Regulations (RIDDOR). This resulted in 93 FTE lost days.

The reportable accidents included three slips on wet or icy surfaces, three industrial diseases of which two were Hand Arm Vibration (HAVs) related and one work aggravated Tendonitis. One injury was due to being hit by a moving object and there was a fall in a stairwell. The other non RIDDOR accidents included cuts to arms and legs, mainly from employees from public open space. Slips and trips and also some injuries from dogs mostly made up the other reports.

From April 2020, there were 11 accidents reported; none were RIDDOR reportable. These accidents have mainly concerned cuts and grazes from work activities, however another animal injury was also reported. This has resulted in 21 FTE lost days (up to 30.11.20)

Table below to show number of accidents reported through the Accident/Incident Form Process

Dates	RIDDOR	Non RIDDOR
1.4.20 - 31.12.20	0	11
1.4.19 - 31.3.20	8	22
1.4.18 -31.3.19	1	39

- Service Requests

There were 527 requests in 2020/21 compared with 196 for the previous year. The increase being attributable to advice or issues relating to coronavirus. The coronavirus requests were varied and ranged from information about PPE to guidance on legislation or how to undertake an activity safely.

Health and Safety documentary checks on companies going through the Procurement process also increased due to the Care and Repair Framework process. Additional checks were also made into contractors coronavirus plans.

x. General

a. Enforcement Policy

The Council has adopted a corporate wide enforcement policy. All officers are expected to act in accordance with this policy. The policy is freely available for inspection by the public and local businesses and is posted on the Council's website. The policy puts the Regulators Code at the centre of the Council's approach to regulating businesses and with that, an explicit commitment to carry out regulatory activities in a way that supports businesses to comply and grow.

b. Home authority and primary authority principles

The EH Commercial service of the council supports the Home Authority Principle and will provide advice to businesses where they act as the Home or Originating Authority. Officers have regard to information that they receive from any liaison with Home/Oriinating Authorities and where advice has been received, the relevant Authority will be kept informed of actions taken by this Council.

The Council acknowledges the primary authority system and appropriate adjustments are made to the way in which interventions are made when businesses have entered an arrangement with a local authority as a primary authority.

c. Liaison with other organisations and partnership working.

Officers represent the Councils at the following meetings:

- Norfolk Food Liaison Group
- Norfolk and Suffolk Health and Safety Liaison Group
- Food Standards Agency Food Leads Regional Meetings
- Food Standards Agency Food Hygiene Rating System User group
- Norfolk Event Safety Advisory Group
- Norfolk Head of Regulatory Services
- Norfolk EH Leads
- Norfolk Social Distancing Delivery Group

These Groups offer the opportunity to share information, organise low-cost training for our food and safety officers, help to ensure consistent enforcement and provide an opportunity to influence the development of activity across the County. They also enable our professional officers to have access to regional and national food safety and health and safety information.

6. Performance and Review

The current performance of the Service is measured and monitored via the Council's performance management system.

The key indicators for the service are under review.

Monitoring arrangements are in place to assist in the quality assessment of the work being carried out by the team including as follows:

- Regular team meetings
- Individual performance review
- Regular FHRS consistency training exercises with the FSA

Service Standards

The EH Commercial Team has adopted the following service standards:

Food hygiene

- Provide a summary inspection report at the time of inspection clearly indicating required and recommended actions.
- Respond to requests for advice and information about food safety within 5 days for requests that do not have a public health impact.
- Respond to complaints of poor hygiene and unsatisfactory food within 3 days.

Health and safety enforcement

- Respond to complaints of poor health and safety within 3 days.
- Respond to requests for advice and information about health and safety within 3 days.

Infectious diseases - control

- Respond to reports of any notifiable infection where the risk to public health is immediate and significant, including outbreaks, within the same working day.
- Respond to reports of less serious notifiable infections within 3 days.

Private Hire and Hackney Carriages

- Investigate complaints/reports and take appropriate action including the requirement for Members of the Licensing & Appeals Panel to consider whether licence holders remain 'fit and proper' persons to hold a licence.

- Monitor vehicle compliance through reports from approved testing stations.
- Investigate vehicle accidents ensuring all licensed vehicles are safe and suitable for use.
- Complaints will be investigated within 3 days of receipt of them.

7. Challenges to Service Delivery

- Covid-19. The continuing constraints on service delivery and the businesses regulated by the service have created a significant backlog of work across all categories.
- Brexit. Risks remain around our shellfish industry. The EU exit had a huge impact upon the local sector, mainly due to increased costs of exporting. Some have adapted to the new rules, some have diversified away from export completely. The EU exit meant increased regulatory burdens, and the Food Team have been required to support the sector in understanding the complex web of requirements. Additional species of shellfish have been required to be classified, with others likely to follow, marine bio-toxin monitoring has increased significantly under a new risk assessment, all incurring an additional regulatory and budgetary burden for the coming years. Much of the environmental legislation and the food law currently enforced by local authorities is predominantly based on European regulations, transition arrangements mean that there is little initial change but at some point, it will require reproducing domestically. Government may take this opportunity to change public health and environmental regulation.
- The FSA have reviewed the way in which competency is assessed and demonstrated. This will impact heavily on the management capacity of the service and may result in additional costs.
- Continuing to adapt to changing customer expectations and service delivery models arising from changes to the way we work both through choice and necessity.
- Food Exports. From the 1st January 2021, exporters of certain food products are required to provide an export health certificate (EHC) to accompany the consignment when exporting to the EU and NI. The EHC is an official document that confirms that the export meets the health requirements of the destination country.

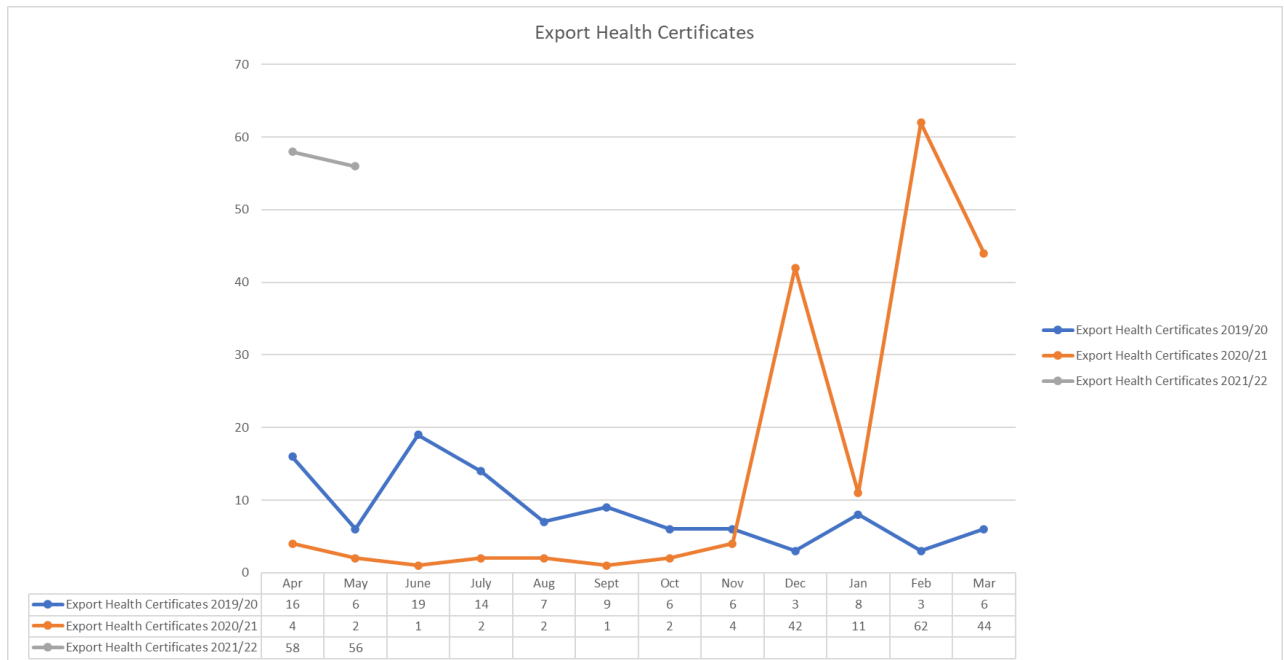
Food Officers are responsible for the inspection, validation, and certification of exports of:

- Shellfish
- Fishery Products
- High Risk Products of Non-Animal Origin
- Products going to China, USA and Australasia

Since January 2021 there has been a significant increase in the amount of EHCs that have been issued. During the main cockling season, it is

anticipated that around 8 consignments per week are expected to be exported to the EU, all of which will require an EHC. This will have a significant impact on the resource within the Food Team as outlined in the service activity in Appendix 1.

This service is cost recovery where the exporter pays a fee to cover the cost of the service provision.



Dog Breeding. Since the introduction of the Animal Welfare Regulations in 2018 there has been an increase in the number of premises requiring licenses under the regulations. During 2020 the number of unlicensed breeders operating throughout the Borough increased significantly due to the cost of puppies more than doubling. For example, pre-lockdown a Labrador puppy would cost in the region of £750, now the cost has risen to more than £2000. Because of this dog owners are now breeding their dogs, where once they would not consider it. Most of these breeders are not licensed. Where unlicensed breeders are notified to the authority the Licensing Team informs the ‘selling site’ who then removes the adverts. In April and May 2021, 71 adverts were removed from such selling sites. The Licensing Team then follow up the adverts and contact the sellers to advise them of the requirement to be licensed. This has and will continue to impact on the workload of the team where they is currently a 1FTE dealing with animal welfare licences. This service is cost recovery where the licence holders pay a fee to cover the cost of the service provision.

8. Service Action Plan 2021/24

21/22 Quarter 1.

- Develop strategies for clearing work backlogs post covid lockdown including for, food safety and health and safety. Adopting whatever guidance is forthcoming from government agencies and follow the FSA recovery plan and any further updates
- Respond to consultation on Department for Transport (DFT) for Statutory Standards for taxi and private hire vehicles (PHV) licensing authorities.

21/22 Quarter 2.

- Recruit to vacant HS Officer post.
- Ensure that the Corporate Enforcement Policy is reviewed.
- Respond to changes in the revised Food Law Code of Practice, particularly in relation to the Competency Framework for Food Officers including assessing the cost of this change (officer time and training costs).

21/22 Quarter 3.

- Recruit to Level 6 Environmental Health Apprentice posts.
- Respond to changes in the revised Food Law Code of Practice, particularly in relation to the Competency Framework for Food Officers including assessing the cost of this change (officer time and training costs).
- Recruit to S/EHO post in Food Safety.

21/22 Quarter 4

- Review of Gambling Act Policy.
- Review of Taxi Conditions.
- Review Commercial Team Risk Assessments.

Ongoing

- Work with Norfolk Public Health and other Norfolk partners to implement the covid-19 Outbreak Management Plan.
- Work with Norfolk partners to implement new regulations as Covid lockdown is lifted, supporting businesses and communities.
- Undertake a food premises intervention programme in accordance with the requirement of the FSA Code of practices, however this may be adapted to resolve the current national backlog, to protect the public.
- Continue to engage with the Food Standard Agency on promotion of food safety initiatives and the promotion of the Food Hygiene Rating System.
- Participate in local and national food sampling programmes, where resources allow.

- Undertake an intervention programme in accordance with the requirements of HSE guidance LAC67/2 or its successor and the National Local Authority Enforcement Code to protect both people in the workplace and the public.
- Continue to engage with the HSE and other Norfolk local authorities on promotion of health and safety initiatives and interventions.
- Continue to improve support for small and medium sized businesses in the district in conjunction with other council services, external regulatory services and the New Anglia LEP.

DRAFT

Appendix 1: Food Service Activity in Detail

Activity Type	Service Demand 2021/22	Estimate time in hours for Inspection (including travel~1hour)	Estimate time in hours for follow up action e.g. letters, notices, revisit	FTE Equivalent 44 wks at 37 hrs/wk (1628 hrs)
Total Number of food premises	1672			
Programmed Inspections				
Category A premises	3 (*2)	4hrs	4hrs	0.03
Category B premises	84	3hrs	3hrs	0.31
Category C premises	220	3hrs	2hrs	0.68
Category D premises	485	2hrs	1hrs	0.89
Category E premises	497	1hrs	0.5hrs	0.46
Unrated premises	103	2hrs	1hrs	0.15
Food related complaints	~150	2.5hrs	1hrs	0.32
Fishing Boat Approvals	46	3hrs	3hrs	0.17
Manufacturers	36	7hrs	18hrs	0.55
Infectious Disease notifications	~270	1hr	1hr	0.33
Shellfish sampling	24(*2)	3hr	1hrs	0.12
Port Health Sampling	12	1	0.5	0.01
Sampling - Local Programme	13	2	0.5	0.02

Environmental Health - Commercial Team Service Plan 2021 - 2024

Sampling - National Programme	12	3	0.5	0.26
EC 853 and 854/2004 premises	16	2	0.5	0.02
Other service requests/information	75	2hrs	1hr	0.14 (tot – 4.46)
Level 2 Training	6(*2)	8hrs	2hrs	0.07
Officer training		30	5	0.02
Private Water Supplies	62	3hrs	3hrs	0.23
Large Scale Events	2 (at least)	Pre-event 60 During event 90	30	0.22
Ship Sanitation Certificates	12	3	2	0.04
Export Certificates* (£66.50 per certificate)	161	0	0.25	0.02
Shellfish/Fishery Products/ HRFNAO EHC * (£66.50 per certificate + £58.50ph (one hour charge))	312	3	1	0.77
Covid response #	432	1	1	0.53
TOTAL FTE required				6.36
TOTAL FTE available				4.8

*Estimated income £49,706.50

#2020/21 figures - Expected decline in numbers 2021/22, unable to predict.

Appendix 2: Licensing – service activity 2020-2021

Environmental Health - Licensing

Month	Taxi / PH				LA2003	Licensing Act 2003				Gambling Act 2005				Animal Welfare Licensing		
	Apps	IVA	SR	Hear	TEN's	Apps	IVA	SR	Hear	Apps	IVA	SR	Hear	Apps	IVA	SR
April 2020	27	11	11	0	3	8	7	7	0	0	0	0	0	5	8	8
May 2020	32	5	5	0	4	7	10	10	0	0	2	2	0	0	12	12
June 2020	31	11	11	0	0	18	26	26	0	0	0	0	0	8	8	3
July 2020	20	11	11	0	8	19	13	13	0	0	0	0	0	3	13	6
August 2020	29	8	8	0	16	12	10	10	1	0	1	1	0	3	6	4
September 2020	37	10	8	1	9	20	27	23	0	0	0	0	0	1	6	1
October 2020	49	20	20	0	10	14	8	26	0	0	0	0	0	15	15	16
November 2020	29	10	10	0	5	16	17	17	1	10	1	1	0	8	17	17
December 2020	10	4	4	0	5	17	21	21	0	4	1	1	0	6	4	4
January 2021	26	0	9	0	3	5	0	6	0	0	0	0	0	5	2	9
February 2021	21	0	2	0	3	8	0	5	1	1	0	0	0	10	19	9
March 2021	33	0	3	0	2	7	0	8	0	0	0	0	0	10	21	4
Quarter Ending	Taxi / PH				TEN's	Licensing Act 2003				Gambling Act 2005				Animal Welfare Licensing		
	Apps	IVA	SR	Hear		Apps	IVA	SR	Hear	Apps	IVA	SR	Hear	Apps	IVA	SR
June 2020	90	27	27	0	7	33	43	43	0	0	2	2	0	13	28	23
September 2020	86	29	27	1	24	51	50	46	1	0	1	1	0	7	25	11
December 2020	88	34	34	0	20	47	46	59	1	14	2	2	0	29	36	37
March 2021	80	0	14	0	8	20	0	19	1	1	0	0	0	25	42	22
Totals:	344	90	102	1	59	151	139	167	3	15	5	5	0	74	131	93
537 59 460 25 298																

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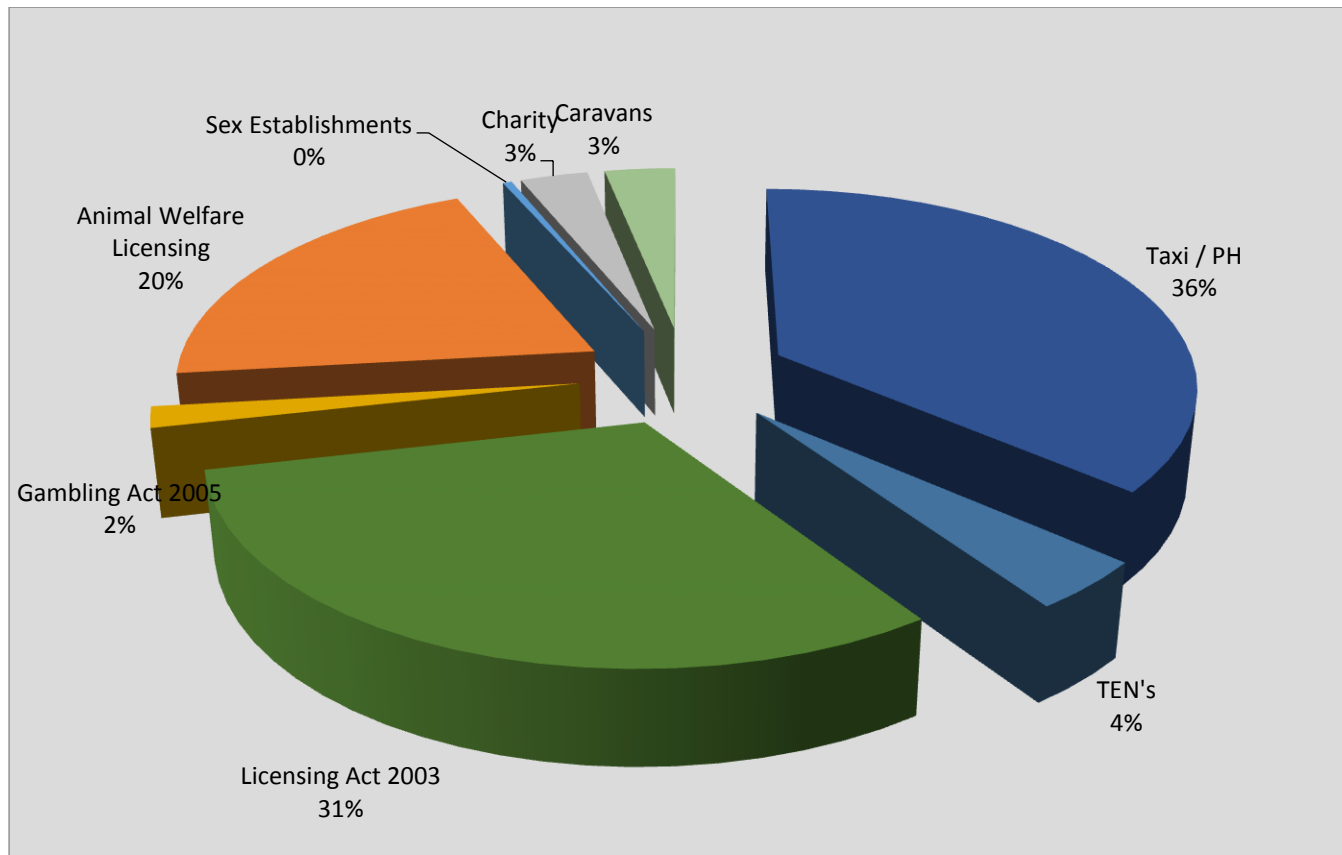
Sex Establishments				Charity			Caravans		
Apps	IVA	SR	Hear	Apps	IVA	SR	Apps	IVA	SR
0	0	0	0	3	0	0	0	1	1
0	1	1	0	1	0	0	0	5	5
0	1	1	0	6	0	0	0	3	3
0	0	0	0	0	0	0	1	4	4
0	0	0	0	1	0	0	1	0	2
0	0	0	0	4	0	0	0	0	1
0	0	0	0	5	0	0	0	4	4
1	0	0	0	6	1	1	0	1	1
0	0	0	0	5	0	0	0	1	1
0	0	0	0	3	0	0	2	0	0
0	0	0	0	4	0	0	1	0	1
0	0	1	0	5	0	0	0	0	0
Sex Establishments				Charity			Caravans		
Apps	IVA	SR	Hear	Apps	IVA	SR	Apps	IVA	SR
0	2	2	0	10	0	0	0	9	9
0	0	0	0	5	0	0	2	4	7
1	0	0	0	16	1	1	0	6	6
0	0	1	0	12	0	0	3	0	1
1	2	3	0	43	1	1	5	19	23

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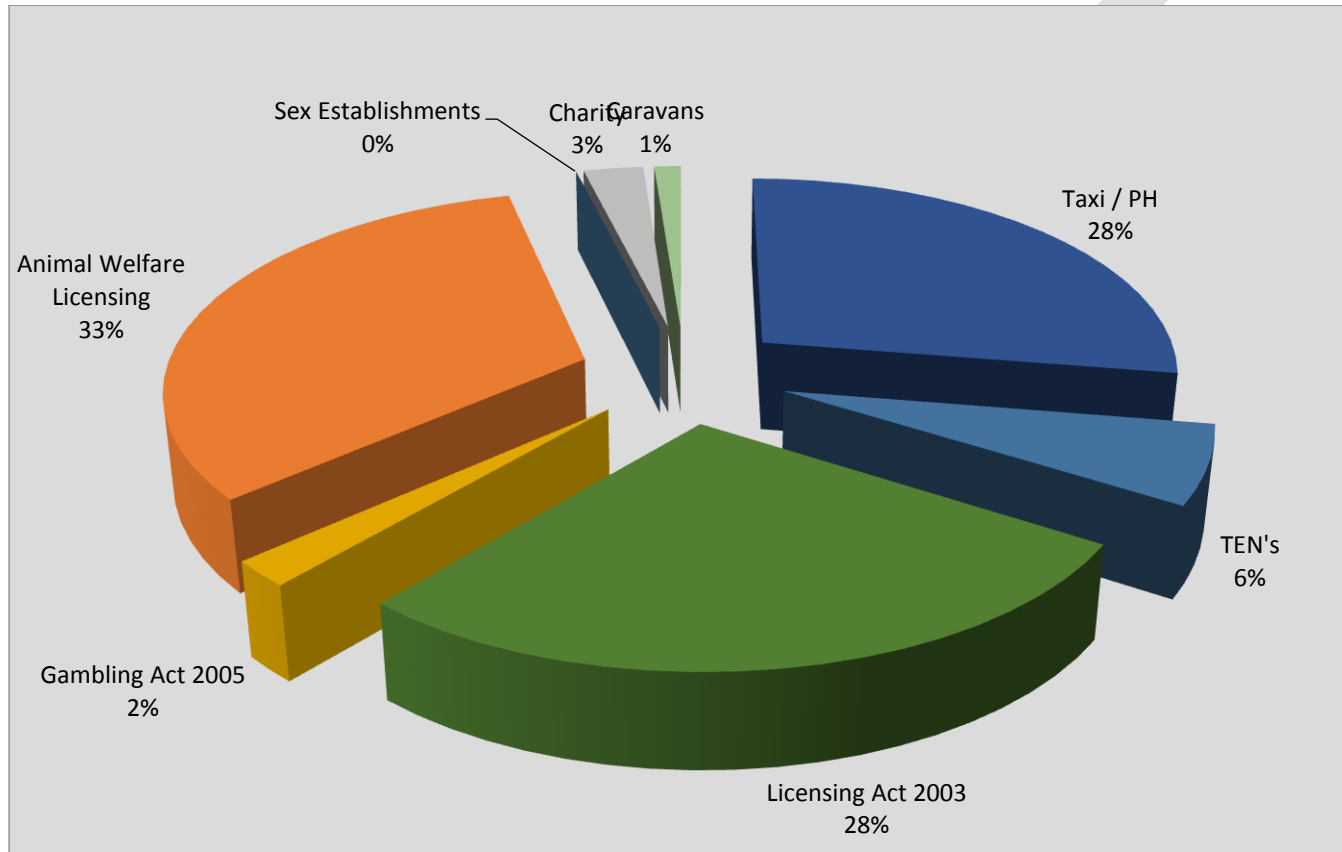
% of work over the last financial year 2020/2021



138

% of work up to end of May 2021

139



MAM FT, AP FT, LCH 22 JFR 31.75 44 weeks x 127.75 = 5621. 1764.75 shortfall. Equates to 1.08 FTE post

REPORT TO CABINET

Open	Would any decisions proposed :		
Any especially affected Wards	(a) Be entirely within cabinet's powers to decide NO		
	(b) Need to be recommendations to Council YES		
	(c) Be partly for recommendations to Council NO and partly within Cabinets powers –		
Lead Member: Paul Kunes E-mail: paul.kunes@west-norfolk.gov.uk		Other Cabinet Members consulted:	
		Other Members consulted: Licensing Committee	
Lead Officer: Marie Malt E-mail: marie.malt@west-norfolk.gov.uk Direct Dial: 01553 616786		Other Officers consulted: Stuart Ashworth, Geoff Hall, Licensing Team	
Financial Implications NO	Policy/Personnel Implications NO	Statutory Implications (incl S.17) YES	Risk Management Implications 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: 16th November 2021

TITLE: Gambling Act 2005 - Statement of Principles

Summary

The Gambling Act 2005 requires every local authority to agree a Statement of Principles (previously referred to as 'Statement of Licensing Policy') in accordance with the Statutory Guidance issued under the Act. The policy has been drawn up in accordance with the guidelines issued by the Gambling Commission and has been subject to consultation.

Recommendation

That the Council be invited to adopt the Statement of Principles in accordance with the requirements of the Gambling Act 2005.

Reason for Report

It is a Statutory requirement that the Council adopts a Statement of Principles.

1.0 Background

1.1 The Gambling Act 2005 (the 'Act') requires all local authorities to publish a Statement of Principles each three-year period. Our current policy was approved by Full Council on the 29th November 2018.

1.2 Regulations require that the Council has their new statement of principles in place by the 31st January 2022.

2.0 Consultation

2.1 The Guidance to Licensing Authorities issued by the Gambling Commission advises on how the policy is to be formulated and the consultation process to which it will be subjected. The Act requires that the following parties are consulted:

- The Chief Officer of Police
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005

2.2 A list of persons we consulted can be found at Annex A to the Draft Statement of Principles (attached). In addition, the consultation has been open to the public on the Borough Council's website.

2.3 The changes proposed are highlighted by tracked changes in the attached document, Appendix 1.

2.4 The proposed changes incorporate amendments to the statutory provisions and the guidance issued by the Gambling Commission. The opportunity has also been taken to provide additional information and update sections in order to provide a policy that will be capable of assisting any one of the wide range of people who may have recourse to it.

2.5 The consultation ended on 19th October 2021 and a summary of comments received can be found at Appendix 2.

3.0 Review

3.1 Regulations issued under the Act require that the statement of principles be formally reviewed every three years although it can be reviewed and changed at any time if required.

4.0 Delegation of Functions

4.1 The Act delegates the Licensing Authority's functions to the same Licensing Committee established under the Licensing Act 2003 with the exception of the Authority's function to publish a three-year statement of principles and the power to resolve not to grant casino licences. These two matters can only be dealt with by Full Council.

5.0 FINANCIAL IMPLICATIONS

5.1 There are no direct financial implications.

6.0 STATUTORY CONSIDERATION

6.1 It is a statutory requirement that we review our statement of principles at least every 3-year period.

7.0 RISK ASSESSMENT

7.1 The risk of not adopting the statement of principles means that the Borough Council will not be able to conduct any of its statutory functions (issue licences and permits and enforcement) under the Gambling Act 2005 after the 31st January 2022.

8.0 EQUALITY IMPLICATIONS

8.1 There are no equality implications.

Attached Papers

Appendix 1 Gambling Act 2005 - Draft Statement of Principles (DRAFT)

Appendix 2 Summary of comments received during consultation period.

Background papers

1. The Gambling Act 2005
2. The Gambling Commission's current Guidance to Licensing Authorities



Gambling Act 2005

Statement of Principles

Approved by Cabinet on: ~~13th November 2018~~2021
Approved by Full Council on: ~~29th November 2018~~2021
Effective from: 31st January ~~2019~~2024

Borough Council of King's Lynn & West Norfolk

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PART A

1.0 The Licensing Objectives

1.1 In exercising their functions under the Gambling Act 2005, (hereafter referred to as the 'Act') the Borough Council of King's Lynn & West Norfolk (hereafter referred to as the 'Borough Council') must have regard to the licensing objectives as set out in section 1 of the Act. These licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

1.2 It should be noted that the requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling.

1.3 The Borough Council is aware that, in accordance with Section 153 of the Act, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the Borough Council's Statement of Principles.

2.0 Introduction

2.1 The Borough Council is situated in the County of Norfolk and has a population of 151,800 (Norfolk Insight 2016). In terms of area it is the largest, covering 1428.76 square kilometres (551 square miles). The area is mainly rural with urban areas of King's Lynn, Downham Market and Hunstanton. These areas are shown in the map below:

~~2.8 Should you have any comments as regards this statement of principles please send them via e-mail or letter to:~~

~~———— The Senior Licensing Officer
———— Environmental Health – Licensing
———— Borough Council of King's Lynn & West Norfolk
King's Court
Chapel Street
King's Lynn
Norfolk
PE30 1EX
E-mail: ehlicensing@west-norfolk.gov.uk~~

2.6 It should be noted that this statement of principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.

3.0 Declaration

3.1 In producing the final statement, the Borough Council declares that it has had regard to the licensing objectives of the Act, the Guidance to Local Authorities issued by the Gambling Commission, and any responses from those consulted on the statement.

4.0 Responsible Authorities

4.1 The Borough Council is required to state the principles it will apply in exercising its powers under ~~Section 157(h) of~~ the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

4.2 The Borough Council designates the Norfolk Safeguarding Children Board for this purpose. (<http://www.norfolkscb.org/>)

4.3 The contact details of all the Responsible Authorities under the Act are attached to this Statement of Principles at Annex B.

5.0 Interested Parties

5.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in ~~Section 158 of~~ the Act as follows:

“For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person-

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- a) *lives sufficiently close to the premises to be likely to be affected by the authorised activities,*
- b) *has business interests that might be affected by the authorised activities, or*
- c) *represents persons who satisfy paragraph (a) or (b)”*

5.2 In determining whether someone lives sufficiently close to particular premises so as to be affected, the Borough Council may take into account, amongst other things:

- the size and nature of the premises
- the distance of the premises from the person making the representation
- the nature of the complaint
- the potential impact of the premises.

In determining whether a person has a business interest which could be affected, the Borough Council may consider, amongst other things:

- the size of the premises
- the catchment area of the premises, and
- whether the person making the representation has business interests in the catchment area that might be affected.

The Borough Council will interpret the phrase “business interest” widely and not merely confine the phrase to meaning those engaged in trade and commerce. It may therefore include charities, churches, medical practices, schools and other establishments and institutions.

In determining whether a person is an interested party, the Borough Council will apply the following principles. The first principle is that each case will be decided upon its own merits. The Borough Council will not apply a rigid rule to its decision making and will consider the examples of considerations provided in the Gambling Commission’s Guidance for local authorities. “Business interests” is given the widest possible interpretation and includes partnerships, charities, faith groups and medical practices.

5.3 A wide interpretation will be given to those categories of persons and organisations that represent residents and businesses. These may include residents and tenants’ associations, trade unions and other associations, as well as individuals whose role is to represent the interests of one or more residents or businesses such as a Councillor or Member of Parliament.

If an existing gambling business makes a representation that it is going to be affected by another gambling business starting up in the area, then without further relevant evidence supporting the representation, the Borough Council would not consider this to be a relevant representation because it relates to “demand” or competition.

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It is for the Borough Council to determine, on a case by case basis, whether or not a person making a representation is an "interested party". The Council may ask for evidence to identify who is being represented and show that they have given consent for representations to be made on their behalf. In cases which are not clear-cut, the benefit of the doubt will usually be exercised in favour of the person making the representation.

~~Interested parties can be persons who are democratically elected such as councillors and members of parliament. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.~~

- 5.4 If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Sub-Committee dealing with the licence application. If there are any doubts then please contact the licensing team.

6.0 Exchange of Information

- 6.1 The Borough Council is required to include in ~~our this~~ statement the principles to be applied by the ~~authority Council~~ in exercising the functions under ~~sections 29 and 30 of~~ the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under ~~section 350 of~~ the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

- 6.2 The Borough Council will act in accordance with all the relevant legislation and guidance from the Gambling Commission with regard to data protection and the freedom of information. Additionally, the Borough Council has adopted and will apply the principles of better regulation as detailed in the Regulators' Code.
~~The principle that the Borough Council will apply is that we will act in accordance with the provisions of the Act in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The Borough Council will also have regard to any Guidance issued by the Gambling Commission to local authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.~~

7.0 Inspections & Criminal Proceedings

- 7.1 Licensing authorities are required by ~~regulation under~~ the Act to state the principles to be applied by ~~the authority~~ in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers

under ~~section 346 of~~ the Act to institute criminal proceedings in respect of the offences specified.

7.2 The Borough Council's principles are that it will be guided by the Gambling Commission's Guidance for local authorities and its own enforcement ~~police~~ policy and will endeavour to be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

7.3 The Borough Council will endeavour to avoid duplication with other regulatory regimes so far as possible.

7.4 The Borough Council inspection programme will be ~~risk-based~~ and take into account;

- The licensing objectives;
- Relevant codes of practice;
- Guidance issued by the Gambling Commission, ~~in particular at Part 36~~;
- This statement of principles.

7.5 The main enforcement and compliance role for the Borough Council in terms of the Act is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the Borough Council but should be notified to the Gambling Commission.

8.0 Licensing Authority Functions

8.1 The Borough Council, as the Licensing Authority is required under the Act to:

- be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*;
- issue *Provisional Statements*;
- regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits;

- issue *Club Machine Permits to Commercial Clubs*;
- grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*;
- receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines;
- issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines;
- register *small society lotteries* below prescribed thresholds;
- issue *Prize Gaming Permits*;
- receive and Endorse *Temporary Use Notices*;
- receive *Occasional Use Notices*;
- provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange'); and
- maintain registers of the permits and licences that are issued under these functions

8.2 It should be noted that local licensing authorities are not involved in the licensing of remote gambling, which is regulated by the Gambling Commission via operating licences.

PART B PREMISES LICENCES: CONSIDERATION OF APPLICATIONS

9.0 General Principles

9.1 Premises licences are subject to the requirements set-out in the Act and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

10.0 Decision Making

10.1 The Borough Council is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of principles.

10.2 It is appreciated that, as ~~per-stated in~~ the Gambling Commission's Guidance for local authorities, "moral and ethical objections to gambling are not a valid reason to reject applications for premises licences". ~~(except as~~

~~regards any 'no casino resolution'—see section on Casinos at paragraph 24) and, also,~~ that demand is not a ~~criteria-relevant consideration~~ for a licensing authority.

11.0 Definition of “premises”

11.1 In the Act, "premises" is defined as including "any place". ~~Section 152 therefore prevents more than one premises licence applying to any place. But a~~ single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, the Borough Council shall pay particular attention if there are issues about subdivisions of a single building or plot and shall ensure that mandatory conditions relating to access between premises are observed.

11.2 ~~The Act requires applicants to submit plans of the premises with their application to ensure that the Borough Council has the necessary information to make an informed judgment about whether the premises are fit for gambling. As the plan forms part of the premises licence, it will also be used by the Borough Council in connection with premises inspection activity. The plans must comply with requirements contained in the regulations made under the Act. The Gambling Commission states in its Guidance to Licensing Authorities that: “In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.”~~

11.3 ~~When determining an application for a premises licence or review of a premises licence, regard will be had to the proximity of the premises to schools, vulnerable adult centres or residential areas where there may be a high concentration of families with children. The proximity of premises taken into consideration will vary depending on the size and scope of the gambling premises concerned. Each case will, however, be decided on its merits. Therefore, if an applicant can effectively demonstrate how they might overcome any concerns, this will be taken into account. This would be expected to be addressed as part of the local risk assessment required to be submitted with all new and variation premises licence applications. The Borough Council takes note of the Gambling Commission's Guidance to Licensing Authorities which states that:~~

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~~licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:~~

- ~~• The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.~~
- ~~• Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not "drift" into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.~~
- ~~• Customers should be able to participate in the activity named on the premises licence.~~

~~11.4 The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:~~

- ~~• Do the premises have a separate registration for business rates?~~
- ~~• Is the premises' neighbouring premises owned by the same person or someone else?~~
- ~~• Can each of the premises be accessed from the street or a public passageway?~~
- ~~• Can the premises only be accessed from any other gambling premises?~~

~~11.5 The Borough Council will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.~~

12.0 The ~~Gambling Commission's~~ relevant access provisions for each premises type are reproduced below:

12.1 Casinos

- The principal access entrance to the premises must be from a street;
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons;
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.

12.2 Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises.

12.3 Betting Shops

- Access must be from a street or from another premises with a betting premises licence;
- No direct access from a betting shop to another premises used for the

retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

12.4 Tracks

- No customer should be able to access the premises directly from:
 - a casino
 - an adult gaming centre

12.5 Bingo Premises

- No customer must be able to access the premise directly from:
 - a casino;
 - an adult gaming centre; or
 - a betting premises, other than a track.

12.6 Family Entertainment Centres

- No customer must be able to access the premises directly from:
 - a casino;
 - an adult gaming centre; or
 - a betting premises, other than a track.

~~12.7 The Gambling Commission's Guidance contains further advice on this issue, which the Borough Council will also take into account in its decision-making.~~

13.0 Location

13.1 The Borough Council is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. ~~This authority~~The Council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

14.0 Local Area Profiling

~~14.1 The Social responsibility Code (10.1.1), came into effect on the 6th April 2016 and requires licensees to assess the local risks to the licensing objectives posed by their gambling operations at each of their premises, and have policies, procedures and control measures to mitigate those risks.~~

14.12 The Borough Council is aware that there is no mandatory requirement to have a local area profile but recognises that that one may offer a number of benefits. Should evidence be obtained to identify local risk areas then

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these will be reflected in a separate document and made available from Environmental Health – Licensing and on the Borough Council's website.

15.0 Local Area Risk Assessment

15.1 It is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises. Policies, procedures and control measures must be in place to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.

15.2 The LCCP, ~~at Section 10 states that requires~~ licensees ~~must to undertake~~ and review (and update as ~~————~~ necessary) ~~their~~ local risk assessments:

- to take account of any significant changes in local circumstances;
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- when applying for a variation of a premises licence; and
- ~~in any case, undertake a local risk assessment~~ when applying for a new premises licence.

15.3 In undertaking a local risk assessment the Borough Council will expect the operator, as a minimum, to take into account:

- whether the premises is in an area of deprivation
- whether the premises is in an area subject to high levels of crime and/or disorder
- the ethnic profile of residents in the area
- the demographics of the area in relation to vulnerable groups
- the location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather
- health information and data relating to gambling related harm

15.4 ~~A single generic risk assessment covering every premises in an operator's estate will not be considered by the Borough Council to be suitable or sufficient. It is also expected that operators will take full account of the local area when compiling their risk assessments, and to reflect this in the control measures which they will implement. The local risk assessment should also show how vulnerable people, including people with gambling dependencies are protected.~~

Risk assessments should be kept at the individual premises to which they relate. All staff should be fully aware of the risk assessment and where it is kept in order that they can work in accordance with any requirements, and it can easily be provided to the Borough Council should they request to see it at any reasonable time.

15.5 The Borough Council also consider the following matters are of importance for ~~————~~ operators to consider in developing their local risk assessments:

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention.
- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
- The layout of the premises so that staff have an unobstructed view of persons using the premises.
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.
- Arrangements for monitoring and dealing with under-age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by-etc.
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information.

Such information may be used to inform the decision the Borough Council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

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15.6 This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.

16.0 Public Health & Gambling

16.1 The Borough Council is aware that Norfolk County Council Public Health ("Public Health") supports the ~~national~~ position of the Gambling Commission on the prevention of problem gambling³, which the ~~commission-Commission~~ states should be a ~~Public-public Health-health~~ issue that is tackled in a comprehensive way alongside other public health issues like alcohol, drug misuse, or obesity, addressed by a range of organisations and agencies working co-operatively.

16.2 Public Health's role is to focus on the prevention of harm to vulnerable people within Norfolk, and any health harms that can be caused, or exacerbated by gambling. ~~Our-Their~~ aim is to work with ~~Local-local~~ authorities in Norfolk to support a move towards health harms for individuals and communities being considered in the Gambling licensing process.

16.3 ~~We will~~Public Health may provide support to the local authorities in the development and review of ~~the-a~~ Statement of ~~principlesPrinciples~~, and, where appropriate, a ~~Local-local~~ profile that identifies the wider health harms relating to gambling that includes ~~Mental-mental~~ health, ~~Housinghousing~~, community welfare, and debt. All these areas are connected to poor health

³ <https://www.gamblingcommission.gov.uk/PDF/Gambling-related-harm-as-a-public-health-issue.pdf>

outcomes, not only for an individual, but for the surrounding family and the community.

17.0 Planning Permission & Building Regulations

17.1 In determining applications, the Borough Council will not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

~~17.2 The Borough Council is aware that a premises licence, once it comes into effect, authorises premises to be used for gambling. Accordingly, a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use. (Equally, licences should only be issued where they are expected to be used for the gambling activity named on the licence).~~

18.0 Duplication with other Regulatory Regimes

~~18.1 The Borough Council will not seek to use the Act to resolve matters more readily dealt with under other legislation and will seek to avoid any duplication with other regulatory systems where possible. For example, the Borough Council will not take into account whether the appropriate planning permission or building regulations approval are likely to be granted, nor will it take into account fire or health and safety risks without justification in a particular case. It will, however, carefully consider any concerns about conditions which are not able to be met by applicants or licensees due to planning restrictions, should such a situation arise. The Borough Council will aim to avoid any duplication with other statutory/ regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it.~~

19.0 Licensing Objectives

19.1 Premises licences granted must be reasonably consistent with the licensing objectives. With regard to this, the Borough Council has considered the Gambling Commission's Guidance to local authorities and some comments are made below.

19.2 **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.** The Borough Council is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of

organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. The Borough Council is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

19.3 Ensuring that gambling is conducted in a fair and open way. The Borough Council has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. ~~The only exception to this is for tracks which is covered in paragraph 24 below.~~

19.4 Protecting children and other vulnerable persons from being harmed or exploited by gambling. The Borough Council has noted the Gambling Commission's Guidance for local authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The Borough Council will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

~~The use of CCTV (in accordance with data protection regulations and any relevant codes of practice) may be insufficient on its own as a measure to prevent access to gaming facilities by children or vulnerable persons (including those who have registered in a self-exclusion scheme).~~

~~At premises such as adult gaming centres, betting shops, bingo halls and family entertainment centres where category B or C gaming machines are operated, the Borough Council will expect that an appropriate number of staff will be present throughout opening hours to ensure that children are not permitted to enter the premises or use age-restricted gaming facilities, as the case may be, and that self-excluded persons are not permitted to gamble.~~

~~The Borough Council is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises such as pubs.~~

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As regards the term "vulnerable persons" it is noted that the Gambling Commission does not seek to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and

people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” ~~This licensing authority~~The Borough Council will consider this licensing objective on a case by case basis.

20.0 Conditions

20.1 Any conditions attached to licences will be proportionate and will be:

- ~~relevant to the aim to permit the use of the premises for need to make the proposed building suitable as a gambling facility;~~
- necessary to promote the licensing objectives;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

20.2 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures the Borough Council will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. The Borough Council will also expect the licence applicant to offer ~~his/her~~their own suggestions as to way in which the licensing objectives can be met effectively.

20.3 The Borough Council will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives.

20.4 It is noted that the Borough Council cannot attach conditions to premises licences which:

- makes it impossible to comply with an operating licence condition;
- relate to gaming machine categories, numbers, or method of operation;
- provide that membership of a club or body be required (the Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); ~~and/or~~
- relate to stakes, fees, winnings or prizes.

20.5 Door Supervisors

If the Borough Council is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor.

~~The Act provides that where a person employed as a door supervisor is required to hold a licence issued by the Security Industry Authority (SIA).~~

that requirement will have force as though it were a condition on the premises licence.

The majority of persons employed to work as door supervisors at premises licensed for gambling will need to be licensed by the SIA. There are, however, exceptions to this requirement.

This requirement is relaxed when applied to door supervisors at casino and bingo premises. Where contract staff are employed as door supervisors at casino or bingo premises, such staff will need to be licensed by the SIA. However, in-house employees working as door supervisors at casino and bingo premises are exempt from this requirement.

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21.0 Adult Gaming Centres

- 21.1 Persons operating an adult gaming centre (AGC) are able to make category B, C and D gaming machines available. No-one under the age of 18 is permitted to enter an AGC

The Borough Council will have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the ~~authority~~ Council that there will be sufficient measures to, for example, ensure that children and young persons do not have access to the premises.

- 21.2 The Borough Council may consider measures to meet the licensing objectives such as:

- Proof of age schemes;
- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entry;
- Notices / signage;
- Specific opening hours;
- Self-exclusion schemes; and
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

22.0 (Licensed) Family Entertainment Centres (FEC):

- 22.1 Persons operating a licensed Family Entertainment Centre (FEC) must hold a relevant operating licence issued by the Gambling Commission. They will be able to make category C and D gaming machines available.

Children and young persons are permitted to enter an FEC and may use category D machines. They are not permitted to use category C machines and it is a requirement that there must be clear segregation between the two types of machine, so that under-18s do not have access to them.

The Borough Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the ~~authority~~Council, for example, that there will be sufficient measures to ensure that under children and young persons do not have access to the adult only gaming machine areas.

22.2 The Borough Council may consider measures to meet the licensing objectives such as:

- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entry;
- Notices / signage;
- Specific opening hours;
- Self-exclusion schemes;
- Provision of information leaflets / helpline numbers for organisations such as GamCare; and
- Measures / training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

23.0 Casinos

23.1 There are currently no casinos operating within the ~~borough~~Borough Council's area.

23.2 Casinos are only permitted in certain areas within Great Britain. New casinos under the Gambling Act 2005 are restricted to 16 specific local licensing authority areas. The Borough Council's area is not one of those areas.

Casinos that operated under the Gaming Act 1968 should already have a premises licence from their local licensing authority. The regions in which those casinos operate are based on a historical division that was established under the previous licensing regime by the Gaming Board for Great Britain. The Borough Council's area is not one of those regions. The Borough Council has not passed a 'no casino' resolution under Section 166 of the Act, but is aware that it has the power to do so. Should the Borough Council decide in the future to pass such a resolution, it will update this statement of principles with details of that resolution.

24.0 Bingo premises

24.1 Cash bingo is the main type of bingo played in commercial bingo premises. They can also offer prize bingo, largely as games played in the intervals between main stage games. Premises with a bingo premises licence will be able to offer bingo in all its forms.

The Borough Council will need to be satisfied that bingo can be played in any bingo premises for which a premises licence is sought.

The Act provides that the holder of a bingo premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. Premises that were licensed before 13 July 2011 are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. There are no restrictions on the number of category C or D machines that can be made available.

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Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

The Borough Council will need to be satisfied that any premises licensed for bingo will operate in a manner which a customer would reasonably be expected to recognise as premises licensed for the purposes of providing facilities for bingo.

The Borough Council may consider measures to meet the licensing objectives such as:

- CCTV
- Proof of age schemes
- Supervision of entrances/machine areas
- Physical separation of areas (if not adult-only)
- Entry control system (if not adult-only)
- Location of entry
- Notices/signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare
- Measures/training for staff on how to deal with children on the premises (if not adult-only)

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This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

25.0 Betting premises

25.1 Betting premises provide off-course betting which is betting that takes place other than at a track in what was previously known as a licensed betting office. Tracks are considered below.

Children and young persons are not permitted to enter betting premises. The Borough Council will expect applicants and licence holders to take account of the structure and layout of their gambling premises in order to prevent underage gambling.

The holder of a betting premises licence may make available for use up to four gaming machines of category B, C or D.

Betting premises may make available machines that accept bets on live events, such as horse racing, as a substitute for placing a bet over the counter. These self-service betting terminals (SSBTs) are not gaming machines.

The Borough Council may restrict the number of SSBTs, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of SSBTs in particular premises, the Borough Council, amongst other things, will take into account the ability of employees to monitor the use of the machines by children and young persons or by vulnerable people.

The Borough Council may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances/ machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/ helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures. Betting machines — A 'betting machine' is not a gaming machine and the Borough Council is aware that it can attach a condition to restrict the number of betting machines. The Borough Council will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of these machines when considering the number/nature/circumstances of betting machines an operator wants to offer.

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26.0 Tracks

- 26.1 The Act defines a track as a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place.

Examples of other tracks include (this is not an exhaustive list):

- a point-to-point horserace meeting
- football, cricket and rugby grounds
- an athletics stadium
- a golf course
- venues hosting darts, bowls, or snooker tournaments
- premises staging boxing matches
- a section of river hosting a fishing competition
- a motor racing event

There are differences between track premises licences and other premises licences. Tracks admit third-party operators to provide betting facilities, whereas other premises licence holders – for example, betting shops, bingo clubs and casinos – provide the gambling facilities themselves and are subject to the conditions of the operating licence as well as the premises licence.

Tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. The Borough Council will especially consider the impact upon the licensing objective "protection of children and vulnerable persons from being harmed or exploited by gambling" and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

~~The Borough Council is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track.~~

- 26.2 Persons under 18 years old are not permitted to enter premises when betting facilities are being provided, other than at tracks. This dispensation allows families to attend premises such as greyhound tracks or racecourses on event days, and children to be permitted into areas where betting facilities are provided, such as the 'betting ring', where betting takes place.

The exemption allowing children access to betting areas on tracks does not extend to areas within a track where category C or above machines are provided, or other premises to which under 18 year olds are specifically not permitted access. For example, where betting facilities are provided through a self-contained betting office on a track which has a separate betting premises licence, the betting operator of the self-contained premises is required to exclude under-18s from their premises.

The Act creates offences relating to gambling by children and young people and operating licence conditions require operators to have policies and

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procedures in place to prevent betting from persons who are under 18 years old. As under-18s are permitted to enter betting areas on tracks on event days, this needs to include policies and procedures to mitigate the likelihood of underage betting occurring. The track premises licence holder is also required to display a notice in a prominent place at every public entrance stating that no person under the age of 18 is permitted to bet on the premises.

The Act prohibits the employment of anyone under 18 years old on tracks. The Borough Council expects a premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

26.3 The Borough Council may consider measures to meet the licensing objectives such as:

- Proof of age schemes;
- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entry;
- Notices / signage;
- Specific opening hours;
- Self-exclusion schemes; and
- Provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

26.4 The Borough Council will consider the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use their entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

~~Gaming machines - Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.~~

26.5 Betting operators may make available machines that accept bets on live events, such as horseracing, as a substitute for placing a bet with a member of staff. These self-service betting terminals (SSBTs) are not gaming machines; they automate the process that can be conducted in person and therefore are not regulated as gaming machines. There is no restriction on

~~the number of SSBTs that may be in use but operators must, by virtue of their operating licence conditions, supervise such terminals to prevent them being used by persons under 18 years of age.~~

~~Betting machines - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/ nature/ circumstances of betting machines an operator proposes to offer.~~

27.0 **Track Applications and plans**

- 27.1 ~~Section 51 of the~~The Act requires applicants to submit plans of the premises with their application, ~~in order~~ to ensure that the ~~licensing authority~~Borough Council has the necessary information to make an informed judgement about whether the premises are fit for gambling.
- 27.2 Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.
- 27.3 Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises.
- 27.4 In ~~the rare~~ cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases ~~defining the extent of boundaries may be assisted by reference to existing plans already submitted to obtain other permissions.~~betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.
- 27.5 The Borough Council appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information ~~that this authority can~~to enable the Borough Council to satisfy itself that the plan indicates the main areas where betting might take place. ~~For racecourses in particular, any betting areas subject to the "five times rule" (commonly known as betting rings) must be indicated on the plan.~~

28.0 **Travelling Fairs**

- 28.1 The Act defines a "fair" as wholly or principally providing amusements on a site that has been used for a fair for no more than 27 days in a calendar

year. In addition, the fair must be provided wholly or principally by persons who travel from place to place for the purpose of providing fairs.

Travelling fairs may provide an unlimited number of category D gaming machines provided that facilities for gambling amount to no more than an ancillary amusement at the fair. They do not require a permit to provide these gaming machines but must comply with legal requirements about how the machines operate.

Travelling fairs are also able to offer equal chance prize gaming without a permit, provided that, taken together, the facilities for gambling are an ancillary amusement at the fair.

The Borough Council is responsible for deciding whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

28.2 The Borough Council will also consider whether the applicant falls within the statutory definition of a travelling fair.

28.3 ~~It is noted that the~~The 27-day statutory maximum for the land being used as a fair ~~applies on a per calendar year basis, and that~~ it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Borough Council will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

29.0 Provisional Statements

29.1 Developers and others may wish to apply for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

29.2 ~~Section 204 of the~~The Act provides for a person to make an application to the ~~licensing authority~~Borough Council for a provisional statement in respect of premises that ~~he or she~~they:

- ~~expects~~ to be constructed;
- ~~expects~~ to be altered; or
- ~~expects~~ to acquire a right to occupy.

29.3 The process for considering an application for a provisional statement is the same as that for a premises licence application in that the applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

29.4 In contrast to the premises licence application ~~(except in the case of a track)~~, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission ~~(except in the case of a track)~~ and they do not ~~have need~~ to have a right to occupy the premises in respect of which their provisional ~~statement~~ application is made.

29.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The ~~licensing authority~~ Borough Council will be constrained in the matters it can consider when determining the premises licence application, ~~and in~~ In terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

29.6 In addition, the ~~authority~~ Borough Council may only refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises ~~has have~~ not been constructed in accordance with the plan submitted with the application. ~~This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.~~

30.0 Licence Reviews:

30.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities, ~~however, it~~ is for the Borough Council to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below;

- ~~in accordance with~~ any relevant code of practice issued by the Gambling Commission;
- ~~in accordance with~~ any relevant guidance issued by the Gambling Commission;
- ~~reasonably consistent with~~ the licensing objectives; and
- ~~in accordance with~~ the authority's Borough Council's statement of principles.

30.2 The request for the review ~~will may~~ also be ~~subject to the consideration by~~ rejected if the Borough Council ~~as to whether~~ considers that the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

30.3 The Borough Council can also initiate a review of a particular premises licence, or a particular class of premises licence in the following circumstances:

- in relation to particular premises, the Borough Council may review any matter connected with the use made of the premises if:
 - it has reason to suspect that premises licence conditions are not being observed, or
 - for any other reason which gives them cause to believe that a review may be appropriate, such as a complaint from a third party.

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- in relation to a class of premises, the Borough Council may review the use made of premises and in particular, the arrangements that premises licence holders have made to comply with licence conditions.
~~The Borough Council, as the licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.~~

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30.4 Once a valid application for a review has been received by the ~~licensing authority~~Borough Council, representations can be made by responsible authorities and interested parties during a 28 day consultation period. This period begins 7 days after the application was received by the Borough Council, who will publish notice of the application within 7 days of receipt.

30.5 The Borough Council must carry out the review as soon as ~~possible~~ reasonably practicable after the 28 day period for making representations has passed.

30.6 The purpose of the review will be to determine whether the Borough Council should take any action in relation to the licence. If action is justified, the options open to the Licensing Sub-Committee are:-

- add, remove or amend a licence condition imposed by the ~~licensing authority~~Borough Council;
- exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
- suspend the premises licence for a period not exceeding three months; and
- revoke the premises licence.

30.7 In determining what action, if any, should be taken following a review, the Borough Council must have regard to the principles set out in section 153 of the Act (see 1.3 above), as well as any relevant representations.

30.8 In particular, the Borough Council ~~may take action, acting as the licensing authority may also initiate a review of a premises licence~~ on the grounds that a premises licence holder has not used the licence provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

- 30.9 ~~Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:~~
- ~~• the licence holder;~~
 - ~~• the applicant for review (if any);~~
 - ~~• the Commission;~~
 - ~~• any person who made representations;~~
 - ~~• the chief officer of police or chief constable; and~~
 - ~~• Her Majesty's Commissioners for Revenue and Customs.~~

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PART C PERMITS / TEMPORARY & OCCASIONAL USE NOTICE

31.0 Unlicensed Family Entertainment Centre (FEC) gaming machine permits (Statement of Principles on Permits - Schedule 10 ~~paragraph 7~~)

- 31.1 Where a ~~proprietor of an FEC premise~~ does not hold a premises licence but wishes to provide only category D gaming machines, ~~it they~~ may apply to the ~~licensing authority~~ Borough Council for a ~~Family family Entertainment entertainment Centre-centre gaming machine~~ permit.

This category of permit provides an alternative to the family entertainment centre premises licence available under the Act (which allows the operation of higher-value gaming machines (Category C) but is subject to more rigorous application procedures).

It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use ~~(Section 238)~~.

- 31.2 The Act states that ~~a licensing authority may prepare a statement of principles that they propose to consider~~ in determining the suitability of an applicant for a permit ~~and in preparing this statement, and/or considering applications, it~~ the Borough Council need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25.
- 31.3 The Borough Council is aware that it cannot add conditions to this type of permit. There is no limit on the number of category D gaming machines that may be made available at the premises.
- 31.4 An application for a permit may be granted only if the Borough Council is satisfied that the premises will be used as an unlicensed FEC, and the chief officer of police has been consulted on the application.

~~A permit will remain in force for 10 years. A renewal application must be made prior to the expiry date in accordance with the procedure contained in the Act. The Borough Council has adopted the following Statement of Principles, in respect of unlicensed FECs:~~

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- 31.5 The Borough Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Such policies/procedures will be considered on their merits; ~~h~~However, they may include appropriate measures on staff training on how to deal with suspected truancy, how to deal with unsupervised ~~very~~ young children being on the premises and children causing problems around the premises.
- 31.6 The Borough Council will also expect the applicant to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs and that staff are trained to have a full understanding of the maximum stakes and prizes.
- 31.7 The Borough Council will require the following to be submitted in addition to the application form and fee:
- (1) ~~(Where the applicant is an individual) P~~Proof of the applicant's identity and age. Holders of operating licences issued by the Gambling Commission are exempt from this requirement;
 - (2) Proof of the applicant's right to occupy the premises for which the permit is sought;
 - (3) (Where the applicant is an individual) A 'basic' Disclosure & Barring Service (BDS) disclosure dated no earlier than one calendar month on the day the application is received by the Borough Council. Holders of operating licences issued by the Gambling Commission are exempt ~~from~~ this requirement;
 - (4) An insurance certificate (or certified copy) confirming the availability of public liability insurance covering the proposed activity;
 - (5) A plan drawn to an appropriate scale 1:100 of the premises showing:
 - a. The boundary of the premises including any internal and external walls, entrances, exits, doorways and windows, and indicating the points of access available to the public.
 - b. The location of any fixed structures.
 - c. ~~an indication of the~~The location of any counters, booths, offices or other locations from which staff may monitor the activities of persons on the premises.
 - d. The location of any public-customer toilets within the boundary of the premises.
 - e. The location of CCTV cameras.
 - ~~f. The location of any ATM or other cash/change machines.~~
 - ~~g. An indication of the location of the Category 'D' machines.~~
 - ~~h. Details of non-category 'D' machines (e.g. skill with prizes machines).~~

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32.0 (Alcohol) Licensed premises gaming machine permits – (Schedule 13-paragraph 4(1))

32.1 Automatic entitlement: 2 machines

There is provision in the Act for some premises licensed to sell alcohol for consumption on the premises to have an automatic entitlement to provide no more than two gaming machines, of categories C and/or D. The premises must satisfy the conditions contained in the Act, notify the Borough Council of their intention to make the gaming machines available for use and pay the fee. The conditions restrict the entitlement to premises:

- with an on-premises alcohol licence,
- that have a bar at which alcohol is served, and
- without a requirement that alcohol is only served with food.

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D.

32.2 The Borough Council can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Act (i.e. that written notice has been provided to the ~~licensing authority~~ Borough Council, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Act has been committed on the premises.

32.3 Permit: 3 or more machines

If ~~a premises~~ relevant alcohol licensed premises wishes to have more than 2 machines, then the alcohol premises licence holder ~~needs to~~ must apply for a licensed premises gaming machine permit for any number of category C and/or D machines. This would replace any automatic entitlement under the Act. and the The Borough Council must consider ~~that the~~ application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Act and ~~such matters as they~~ the Borough Council consider ~~think~~ relevant."

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32.4 The Borough Council considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harmed or being exploited by gambling. ~~The Borough Council and~~ will expect the applicant to satisfy the ~~authority-Council~~ that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines (category ‘C’ machines).

Measures which will satisfy the ~~authority-Borough Council~~ that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be helpful. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

32.5 It should be noted that the Borough Council can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

32.6 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission. A permit may be varied or transferred. An annual fee is payable, but a permit does not require renewal. The permit will lapse if the alcohol premises licence ceases to have effect.

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33.0 Prize Gaming Permits

33.1 Gaming is “prize gaming” if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes are determined by the operator before play commences.

Prize gaming may take place without a permit in various premises. These are casinos, bingo halls, adult gaming centres, licensed and unlicensed family entertainment centres and travelling fairs.

A prize gaming permit is a permit issued by the Borough Council to authorise the provision of facilities for prize gaming on specified premises. The Act states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.

33.2 ~~The Borough Council has prepared a Statement of Principles, in respect of prize gaming permits which is that~~In any application for a prize gaming permit the applicant should set out the types of gaming that ~~he or she is~~they

are intending to offer and ~~that the applicant~~ should also be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in ~~Regulations~~regulations;
- that the gaming offered is within the law; and
- ~~clear policies that outline the steps to~~that appropriate measures will be taken to protect children from harm.

33.3 The Borough Council ~~shall~~will also require (where the applicant is an individual) a 'basic' Disclosure & Barring Service (BDS) disclosure dated no earlier than one calendar month ~~on from~~ the day the application is received by the Borough Council. Holders of operating licences issued by the Gambling Commission are exempt from this requirement.

33.4 In making its decision on an application for this permit the ~~licensing authority~~Borough Council does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance. ~~(Gambling Act 2005, Schedule 14 paragraph 8(3))~~

A permit will remain in force for 10 years. A renewal application must be made prior to the expiry date in accordance with the procedure contained in the Act.

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33.5 It should be noted that there are conditions in the Act which the permit holder must comply, but that the Borough Council cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

34.0 Club Gaming and Club Machines Permits

34.1 The Act creates a separate regime for gaming in clubs from that in other relevant alcohol licensed premises. It defines three types of club for the purposes of gaming:

- members' clubs
- commercial clubs

- miners' welfare institutes

Members' clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit. The club gaming permit will enable the premises to provide gaming machines (a maximum of three gaming machines of category B, C or D), equal chance gaming and games of chance as set out in the regulations.

Members clubs, miner's welfare institutes and commercial clubs may apply for a club machine permit. A club machine permit will enable the premises to provide gaming machines (a maximum of three gaming machines of category B, C or D).

A members' club is a club that is not established as a commercial enterprise and is conducted for the benefit of its members. The Act states that members' clubs must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming unless the gaming is restricted to that of a prescribed kind (currently bridge or whist). Members' clubs must be permanent in nature but there is no need for a club to have an alcohol licence. Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.

A commercial club is a club established for commercial gain, whether or not they are actually making a commercial gain. Examples include commercial snooker clubs, clubs established as private companies and clubs established for personal profit.

Miners' welfare institutes are associations established for recreational or social purposes. They are managed by representatives of miners or use premises regulated by a charitable trust which has received funds from one of a number of mining organisations.

~~Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Machines Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set out in regulations. A Club Machine Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).~~

34.2 The Borough Council may only refuse an application for a permit on the grounds that:

- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- the applicant's premises are used wholly or mainly by children and/or young persons;
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous ten years; or

- an objection has been lodged by the Commission or the police.

If the Borough Council is satisfied that the first or second ground applies, it must refuse the application. In exercising its functions in relation to club permits the Council will have regard to any relevant guidance issued by the Commission and (subject to that guidance), the licensing objectives

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34.3 There is a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (~~Schedule 12 paragraph 10~~). "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced. Grounds on which an application under this process may be refused are:

- that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

34.4 There are statutory conditions on club gaming permits that no child or young person uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

The Borough Council may grant or refuse a permit, but it may not attach conditions to a permit.

A permit will normally remain in force for 10 years. A renewal application must be made prior to the expiry date in accordance with the procedure contained in the Act. However, a permit granted under the "fast track" process does not require renewal, but it will lapse if the club premises certificate ceases to have effect.

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35.0 Temporary Use Notices

35.1 Temporary use notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary use notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

35.2 A temporary use notice can only be given by a person or company holding a relevant operating licence issued by the Gambling Commission (i.e., an operating licence that authorises the type of gambling to be offered)

The types of gambling activities that may be authorised by a temporary use notice are set out in regulations made under the Act. Currently, the only

permitted activity is the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner. Possible examples of this could include gaming tournaments with such games as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.

Temporary use notices are subject to a statutory limit that a set of premises may be used for no more than 21 days in any 12 month period. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition of "a set of premises", the Borough Council will look at, amongst other things, the ownership/occupation and control of the premises.

The holder of an operating licence must give notice to the Licensing Authority in whose area the premises are situated. A temporary event notice must be given to the Borough Council not less than three months and one day before the day on which the gambling event will begin.

The application must be copied to:

- the Gambling Commission,
- the chief officer of police for the area in which the premises are situated,
- HM Revenue and Customs, and
- if applicable, any other licensing authority in whose area the premises are also situated.

Gaming machines may not be made available under a temporary use notice.

The Borough Council will carry out its functions in relation to temporary use notices by applying the same principles as those applied in determining premises licence applications (see 1.3 above).~~The Borough Council is aware that it can only grant a temporary use notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.~~

36.0 Occasional Use Notices:

- 36.1 Occasional use notices may be used to authorise infrequent betting at tracks (see section 26.1 above), on no more than 8 days in any calendar year. They cannot be used to authorise any other form of gambling activity (e.g., gaming machines). Providing that the 8-day limit is not breached, there is no provision for correctly-served notices to be refused by the Borough Council.

The definition of track premises is not restricted to permanent premises, but can include any premises or land on which a race or sporting event is to take place. Consideration will therefore be given to the nature of the premises specified in a notice, in addition to whether the person giving the

notice is an occupier of the track, or is responsible for the administration of events at the track.

The notice must be given to the Borough Council and the chief officer of police, in writing, before the event starts. No fee is payable.

Occasional use notices allow the giver of the notice to invite operators who hold a General Betting Operating Licence to accept bets on the premises. Such persons must hold a relevant betting operating licence, and comply with the requirements of any conditions attached to that licence.

The Borough Council has little discretion as regards occasional use notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded.

37.0 Small Society Lotteries

- 37.1 Small society lotteries are required to be registered with the local authority in the area where their principal office is located. The Borough council is the licensing authority.

The Act defines a small society lottery by reference to two areas:

- society status - the society in question must be 'non-commercial'
- lottery size - the total value of tickets to be put on sale per single lottery must be £20,000 or less, or the aggregate value of tickets to be put on sale for all their lotteries in a calendar year must not exceed £250,000. If the operator plans to exceed either of these values, then they may need to be licensed with the Commission to operate large lotteries instead.

The Borough Council will register and administer smaller non-commercial lotteries and applicants for lottery licences must apply to the licensing authority in the area where their principal office is located.

- 37.2 The Borough Council must be satisfied that the 'society' is established and conducted:

- for charitable purposes (as defined in S2 of the Charities Act 2006);
- for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural nature activity; or
- for any other non-commercial purpose other than private gain.

In determining whether the Society is non-commercial the Borough Council may require applicants to provide copies of the society's constitution or terms of reference.

- 37.3 For new applications or change of promoter, the Borough Council shall require the promoter of the lottery to produce a statement declaring that they have no relevant convictions that would prevent them from running a lottery. A list of 'relevant' offences is listed at Schedule 7 of the Act.

37.4 The Licensing Authority must refuse an application for registration if, within the past five years, either of the following applies:

- an operating licence held by the applicant for registration has been revoked, or
- an application for an operating licence made by the applicant for registration has been refused

In addition, the Borough Council may refuse an application for registration if, within the past five years, either of the following applies:

- the applicant is not a non-commercial society,
- a person who is or may be connected with the promotion of the lottery has been convicted of a relevant offence (listed in Schedule 7 of the Act) or
- information provided in or with the application for registration is false or misleading.

~~The Borough Council may refuse an application for registration if in their opinion:~~

- ~~• The applicant is not a non-commercial society;~~
- ~~• A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence; or~~
- ~~• Information provided in or with the application for registration is false or misleading.~~

37.5 Where the Borough Council intends to refuse registration of a Society, it will give the Society an opportunity to make representations and will inform the Society of the reasons why it is minded to refuse registration. It will also supply evidence on which it has reached that preliminary conclusion.

37.6 The Borough Council may revoke the registered status of a society if it thinks that they would have had to, or would be entitled to, refuse an application for registration if it were being made at that time. However, no revocations will take place unless the Society has been given the opportunity to make representations. The Borough Council will inform the society of the reasons why it is minded to revoke the registration and will provide an outline of the evidence on which it has reached that preliminary conclusion.

PART D COMMITTEE, OFFICER DELEGATION AND CONTACTS

38.0 Committee Decisions & Scheme of Delegation

38.1 The Borough Council is involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.

38.2 Licensing Sub-Committees made up of three Councillors from the main Licensing Committee will sit to hear applications where representations

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have been received from interested parties and/or responsible authorities. Ward Councillors will not sit on a Sub-Committee involving an application within their ward.

- 38.3 Where a Councillor who is a member of the Licensing Committee is making or has made representations regarding an an application or a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision making process affecting the application or licence in question.
- 38.4 The Borough Council's Licensing Officers will deal with all other licensing applications where ~~either no representation have has been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary.~~
- 38.5 Decisions as to whether representations are irrelevant, frivolous or vexatious will be made by Borough Council Officers, who will make the decisions on whether representations or applications for licence reviews should be referred to the Licensing Committee or Sub-Committee. Where representations are rejected, the person making that representation will be given written reasons ~~as to why that is the case for the decision.~~ There is no right of appeal against a determination that representations are not ~~admissible~~accepted.
- 38.6 The table shown at Annex C sets out the agreed delegation of decisions and functions to Licensing Committee, Sub-Committee and Officers.
- 38.7 This form of delegation is without prejudice to Officers referring an application to a Sub-Committee or Full Committee if considered appropriate in the circumstances of any particular case.

39.0 Contacts

- 39.1 Further information about the Gambling Act 2005, this Statement of Principles or the application process can be obtained from:-

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

Tel: 01553 616200
E-mail: ehicensing@west-norfolk.gov.uk
www: www.west-norfolk.gov.uk

- 39.2 Information is also available from:-

Gambling Commission

Borough Council of King's Lynn & West Norfolk

4th floor
Victoria Square House
Birmingham
B2 4BP

Tel: 01212 331096

Website: www.gamblingcommission.gov.uk

List of Persons Consulted

Borough Council of King's Lynn & West Norfolk
Gambling Commission
Norfolk Constabulary
Norfolk Fire Service
Norfolk Safeguarding Children Board
Norfolk County Council
HM Revenue & Customs
Norfolk Trading Standards
Association of British Bookmakers
Public Health, Norfolk County Council
Gamcare
British Amusement Catering Trade Association (BACTA)
NORCAS
Housing Associations:
 ◆ Broadland Housing Association
 ◆ Co-Op Homes
 ◆ Cotman Housing Association
 ◆ Freebridge House
 ◆ Granta Housing
 ◆ Guinness Trust
 ◆ Hastoe Housing Association
 ◆ Housing 21
 ◆ Longhurst Housing Association Limited
 ◆ Minster General Housing Association Limited
 ◆ Orbit Housing Association
 ◆ Peddars Way Housing Association
 ◆ Sanctuary Housing Association
 ◆ Victory Housing Trust
 ◆ Wherry Housing Association
Vancouver Quarter Manager
Fairstead Area Neighbourhood Group
Norfolk Chamber of Commerce & Industry
Association of Licensed Multiple Retailers
Gambling Therapy, Gordon Moody Association, Dudley
Parish Clerks / Town Councils
Popleston Allen Solicitors, Nottingham
All holders of Gambling Act 2005 Premises Licences issued by the BCKLWN
All holders of Gambling Act 2005 permits issued by the BCKLWN
All promoters of Small Society Lottery Registrations issued by the BCKLWN

Annex B to the
Borough Council of King's Lynn & West Norfolk
Gambling Act 2005 - Statement of Principles

Responsible Authorities	
<p>The Licensing Authority:</p> <p>Environmental Health - Licensing Borough Council of King's Lynn & West Norfolk King's Court Chapel Street King's Lynn PE30 1EX</p> <p>Tel: 01553 616200 E-mail: EHHlicensing@west-norfolk.gov.uk</p>	<p>The Gambling Commission:</p> <p>4th floor Victoria Square House Birmingham B2 4BP</p> <p>Telephone: 01212 306576 Fax: 01212 331096</p>
<p>The Chief Officer of Police:</p> <p>Norfolk Constabulary Licensing Team Bethel Street Norwich Norfolk NR2 1NN</p> <p>Tel: 01603 275729 Email: licensingteam@norfolk.pnn.police.uk</p>	<p>The Fire Authority:</p> <p>Fire Safety Office Norfolk Fire Service – Western Area Kilhams Way King's Lynn PE30 2HY</p> <p>Tel: 01603 812261</p>
<p>Planning Authority:</p> <p>Development Services Borough Council of King's Lynn & West Norfolk King's Court Chapel Street King's Lynn PE30 1EX</p> <p>Tel: 01553 616200</p>	<p>Environmental Health:</p> <p>Environmental Health Borough Council of King's Lynn & West Norfolk King's Court Chapel Street King's Lynn PE30 1EX</p> <p>Tel: 01553 616200</p>
<p>Norfolk Safeguarding Children Board:</p> <p>Room 60 Lower Ground Floor County Hall Martineau Lane Norwich NR1 2UG</p>	<p>HM Revenue and Customs:</p> <p>HM Revenue and Customs Excise Processing Teams BX9 1GL HM Revenue and Customs Excise Processing Teams BX9 1GL Email: NRUBetting&Gaming@hmrc.gsi.gov.uk</p>

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Annex C to the
Borough Council of King's Lynn & West Norfolk
Gambling Act 2005 - Statement of Principles

Table of Delegations of Licensing Functions

Matter to be dealt with	Full Council	Licensing Committee/ Sub-Committee	Officers
Final approval of Statement of Principles	X		
Policy to permit casino	X		
Fee Setting			X
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	

Borough Council of King's Lynn & West Norfolk

Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Determination of Small Society Lottery applications			X

Summary of Representations / Correspondence received

Date received	From	Summary	Action
19/07/21	Cllr Devereaux	Error with proposed effective date of policy, should be 2022 not 2021.	Amended
27/07/21	HM Revenues & Customs	Change of address to: HM Revenue and Customs Excise Processing Teams BX9 1GL	Updated
31/07/21	King's Lynn Masonic Centre	Acknowledgement of receipt and change of contact for Small Society Lottery Registration	Updated
16/09/21	South Wootton Parish Council	Confirmation that the Parish Council has read the policy and have no comments to make.	N/A

REPORT TO CABINET

Open		Would any decisions proposed :			
Any especially affected Wards <ul style="list-style-type: none"> • Hillington • Hockwold • Walpole Cross Keys 	Mandatory/	Be entirely within Cabinet's powers to decide		NO	
	Discretionary /	Need to be recommendations to Council		YES	
	Operational	Is it a Key Decision		YES/NO	
Lead Member: Stuart Dark E-mail: cllr.stuart.dark@west-norfolk.gov.uk		Other Cabinet Members consulted:			
		Other Members consulted:			
Lead Officer: Andrew Barrett E-mail: andrew.barrett@west-norfolk.gov.uk Direct Dial: 01553 616306		Other Officers consulted: Lorraine Gore, Sam Winter			
Financial Implications NO	Policy/ Personnel Implications NO	Statutory Implications NO	Equal Impact Assessment YES/NO If YES: Pre-screening/ Full Assessment	Risk Management Implications NO	Environmental Considerations NO

Date of meeting: 16 November 2021

REQUEST FOR VARIATION OF NUMBER OF PARISH COUNCILLORS**Summary**

To address the requests made by Hillington, Hockwold and Walpole Cross Keys Parish Councils to increase their current number of Parish Councillors.

Recommendation

- (1) That the variation for Hillington be approved.
- (2) That the variation for Hockwold be approved.
- (3) That the variation for Walpole Cross Keys be approved.

Reason for Decision

- To enable Hillington Parish Council to reach quorate with greater ease
- For both Hockwold and Walpole Cross Keys, an additional Councillor would help to resolve an increasing number of local issues, due to a large influx of additional parishioners over the previous 15 years.

1 Background

Under Schedule 5 of the Local Government and Public Involvement in Health Act 2007, Section 4, 3A(b) the number of Parish Councillors for each Parish is fixed from time to time by the Borough Council. The last occasion this matter was reviewed was in 1991, when the following scale was agreed:

Total Electorate	Number of Parish Councillors
Up to 300	7 (min of 5)

For every additional 300 (or part thereof)	1
--	---

Variations in numbers have been dealt with on an ad hoc basis since then but have been very limited in number.

2 Options Considered

Whilst previously, the Borough Council has adopted the above sliding scale, there is NO requirement in legislation that the number of councillors should be proportional to electorate size; indeed, the ratio of electors to councillors is likely to vary considerably within a principal council's area (aside from the legal minimum of 5).

Principal councils should also bear in mind that the conduct of parish council business does not usually require a large body of councillors. In addition, historically many parish councils, particularly smaller ones, have found difficulty in attracting sufficient candidates to stand for election. This has led to uncontested elections and/or a need to co-opt members in order to fill vacancies.

A wide range of issues will impact on the decision regarding councillor numbers: urban-rural differentials, traditional scales of representation, the administrative workload, a parish council's budget and planned (or actual) level of service provision may also be important factors in reaching conclusions on council size.

The LGBCE (Local Government Boundary Commission England) state: "Our view is that each area should be considered on its own merits, having regard to its population, geography and pattern of communities."

Both NALC (National Association of Local Councils) and The Aston Business School have published their own recommended numbers (see attached).

Hillington Parish Council

Current Parish Councillors: 5
Requested Parish Councillors: 6

2021 Electorate: 259
2005 Electorate: 260

Maximum allowed under previous scale: 7

Current number of vacancies: 0

2019 Borough/Parish elections: 5 nominations received (uncontested election)

Hockwold Parish Council

Current Parish Councillors: 9
Requested Parish Councillors: 10

2021 Electorate: 909
2005 Electorate: 848

Maximum allowed under previous scale: 10

Current number of vacancies: 1 (Cllr resigned Sept' 2021)

2019 Borough/Parish elections: 6 nominations received (uncontested election)

Walpole Cross Keys Parish Council

Current Parish Councillors: 8
Requested Parish Councillors: 9

2021 Electorate: 462
2005 Electorate: 368

Maximum allowed under previous scale: 8

Current number of vacancies: 0

2019 Borough/Parish elections: 9 nominations received (contested election)

3 Policy Implications

No policy implications if the scale is adhered to.

4 Financial Implications

There are no financial implications.

5 Personnel Implications

There are no personnel implications.

6 Environmental Considerations

There are no environmental implications.

7 Statutory Considerations

The Borough Council has a statutory obligation to keep the number of Parish Councillors under review.

8 Equality Impact Assessment (EIA)

(Pre screening report template attached)

There are no Equality Impact Assessment implications.

9 Risk Management Implications

There are no immediate risks identified in the proposal.

10 Declarations of Interest / Dispensations Granted

None identified.

11 Background Papers

- Local Government and Public Involvement in Health Act 2007
- NALC & Aston Business School recommendations
- Covering letter and minutes from Hillington Parish Council's meeting of 13 July 2021
- Covering letter and minutes from Hockwold Parish Council's meeting of 12 January 2021
- Covering letter and minutes from Walpole Cross Keys Parish Council's meeting of 15 June 2021

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 (eg low income)					

