



GREAT YARMOUTH
BOROUGH COUNCIL

Policy and Resources Committee

Date: Tuesday, 17 November 2020

Time: 18:00

Venue: Virtually

Address: [Venue Address]

AGENDA

Open to Public and Press

1 APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2 DECLARATIONS OF INTEREST

You have a Disclosable Pecuniary Interest in a matter to be discussed if it relates to something on your Register of Interests form. You must declare the interest and leave the room while the matter is dealt with.

You have a Personal Interest in a matter to be discussed if it affects

- your well being or financial position
- that of your family or close friends
- that of a club or society in which you have a management role
- that of another public body of which you are a member to a greater extent than others in your ward.

You must declare a personal interest but can speak and vote on the matter.

Whenever you declare an interest you must say why the interest arises, so that it can be included in the minutes.

3	<u>MINUTES</u>	4 - 10
	To confirm the minutes of the meeting held on the 22 October 2020.	
4	<u>FORWARD PLAN</u>	11 - 11
	Report attached.	
5	<u>REVIEW OF STATEMENT OF COMMUNITY INVOLVEMENT</u>	12 - 67
	Report attached.	
6	<u>REVIEW AND UPDATE OF MATERNITY POLICY</u>	68 - 100
	Report attached.	
7	<u>NEW PARENTAL BEREAVEMENT POLICY</u>	101 - 108
	Report attached.	
8	<u>COUNCIL TAX SUPPORT SCHEME 2021-22</u>	109 - 115
	Report attached.	
9	<u>COUNCIL TAX DISCOUNTS 2021-22</u>	116 - 119
	Report attached.	
10	<u>COUNCIL TAX BASE 2021-22</u>	120 - 123
	Report attached.	
11	<u>MEDIUM TERM FINANCIAL STRATEGY 2021-22</u>	124 - 183
	Report attached.	

12 ANY OTHER BUSINESS

To consider any other business as may be determined by the Chairman of the meeting as being of sufficient urgency to warrant consideration.

13 EXCLUSION OF PUBLIC

In the event of the Committee wishing to exclude the public from the meeting, the following resolution will be moved:-

"That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part I of Schedule 12(A) of the said Act."

**14 CONFIDENTIAL - GREAT YARMOUTH THIRD CROSSING LAND
COMPENSATION**

Details

15 CONFIDENTIAL - GYN ASSET MANAGEMENT TRANSFER

Details

16 CONFIDENTIAL MINUTES

Details

Policy and Resources Committee

Minutes

Thursday, 22 October 2020 at 15:30

Councillor Smith (in the Chair); Councillors P Carpenter, Flaxman-Taylor, Grant, Plant, Wainwright, B Walker, C M Walker, Wells, Williamson & A Wright.

Councillor Candon attended as a substitute for Councillor P Hammond.

Mrs S Oxtoby (Chief Executive Officer), Mrs K Sly (Finance Director), Mrs P Boyce (Strategic Director), Mrs L Barker (Strategic Director), Mrs N Turner (Housing Director), Mrs J Beck (Head of Property & Asset Management), Ms C Whatling (Monitoring Officer), Mr S Hubbard (Strategic Planning Manager), Mrs S Tate (Head of OD), Mr M Severn (IT Support Officer) & Mrs S Wintle (Corporate Services Manager).

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors P Hammond & Myers.

2 DECLARATIONS OF INTEREST

Councillor P Carpenter declared a personal interest in item 6 as she was a

member of the Norfolk Safeguarding Board & Executive Committee. However, in accordance with the Council's Constitution, was allowed to both speak & vote on the matter.

Councillor A Wright asked for clarification in regard to item 8. As he was a member of Development Control Committee, should he declare a personal interest and would this lead to future conflict if/when it came to Committee for determination. The Monitoring Officer reported that it was not necessary for him to declare a personal interest as he would not be conflicted if an application came before Development Control Committee.

3 MINUTES

The minutes of the meeting held on 22 September 2020 were approved by assent.

4 FORWARD PLAN

The Committee received and considered the Forward Plan.

The Chairman reported that an item was due to be added to the Forward Plan regarding the memorial vases on the benches along Gorleston Seafront. However, this report required more work before it could be brought to Committee. The Chairman therefore proposed that a small, cross-party, politically balanced Member Working Group (3-2) be set up to work on the production of a Gorleston Strategy. The Chairman would discuss the membership, outside of this meeting, with Councillor Wainwright.

5 ADOPTION OF THE COASTAL CONCORDAT

The Committee received and considered the report from the Strategic Planning Manager.

The Strategic Planning Manager reported that the Coastal Concordat applied to the consenting of coastal developments, such as coastal defenses, in England where several bodies had a regulatory function, such as the Council, the MMO and the Environment Agency. It applied to developments which spanned the inter-tidal zone. It did not apply to solely marine or terrestrial projects. Its aim was to reduce unnecessary duplication of work between the regulatory authorities, improve consistency of advice and provide a simpler, streamlined process for applicants. This would be of benefit to developments such as coastal defense/management schemes.

The Strategic Development Manager reported that the Government had

recognised the importance of the Coastal Concordat in its 25 year Environment Plan and was keen for all Council's with a coastal interest to sign up to the Concordat by 2021.

Councillor Plant asked if the concordat would encompass offshore energy planning applications both on and offshore. The Strategic Planning Manager reported that this would normally be dealt with by the Development Consent Order process by the Planning Inspectorate.

RESOLVED:-

That the Committee:-

(i) Adopt the Coastal Concordat and commit the Council to apply the principles of the Concordat in discharging its [planning functions; and

(ii) Gives delegated authority to the Director of Planning & Growth to write to the DEFRA Marine Planning and Licensing Team to inform the Government that the Council had adopted the Concordat.

6 REVIEW AND UPDATE OF THE SAFEGUARDING POLICY

The Committee received and considered the report by the Strategic Director.

The Strategic Director reported that the Council had a duty to safeguard Children and Adults and had a safeguarding approach in place to enable it to meet this requirement throughout the Council. The previous Safeguarding Policy had been approved in March 2017 with the agreement to review it after three years. The review had now been completed having been delayed due to the pandemic.

The Strategic Director reported that the Corporate Services Manager had agreed to be the designated officer contact for Members.

Councillor Wainwright asked if it was a statutory requirement for all Members to receive safeguarding training and requested that the policy, although available on The Loop, be forwarded to all Members via email. The Monitoring Officer reported that it was not a statutory requirement but was best practice for Members to receive safeguarding training.

Councillor Wainwright reported that many members sat on outside bodies and asked how they would know if the organisation had the necessary safeguarding arrangements in place. The Strategic Director reported that the Strategic Officer Group would be auditing outside bodies, contracts and contracted-out services to ensure that they all had safeguarding policies in place.

Councillor C M Walker asked if officers had seen an increase in cases of

anxiety and mental health issues, especially in the youth of the Borough, since lockdown. The Strategic Director reported that the Early Help Hub Manager had not reported a significant increase in approaches to the Council. The Housing Director reported that Housing had launched a General Needs Support Service on 1 October 2020 to identify and make early referrals on behalf of its tenants.

Councillor P Carpenter asked if the same level of support offered to officers would be made available to Members if they had to deal with any harrowing safeguarding instances. The Head of OD reported that the Norfolk Support Service available to staff would be available for members to access.

Councillor Flaxman-Taylor asked that the safeguarding presentation shown during the Norfolk Health & Wellbeing Board meeting last week be shown to all Members and that a comprehensive report on safeguarding be presented to a future meeting of the Housing & Neighbourhoods Committee.

The Head of OD reported that the online safeguarding training was split into various modules and it would be easy for Members to undertake the training to fit in with their schedules as it did not have to be completed in one sitting.

Councillor Candon asked whether, in future, Members would be required to be DBS checked. The Chief Executive Officer reported that this would be unnecessary as the Council did not expect Members to go out into the community and tackle safeguarding issues on their own. However, it was important that Members had a clear knowledge and understanding of safeguarding issues.

The Monitoring Officer reported that the Council had an over-arching statutory duty to draw up a safeguarding policy and provide a clear reporting framework for officers and Members.

Councillor B Walker reported that he would abstain from voting as he had experienced IT issues during the item and had not been present for the full debate.

RESOLVED:-

- (i) That the Committee approve the new Safeguarding Policy; and
- (ii) That the Committee agree to carry out a review of this policy after three years, unless, there was a significant change in legislation requiring an earlier review.

7 2020/21 PERIOD 5 BUDGET MONITORING REPORT

The Committee received and considered the report from the Financial

Services Manager.

The Finance Director reported that the report compared the actual expenditure and income position at the end of August 2020 to the general fund budget for 2020/21 and also presented a forecast position for the current year. The forecast had been informed by the impact of Covid19 on the Council's budget, most significantly, where the Council had incurred additional spend in response to the pandemic and where demand-led services had seen a shortfall of income collected or due to be collected in the current financial year, eg, car parking income.

The Chairman reported that the Council had received a further £891k of funding from the Government today which would help to mitigate additional costs incurred by the council due to the pandemic.

The Chairman thanked the finance Director and her team for the sterling work they had undertaken to secure the extra government funding.

Councillors Plant and Wainwright thanked the Finance Director and her team and reported that they supported the recommendations contained within the report.

Councillor Wainwright suggested that as the Council's finances were not as dire due to the latest injection of funding from the government, that the Council might look to fund free school meals for the children of the Borough over the Christmas holidays. The Chief Executive Officer reported that the additional funding was welcome news but the Council could not be complacent as we did not know what would happen next year and we had some big projects to deliver and needed to be prudent with our funds and reserves.

Councillor Candon reported that the government had increased the grants available to the self-employed of the Borough to cover 20% to 40% of their profit (not earnings).

Councillor A Wright asked if the Council would be prepared to look into the cost to provide free school meals over the Christmas holidays to ensure no child went hungry. Councillor C M Walker reported that a little good will would go a long way.

Councillor Wells clarified the figures for the two government funding initiatives available to businesses in Tier 2 & Tier 3 and the self-employed.

The Finance Director suggested that Members could utilise their ward budget allocation to help feed school children during the Christmas school holidays. Councillor Wainwright reported that this issue needed to be looked at as a whole and not on a piecemeal basis, ward by ward.

RESOLVED:-

(i) That the Committee note the content of the report and the revised forecast

for 2020/21,

(ii) That the Committee approve the extension of the "2 hours for 1 hour" car park scheme for a further two months at the Market Place, King Street, Brewery Plain and Gorleston High Street car parks,

(iii) That the Committee approve the capital budget of £20,605 for the replacement of the Crematorium flat roof, including insulation improvements; and

(iv) That the Committee delegate to the S151 Officer and Chief Executive Officer, in consultation with the Leader of the Council, the decision to join the Norfolk Business rates Pool for 2021/22.

8 MODULAR HOUSING SCHEME - PART OF BEACH COACH STATION

The Committee received and considered the report from the Property Asset Manager.

The Head of Property & Asset Management reported that the appropriation of the surplus general fund property should be undertaken, as the property was no longer required for the general fund purposes for which it was held, and such appropriation assisted in bringing back into use for modular housing. The appropriation from the General Fund to the Housing Revenue Account of land at beach Coach station would support and facilitate HRA Housing development in accordance with the Corporate plan objectives.

RESOLVED:-

That the Committee approve the appropriation of land at Beach Coach Station from the General Fund to the Housing Revenue Account for the transfer value of £280k.

9 ANY OTHER BUSINESS

(i) The Chairman thanked the Chief Executive and all the staff for stepping up during the last few weeks during the latest outbreak of the pandemic in the Borough. He also thanked his fellow Council Leaders, Norfolk County Council, Trading Standards and all of the volunteers who had helped to get the Council's message out to the community.

(ii) Councillor Wainwright informed the Committee that His Worship the Mayor, had emailed all Councillors informing them that the usual Service of Remembrance would not be held this year to keep everybody safe. He asked that Councillors remember from their own homes and to donate to the RBL online, if they so wish.

10 EXCLUSION OF PUBLIC

RESOLVED:-

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

11 CONFIDENTIAL - MARKET PLACE REDEVELOPMENT

(Confidential Minute on this Item)

12 CONFIDENTIAL - THURNESIDE REPORT

(Confidential Minute on this Item)

13 CONFIDENTIAL MINUTES

(Confidential Minute on this Item)

The meeting ended at: 17:30

Forward Plan for Policy & Resources Committee

	URN	Matter for Decision	Report by	Pre Agenda Meeting (PAM)	Policy & Resources
1	20-094	Parental Bereavement Leave Policy	Head of Organisational Development	09/11/20	17/11/20
2	20-096	Maternity Policy	Head of Organisational Development	09/11/20	17/11/20
3	20-082	Council Tax Support Scheme 2021-22	Head of Customer Services	09/11/20	17/11/20
4	20-113	Council Tax Discounts 2021-22	Head of Customer Services	09/11/20	17/11/20
5	20-114	Council Tax - Taxbase 2012	Head of Customer Services	09/11/20	17/11/20
6	20-161	Third River Crossing	Director of Planning and Growth / Head of Property and Asset Management	09/11/20	17/11/20
7	20-148	Medium Term Financial Strategy	Finance Director	09/11/20	17/11/20
8		Review of Statement of Community Involvement	Strategic Planning Manager	09/11/20	17/11/20
9	20-151	GYN Asset Management Transfer	Head of Property & Asset Management	09/11/20	17/11/20
10	20-138	TCP Accrual Bid Ballot	Strategic Director (PB)	08/12/20	15/12/20
11	20-170	Half Yearly Treasury Management Strategy	Finance Director	08/12/20	15/12/20
12	20-165	Key Safes	Housing Director (Nicola on leave for this P&R)	08/12/20	15/12/20
13	20-154	Flex Time Policy	Head of Organisational Development	08/12/20	15/12/20
14	20-155	Flexible Working Policy	Head of Organisational Development	08/12/20	15/12/20
15	20-009	Revenues Write Off Report	Head of Customer Services	05/01/21	12/01/21

Subject: Review of Statement of Community Involvement

Report to: Policy & Resources Committee

17 November 2020

Report by: Samuel Hubbard – Strategic Planning Manager

SUBJECT MATTER

Adoption of revised Statement of Community Involvement which includes an amendment to state that if the Town Hall is closed or access is restricted, which means Local Plan consultation/examination documents cannot be inspected, the Council will instead send free hard copies of documents, on request, to those who have trouble viewing them on the website. The amendment is proposed to ensure that the examination of the Local Plan Part 2 is not interrupted by Covid-19 restrictions.

RECOMMENDATIONS

That the Policy & Resources Committee:

- 1) Adopts the revised Statement of Community Involvement**

1 INTRODUCTION

1.1 A Statement of Community Involvement (SCI) is a formal document each local planning authority is required to have, explaining how it will involve the public in plan preparation and decisions on planning applications. The Council's current SCI was adopted in May 2020. The reason for the review at that time was to remove the commitment to make Local Plan and other planning policy consultation documents available in public libraries due to their closure as a result of Covid-19.

1.2 The SCI still commits the Council to making Local Plan documentation available for inspection at the Town Hall during consultations, examination and following adoption. At the time of the last review this was still a legal requirement as per the Town and Country Planning (Local Planning) Regulations 2012. Due to the restrictions introduced as a result of the Covid-19 pandemic, the Government issued amended regulations in July 2020 to remove this requirement.

1.3 The Council's Local Plan Part 2 was submitted for examination in July 2020. Examination hearings are likely to take place in January. Prior to the examination hearing, the SCI currently commits the Council to making documentation available to inspect at the Town Hall for a 6 week period. Given the new Covid-19 restrictions which came into force on the 5th November 2020, it may not be possible to make documentation available to inspect at the Town Hall for the entire 6 week period. It is proposed that the SCI is therefore amended to state that if the Town Hall is closed or access is restricted, which means documents cannot be inspected, the Council will instead send free hard copies of documents, on request, to those who have trouble viewing them on the website.

2 FINANCIAL IMPLICATIONS

2.1 The commitment to send hard copies of documents will result in additional expenditure associated with printing and postage costs. These costs are expected to be relatively low as requests for hard copies of documentation are unlikely to be high. The Council offered this provision during the last consultation on the Local Plan Part 2 due to the disruption caused by Covid-19. Only two customers requested copies of documentation at this time. At present it is considered that costs can be met by the agreed budget.

3 RISK AND LEGAL IMPLICATIONS

3.1 Risks are considered low. The July 2020 amendments to the Town and Country Planning (Local Planning) Regulations 2012 remove the requirement to make planning policy documentation available for inspection at the Town Hall. The amendments proposed to the Statement of Community Involvement reflect this.

4 CONCLUSIONS

4.1 Following changes to the Town and Country Planning (Local Planning) Regulations 2012, this report recommends that the Statement of Community Involvement is amended to state that if the Town Hall is closed, which means documents cannot be inspected, the Council will instead send free hard copies of documents, on request, to those who have trouble viewing them on the website. This will help ensure the progress of the Local Plan Part 2 examination is not interrupted by Covid-19 restrictions.

5 RECOMMENDATIONS

That the Policy & Resources Committee:

- 1) Adopts the revised Statement of Community Involvement**

6 ATTACHMENT

1. Revised Statement of Community Involvement

Areas of consideration: e.g. does this report raise any of the following issues and if so how have these been considered/mitigated?

Area for consideration	Comment
Monitoring Officer Consultation:	Yes
Section 151 Officer Consultation:	N/A
Existing Council Policies:	Corporate Plan; Local Plan Core Strategy
Financial Implications:	Addressed in the report

Legal Implications (including human rights):	Addressed in the report
Risk Implications:	Addressed in the report
Equality Issues/EQIA assessment:	Addressed in the report
Crime & Disorder:	None.
Every Child Matters:	None.

GREAT YARMOUTH – LOCAL PLAN

STATEMENT OF COMMUNITY INVOLVEMENT



GREAT YARMOUTH
BOROUGH COUNCIL

Adopted: TBC

Contents

Section 1: Introduction	3
Section 2: Getting involved with planning	4
Section 3: Getting involved with the Local Plan	8
Section 4: Getting Involved in Planning Applications	14
Section 5: Getting Involved in Neighbourhood Planning.....	17
Section 6: Contact Information.....	27
Section 7: Appendices.....	28

Section 1: Introduction

1.1 What is the Statement of Community Involvement (SCI)?

- 1.1.1 For community involvement to be successful, it needs to be inclusive and recognise the needs of different sectors of the community. The Statement of Community Involvement (SCI) is a key tool in ensuring that everyone who wants to have the opportunity to have their say on planning related matters within the borough outside of the Broads Authority Executive Area.
- 1.1.2 The SCI is part of the new Great Yarmouth Borough Local Plan. It sets out how the Council will involve individuals, local communities and stakeholders in the preparation of planning policy documents and the determination of planning applications. It also provides communities with information about how to get involved in neighbourhood planning.
- 1.1.3 All future community engagement on planning policy documents and planning applications will need to be carried out in accordance with the guidance set out in the SCI.

1.2 Review & update of the SCI

- 1.2.1 The government required that SCIs are reviewed and published every five years. The SCI was last reviewed and updated in May 2020 (following its publication in March 2014 and previous update in March 2019). The May 2020 update just makes minor changes to provide more flexibility in where documents might be deposited during consultations in case of closures of venues (particularly due to Covid-19). Following changes to the Town and Country Planning Act (Local Planning) Regulation 2012, this update removes the explicit commitment to make documentation available at the Council's principle office, the Town Hall, Great Yarmouth. The ongoing Covid-19 pandemic may result in further closures to the Town Hall or restrictions on leaving the home. Therefore this revised SCI states that if the Town Hall is closed or access is restricted, the Council will instead send free hard copies of documents, on request, to those who have trouble viewing them on the website.

1.3 How will the SCI be kept up to date?

- 1.3.2 To maintain its effectiveness, the SCI will be regularly reviewed and updated to take account of any resource issues and ensure that the Council are involving the community as much as possible. To help monitor community involvement in the future the following indicators will be used:
 - The effectiveness of each consultation technique with regard to the number and quality of responses generated
 - The proportion of 'hard to reach groups' that participate (where this data is available)
 - Consulting with participants to establish if they feel valued in the plan making process and if their opinions are making a difference.

Section 2: Getting involved with planning

2.1 Why should you get involved in planning?

2.1.1 Planning involves balancing competing uses for space with the need to make places that are valued and have identity. These activities focus on the location and quality of social, economic and environmental change. The planning system affects everybody who lives, works or visits a place by making policies, setting out visions for places and making decisions about matters ranging from the location of major new transport or energy facilities and employment development, through to the development of new shops, schools, houses or parks needed by local communities.

2.1.2 To ensure that community engagement is effective and meaningful, the Council will:

- Ensure that the level of community involvement is appropriate to the type of planning document being consulted on
- Clearly set out opportunities for stakeholders to get involved
- Involve stakeholders as early in the process as possible
- Tailor consultation events to local circumstances ensuring that resources and time are managed appropriately
- Be open and clear about what is being asked for and how the responses will be used
- Create consultation materials that are understandable by limiting the use of technical terms and using plain English wherever possible.

2.1.3 To ensure that community engagement is effective and meaningful, you will be expected to:

- Provide your comments in a clear and concise format
- Comment within the published time period
- Be open and willing to listen to the opinions of others
- Be aware that your comments will be made publicly available
- Ensure that any responses made on behalf of a group/ organisation take into consideration the full range of members' views and note where agreement and disagreement exists.

2.2 Who do we consult on planning matters?

2.2.1 Consultations often need to find out the views of a cross-section of the population, so it is important that we encourage as many people as possible to get involved in the planning process.

2.2.2 Local people contribute their knowledge and understanding of the locality, its past and its distinctive and valuable features which may otherwise be overlooked. Including all sectors of the community in plan and decision making, increases awareness of planning issues and ensures that the responses we receive are an accurate reflection of the local community's wants and needs.

2.2.3 However, it is recognised that certain sections of the community may be difficult to reach using standardised consultation techniques. In the Borough of Great Yarmouth these include

the business community, young people, ethnic minorities and people with disabilities. These groups may have needs or views that are different from those of the majority. If they are not consulted effectively, these needs or views may remain unrecognised.

2.2.4 In general terms, we consider that the key groups we need to involve are:

- Government agencies and statutory bodies
- Businesses, including local and national business organisations, developers, landowners and their agents
- Interest groups, including environmental, amenity and local community and voluntary groups
- General public, including people who live, work and visit the borough and groups that may be difficult to reach

2.2.5 We will seek to involve these groups, as appropriate, in producing planning policies or dealing with planning applications. There are some groups that we are required to consult by law, these are referred to as statutory bodies. (See Appendix 1 for a list of Local Plan consultees).

2.2.6 In addition, we also maintain a Local Plan consultee database that contains the details of all individuals and organisations who have stated a wish to be kept informed of the development of the Local Plan. If you would like to be added to our Local Plan consultee database please contact a member of the Strategic Planning Team (see the contact details in Section 6).

2.3 How will we engage with groups that may be more difficult to reach?

2.3.1 In order to encourage participation from all parts of the community, it is important to realise the diversity within the borough and the need to treat everybody as an individual. We recognise that some parts of the community often have less chance than others to get involved and are therefore under represented in the planning process. Examples of these hard to reach groups may include, younger people, people who are homeless, temporary residents, people with disabilities, ethnic minorities and businesses. Engaging effectively with these groups requires more initiative and imagination. In addition, there are often real barriers that prevent people taking part in public consultations, most common of which relate to language, accessibility and understanding. If these barriers can be overcome, then these groups can be effectively involved in more general community consultation activities. Table 1 below illustrates some of these issues and their possible solutions (please note, that this list is not exhaustive).

Table 1: Addressing potential barriers to consultation

Consultation barrier	Potential solutions
Difficulties with written information	<ul style="list-style-type: none"> • Provide accessible written information including large font, translations, good colour contrast and avoiding abbreviations • Drop in sessions • Focus groups • Face to face surveys

Consultation barrier	Potential solutions
(Literacy problems, learning disabilities and English as a second language)	
Intimidated or alienated by approach (Put off by 'officialdom' of process, long-standing hostility to the council, lack of confidence or self-esteem)	<ul style="list-style-type: none"> • Use representatives who are already known and trusted by the target group • Contact community representatives such as health workers or teachers • Consider engaging a specialist consultant, voluntary or community group to carry out consultation on the Council's behalf
Cannot access meeting venue (No transport available, cannot physically access the venue, timing makes attendance difficult or impossible)	<ul style="list-style-type: none"> • Plan the event around the needs of the group • Plan meetings in accessible locations • Choose a location where public transport and parking are easily accessible • Check that the venue meets Disability Discrimination Act (DDA) requirements
Lack of time or resources (Busy working families/lone parents, poorly funded community / voluntary groups)	<ul style="list-style-type: none"> • Go to respondents directly • Try to reduce the time it takes to participate in the consultation
Rarely reached by publicity material (Those living in isolated rural communities, publicity material is in an inappropriate format, no access to the internet)	<ul style="list-style-type: none"> • Parish newsletters and village notice boards can help reach rural areas • Make sure material is clearly presented and follows good practice guidelines for written information • Identify local events that we can participate in • Use community notice boards in local shops, supermarkets and sports centres

2.4 How will we utilise existing local partnerships?

2.4.1 Within the borough there are a number of well established local partnerships that operate effectively and already engage with key organisations and groups. It is easy to think that all public services are provided by the police, Council or health service, but local community and voluntary groups are important too, often having a closer understanding of the way residents are feeling than larger statutory bodies. To help make the most efficient use of our resources, we will seek to engage with existing partnerships and utilise these communication networks whenever it is possible and appropriate to do so. These partnerships include, but are not limited to, the following:

- Great Yarmouth Town Centre Partnership
- Comeunity
- MESH – Bringing Gorleston Together
- Make It Happen (network covering Southtown, Cobholm and Halfway House)

2.5 How will we use your personal data?

- 2.5.1 In accordance with the General Data Protection Act 2018 (GDPR) we will use your personal information for the purposes of the provision of the Council services. The processing of this information is necessary for the Council to undertake a public task as defined under Article 6(1)(e) of the Act, i.e. the processing is necessary for the Council to perform a task in the public interest or for its official functions, and the task or function has a clear basis in law.

Section 3: Getting involved with the Local Plan

3.1 The Great Yarmouth Borough Local Plan and other planning policy documents.

3.1.1 The Local Plan is a group of documents that sets out how the Borough of Great Yarmouth (outside of the Broads Authority Executive Area) will develop over the next 15 years. It ensures that development meets the overall strategic needs identified in the Core Strategy. The content of the documents in the Local Plan and how they will be implemented are agreed through consultation with relevant stakeholders. Therefore, it is important to secure widespread community involvement with all the documents contained in the Local Plan.

3.1.2 Planning policy documents in the Borough of Great Yarmouth include:

- **Local Plan Documents (LPDs):** LPDs contain strategic and development control based planning policies and site allocations. Some LPDs may also set out frameworks for specific areas where significant change is intended.
- **Supplementary Planning Documents (SPDs):** provide more detailed guidance on how policies should be used.

3.2 How is a Local Plan Document (LPD) prepared?

3.2.1 Before work formally begins on producing an LPD, the Council produces a Sustainability Appraisal Scoping Report to identify the content of a LPD and the different sustainability issues to be addressed. At this Scoping Stage, a focussed consultation will be carried out with key stakeholders to help inform the future direction of the document.

Developing Options

3.2.2 All Local Plan Documents are required to have an evidence base to draw from during their preparation to ensure that accurate, robust and up to date information is available to formulate meaningful and effective policies. The scale and type of consultation that will be undertaken during this stage will depend on the specific topics and issues to be addressed in the LPD. Generally speaking, the process will typically involve:

- Using evidence and consultations with stakeholders and the community to identify the key issues
- Undertaking consultations with stakeholders and the community on the issues and potential options
- Using the responses from the consultations along with other evidence to develop the options which the Council considers to be the most appropriate
- Consulting on the preferred options

3.2.3 In developing options the Council will also consider its Duty to Co-operate which was introduced by the Localism Act 2011. Whilst the Council has always consulted with neighbouring Parish, District and County Councils, this has added a formal duty on local planning authorities, County Councils and other bodies to engage constructively, actively and on an ongoing basis in the preparation of their Local Plans and on other major strategic

matters such as infrastructure. The Council's compliance with the Duty to Co-operate will now be part of the Planning Inspector reasoning on whether the document is sound.

3.2.4 In practice the 'Duty to Co-operate' requires the Council to:

- Work with neighbouring local authorities to identify and address strategic cross-boundary issues;
- Work with the County Council to address strategic issues both within and outside the Borough
- Work with other public bodies and infrastructure providers to ensure that relevant strategic planning matters are identified and addressed

3.2.5 Appendix 2 lists the different stakeholders that the Council will work with in order to fulfil the Duty to Cooperate.

Pre-submission

3.2.6 When the Council has considered all practical options and is satisfied that the chosen preferred options are sound, it will begin work on preparing a 'pre-submission document', this is effectively the final draft.

3.2.7 Unlike the previous stage, the consultation on the pre-submission document is strictly regulated. In accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 the pre-submission document will be subject to a 6 week public consultation. During this time the pre-submission document, accompanying sustainability appraisal report and statement of the representation procedure will be made available to inspect at the Town Hall, Hall Plain, Great Yarmouth and on the Council's website (www.great-yarmouth.gov.uk). If the Town Hall is closed, or access is restricted, for any reason for an extended period of time which means documents cannot be inspected, the Council will instead send free hard copies of documents, on request, to those who have trouble viewing them on the website. The document may also be made available at other venues considered appropriate at the time of the consultation.

3.2.8 Any representations made during this stage will be required to relate to the legal compliance and soundness of the document and they will be submitted to the Secretary of State alongside the document for consideration at an Examination in Public.

3.2.9 In addition, the Council will also submit a Consultation Statement to the Secretary of State. This will set out how we have sought to meet our community involvement obligations outlined in this document. The Inspector, when testing the soundness of a Local Plan Document at examination, will use the Consultation Statement to determine whether the SCI has been correctly followed. If there has been a failure to comply with the SCI or the Regulations, in a way that undermines the LPD, the Inspector can recommend that the document be withdrawn.

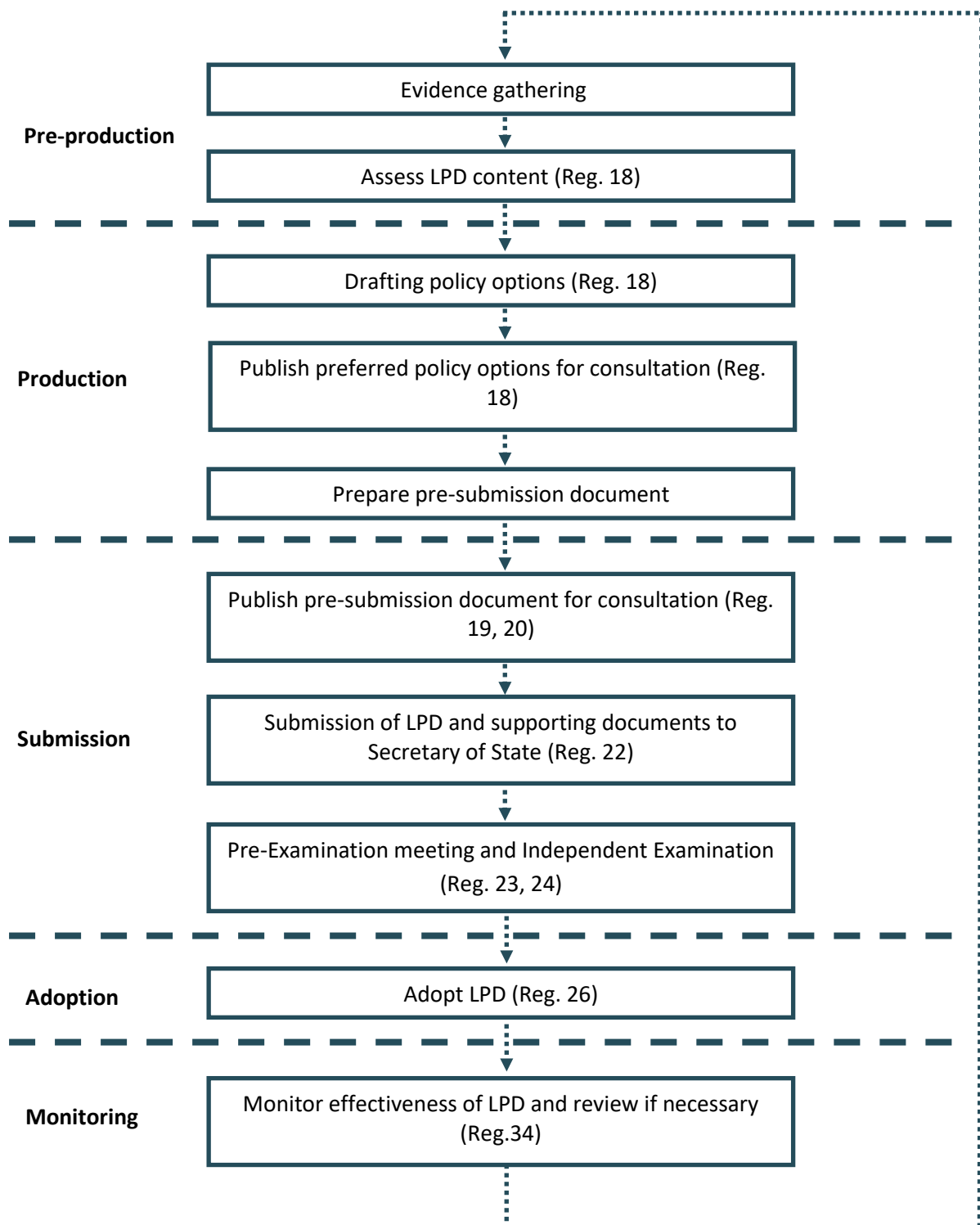
Examination in Public

- 3.2.10 Once a LPD has been submitted to the Secretary of State, it will undergo an Examination in Public carried out by an independent Planning Inspector. This will involve considering all the consultation responses and determining the 'soundness' of the LPD. In order to be judged as 'sound' the LPD must be positively prepared, justified, effective in delivering its aims and consistent with national policy.
- 3.2.11 The Inspector may hold hearing sessions during the examination where people are invited to speak about the document. Once the Inspector has considered all the issues, they will publish a report outlining any changes that need to be made.

Adoption

- 3.2.12 If a document is judged to be sound then it will be adopted by the Council. This will be publicised by placing a notice in the local press, publishing details on the Council's website and sending acknowledgement letters to all consultees that have requested notification.
- 3.2.13 For further details on the types of consultation methods that will or may be used in the preparation of a Local Plan Document please refer to Appendix 3.
- 3.2.14 Figure 1 sets out the different stages for the preparation of LPDs, which are described above. Each identified stage will be carried out in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.

Figure 1: Key stages in preparing a Local Plan Document



3.3 How is a Supplementary Planning Document prepared?

- 3.3.1 Supplementary Planning Documents (SPDs) are produced to expand on policies within Local Plan Documents, providing additional information and guidance. They can be site specific or topic based. Details of the SPDs the Council intends to prepare are set out in the Local Development Scheme which is a separate document timetabling the overall production of Local Plan Documents.

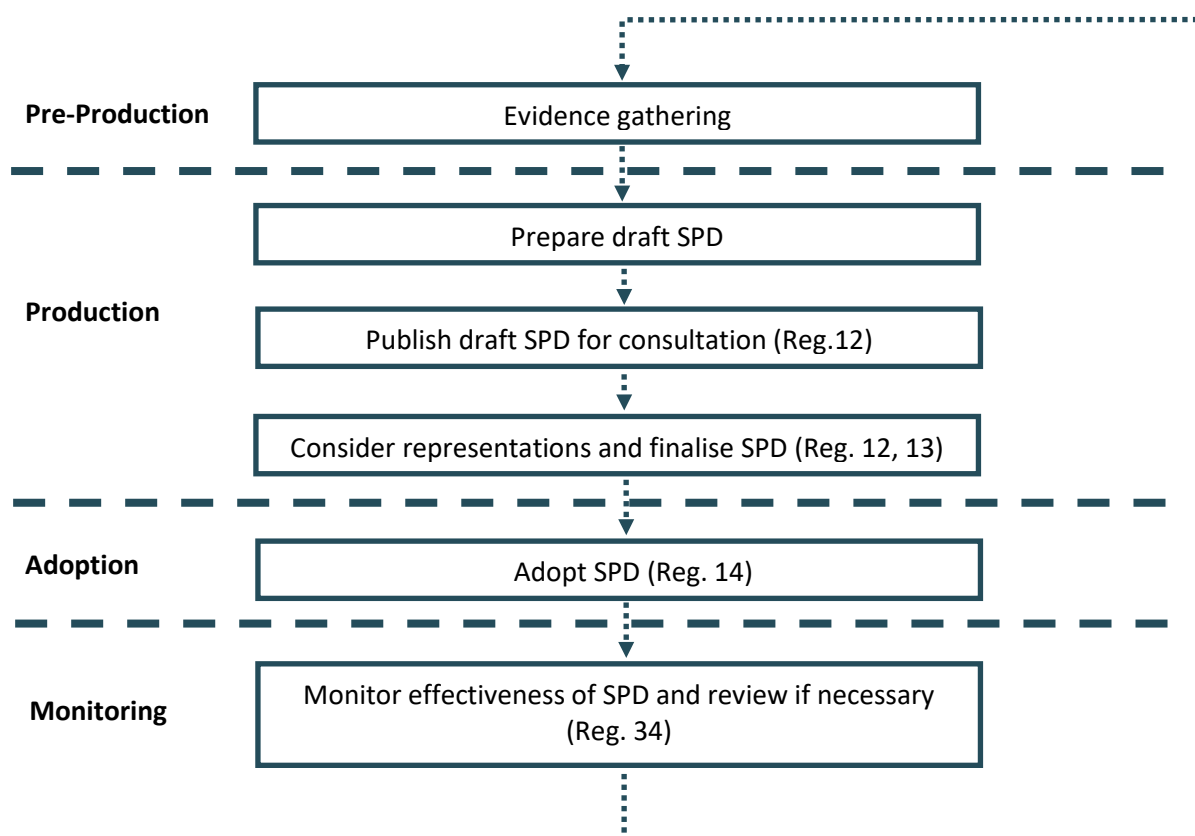
Drafting the SPD

- 3.3.2 As with LPDs, the preparation of SPDs is informed by community involvement through consultation on evidence and information relating to a specific topic. The scale and type of consultation that will be undertaken during this stage will depend on the specific topics and issues to be addressed in the SPD.
- 3.3.3 When a draft SPD is finalised it will be subject to a 4-6 week public consultation period when the Council will invite written representations to be made. This is in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. During this time the draft SPD and any relevant accompanying materials will be made available to inspect at the Town Hall Hall Plain, Great Yarmouth and on the Council's website (www.great-yarmouth.gov.uk). If the Town Hall is closed for any reason or access is restricted for an extended period of time which means documents cannot be inspected, the Council will instead send free hard copies of documents, on request, to those who have trouble viewing them on the website. The document may also be made available at other venues considered appropriate at the time of the consultation.
- 3.3.4 Following the consultation, the document will be revised to take account of the comments received.

Adoption

- 3.3.5 The final version of the SPD will be adopted by the Council as soon as possible after consultation. This will again be publicised by placing a notice in the local press, publishing details on the Council's website and sending acknowledgement letters to all consultees that have requested notification.
- 3.3.6 Figure 2 sets out the different stages for the preparation of SPDs, which are described above. Each identified stage will be carried out in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.

Figure 2: Key stages in preparing a Supplementary Planning Document (SPD)



3.4 What is a Sustainability Appraisal?

- 3.4.1 Sustainability Appraisal is an ongoing process that assesses the extent to which plans and programmes will contribute to achieving economic, social and environmental objectives. It is required for all Local Plan Documents and some Supplementary Planning Documents and it is carried out alongside their preparation. The Sustainability Appraisal should help inform policy development by ensuring that the most sustainable options are selected.

3.5 What is a Habitats Regulations Assessment?

- 3.5.1 A Habitats Regulations Assessment may also be required for Local Plan Documents and Supplementary Planning Documents. The purpose of Habitats Regulations Assessment is to determine whether or not the documents would have significant adverse effects on internationally important nature conservation sites. If applicable Sustainability Appraisals and Habitats Regulations Assessments will be subject to consultation at the same time as the LPD or SPD to which it relates.

Section 4: Getting Involved in Planning Applications

4.1 Planning Applications

- 4.1.1 The Council receives planning applications for new development ranging from house extensions to major infrastructure projects. Managing development is an important function of the Council as development proposals can often be controversial. This is why it is particularly important to involve the community in making decisions on major applications that could affect a large number of people.
- 4.1.2 The SCI sets out the Council's policy for consultations on planning applications within the Borough (outside of the Broads Authority Executive Area) stating what we will do and when. For information on planning application procedures within the Broads Authority Executive Area, please contact the Broads Authority directly (see Section 6 for their contact details).

4.2 Do I need a pre-application discussion?

- 4.2.1 The National Planning Policy Framework advocates good quality pre-application discussion which enables better co-ordination between public and private resources and improved outcomes for the community. Early engagement with the community has the potential to improve the efficiency and effectiveness of the planning system for all stakeholders.
- 4.2.2 We will be happy to advise developers on when and how they might involve the community before submitting a planning application, based on the significance of the proposals for the community, previous planning history and experience, but developers will carry out the consultation process. Suggested methods include, but are not limited to:
- Advertising the proposal locally to raise awareness
 - Informing local residents, interest groups and neighbours about the proposals in writing
 - Arranging public events at which proposals can be explained, giving opportunity for public comment and suggestions. If a public event is to be held ensure that it is at a time and place which allows for a large section of the public to attend.

4.3 What is a major planning application?

- 4.3.1 A Major Planning Application is defined as one of the following:
- Residential development for 10 or more dwellings
 - Residential development on a site of 0.5 hectares or more
 - Development involving a building(s) with a floorspace of 1,000 square metres or more
 - Any other development on a site of 1 hectare or more

4.4 How are consultations on planning applications carried out?

- 4.4.1 The Council will conduct consultations on all planning applications submitted in line with statutory requirements. This will include consulting statutory bodies such as the Environment

Agency, Natural England, Local Authorities, Parish Councils and members of the local community who may occupy homes or businesses in the vicinity of the site.

- 4.4.2 For certain planning applications, for example major developments, proposals for listed buildings or environmentally protected areas, the Council will publish details in the local press and put up a site notice. In addition, details of these applications will also be made available on the Council's website which will include a copy of the planning application with plans and any other relevant documents. These are available to view and to be commented upon.
- 4.4.3 Our standard approach for involving the community on individual planning applications is set out in detail in Appendix 5. This incorporates the minimum legal requirements for consultation and publicity for planning applications (as stated in the Town and Country Planning (General Development Procedure) Order 1995).
- 4.4.4 We set out our approach for involving the wider community and neighbouring occupiers based on the different stages of the planning application process:
- At pre-application stage - before a planning application is submitted
 - When a planning application has been received and registered
 - When the planning application is processed and determined
 - When the decision has been made
 - If an appeal against the decision is lodged
- 4.4.5 Unless otherwise stated, the standards apply to all planning applications. It is made clear if a different approach is used for different types of planning application, for example, major applications and/or those that might cause local controversy.

4.5 How do I comment on a planning application?

- 4.5.1 Representations on Planning Applications must be made within 21 days of the date of consultation letter or site notice. Representations received after 21 days will be accepted at the discretion of the case officer. There are three principle ways in which people can make comments on planning applications, these are:
- Great Yarmouth Borough Council's Online Planning Search accessed through www.great-yarmouth.gov.uk
 - Via E-mail
 - Via Letter
- 4.5.2 Comments on planning applications must be related to a relevant planning issue in order to be considered by the Council in reaching a decision. These issues are known as 'material considerations' and include, but are not restricted to, the following:
- **Plan policies** contained in existing 'saved' local plans and emerging or adopted Local Plan Documents
 - **Supplementary guidance** contained in Supplementary Planning Documents or interim statements
 - **Local strategies**, such as relevant Parish and Town plans or Village Design Statements
 - **Visual appearance** (including building materials and design issues)
 - **Environmental impacts**
 - **Conservation issues**

- **Impacts on safety**
- **Privacy issues**
- **Infrastructure provision and other community benefits**

4.5.3 Issues such as the impact of a proposal on the value of property or land are not 'material considerations', and therefore will not be considered when assessing planning applications.

Section 5: Getting Involved in Neighbourhood Planning

5.1 What is Neighbourhood Planning?

- 5.1.1 The Government's Localism Act introduces new rights and powers for communities and individuals to enable them to get more involved in planning for their areas. Neighbourhood planning will allow communities to come together through a local parish council or neighbourhood forum and say where they think new houses, businesses and shops should go and what they should look like.
- 5.1.2 There are three tools that communities can use to aid them in planning for their neighbourhoods, they are:
- **Neighbourhood Development Plan (NDP):** is like a Local Plan for a neighbourhood, setting out policies in relation to the development and use of land, against which planning applications will be judged. Provided it is in general conformity with the Core Strategy, it could, for example, allocate sites for housing or employment use, protect locally valued buildings or green space, set out design criteria for new buildings, and generally adds detail to Core Strategy policies. Almost anything that uses land and needs planning permission can be included in a NDP.
 - **Neighbourhood Development Order (NDO):** can be used to grant planning permission for certain types of development in certain locations, without the need to submit a planning application to the Borough Council.
 - **Community Right to Build Order:** is a specific type of NDO. They allow a local community group to bring forward a small development, which might include proposals for new homes, business premises and/or community facilities.

5.2 Which bodies are responsible for neighbourhood planning?

- 5.2.1 There are two types of bodies that are able under the regulations to prepare a NDP or a NDO, these are Parish Councils and Neighbourhood Forums. In areas where a Parish Council exists, these are the only bodies that can prepare a Neighbourhood Plan. Where a Parish Council does not exist, community members can create a Neighbourhood Forum.
- 5.2.2 Only one Neighbourhood Forum is allowed to exist for each neighbourhood to be covered by a NDP or NDO. The Neighbourhood Forum must have the purpose of furthering the social, economic and environmental well-being of the area and seek to have representative membership from across the neighbourhood area. It must also have a written constitution and a minimum of 21 members.
- 5.2.3 To become a recognised Neighbourhood Forum an organisation or body must submit an application to the local planning authority. This must include the name of the proposed neighbourhood forum and a map specifying the area that it covers. The application must also include a copy of the Forum's written constitution and a statement explaining how the proposed Neighbourhood Forum meets the conditions contained in section 61F(5) of the Town and Country Planning Act (1990).

- 5.2.4 A Community Right to Build Order is the only neighbourhood planning provision that does not need to be prepared by a Parish Council or Neighbourhood Forum. For a community group to be eligible to produce a Community Right to Build Order, at least half of the community organisation's members must live in the neighbourhood area to which the Community Right to Build Order will apply. The organisation must also exist to further the social, economic and environmental well-being of the area in question.

5.3 What is a Neighbourhood Area?

- 5.3.1 In parished areas the 'neighbourhood area' will generally follow parish boundaries. However, a neighbourhood area can cover only part of a parish or can be a combination of parishes. If the proposed neighbourhood area covers more than one parish, then consent must be sought from each of the relevant Parish Councils.
- 5.3.2 In non-parished areas the 'neighbourhood area' would need to be defined. The following factors could be used to help define a neighbourhood area: natural land divisions/features (e.g. rivers, woodland and field boundaries), unnatural land divisions/features (e.g. roads, railway lines and settlement edge), character areas or areas of a particular type or style of development, catchment areas (e.g. school or retail) or local authority ward boundaries.

5.4 How are Neighbourhood Development Plans and Orders prepared?

- 5.4.1 NDPs, NDOs and Community Right to Build Orders are prepared through a formal process including a public consultation and an assessment by an independent examiner. They must also be agreed at a local referendum before they can be adopted. Figure 3 set's out the broad stages for the preparation of NDPs, NDOs and Community Right to Build Orders. Each identified stage will be carried out in accordance with the Neighbourhood Planning (General) Regulations 2012.

5.5 How are NDPs, NDOs and Community Right to Build Orders approved?

- 5.5.1 NDPs, NDOs and Community Right to Build Orders have to meet a number of conditions before they can be put to a community referendum and legally come into force. These conditions are to ensure plans are legally compliant and take account of wider policy considerations (e.g. national policy). The conditions are:
- they must have regard to national planning policy
 - they must be in general conformity with strategic policies in the Local Plan for the area prepared by the Council, including policies in the Core Strategy
 - they must be compatible with EU obligations and human rights requirements
- 5.5.2 An independent qualified person then checks that the document meets these conditions before it can be voted on in a local referendum.
- 5.5.3 Figure 3 sets out the different stages for the preparation of NDPs and NDOs which are described above. Each identified stage will be carried out in accordance with the Neighbourhood Planning (General) Regulations 2012.

5.6 What is the Council's role in the Neighbourhood Planning process?

- 5.6.1 The Council has a duty to support local communities in neighbourhood planning. This includes confirming arrangements for new Neighbourhood Forums, approving neighbourhood area boundaries, providing expertise and advice to Neighbourhood Forums and Parish Councils (where required) and arranging and funding the independent examination and community referendum. See **Addendum 1** (below) which sets out how the Borough Council will provide advice and assistance to those preparing a neighbourhood plan.

5.7 Addendum 1: Neighbourhood Plan Advice & Assistance

The following Table sets out in general terms how the Borough Council will provide advice and assistance to those preparing neighbourhood plans. This is organised under the main stages of neighbourhood planning, and also guides communities through the variety of responsibilities and decision making that will need to be addressed in preparing a plan.

In practice, the types and amount of advice and assistance will depend to a large extent on the wishes of the body preparing the neighbourhood plan, and the issues it faces.

Note that:

1. References below to a parish council should be taken to include a town council or a neighbourhood forums (who can also prepare neighbourhood plans).
2. The Borough Council will provide advice and assistance, if required, regardless of whether it agrees with the content of the neighbourhood plan.
3. In addition to the provision of advice and assistance, the Borough Council has certain formal statutory responsibilities in processing and deciding on neighbourhood plans (in bold below), and these must be undertaken as set out in legislation. The summaries of those responsibilities below are not intended to be definitive.

Stage	Qualifying Body (Parish/Town Council or Neighbourhood Forum) Suggested Actions (formal stages in bold)	Great Yarmouth Borough Council Advice & Assistance Examples	Great Yarmouth Borough Council formal responsibilities
<p>Initial consideration:</p> <p>Does your community want to prepare a neighbourhood plan?</p> <p>What does it hope to achieve by doing so?</p>	<ul style="list-style-type: none"> • Weigh up possibilities, potential opportunities, and any potential constraints such as resources, time and monetary costs when preparing a neighbourhood plan • Understand the statutory requirements and constraints for neighbourhood plans. • Have regard to Strategic Policies (such as settlement strategy and housing requirements), and existing/emerging Local Plan(s) and national planning policy • Consider setting up a steering group / neighbourhood forum to lead on the development of the plan 	<p>Attend parish council meeting to provide general outline and advice on neighbourhood plans, and answer questions.</p> <p>Provide in person, by phone or in writing more specific guidance, advice and support. This will likely help with</p> <ul style="list-style-type: none"> • understanding the process of preparing a plan, ‘what happens next?’, and central government funding opportunities. • what neighbourhood plans, can, can’t and must do. • how the Borough’s Strategic Policies might affect the approach to the neighbourhood plan • what evidence is, and isn’t, required to support the proposals, • providing contacts for advice and information from others who have prepared neighbourhood plans. 	
<p>Designation of Neighbourhood Area (and Forum if required)</p>	<ul style="list-style-type: none"> • Decide upon an appropriate area for the plan (usually, but not always the whole parish area) • Apply to the Council with a map and justification of the area 	<p>The Borough Council can provide a map (subject to being signed up to the Public Sector Mapping Agreement).</p>	<p>Decide if the area is appropriate and designate it as soon as possible (this may require the Council to consult).</p>

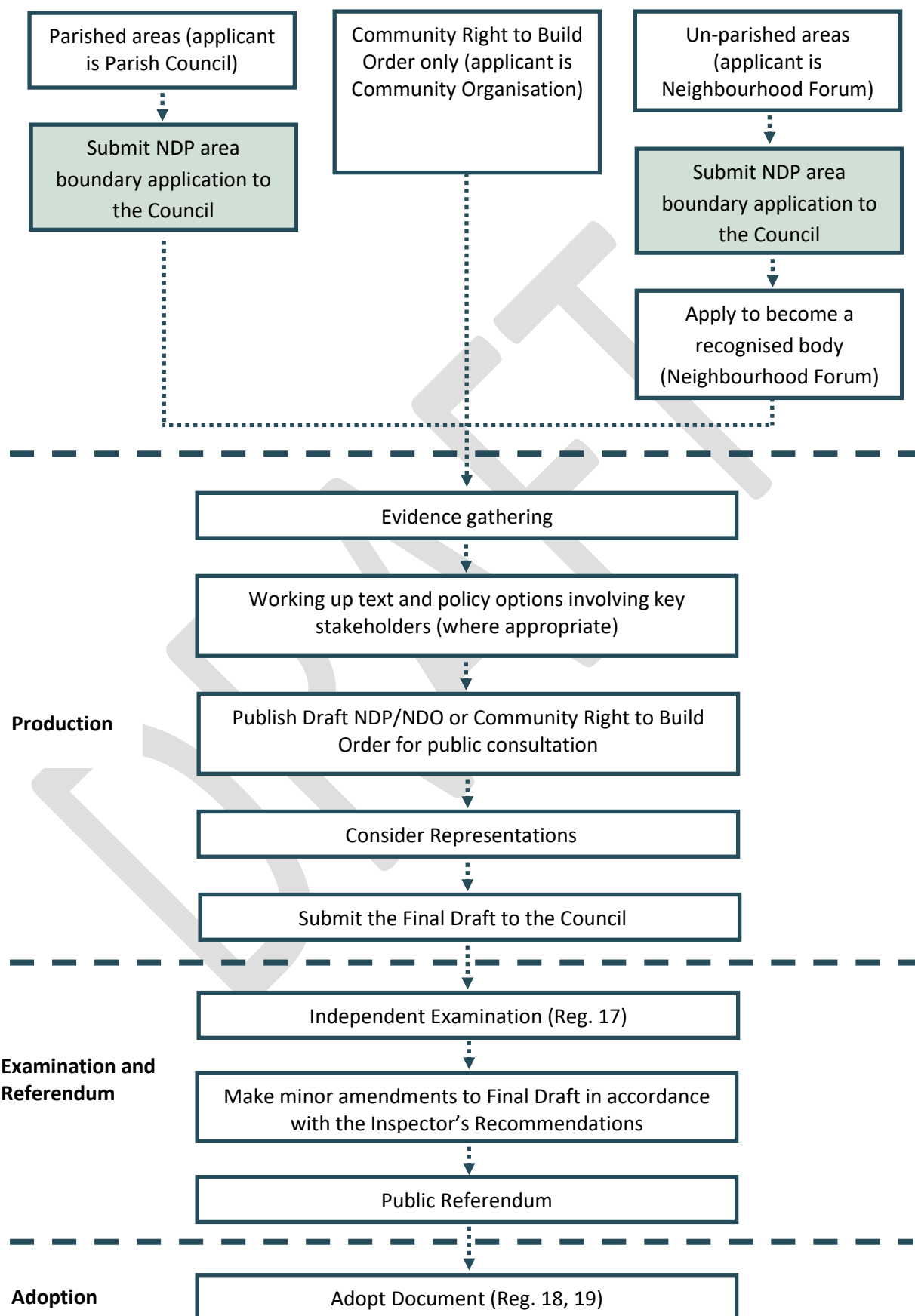
Develop plan's aims and policies	<ul style="list-style-type: none"> Consider and develop main aims (focus) of the plan Draft clear policies If allocating sites – carry out an appraisal against identified criteria, demonstrate what alternative sites have been considered Consult the community Constructively engage with the Council 	The Borough Council will provide assistance if required (including mapping assistance, subject to resources). It is good practice at this stage to share plan proposals, but more generally to regularly engage with the Council, which can assist in: considering draft policies, where possible supporting evidence in making site allocations, and providing advice in meeting the 'basic conditions', and identifying issues which may cause problems later in the process	
Consider environmental effects - Prepare Strategic Environmental Assessment (SEA) Screening Report & Habitat Regulations Assessment (HRA) screening	<ul style="list-style-type: none"> Consider whether the plan may have significant environmental effects Consider using a Sustainability Appraisal to assess sites (if you are seeking to allocate sites) Consider whether the plan may have significant effects on internationally protected species and/or habitat sites [Note that if there are potential effects – suitably qualified consultants may be needed to carry out a full 'HRA' assessment] 	The Borough Council will advise on these important but complex processes.	
Pre-submission consultation	<ul style="list-style-type: none"> Undertake a six week pre-submission public consultation on the draft plan options (including SEA/HRA Report – if they are required) Also provide any necessary supporting documents such as a Consultation Statement explaining what is being consulted (and what the next steps are). 	The Borough Council can provide guidance on who needs to be consulted, and could potentially host the consultation on its website.	
Revising the pre-submission plan	<ul style="list-style-type: none"> Consider making amendments to the plan based on comments received at consultation Produce a representations report setting out how comments have been taken into consideration 	The Borough Council can provide advice, if required.	

Optional independent 'health check' of the plan	<p>Following pre-submission consultation and amendments, the Borough Council strongly recommends that the draft plan is submitted for a 'health check' to be reviewed by an independent examiner. Those who have done this and successfully progressed their plans to adoption have found this very useful, and time saving in the long run. (It is much better to find out any problems at this stage, rather than later.) The key focus of the review is considering whether the plan has met the 'Basic conditions' and other legislative requirements, and therefore whether the plan is likely to have difficulties in the formal examination. This enables the parish council to address any concerns before the plan is formally submitted for examination, at which point it is largely out of the hands of the parish council and any changes must be decided by the Borough Council in the light of the advice of the Examiner.</p> <p>The cost of a health check review depends on the scope of the plan, but is typically approx. £1,000.</p>	<p>If the parish council is willing to submit the plan to an independent 'health check' review jointly with the Borough Council, the Borough Council will consider contributing to the cost of the review, and organise the review using the Neighbourhood Plan Independent Examiners Referral Service (NPIERS).</p>	
Further revisions to draft plan	<p>Following an independent 'health check' – further amendments may be recommended to the plan prior to its submission (which should help it to progress through examination).</p>	<p>The Borough Council can provide support if required.</p>	

Submitting the plan to the Council	<p>Submit neighbourhood plan once content with the finalised document, with or including:</p> <ul style="list-style-type: none"> • Map of neighbourhood plan area • Consultation Statement – setting out details of consultation and how they were considered • Statement setting out how the plan meets legislation (in particular, the Basic Conditions) • Environmental Report (screening or full report). <p>Optional supporting documents could include:</p> <ul style="list-style-type: none"> • Sustainability Appraisal • Viability Assessment 		<p>The Borough Council will check that all relevant documents have been submitted and the legislative requirements have been adequately met to publish the plan and commence a six week consultation (to be held by the Council).</p>
Independent examination	<p>An independent examiner will conduct the examination of the plan usually with written representation and potential site visits. There is also the potential that a meeting/hearing may be required.</p>		<p>The Borough Council will:</p> <ul style="list-style-type: none"> • consult the neighbourhood plan body on the choice of examiner • appoint the Examiner • Receive the examiner's report
Examiner's recommendations	<p>The parish council will receive a copy of the Examiner's Report.</p> <p>This can recommend that plan –</p> <ul style="list-style-type: none"> • Can proceed unchanged to a referendum; or • (most likely) Can proceed to a referendum if it is first amended by the Borough Council to address any problems; or • Should not proceed to a referendum 		<p>The Borough Council will consider the Examiner's conclusions and decide whether the legislative requirements require any amendments to be made to the plan, and whether it can (then) proceed to a referendum.</p>

Referendum	Receive referendum results.		The Borough Council will hold the referendum (with at least 28 days' notice prior to it taking place).
Adoption	Receive notice when the neighbourhood plan 'comes into force' – forming part of the Development Plan		<ul style="list-style-type: none"> • Upon a 'yes' vote in the referendum, the Borough Council will adopt the neighbourhood plan • A neighbourhood plan in force will form part of the Development Plan – and will be used to guide and support planning applications and decisions.

Figure 3: Key stages in preparing a Neighbourhood Development Plan (NDP) or Neighbourhood Development Order (NDO)



Section 6: Contact Information

6.1 Great Yarmouth Borough Council

- 6.1.1 A member of the Strategic Planning team is available to answer any questions you may have relating to the Statement of Community Involvement or the Local Plan. Planning officers are available between the following times:

Monday – Friday 9:00am – 5:00pm

- 6.1.2 You can also contact the Strategic Planning team using the following details:

Strategic Planning,
Town Hall,
Hall Plain,
Great Yarmouth,
Norfolk,
NR30 2QF

Tel: (01493) 846626

Email: localplan@great-yarmouth.gov.uk

- 6.1.3 For any queries relating to planning applications please contact the Development Control team using the following details:

Development Control,
Town Hall,
Hall Plain,
Great Yarmouth,
Norfolk,
NR30 2QF

Tel: (01493) 846430 or Planning Technicians and Assistants: 01493 846169

Email: plan@great-yarmouth.gov.uk

6.2 The Broads Authority

- 6.2.1 The Broads Authority is responsible for planning matters within their executive area of the borough. For any queries relating to Broads Authority matters please use the contact details below:

Broads Authority,
Yare House,
62-64 Thorpe Road,
Norwich,
NR1 1RY

Tel: (01603) 610734

Website: www.broads-authority.gov.uk

Section 7: Appendices

Appendix 1: Local Plan consultees

Under the conditions contained within the Town and Country Planning (Local Planning) (England) Regulations, 2012, the Council must consult specific and general bodies as well as those residents and/or businesses the Council considers appropriate.

The following are statutory consultation bodies that must be consulted:

- Historic England
- Natural England
- Network Rail
- The Coal Authority
- The Environment Agency
- Highways England
- Homes England
- The Marine Management Organisation
- Clinical Commissioning Group and NHS England
- Relevant authorities who operate within or adjacent to the boroughs boundary including:
 - Norfolk County Council
 - Suffolk County Council
 - The Broads Authority
 - North Norfolk District Council
 - Broadland District Council
 - South Norfolk Council
 - East Suffolk Council
 - Parish Councils
- Relevant telecommunications companies
- Relevant electricity and gas companies
- Relevant sewerage and water undertakers

The Regulations also require that the Council consult general consultation bodies. The Regulations identify five types of bodies as general consultation bodies that relate to voluntary organisations representing certain groups within the community. The general consultation bodies are:

- Voluntary bodies whose activities benefit any part of the authority's area
- Bodies that represent the interests of different racial, ethnic or national groups
- Bodies that represent the interests of different religious groups
- Bodies that represent the interests of disabled persons
- Bodies that represent the interests of businesses in the area

Where appropriate the Council will consult with a range of other consultees where the scope of the Local Plan Documents relates to their role or area of interest in the planning system. Examples of the types of agencies and organisations include:

- National controllers of waterways and navigation authorities
- Airport operators
- Government departments
- RSPB
- Sport England
- Network Rail
- Fire authorities
- HM Prison Service
- Landowners
- House builders and developers

This list is not exhaustive and consultees will be updated to include successor bodies when reorganisations occur.

Appendix 2: Duty to Co-operate

The Localism Act 2011 introduced a Duty to Co-operate, which is designed to ensure that all the organisations involved in planning work together on issues that are of bigger than local significance. The authorities and agencies that the borough will cooperate with is specified in Regulation 4 of the Town and Country Planning (Local Development) (England) Regulations 2012. The following bodies are designated as Duty to Co-operate stakeholders:

Neighbouring Local Authorities and County Councils:

North Norfolk District Council
Broadland District Council
South Norfolk Council
East Suffolk Council
Norfolk County Council
Suffolk County Council
Broads Authority

Other public bodies and infrastructure providers:

Homes England
The Environment Agency
Natural England
Historic England
Clinical Commissioning Group and NHS England
The Office of Rail Regulation
Integrated Transport Authorities
Highways England
Anglian Water
Essex and Suffolk Water
The Marine Management Organisation
Civil Aviation Authority

Appendix 3: Who is involved when preparing the planning policy documents?

Those to be Involved	Statement of Community Involvement	Local Development Scheme	Core Strategy	Local Development Documents AAPs and SPDs	Environmental And Sustainability Assessment Scoping Report	Environmental and Sustainability Report(s)	Notes
See list of statutory consultees shown in Appendix 1.	•		•	•	•	•	
The general public	•		•	•		•	
Housing sector (developers, private and social landlords)	•	•	•	•	•	•	
Additional Government Agencies and Departments, Local MPs	•	• *	•	•	•	•	*Planning Inspectorate only
Utility, energy and telecoms providers	•		•	•	• *		*Green energy, for example, companies who provide wind power
Transport companies and organisations (for example, the Strategic Rail Authority and local transport operators)	•		•	•	•	•	

Those to be Involved	Statement of Community Involvement	Local Development Scheme	Core Strategy	Local Development Documents AAPs and SPDs	Environmental And Sustainability Assessment Scoping Report	Environmental and Sustainability Report(s)	Notes
Local neighbourhood groups (MESH, ComeUnity)	•	•	•	•		•	
Community diversity (faith groups, disability groups, young people and gypsies)	•		•	•	•	•	
Rural and countryside interests, (farmers groups, country landowners and government agencies)	•		•	•	•	•	
Land, property and housing organisations (developers, housing providers and planning consultants)	•		•	•	• *	•	*Planning consultants only
Business, industrial and commercial organisations.	•		•	•			
Retail and town centre organisations (Great Yarmouth Town Centre Partnership, Great Yarmouth Location Forum)	•		•	•		•	

Those to be Involved	Statement of Community Involvement	Local Development Scheme	Core Strategy	Local Development Documents AAPs and SPDs	Environmental And Sustainability Assessment Scoping Report	Environmental and Sustainability Report(s)	Notes
Land and property owners and occupiers	• *		• *	• *			*Major landowners only – those directly affected
Minerals and waste interests	•		•	• *	•	•	* Only where relevant.
Tourism interests, (hospitality sector)	•		•	• *			* Tourism locations only, for example, town centre and parks
Other local community and voluntary groups, (Council for Voluntary Services)	•		•	•			

Appendix 4: Key consultation stages in preparing a Local Plan Document

Key Consultation Points	Consultation activities the Council will/may do
<p>Regulation 18:</p> <p>Preparing a Local Plan Document</p> <p>Gathering evidence and assessing options stage</p>	<p>The Council will:</p> <ol style="list-style-type: none"> 1. Inform all statutory consultees specified in Appendix 1 of the proposed LPDs subject matter and invite consultees to comment on what content the LPD ought to contain. 2. Inform all appropriate general consultees specified in Appendix 2 of the proposed LPDs subject matter and invite consultees to comment on what content the LPD ought to contain. 3. Ensure that where appropriate, draft versions of the LPD are made available to view at: <ul style="list-style-type: none"> • Reception, Town Hall, Hall Plain, Great Yarmouth, Norfolk, NR30 2QF (if open) • The Council's website (www.great-yarmouth.gov.uk) • Other venues considered appropriate at the time of the consultation. 4. Send free hard copies of documents, on request, to those who have trouble viewing them on the website if the Town Hall or other advertised inspection points are closed (or access is restricted) for an extended period during the consultation(during normal opening hours). 5. Prepare press releases advertising consultations on draft versions of the LPD. 6. Take into consideration all representations made at this stage alongside the wider evidence base. 7. Provide feedback on all representations made at this stage. <p>The Council may also:</p> <ol style="list-style-type: none"> 8. Organise consultation events to gather additional information about geographical areas, specific topics or preferred options. Potential methods that may be used include but are not limited to:

	<ul style="list-style-type: none"> • Leaflet drops • Drop in sessions • Stakeholder meetings • One-to-one meetings • Action planning/workshops • Presentations • Questionnaires/surveys • Focus groups
Regulation 19: Publication of a Local Plan Document	<p>The Council will:</p> <ol style="list-style-type: none"> 1. Invite all statutory consultees specified in Appendix 1 to make representations on the soundness and legal compliance of the draft LPD within the specified period of time, which will be at least six weeks from the time the draft LPD is made publicly available. 2. Inform all appropriate general consultees specified in Appendix 2 to make representations on the soundness and legal compliance of the draft LPD within the specified period of time, which will be at least six weeks from the time the draft LPD is made publicly available. 3. Make copies of the proposed submission document available for inspection at the Town Hall, Hall Plain, Great Yarmouth (if open) and on the Council's website (www.great-yarmouth.gov.uk). The document may also be made available at other venues considered appropriate at the time of the consultation. The Council will send free hard copies of documents, on request, to those who have trouble viewing them on the website if the Town Hall or other advertised inspection points are closed (or access is restricted) for an extended period during the consultation(during normal opening hours). 4. Send a copy (normally electronic) of the proposed submission document, accompanying sustainability report and statement of the representation procedure to each of the specific and general consultation bodies as specified in Appendix 1, that were invited to make representations. 5. Publish guidance notes on how to make a representation and what will happen when a representation has been received and produce a standard response form to enable people to make representations in writing or on-line via the Council's website.

	<p>The Council may also:</p> <ol style="list-style-type: none"> 6. Publish by local advertisement a formal notice inviting representations, indicating where and when documents will be available for inspection. 7. Prepare press releases inviting representations, indicating where and when documents will be available for inspection. 8. Organise and attend drop in sessions and stakeholder meetings to allow consultees to talk through potential issues before submitting a formal response.
<p>Regulation 22:</p> <p>Submission of documents and information to the Secretary of State (represented by the Planning Inspectorate).</p>	<p>The Council will:</p> <ol style="list-style-type: none"> 1. Make the LPD and all documents submitted to the Secretary of State available to inspect at: Reception, Town Hall, Hall Plain, Great Yarmouth, Norfolk, NR30 2QF (if open). The Council will send free hard copies of documents, on request, to those who have trouble viewing them on the website if the Town Hall or other advertised inspection points are closed (during normal opening hours), or access is restricted, for an extended period during the examination. 2. Publish on the website the LPD and all related documents sent to the Secretary of State including details of where, when and how the LPD and other information can be inspected. 3. Inform all statutory consultees specified in Appendix 1 that the LPD has been submitted to the Secretary of State and advise them of where and when documents will be available for inspection. 4. Inform all other consultees (that have requested to be notified) that the LPD has been submitted to the Secretary of State and advise them of where and when documents will be available for inspection. <p>The Council may also:</p> <ol style="list-style-type: none"> 5. Make copies of the LPD, Sustainability Appraisal and summary of consultation responses available to view at other venues throughout the borough.

	<p>6. Publish by local advertisement a formal notice to inform consultees that the LPD has been submitted to the Secretary of State and advise them of where and when documents will be available for inspection.</p> <p>7. Prepare press releases inviting representations, indicating where and when documents will be available for inspection.</p>
<p>Regulation 24:</p> <p>Independent Examination</p>	<p>The Council will at least 6 weeks before the examination hearing commences:</p> <ol style="list-style-type: none"> 1. Make a statement indicating the date, time, place of the examination and name of person carrying out the examination available together with to view at : <ul style="list-style-type: none"> • Reception, Town Hall, Hall Plain, Great Yarmouth, Norfolk, NR30 2QF (only if open and accessible) • The Council's website (www.great-yarmouth.gov.uk) 2. Publish on the website the LPD and all related documents sent to the Secretary of State including details of where, when and how the LPD and other information can be inspected. 3. Inform all statutory consultees specified in Appendix 1 of the date, time, place of the examination and name of person carrying out the examination. 4. Inform all other consultees (that have requested to be notified) of the date, time, place of the examination and name of person carrying out the examination. <p>The Council may also:</p> <ol style="list-style-type: none"> 5. Publish by local advertisement a formal notice to inform consultees of the date, time, place of the examination and name of person carrying out the examination.
<p>Regulation 25:</p> <p>Publication of the Inspector's Report</p>	<p>The Council will:</p> <ol style="list-style-type: none"> 1. Make the recommendations of the person appointed and the reasons given by that person for those recommendations available to view at the Town Hall, Hall Plain, Great Yarmouth (if open) and on the Council's website (www.great-yarmouth.gov.uk). The report may also be made available at other venues considered appropriate at the

	<p>time of the consultation. The Council will send free hard copies of the report, on request, to those who have trouble viewing it on the website if the Town Hall or other advertised inspection points are closed (or access is restricted)(during normal opening hours).</p> <p>2. Inform all consultees that have requested to be notified of the publication of those recommendations, that the recommendations are available.</p> <p>The Council may also:</p> <p>3. Prepare press releases to inform consultees that the publication of the appointed persons recommendations are available</p>
<p>Regulation 26:</p> <p>Adoption</p>	<p>The Council will:</p> <p>1. Make the adopted LPD, Sustainability Appraisal and the adoption statement available for inspection for at least 6 weeks at:</p> <ul style="list-style-type: none"> • Reception, Town Hall, Hall Plain, Great Yarmouth, Norfolk, NR30 2QF (if open) • The Council's website (www.great-yarmouth.gov.uk) • Other venues considered appropriate at the time of publication. <p>2. The Council will also send free hard copies of documents, on request, to those who have trouble viewing them on the website if the Town Hall or other advertised inspection points are closed (or access is restricted) (during normal opening hours) during the 6 weeks following adoption.</p> <p>3. Send all consultees that have requested to be notified of the LPDs adoption a copy of the adoption statement</p> <p>4. Send a copy of the adoption statement to the Secretary of State</p> <p>The Council may also:</p> <p>5. Publish by local advertisement a formal notice to inform consultees that the LPD has adopted.</p>

	6. Prepare press releases to inform consultees that the LPD has adopted.
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Appendix 5: Consultation stages and methods used in producing a Supplementary Planning Document

Key Consultation Points	Consultation activities the Council will/may do
<p>Regulations 12 & 13:</p> <p>Preparing a Supplementary Planning Document</p> <p><i>(Evidence gathering stage with the opportunity to informally involve local communities and stakeholders in preparing draft policy)</i></p>	<p>The Council will:</p> <ol style="list-style-type: none"> 1. Make copies of the draft SPD and accompanying sustainability appraisal report available for inspection at the Town Hall, Hall Plain, Great Yarmouth (if open) and on the Council's website (www.great-yarmouth.gov.uk). The document may also be made available at other venues considered appropriate at the time of the consultation. The Council will send free hard copies of documents, on request, to those who have trouble viewing them on the website if the Town Hall or other advertised inspection points are closed (or access is restricted) for an extended period during the consultation (during normal opening hours). 2. Prepare a statement setting out who the Council consulted in preparing the draft SPD, the main issues raised and how they have been addressed. 3. Publish the draft SPD, accompanying sustainability report and consultation statement and any other supporting documents on the Council's website. 4. Publish by local advertisement a formal notice inviting representations within a specified 4 - 6 week period, indicating where and when documents will be available for inspection. 5. Send copies of the draft SPD, accompanying sustainability appraisal report, consultation statement and any other supporting documents to those specific and general consultation bodies the Council considers appropriate. 6. Acknowledge receipt of all representations received within the specified 4 - 6 week period. 7. Consider all valid representations received and use them to prepare the final version of the SPD.
Regulation 14:	The Council will:

<p>Adoption and publication</p> <p><i>(The Authority will adopt the SPD having considered any representations received)</i></p>	<ol style="list-style-type: none"> 1. Prepare a statement setting out the main issues raised by representations received and how they have been addressed in the SPD the Council intends to adopt. 2. Notify those specific and general consultation bodies that were consulted at draft stage that the SPD has been adopted and send them a copy of the adoption statement. 3. Make copies of the adopted SPD, adoption statement and statement of representations received available for inspection at: <ul style="list-style-type: none"> • Great Yarmouth Town Hall, Hall Plain, Great Yarmouth, Norfolk, NR30 2QF (if open) • Other venues considered appropriate at the time of publication. • The Council's website (www.great-yarmouth.gov.uk) 4. The Council will send free hard copies of documents, on request, to those who have trouble viewing them on the website if the Town Hall or other advertised inspection points are closed (or access is restricted) for an extended period during the consultation(during normal opening hours).
<p>Regulation 34:</p> <p>Monitoring</p>	<p>The Council will:</p> <ol style="list-style-type: none"> 1. SPDs will be monitored on an annual basis through the Annual Monitoring Report (AMR). SPDs will be reviewed at least every three years.

Appendix 6: Processes for Major Planning Applications

Key Consultation Points	Involvement – We Will
<p>Pre-application stage - before an application is submitted</p>	<p>1. Positively promote pre-application discussions.</p> <ul style="list-style-type: none"> - For minor and other less significant applications, we will encourage applicants to discuss their proposals with neighbours and other interested parties before finalising their application and submitting it. - For major and/or applications likely to generate local controversy, we will encourage developers and their agents to consider undertaking pre-application discussions and community consultation commensurate with the nature and scale of their proposal (while we will encourage this, we cannot prescribe that it takes place).
<p>When a planning application has been received and registered</p>	<p>Site Notice</p> <p>1. Display a site notice providing information on the nature of the application, where the plans can be inspected and the deadline for making comments (site notices are displayed for applications on all sites).</p> <p>Neighbour Notifications</p> <p>1. Where appropriate, notify occupiers of properties immediately adjoining the application site by letter that an application has been received, informing them that a copy of the application is available for inspection. Written comments are requested within 21 days.</p> <p>2. Undertake more extensive notification for major applications where this is justified (the planning officer dealing with the application will determine the geographical extent of the notification).</p> <p>Statutory Consultees</p>

<p>When a planning application has been received and registered (continued)</p>	<ol style="list-style-type: none"> 1. Undertake formal consultations with a range of statutory consultees. Who we consult will vary depending on the nature of the proposal and its location. 2. Notify consultees by letter, giving them 21 days in which to comment. <p>Advertisement</p> <ol style="list-style-type: none"> 1. Advertise the following types of application in the local media (Great Yarmouth Mercury): <ul style="list-style-type: none"> • Major applications • Departures from the Development Plan expected to be approved • Applications affecting a listed building or its setting • Applications within a conservation area • Applications affecting a definitive public footpath • Applications accompanied by an Environmental Impact Assessment <p>Availability of Plans</p> <ol style="list-style-type: none"> 1. Make a copy of the application available to view at Reception, Town Hall, Hall Plain, Great Yarmouth Norfolk, NR30 2QF during normal office hours (if open). 2. Provide copies of plans to Parish Councils on request. 3. For those not able to visit the Council Offices during normal office hours make copies of the application available for a charge. 4. Spend time with any member of the public who wishes to find out more about an application, the development control process and how to comment effectively. 5. If the person who wishes to view the application is housebound, arrangements can be made for an officer to visit and explain the proposal if this is complex, or a copy will be sent in the post.
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	<p>List of Applications</p> <p>1. Publish a list of all planning applications received, providing details of:</p> <ul style="list-style-type: none"> • Application number • Date application received • Applicant • Location • Proposal • Ordnance Survey grid reference • Case officer • Parish <p>2. Send the application list to all Council Members and Parish Council's and publish it on the Council's website.</p> <p>3. Make the list available to inspect at the Council Offices and to purchase on request for a charge.</p> <p>Press Coverage</p> <p>1. Provide the local media (Great Yarmouth Mercury) with factual or background information on applications when requested. (Major and/or controversial applications tend to attract significant local press coverage).</p> <p>Representations</p> <p>2. Acknowledge receipt of any written representation within 3 working days (if the representation takes the form of a petition, send acknowledgement of its receipt to the organiser).</p> <p>3. Make any comments received on an application open to public inspection.</p> <p>Amendments to applications</p>
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	<p>1. Where significant alterations to plans are received, re-consult neighbours, the Parish Council and relevant consultees. For relatively minor amendments, re-notification will be undertaken at the discretion of the Case Officer.</p>
<p>When the planning application is processed and determined</p>	<p>Negotiation</p> <p>1. Seek to negotiate with applicants, where possible, towards achieving an acceptable scheme rather than refusing an application which could be approved with sensible amendments or submission of further details.</p> <p>Major Applications</p> <p>1. Where appropriate, hold briefing sessions for Elected Members and on occasion, joint sessions for Parish Councils and members of the public to enable developers and their agents to outline the nature of their proposed development in more detail, particularly where the proposal is complex and/or controversial.</p> <p>Decisions</p> <p>1. Seek to determine the majority of applications within the statutory 8 week period set by Government.</p> <p>2. Seek to determine major applications within the statutory 13 week period set by Government.</p> <p>Delegation</p> <p>1. In accordance with Government guidance, operate a scheme of delegation, giving the Head of Planning and Business Services delegated powers to determine the majority of planning applications.</p> <p>Development Control Committee</p> <p>1. Place the following types of application before the Development Control Committee for determination:</p> <ul style="list-style-type: none"> • Larger applications • Applications which have received objections which cannot be resolved

	<p>2. Provide a summary of the representations received on an application within the Case Officer's report to Committee.</p> <p>3. Prepare and publish a Development Control Committee Agenda, making it available 5 working days before the day of the Committee.</p> <p>4. Publish the Agenda on the Council's website.</p> <p>5. Deal with controversial applications attracting high public attendance first on the agenda at the Chairman's discretion.</p> <p>6 Report any late representations received verbally or in writing at the Committee.</p> <p>7. Continue to provide the opportunity for members of the public to speak at Committee or ask a question. Under the existing system, the following people can make a request to speak:</p> <ul style="list-style-type: none"> • One objector • One supporter • Borough Councillor (within whose ward the application lies) • Parish Council representative (from relevant Parish) • Applicant or their agent (where there is a speaker against their proposal) (Forms requesting the opportunity to speak must be received 4 working days before the Committee meeting. Those invited to speak will be notified by letter or telephone 1 working day before the meeting)
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<p>When the decision has been made <i>(If an applicant has an application refused or disagrees with conditions attached to the planning permission, they have a right of appeal. The right of appeal does not extend to a third party)</i></p>	<ol style="list-style-type: none"> 1. Inform those people who made a written representation of the planning decision within 5 working days of the decision notice being issued. 2. Publish Development Control Committee minutes and a Committee decision list and make them available for inspection at the Council offices and via the Council's website. 3. Publish a list of those applications determined under delegated powers and make it available for inspection at the Council Offices and via the Council's website. 4. Inform those people who made a written representation on the original application that an appeal has been lodged and how they can make their views known (either in writing if it is a written representations appeal or in person at an informal hearing or public inquiry). 5. Where an informal hearing or public inquiry is to be held; 6. Publicise the date, time and location of the hearing/inquiry. 7. Publish a list of appeals lodged and decided and make it available for inspection at the Council Offices and via the Council's website.
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Appendix 7: Glossary of terms

Term	Acronym	Definition
Adoption		The final confirmation of a <i>Local Plan Document</i> as having statutory status by a Local Planning Authority
Affordable Housing		Housing which meets the present and future needs of households unable to secure adequate housing at prices determined by the market.
Area Action Plan	AAP	A <i>Local Plan Document</i> that may be used by the local planning authority to provide a planning framework for areas of significant change or conservation. Intended to deal with specific areas and specific requirements such as the redevelopment of an area of derelict land and buildings
Annual Monitoring Report	AMR	A required report undertaken by a Local Planning Authority that reports on the implementation of the <i>Local Plan</i> and to what extent and effectiveness policies are being achieved.
Area of Outstanding Natural Beauty	AONB	An area of the countryside in England, Wales or Northern Ireland, specially designated by Natural England as having significant landscape value.
Biodiversity Action Plan	BAP	A strategy prepared for a local area aimed at conserving biological diversity in Norfolk.
Great Yarmouth Borough-Wide Local Plan (2001)	BWLP	A plan produced by local authorities under the former planning system. The Great Yarmouth Borough-Wide Local Plan is being replaced by the <i>Local Plan</i> .
Brownfield Land		Brownfield land (also known as Previously Developed Land) is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings), and associated fixed surface infrastructure. The definition covers the curtilage of the development although private gardens are no longer regarded as Brownfield land. Opposite to <i>Greenfield</i> land.
Conservation Area		Areas of special architectural or historical interest, where the character, appearance or setting is desirable to preserve or enhance.
Core Strategy		A <i>Local Plan Document</i> which sets the long-term spatial vision for the local planning authority area, and the spatial objectives and strategic policies to deliver that vision.

Term	Acronym	Definition
Development Control/ Development Management		The process by where a local planning authority receives and considers the merits of a planning application and in due course, whether it should be given permission having given regard to the Local Plan and all other material considerations
Development Limits		Identifies the area within which development proposals would be acceptable, subject to complying with other policies contained in the <i>Local Plan</i> . They seek to prevent development from gradually extending into the surrounding countryside.
Equality Impact Assessment	EqlA	A report produced by the local planning authority that focuses on assessing and recording the likely equalities impact of a local planning authority's strategy, policy or project on certain groups of people known as equality target groups.
Examination in Public	EiP	<i>Local Plan Documents</i> and the <i>Statement of Community Involvement</i> will be subjected to independent scrutiny by way of an Examination in Public.
Green Infrastructure		Defined as the physical environment within and between cities, towns, villages; specifically the networks of open space, waterways, green corridors and open countryside
Greenfield Land		Land (or a defined site) which has not been built on or where the remains of any structure has blended into the landscape over time (opposite of <i>Brownfield</i> land). Applies to most land outside the built up area boundaries. Not to be misinterpreted as greenbelt.
Issues and Options		Document(s) produced during the pre-submission stage of preparing <i>Local Plan Documents</i> for the purpose of gaining public consensus on proposals before submission to the government for independent examination.
Key Diagram		A Diagram which illustrates the main strategic principles of the spatial strategy of the <i>Local Plan</i> . It is not site specific, unlike the <i>Proposals map</i> .
Local Plan Documents	LPD	Sat within the <i>Local Plan</i> portfolio are <i>Local Plan Documents</i> that have been subject to independent testing and have the weight of development plan status, and <i>Supplementary Planning Documents</i> which are not subject to independent testing and do not have development plan status. The Local Plan Documents

Term	Acronym	Definition
		collectively deliver the spatial planning strategy for the local planning authority's area.
Local Plan		Is a term used to describe a folder of <i>Local Plan Documents</i> that provides the local planning authority's policies for meeting the community's economic, environmental and social aims for the future of the area where this effects development and the use of land.
Local Development Scheme	LDS	A public project plan identifying which <i>Local Plan Documents</i> will be produced within the <i>Local Plan</i> , in what order and when, over a three year period.
Local Strategic Partnership	LSP	The Great Yarmouth LSP was a partnership of public and private organisations and community groups that was disbanded in October 2011. It was replaced by the Great Yarmouth Partnership which shares the vision of creating a community offering a high quality of life and a secure future for all residents.
Local Transport Plan	LTP	The transport strategy prepared by the local transport authority, i.e. Norfolk County Council.
Ministry of Housing, Communities & Local Government	MHCLG	The department sets policy in local government, planning, housing, urban regeneration and fire services. The department is responsible for racial equality and community cohesion.
Planning and Compulsory Purchase Act 2004		This placed emphasis on statutory regional planning (The East of England Regional Spatial Strategy, which has now been disbanded) and a new system of local planning (Local Development Frameworks) now know as <i>Local Plans</i> . Amends the 1990 Town and Country Planning Act.
Localism Act		An act of Parliament which devolves greater powers to councils and neighbourhoods and gives local communities more control over housing and planning decisions. This involves replacing current regional planning legislation with a new <i>National Planning Policy Framework</i> (NPPF).
National Planning Policy Framework	NPPF	New planning legislation which has recently been adopted. The framework replaces existing Planning Policy Statements and Guidance Notes as part of Government reforms to make the

Term	Acronym	Definition
		planning system less complex and more accessible with an overarching goal of achieving sustainable development.
Planning Inspectorate	PINS	A Government body with multi-facing tasks including the processing of planning and enforcement appeals and holding enquiries into <i>Local Plan Documents</i> .
Preferred Options		Document(s) produced as part of the preparation of <i>Local Plan Documents</i> , and issued for formal public consultation.
Policy Map		The adopted Policy Map illustrates on a base map (reproduced from an Ordnance Survey map to a registered scale) all the policies contained in <i>Local Plan Documents</i> . It is site and location specific, unlike the <i>Key Diagram</i> . The proposals map is revised as each new <i>Local Plan Document</i> is adopted and reflects the up to date planning strategy in the area.
Ramsar		Ramsar sites are wetlands of international importance, designated under the Ramsar Convention - an international treaty for the conservation and sustainable utilization of wetlands.
Special Area of Conservation	SAC	Areas which have been given special protection under the European Union's Habitats Directive. They provide increased protection to a variety of wild animals, plants and habitats in an effort to conserve biodiversity.
Site Specific Allocations		A Local Plan Document that allocates land for mixed uses. Is separate from the Core Strategy, allowing the local planning authority to update allocation in light of changes to other Local Plan Documents.
Soundness		Considered against a robust and credible evidence base and being the most appropriate strategy when considered against reasonable alternatives. In order to be 'sound' a document must be deliverable, flexible and must have the capacity to be monitored.
Special Protected Area	SPA	Strictly protected sites classified in accordance with Article 4 of the European Commission Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species.

Term	Acronym	Definition
Statement of Community Involvement	SCI	Document setting out how and when stakeholders and other interested parties will be consulted and involved in the preparation of the <i>Local Plan</i> and <i>Development Control</i> decisions.
Strategic Environmental Assessment	SEA	An assessment of the environmental effects of a plan or programme required by EU Directive 2001/42/EC. Combined with the <i>Sustainability Appraisal</i> .
Strategic Flood Risk Assessment	SFRA	The 2009 SFRA updates the 2006 SFRA in line with the requirements of Planning Policy Statement 25: Development and Flood Risk. It provides flood risk information to support appropriate land use allocations within the borough and includes the mapping of Flood Zones 1, 2, 3a and 3b.
Strategic Housing Land Availability Assessment	SHLAA	An assessment to inform the <i>Local Plan</i> on future development and the potential allocation of land on <i>Brownfield</i> and <i>Greenfield</i> sites. Replaces Urban Housing Capacity Studies.
Strategic Housing Market Assessment	SHMA	A study which assesses the future housing needs of the borough, in terms of size, tenure, and affordability of dwellings.
Supplementary Planning Document	SPD	<i>Local Plan Document</i> that has not been subject to independent testing and does not have the weight of development plan status; it is used to provide further detail of policies in the required <i>Local Plan Documents</i> . Replaces <i>Supplementary Planning Guidance</i> .
Sustainability Appraisal	SA	Identifies and evaluates the effects of the strategy or plan on social, environmental and economic conditions.
Sustainable Urban Drainage System	SuDS	Designed to replicate natural drainage systems, SUDS are designed to reduce the potential impact of new and existing developments with respect to surface water drainage discharges.

DRAFT

Great Yarmouth Borough Council
Town Hall
Hall Plain
Great Yarmouth
Norfolk
NR30 2QF

URN: 20-096

Subject: Review and Update of Maternity Policy

Report to: Policy and Resources Committee

Report by: Angela Sallis, HR Advisor (Policy), requested by Sarah Tate, Head of OD

Date: 8th November 2020

SUBJECT MATTER/RECOMMENDATIONS

Revised and updated Maternity Policy

Recommendation:

1. proposes the new Maternity Policy for approval
2. Agrees to carry out a review of this policy after three years unless there is a significant change in legislation requiring earlier review.

1. Introduction/Background

The current Maternity Guidance Note was reviewed and incorporated into the new Maternity Policy, which also includes additional information and guidance for employees, managers and HR. It includes current legislation, ACAS guidance, relevant information from the GYBC Handbook and provisions within the Green Book.

The policy has been reviewed and updated by HR, feedback has been given by ELT, UNISON HR, and Senior Performance and Data Protection Officer. The policy was considered by ELT in August 2020 and following this, minor changes were made. The policy was reviewed by JCWG on 2nd November and their comments have been reviewed and the policy amended as appropriate. Once the policy is approved it will be made available to staff via the Loop and training will be given to managers as and when required.

2. FINANCIAL IMPLICATIONS

None.

3. RISK IMPLICATIONS

None at this stage.

4. POLICY IMPLICATIONS

None at this stage.

5. RECOMMENDATIONS

1. proposes the new Maternity Policy for approval
2. Agrees to carry out a review of this policy after three years unless there is a significant change in legislation requiring earlier review.

6. BACKGROUND PAPERS

Maternity Policy

Area for consideration	Comment
Monitoring Officer Consultation:	Carried out
Section 151 Officer Consultation:	Carried out
Existing Council Policies:	Maternity Guidance, Staff Handbook and Green Book
Financial Implications:	NA
Legal Implications (including human rights)	Employment Law Legislation
Risk Implications:	Considered
Equality Issues/EQIA assessment:	NA
Crime & Disorder:	NA
Every Child Matters:	NA



Maternity Policy

Author	HR
Version No.	2
Updated by	AS
Date of update	30 September 2020
Description of changes to this version	Includes all relevant information and incorporates previous GYBC guidance document
Document Status	DRAFT– for P&R (17/11/20)
Next review due by (unless change required earlier i.e. due to legislation)	August 2023

MATERNITY POLICY

Introduction

This policy outlines the statutory rights and responsibilities of employees who are pregnant or new parents and details arrangements relating to maternity leave and maternity pay.

If an employee wishes to meet with a member of the human resources team after they have read this document, they should contact the HR team.

1.0 Notification of pregnancy

On becoming pregnant, an employee should inform their line manager and HR as soon as possible, but no later than 15 weeks before the baby is due. This is important, including in respect of health and safety considerations; their line manager will work with them to assess and manage any health and safety risks during their pregnancy. Employees and managers should refer to Appendix 4 and the New and Expectant Mothers Policy on the Loop. It is the responsibility of managers to ensure that risks to new and expectant mothers are managed in areas under their control.

2.0 Ante-Natal Care

- 2.1 Once an employee has informed the Council about her pregnancy, she can take paid time off to attend ante-natal care appointments on the advice of a registered medical practitioner, midwife, nurse or health visitor. Antenatal care can include antenatal or parent craft classes, if recommended by a doctor or midwife. Time off for an antenatal appointment includes the length of the appointment or class and travel to and from it.
- 2.2 Employees are requested to give their line manager as much notice as possible of antenatal appointments and, wherever possible, try to arrange them as near to the start or end of the working day. If the appointment is in the middle of a working day, employees should talk with their line manager about how long it will take and, if, for example, it will take too long to get back to work, consider requesting a change to their start and finish times on the day of the appointment or to work from home for the remaining time, if this would be possible.
- 2.3 After the first appointment the employee may be requested to produce evidence of appointments (i.e. an appointment card or an email confirming a class booking) to her line manager.
- 2.4 An employee who is the expectant father or the partner of a pregnant woman will be entitled to take unpaid time off work to accompany the woman to up to two of her antenatal appointments, for a maximum of 6.5 hours for each appointment, including travelling time and attendance at the appointment. Employees are requested to give their line manager as much notice as possible of such appointments. Also see Maternity Support Leave, Parental Leave and Shared Parental Leave (SPL).

3.0 Maternity Leave (for Maternity Pay see section 4.0)

3.1 Eligibility and procedure

- 3.1.1 All pregnant employees, regardless of their service, are entitled to take Maternity Leave of up to 52 weeks; the first 26 weeks are known as Ordinary Maternity Leave (OML) and the last 26 weeks as Additional Maternity Leave (AML). If taken, AML must follow immediately after OML.

- 3.1.2 Whilst there is no qualifying period for maternity leave, there is a qualifying period for some of the statutory maternity pay and occupational maternity pay. See section 4.0 for details of Maternity Pay.
- 3.1.3 In order to take Maternity Leave, the employee must:
- inform HR and their line manager that they are pregnant as soon as reasonably possible, and no later than 15 weeks before the due date. The employee should complete and submit the Employers Notification Form Mat E1 (Appendix 2) to HR by the specified time, stating the dates she wishes to start and end maternity leave.
 - provide HR with a medical certificate or MAT B1 form, issued by their doctor or midwife from the 20th week of pregnancy
- If it is not possible for the employee to comply with the above, (for example, because they did not know they were pregnant), they must inform HR as soon as possible.
- 3.1.4 Once HR have received the completed Mat E1 form from the employee, they will reply in writing, within 28 days, confirming that they are entitled to 52 weeks' maternity leave and their return to work date, assuming they will be taking 52 weeks, unless otherwise advised. The employee may change it later if they want to take less, but must give notice in order to do so.
- 3.1.5 During maternity leave an employee has a right to benefit from the terms and conditions that would have applied to her had they been at work, the only exception being salary.
- 3.1.6 If an employee is having a difficult pregnancy, including if it is affecting their work, they should talk with the line manager or HR; they may also wish to contact the Council's Employee Assistance Programme. It may also be possible for an employee to ask for a change to their working arrangements, for example different start and finish times, an occupational health assessment, time working from home and/or extra breaks for when you're feeling unwell. Employees who want to make more permanent changes to their job, should make a flexible working request (see Flexible Working Policy).

3.2 When maternity leave will start / informing of birth of baby

- 3.2.1 Maternity leave will start on whichever date is the earlier of:
- the employee's chosen date – which can be at any time after the beginning of the 11th week before their expected week of childbirth (as long as she is fit to continue working and it does not contravene health and safety guidelines);
 - the day after the employee gives birth if the baby is early;
 - the day after any day on which the employee is absent for a pregnancy-related reason in the four weeks before the expected week of childbirth, irrespective of anything agreed previously; in this case maternity leave will start automatically.
- 3.2.2 If the employee gives birth before her maternity leave was due to start, she (or her partner or a member of her family) must let the Council know that the baby has arrived early and when, as soon as possible, by contacting their line manager or HR. Following this and as soon as practicably possible, HR will write to the employee confirming the new end date for their leave.
- 3.2.3 If the baby is late and the employee gave a specific date they wanted maternity leave to start, they can still start the leave from that date but must inform the Council of the date they gave birth so that they start their compulsory maternity leave from then.

3.3 Changing the date Maternity Leave starts

- 3.3.1 If an employee wishes to change her maternity leave start date, she must give the Council 28 days' notice in writing. If she is unable to give 28 days' notice (for example, if it is late in the pregnancy) she should speak to her line manager, agree the new date with them and confirm it in writing to the line manager and HR. The revised date to start maternity leave cannot be before the start of the 11th week before the expected week of childbirth.
- 3.3.2 HR will write to the employee within 28 days of the commencement of the employee's ordinary maternity leave, to acknowledge the employee's intentions and to inform of the date on which the 52-week maternity leave entitlement will end.

3.4 Compulsory maternity leave following the birth

- 3.4.1 Although the employee can decide how much maternity leave they wish to take (up to a maximum of 52 weeks), the law requires that they take a minimum of two weeks maternity leave immediately following the birth, starting with the day of the birth, for health and safety reasons. This is called compulsory maternity leave, applies in all circumstances and forms part of the period of Ordinary Maternity Leave.
- 3.4.2 The employee can decide how many of the remaining 50 weeks they wish to take.

3.5 Multiple births

Employees will receive the same amount of maternity leave and pay whether they have one baby or more than one, for example twins.

3.6 Contact during maternity leave

- 3.6.1 The Council is required by law to tell employees on maternity leave about important changes or news at work, including promotion or other job opportunities, redundancies and/or any reorganisation that could affect their job. Therefore, before maternity leave starts, the line manager and employee should agree the best way to keep in touch and whether they prefer email to phone calls or vice-versa.
- 3.6.2 Employees may also want to be told about things such as social events and colleagues who are leaving or joining and discuss arrangements for their return to work. The line manager and employee should discuss and agree how much contact they want (unless the contact is about the things we must tell them about).
- 3.6.3 Employees may also wish to make contact with their line manager during their maternity leave, for example, to discuss KIT days or any flexible working arrangements that they may wish to request.

3.7 Changing the date of the return to work

- 3.7.1 Unless otherwise notified or agreed, the employee will return to work on the date which they are due to return to work, which will normally be the first working day 52 weeks after their maternity leave began or as per the date specified on their Mat E1 form. It will be helpful if the employee contacts her line manager or HR to confirm that she will be returning to work as expected, if possible, in the 8 weeks before retuning.
- 3.7.2 Where the employee wishes to curtail part of their leave to enable her partner to take SPL, or to return to work earlier than planned, they should give at least eight weeks' notice in writing.

- 3.7.3 If the employee wishes to return earlier than 8 weeks, they should discuss it with their line manager first and if agreed, confirm it in writing.
- 3.7.4 If less than 8 weeks' notice is given, and the line manager has not agreed to it, the Council may postpone the employee's return to work to ensure 8 weeks' notice is given, but not beyond the end of the maternity leave period.
- 3.7.5 In any event, maternity leave cannot be extended beyond the maximum entitlement of 52 weeks.
- 3.7.6 If an employee becomes pregnant while on maternity leave, they are entitled to another 52 weeks' maternity leave, and are required to notify their line manager and HR in line with this policy. By law, the employee cannot start their next maternity leave until the 11th week before their baby is due, so if their first maternity leave ends before that point, they will be required to return to work until at least the 11th week before the baby is due or submit a request to their line manager and HR to remain off work by taking another type of leave (i.e. annual leave). If agreed, the employee is required to give the Council the correct notice.

3.8 Keeping in touch (KIT) days

- 3.8.1 The Council and the employee have up to 10 optional keeping in touch (KIT) days which can be worked by the employee during their maternity leave (but not within the first two weeks of giving birth), if the line manager and employee agree, without it affecting maternity leave and pay. KIT days can be worked one at a time, or in blocks of several days in a row.
- 3.8.2 Before working a KIT day the line manager and employee should agree what work the employee will do and when it will be worked. KIT days can include joining training sessions, appraisal meetings or team meetings.
- 3.8.3 An employee wishing to work KIT days should discuss and agree with their manager in advance of the KIT day:
- what work they will be doing/what training they will be attending
 - whether they wish to use the KIT days consecutively, singly or in blocks.
 - how many hours they wish to work on those days
- 3.8.4 Employees should be aware that any work on a day (even as little as an hour) will count as a whole KIT day and they will only be able to claim for, and be paid for, the hours they work, in units of ¼ hour, at the normal contractual rate of pay, agreed with their line manager in advance.
- 3.8.5 Employees will be paid for work carried out on a KIT day a month in arrears. Their manager must submit a [KIT Form](#) (Appendix 3) by the third working day of the month for inclusion in that month's payroll.
- 3.8.6 If an employee works more than 10 KIT days their maternity leave and pay will automatically end.
- 3.8.7 As well as taking up to 10 KIT days, an employee taking Shared Parental Leave (SPL) might be able to take 20 extra days for keeping in touch, known as Shared Parental Leave in touch days (SPLIT days). The employee and employer can agree on up to 20 Shared Parental Leave keeping in touch ('SPLIT') days, which work in a similar way to keeping in touch ('KIT') days. SPLIT days can be useful for the employee to keep up to date with work, go to a work-related activity or training session, work part of a week to help the team, return from leave in a gradual way, for example taking 2 SPLIT days and working 3 days a week to start with. The line manager and employee should agree whether to use SPLIT days and how many of the 20 to use.

3.9 Returning to work after maternity leave

- 3.9.1 An employee may take her full period of maternity leave entitlement and return to work at the end of this period.
- 3.9.2 Alternatively, an employee may return to work at any time during ordinary maternity leave or additional maternity leave, except during the first two weeks from the day of childbirth (see compulsory maternity leave) provided that she has given the appropriate notification.
- 3.9.3 New mothers should refer to the New and Expectant Mothers Policy, on The Loop or available from Health & Safety or HR, which includes information for new mothers who are breastfeeding.
- 3.9.4 Where the employee has taken maternity weeks of 26 weeks or less (OML), she has the right to return to the same job.
- 3.9.5 Where the employee has taken more than 26 weeks maternity leave (AML) she will still have the right to return to the same job on the same terms as before she left, but if it is not possible because there have been significant changes, she could be offered a similar job, on terms and conditions which are not less favourable i.e. pay, benefits, holiday entitlement, seniority, and where the job is.
- 3.9.6 If the employee fails to return to work by the end of maternity leave without notification or good reason, it may be treated as an unauthorised absence unless the employee is absent due to ill health and produces a current medical certificate before the end of the maternity leave period.
- 3.9.7 If the employee decides during maternity leave that she does not wish to return to work, she should give written notice of resignation to the Council as soon as possible and in accordance with the terms of her contract of employment. The same principles apply to an employee who does not intend to return after a period of shared parental leave.
- 3.9.8 An employee who has received Occupational Maternity Pay and decides not to return to work after their maternity leave, may be liable to repay the Occupational Maternity Pay portion of their pay.
- 3.9.9 If an employee wants to change her hours when she returns from maternity leave, she should consider making a flexible working request (see Flexible Working Policy).

4.0 Maternity Pay

- 4.1 Qualification for maternity pay depends on a number of factors including how much local government continuous service an employee has and also their average weekly earnings in the relevant earnings period. Employees who do not qualify for maternity pay may be able to claim Maternity Allowance (MA).
- 4.2 For employees who qualify for maternity pay, there are two types of maternity pay which they may be eligible for – SMP for weeks 1 to 39 **or** SMP for weeks 1-6 inclusive and Occupational Maternity Pay for weeks 7 to 39. Weeks 40-52 are unpaid.
- 4.3 Maternity pay starts as soon as the employee commences maternity leave. SMP / OMP is paid into the employee's bank account on the 15th of every month and is subject to Tax and National Insurance Contributions. It is payable only for complete weeks; there is no daily rate. For the purposes of Occupational Maternity pay, a week's pay is calculated by dividing annual gross salary by 52.142.
- 4.4 HR will send the employee a schedule of the maternity pay.

1. Maternity Allowance (MA)

An employee who is not entitled to SMP may be able to get Maternity Allowance instead, which is payable directly by the Government.

If the employee is not entitled to SMP, the Council will provide the employee with an SMP1 form to enable her to pursue a claim for maternity allowance through Jobcentre Plus.

OR

2. **Statutory Maternity Pay (SMP)** - To qualify for SMP the employee must:

- have been continuously employed by GYBC for at least 26 weeks, ending with the 15th week before the week the baby is due and
- their average weekly earnings must be over the National Insurance Lower Earnings Limit up to the end of the 15th week before the baby is due.

OR

3. **SMP (weeks 1-6), OMP (weeks 7-18) and SMP (weeks 19 to 39)** – to qualify employees must:

- have at least 12 months continuous service with local government by the 11th week before EWC and earn over the National Insurance Lower Earnings Limit
- provide a Mat B1 to the HR Department at least 28 days prior to the start of their maternity leave and
- return to work for a minimum of 3 months immediately after maternity leave.

If an employee is unsure whether they want to return to work, they may postpone the receipt of OMP until they have returned to work for 3 months. Payment of OMP is made by the Council during maternity leave on the understanding that the employee will return to local authority employment for a period of at least three months which may be varied by the local authority on good cause being shown. In the event of the employee not returning, they will be required to refund the monies paid, or such part thereof, as the authority decides.

1. Maternity Allowance (MA) Less than 26 weeks continuous service at the 15 th week before the EWC and/or earnings less than the National Insurance Lower Earnings Limit www.hmrc.gov.uk/payee/rates-thresholds.htm#1	Weeks 1-39	Employees will not qualify for SMP but can claim Maternity Allowance, paid at the current flat rate (or 90% of average weekly earnings if this is less) for 39 weeks. Maternity Allowance is not processed by Payroll, but by your local Jobcentre Plus. A copy of the Maternity Allowance form is available from Payroll or www.dwp.gov.uk .
	Weeks 40 - 52	Unpaid

2. Statutory Maternity Pay (SMP) More than 26 weeks continuous service at the 15 th week before the EWC (but less than 1 year's continuous service at 11th week before EWC) and earn over the National Insurance Lower Earnings Limit	Weeks 1 – 6	9/10ths of your average earnings for six weeks'
	Weeks 7 – 39	SMP rate (or 9/10 th of a week's pay if this is less) for 33 weeks
	Weeks 40 – 52	Unpaid
3. Occupational Maternity Pay (OMP) At least 1 year's continuous service at 11 th week before EWC	Weeks 1 – 6	9/10ths of a week's pay for 6 weeks
	Weeks 7 – 18	SMP for 12 weeks if employee has indicated they do not intend to return. OR If the employee has indicated their intent to return, SMP (or MA) plus 12 weeks occupational maternity pay, which is equal to half pay. However, this will not exceed 100% of your contractual weekly salary including SMP.
	Weeks 19 – 39	SMP for a further 21 weeks
	Weeks 40 – 52	Unpaid

5.0 Other information

5.1 Car Park Permit

Pregnant employees who currently have a GYBC car park permit may wish to use the King Street Car Park whilst working, which is closer to the council offices. Alternatively, new or expectant mothers who wish to purchase a car park permit should apply on The Loop <https://the-loop.great-yarmouth.gov.uk/do-something-for-me/staff-car-park-permit> These permits start on the 1st of the month and are not able to be pro rata; therefore please allow a few days before the start of the month to ensure you receive your permit in time (this will be sent through the internal post) and to enable payroll to set up your deductions before their deadline.

5.2 Annual Leave

5.2.1 Although annual leave continues to accrue during maternity leave, it cannot be taken during maternity leave and can only be taken at the start or end of the maternity leave period.

- 5.2.2 Employees are encouraged to take any annual leave accrued and outstanding before the commencement of their maternity leave.
- 5.2.3 It is common for employees to take the annual leave accrued before returning to work. This should be agreed with their manager before they are due to return to work.
- 5.2.4 On return to work employees will also be given substitute days of paid leave for all bank holidays that have fallen during the maternity leave.

5.3 Health and Safety

- 5.3.1 The Council has a duty to take care of the health and safety of all employees and is required to carry out a risk assessment to assess the workplace risks to women who are pregnant or who have recently given birth.
- 5.3.2 A New and Expectant Mothers risk assessment (Appendix 4) should be carried out by the employee and their manager at the initial stage of informing the Council that they are pregnant and then again during the pregnancy if appropriate. Risk assessment should also be carried out on return to work if this is within six months of childbirth and/or on return to work if the employee is breastfeeding.
- 5.3.3 Consideration will be given to any health and safety implications for pregnant or breast-feeding employees.
- 5.3.4 Risks could be caused by heavy lifting or carrying, standing or sitting for long periods without adequate breaks, exposure to toxic substances and long working hours. Where there are risks, the Council will take reasonable steps to remove them, for example by offering the employee different work or changing their hours.
- 5.3.5 If it is not possible for the Council to alter the employee's working conditions to remove the risks to her health and there is no suitable alternative work available to offer her on a temporary basis, the employee may be suspended from work on maternity grounds until such time as there are no longer any risks to her health. During this time the employee will be entitled to her normal salary and contractual benefits, unless she has unreasonably refused an offer of alternative employment. Suspension on maternity grounds may be for the remainder of an employee's pregnancy until the commencement of her maternity leave. Where an employee is suspended in these circumstances, her employment will continue during the period of the suspension and will not affect her statutory or contractual employment and maternity rights.
- 5.3.6 If a pregnant employee thinks they are at risk they should speak to their line manager, health and safety advisor or HR as soon as possible.

5.4 Sickness absence

- 5.4.1 If an employee is absent from work during pregnancy owing to sickness, she will receive pay in the same manner as she would during any other sickness absence, provided that she has not yet begun ordinary maternity leave and it is not in the 4 weeks before the baby is due.
- 5.4.2 If the employee is absent from work due to a pregnancy-related illness after the beginning of the fourth week before her expected week of childbirth, her maternity leave will start automatically.
- 5.4.3 Employees are not entitled to sick pay whilst on maternity leave.
- 5.4.4 Where an employee is unable to return to work on the expected day after maternity leave due to sickness, the sickness absence policy will apply.
- 5.4.5 In all cases of sickness absence employees are required to comply with the Sickness Management Policy, including notification of absence and provision of fit notes.

5.5 Maternity Support Leave/Statutory Paternity Leave

- 5.5.1 Maternity support leave of 5 days (pro rata) with pay shall be granted to the child's father or the partner or the nominated carer of an expectant mother at or around the time of the birth. This is an enhanced benefit for GYBC employees and is in place of 1 of the 2 week's statutory paternity leave.
- 5.5.2 Employees may also be eligible for the remaining/additional week of statutory paternity leave, dependant on length of service, which is provided by legislation.
- 5.5.3 Employees should refer to the Paternity Leave Policy for further information.

5.6 Parental Leave

- 5.6.1 An employee who has continuous service with the Council of more than one year and is named on the child's birth or adoption certificate, or they have or expect to have parental responsibility for a child under 18 may qualify for Parental Leave.
- 5.6.2 Parental leave is unpaid and eligible employees are entitled to 18 weeks' leave for each child and adopted child, up to their 18th birthday, up to 4 weeks a year which must be taken as whole weeks rather than individual days, unless the Council agrees otherwise, or if their child is disabled.
- 5.6.3 A new parent can take up to four weeks unpaid parental leave after the birth to look after their child's welfare if he / she chooses to take it at this stage rather than subsequently.
- 5.6.4 Employees are required to give notice to take Parental Leave.
- 5.6.5 The line manager or HR may ask for proof (i.e. a birth certificate).
- 5.6.6 Employees should refer to the Parental Leave Policy for more information.

5.7 Shared Parental Leave (SPL)

- 5.7.1 If eligible, an employee and their partner may be able to get Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP) if they are having a baby or adopting a child. They can share up to 50 weeks of leave and up to 37 weeks of pay between them, in the first year after their child is born or placed with their family.
- 5.7.2 SPL can be used to take leave in blocks separated by periods of work, or all in one go and parents can choose to be off work together or to stagger the leave and pay.
- 5.7.3 Employees should refer to the Shared Parental Leave Policy for eligibility and further information

5.8 GYBC Employee Assistance Programme

All employees, whatever the circumstances, can access the Council's Employee Assistance Programme, which offers free confidential advice and counselling. The service is available 24 hours per day / 7 days a week, 365 days a year, provided by an external provider. Details are available on The Loop or from HR.

5.9 Miscarriage, stillbirth or the baby dies soon after birth

We recognise that, while dealing with any bereavement is extremely difficult, the death of a child is among the most devastating events that any parent can ever face. The Council is committed to providing support to employees who experience loss in their lives and, in particular, understands that the death of a child, or a stillbirth, can be one of the most harrowing experiences of someone's life.

When a baby is stillborn after the 24th week of pregnancy or dies soon after birth, the employee will still be able to take their maternity leave and pay. In these circumstances, we ask that they, or a friend or family member, contact their line manager or HR, as soon as reasonably possible. If it would be helpful to the employee, we can arrange to contact a friend or family member, for a limited time, regarding work related matters, upon request, including leave and flexibility around their return to work i.e. phased return.

The employee will also be able to take Parental Bereavement Leave after they finish their maternity leave. Please see 5.10 below.

5.10 Statutory Parental Bereavement Leave (SPBL)

The Council recognises that, while dealing with any bereavement is difficult, the death of a child is among the most devastating events that an employee can ever face. We wish to assure employees of our commitment to support bereaved parents through their grief and to make them aware of the leave and support available to them.

Where their child dies under the age of 18 or is stillborn after 24 weeks of pregnancy, employees will be able to take two weeks statutory Parental Bereavement Leave, to be taken in the 56 weeks following their child's death; eligible employees will also be entitled to two weeks SPBL pay.

We would encourage employees to refer to the GYBC Parental Bereavement Leave Policy, which is available on the Loop, for further information and seek guidance from HR if needed.

5.11 Loss of a baby before 24 weeks

Where the baby dies before 24 weeks (miscarriage) or there is a termination the Council will give sympathetic consideration to the circumstances and may grant special leave or sick leave as appropriate. Employees should speak to Human Resources.

5.12 Tax free childcare vouchers

The Council provides Tax Free Childcare Vouchers for employees as an employee benefit. For more information please visit The Loop and <https://www.gov.uk/tax-free-childcare>.

5.13 Pensions

Employees will continue to pay the same percentage contributions to the pension scheme during their paid maternity leave. On their return they will have the option to make up pension contributions for any period of unpaid leave.

If an employee has any queries about how their pension may be affected by their maternity leave, they can contact Norfolk Pension Fund on 01603 495923 or at pensions@norfolk.gov.uk.

5.14 IVF / fertility treatment

It is recognised that fertility treatment can be time-consuming, expensive and traumatic. Although there is currently no legislation around time off for this treatment, the Council will endeavour to be supportive equally to both male and female employees.

Although there is no statutory right for employees to take time off work for IVF treatment, medical appointments related to IVF will be treated the same as any other medical appointment, employees can talk with their line manager about any time off they need during their IVF treatment, for example using flexible working, annual leave or unpaid paid time off. Managers should, in consultation with HR, authorise paid time off (this will be subject to regular review to ensure continuing eligibility) when specialist, hospital or prolonged treatment is required.

In some cases, the employee may be unable to work due to the effects of the treatment and be issued with a fit note by their GP. This sickness absence will be treated in the same way as sickness for other reasons in accordance with the normal Council rules.

Once an employee informs the Council that they have reached the embryo transfer stage, she will be regarded as being pregnant and this policy will apply. If after informing the Council of this, the IVF was unsuccessful, the employee should inform HR as soon as reasonably possible.

5.15 Retaining records of proof provided

The Council is required to keep records of the proof the employee provides.

5.16 Data protection

When managing an employee's maternity leave and pay, the Council processes personal data collected in accordance with its data protection policy. Data collected from the point at which an employee informs the Council that she is pregnant is held securely and accessed by, and disclosed to, individuals only for the purposes of managing her maternity leave and pay. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Council's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the Council's disciplinary procedure.

Appendix 1 Line manager & Human Resources checklists

1. Line Manager (or equivalent)

Upon receipt of written notification (refer to Policy) from the employee:	Date actioned
Ensure that proof has been obtained within the required timescales and required notice given.	
Inform HR as soon as possible and ensure they have been provided with a copy of the written notification and proof.	
Complete a New and Expectant Mothers risk assessment (Appendix 4) with the employee at the initial stage of informing the Council that they are pregnant and then again during the pregnancy if appropriate. Risk assessment should also be carried out on return to work if this is within six months of childbirth and/or on return to work if the employee is breastfeeding. Revisit and update as required.	
Agree time off for antenatal appointments and sight of appointment card as required for employee; if appointment is in the middle of the day, consider any request to work from home or adjust start/end times.	
Agree (unpaid) time off for an employee who is the expectant father or the partner of a pregnant woman to accompany the woman to up to two of her antenatal appointments, for a maximum of 6.5 hours for each appointment, including travelling time and attendance at the appointment.	
Consider staffing requirements during employee's maternity leave, including any temporary staff required to cover the leave period. Discuss with HR and ensure the temporary member of staff is aware of the reason for the temporary role, periods of work, end date and notice which may be given to end contract early if required. Provide HR with the information ASAP for contract and recording purposes.	
Discuss plans for maintaining contact and option for Keeping In Touch days and/or SPLIT days, where the employee and their partner intend to use Shared Parental Leave.	
Discuss plans for returning to work and the procedure for requesting flexible working.	
Confirm the amount of annual leave accrued and discuss when it will be taken (i.e. usually before starting maternity leave). Inform HR.	
Discuss any handover of work and employee's preferred method of contact during leave i.e. phone or email, for any required communications.	
Keep HR informed as to any changes, for example to the employee's leave start and end dates.	
Refer to the Maternity Policy if you have any queries. Contact Human Resources if you require clarification or further information.	
Complete Appendix 2 and submit to HR ASAP.	

During maternity leave / prior to an employee's return to work and on return to work:

Keep in contact with employee as agreed during maternity leave. Ensure they are kept informed of any required changes etc. Also maintain contact where agreed for other matters in line with agreed timing/method.	
Discuss any requests for working KIT days and SPLIT days, as appropriate, for returning to work.	

Where received, consider a request for flexible working (refer to Flexible Working Policy and HR).	
Complete KIT / SPLIT form for any work undertaken during maternity leave, in terms of hours worked, and ensure that HR are provided with information ASAP.	
Review any temporary staffing in place to cover the employee's leave. If the employee is returning earlier than originally planned, or the temporary cover is no longer required, seek HR advice and meet with the temporary employee. HR will confirm any changes or notice in writing.	
Follow New and Expectant Mothers policy (on The Loop or available from H&S), including conducting a risk assessment on employees return to work if this is within six months of childbirth and/or on return to work if the employee is breastfeeding. Revisit and update as required.	
Ensure that HR is kept informed, including notifying of any changes to that previously advised, including return to work, and / or if you have any queries.	

2. Human Resources checklist

Upon receipt of the written notification (in accordance with Policy):

Within 28 days of receipt of notification (Appendix 2 should be completed), write to employee regarding arrangements for maternity leave, confirming their start and end date. Also, how much maternity pay they will get, SMP or OMP and when it will start and end. Liaise with and provide a copy to the line manager. Calculate employee's SMP or paternity leave and pay using the <i>maternity and paternity calculator</i> if needed: www.gov.uk/maternity-paternity-calculator	
If the employee is not eligible for SMP, give them form SMP1 within 7 days of making the decision and explain why.	
Ensure MATB1 has been provided and required notice given.	

Appendix 2 MATERNITY LEAVE - NOTIFICATION FORM (MAT E1) FOR COMPLETION BY THE EMPLOYEE

I am completing this form to inform you of my pregnancy and intention to take maternity leave

Name:		Manager's name:	
Employee No.		Department	
NI Number		Post	
		Work Location	

Date child expected (EWC)		Maternity Leave Start Date	
<i>The expected week of childbirth is the week beginning Sunday, in which it is expected that you shall have your baby</i>		<i>This is the date on which you wish to start your maternity leave. This date can be changed by giving 28 days' notice in writing to your manager and the HR department. You can start your maternity leave 11 weeks prior to the due date on any day of the week. However, if you are absent from work with a pregnancy related illness during the 4 weeks prior to the EWC your Maternity Leave will start automatically.</i>	
Expected return to work date			

MAT B1 Certificate – indicate as appropriate:

Certificate is enclosed with this form		Certificate has already been sent to HR		Certificate still to be sent to HR	
<i>If you qualify for SMP you must supply a MAT B1 certificate giving the expected week of childbirth as soon as possible after the 15th week prior to that date. This should be provided no later than 28 days prior to the date that you wish to commence your maternity leave. This certificate cannot be accepted if signed by your midwife or doctor more than 20 weeks before your baby is due.</i>					

Declaration: It is my intention to return to work after maternity leave. I understand that OMP will be reclaimed if it has been paid and I do not return to work after maternity leave.	Y / N <i>Delete as appropriate</i>	My preferred method of maintaining contact: 1. The Council is required by law to tell employees on maternity leave about important changes or news at work, including promotion or other job opportunities, redundancies and/or any reorganisation that could affect their job. Please state your preferred way for us to keep in touch with you, i.e. email or phone calls	1. Email / telephone 2. Email / telephone Weekly / monthly / other
---	---	---	--

		2. Employees may also want to be told about things such as social events and colleagues who are leaving or joining, and discuss arrangements for their return to work; please state your preferred way for us to keep in touch and how regularly/ how much contact you want).	<i>Delete as appropriate</i>
--	--	---	------------------------------

Employee's Signature: _____ Date: _____ Ext: _____

PLEASE RETURN THIS COMPLETED FORM 15 WEEKS BEFORE BABY IS EXPECTED TO THE HR DEPARTMENT

DRAFT

Appendix 3 Keeping in Touch (KIT) Days / Shared Parental Leave In Touch (SPLIT) days

This form is to be used by managers to record the days and hours worked as part of “keeping in touch days” taken by employees on maternity leave, and SPLIT days, taken during Shared Parental Leave, for the employee to be paid for the hours worked.

NB: (i) An employee is not allowed to do any work during the first 2 weeks following childbirth. (ii) Employees can work up to 10 Keeping In Touch (KIT) days during their maternity leave. (iii) Employees and their partner may also be eligible to each work up to 20 days while they are taking Shared Parental Leave (SPL). These are called ‘Shared Parental Leave in touch’ (or SPLIT) days. See SPL Policy.

Payment will be made a month in arrears for the actual hours worked, in units of ¼ hour, at the normal contractual rate of pay on a KIT day.

Please submit this form to HR by 4.30pm on the third working day of the month in order for it to be paid in that month’s payroll.

Employee details (please print)

Payroll Number:	
Surname:	Forenames(full):
Name of Manager:	Maternity leave start date:

Keeping in touch days - hours worked

Keeping in touch days (date)	Start Time	Finish Time	Total hours worked
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

SPLIT days - hours worked

SPLIT days (date)	Start Time	Finish Time	Total hours worked
1.			
2.			
3.			
4.			
5.			
6.			
7.			

8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			

Authorised by:

Date:

For payroll purposes only

Hours Worked

Hourly Rate

A KITD

Appendix 4 Guidance Notes and Risk Assessment Form –

New and Expectant Mothers

Introduction

This document contains standards and guidance on undertaking a new and expectant mother's risk assessment. It is the responsibility of managers to ensure that risks to new and expectant mothers are managed in areas under their control.

Definitions

Pregnancy should not be regarded as ill health. It is part of everyday life and its health and safety implications can be adequately addressed using this procedure.

A **new and expectant mother** is an employee who has notified the employer that she is pregnant, has given birth in the last twelve months, or is breast-feeding.

For the purpose of this guidance **maternity** means the pregnancy, the twelve months after giving birth and the breastfeeding period.

A **hazard** means anything that can cause harm e.g. manual handling.

A **risk** is the chance, high or low, that someone will be harmed by the hazard. e.g. back injury caused by manual handling.

Controls are the means by which risks to health and safety are controlled or reduced, e.g. by substituting a chemical with a less hazardous one, altering the way an activity is carried out, following a written procedure, providing training or information, using personal protective equipment, etc.

The risk assessment process provides a structured way to identify actions needed to control health and safety risks relating specifically to new and expectant mothers.

Manager's Checklist

The checklist below identifies key actions involved in controlling the health and safety risks to new and expectant mothers. Further information about each of these issues in the checklist is contained in this document. Further information can be found from HR, the Environmental Health and Safety Officer, the intranet and <http://www.hse.gov.uk/mothers/index.htm>

1. Have you been notified by an employee that they are pregnant, have recently given birth or are breast-feeding?
2. Have you carried out a risk assessment with the employee concerned and recorded it using the New and expectant mother's Risk Assessment Form?
3. Have you considered new and expectant mothers who work at night?
4. Have you considered the risks to the employee if she is breast-feeding?
5. Have any additional control measures been put in place as a result of carrying out the risk assessment?
6. Is further action necessary to adequately control risks to the employee?
7. Have you arranged suitable periods of time to review the assessment as the maternity progresses?
8. Have you received a medical statement from a doctor (Med 3) that identifies specific work adjustments required for this person?

When an employee notifies you she is pregnant, has given birth in last 12 months or is breastfeeding

When an employee notifies you that she is pregnant, has given birth within the previous twelve months, or is breastfeeding, you should carry out a specific risk assessment. You should ensure that you take any advice provided by the woman's health professional into account in the risk assessment process (Med 3)

Confirmation of the pregnancy by means of a certificate (MAT B1) from a registered medical practitioner or a registered midwife is required and should be sent direct to HR. Please contact HR for advice on production of written confirmation.

It is good practice to carry out a new and expectant mother's risk assessment if you are notified by an employee that they may be pregnant even though it is too early to confirm the pregnancy.

Who should carry out a risk assessment and confidentiality

Line managers are responsible for ensuring that risk assessments are carried out and reviewed regularly. Therefore, managers can either carry out risk assessments themselves or delegate this task to individuals within their area.

If managers delegate the task of carrying out risk assessments, they must ensure that whoever carries out the assessment on their behalf is competent for the task and takes all reasonable care when carrying out the assessment.

The risk assessment should be carried out with the employee that the assessment is for. The manager and the assessor must ensure that a woman's pregnancy is not made known without her consent to other colleagues.

Exceptionally, in certain circumstances, it may be necessary to take steps (including limited disclosure) to protect the employee's health and safety, but this should be done with the woman's agreement following consultation.

Carrying out and recording a new and expectant mother's risk assessment

A new and expectant mother's risk assessment form is included in this procedure;

- The first column includes a list of hazards which may apply to the work.
- You should identify whether they do apply in the second column.
- The third column provides information about suggested controls, which can be adopted as appropriate to the work.
- Any required controls should be detailed in the fourth column.

You should consider whether these controls affect others i.e., employees, visitors. You may need to review other risk assessments to reflect these changes for the period of time they are in place for.

What other actions can you take?

If there is still a genuine concern about the level of remaining risk it may be necessary to take the following steps:

- Temporarily adjust her working conditions and/or hours of work.
- If it is not reasonable to do so, or would not avoid the risk, offer her suitable alternative work (at the same rate of pay) if available.
- If that is not feasible, you must suspend her from work on paid leave for as long as necessary to protect the health and safety of her and her child.

Contact the HR Team when these actions may be necessary.

If you are unsure about the risk(s) you should contact the Environmental Health and Safety Officer for further advice and assistance.

When to review a new and expectant mother's risk assessment

You will need to keep your risk assessments for the employee concerned under review and agree dates for review with them. Although hazards are likely to remain constant, the risk of damage to the mother and unborn child will vary at different stages of pregnancy. Dexterity, agility, co-ordination, speed of movement and reach may be impaired because of increasing size. In addition, a doctor may consider that adjustments are required and provide information usually by a Med 3 Form which will need to be included in the risk assessment process.

Use the review column in the new and expectant mother's risk assessment form to identify review dates as the maternity period progresses. You may need to complete a new risk assessment or amend the existing one as necessary.

Night work

You need to give special consideration to new and expectant mothers who work at night. If an employee has a medical certificate stating that night work could affect their health and safety, you must either:

- Offer her suitable alternative daytime work, if any is available, or if that is not reasonable,
- Suspend her from work, on paid leave, for as long as is necessary to protect her health and safety and that of her child.

Contact your HR Team when these actions may be necessary.

Breast feeding

There are other risks to consider for workers who are breastfeeding. You will need to ensure, on receiving notification that a worker is breastfeeding, that she is not exposed to risks that could damage her health and safety and that of her child for as long as she continues to breastfeed.

Where workers continue to breastfeed for many months you will need to review the risks regularly. The new and expectant mother's risk assessment form should be used for this. Additional aspects/work issues relating to this can be detailed in the risk assessment under 'other aspects of the pregnancy which may be affected by work'.

It is good practice to provide a healthy and safe environment for nursing mothers to express and store milk. This could be included in the suitable resting facilities you must provide for pregnant and breast feeding mothers. These issues should always be discussed with the employee.

Maternity rights

Please contact the HR Team for information on maternity rights.



Risk Assessment Form – New and Expectant Mothers

Name of New/Expectant Mother	Service	Team
Is there any advice provided by the woman's health professional? (Med 3 Form) (remember the need for confidentiality)		

Identified Hazards and risks (Some suggestions below)	Applies Yes/No	Information about controls (Some examples below to help you consider the issues)	Action to be taken/by whom/date	Date for review/by whom (initials)
Manual handling Lifting files to and from shelves at various heights requiring stretching and bending. Increasing susceptibility to injury and postural problems as pregnancy increases and ligament		<ul style="list-style-type: none"> Reduce the amount of physical work or provide aids to reduce the risk. Change work so that others moving files List the manual handling operations which should be avoided, e.g. lifting boxes of paper. Alter the nature of the task to reduce risks from manual handling mothers. 		

Identified Hazards and risks (Some suggestions below)	Applies Yes/No	Information about controls (Some examples below to help you consider the issues)	Action to be taken/by whom/date	Date for review/by whom (initials)
<p>damage due to hormonal changes</p> <p>After birth (a temporary limitation to lifting and handling)</p> <p>Breastfeeding mothers may experience discomfort and sensitivity</p>		<p>Note: Manual handling regulations require employers to avoid the need for hazardous manual handling so far as is reasonably practicable</p>		
<p>Mental and physical fatigue and working hours</p> <p>Increased tiredness, reduced well-being, headaches, slow recovery after birth, blood pressure, health of unborn child and stress</p>		<ul style="list-style-type: none"> • <i>Adjust working hours temporarily as well as other working conditions including timing and frequency of rest breaks</i> • <i>If working at night consider changing to day work or reducing hours of work (may need to discuss with HR) and may receive notification from her doctor or midwife of need to change</i> • See also Stress section below 		
<p>Movements and postures</p> <p>Increasing susceptibility to injury and postural problems as pregnancy increases and ligament damage due to hormonal changes before and after birth</p> <p>Continuous Standing may lead to dizziness, faintness, backache, varicose veins and fatigue as well as increased risk of premature childbirth and miscarriage</p> <p>Continuous Sitting increases risk of</p>		<ul style="list-style-type: none"> • <i>Avoid spending long periods handling loads, or standing/sitting without regular exercise/movement to maintain circulation.</i> • <i>Provide the opportunity to alternate between standing and sitting. If this is not possible, you should provide for breaks</i> • <i>Consider making more space to enable her to interact with others as she changes in size and the ways in which she can move, especially look at work in awkward spaces</i> • <i>Ensure not working in slippery, wet surfaces or where likely to lose balance</i> • <i>If no lift available, consider arranging for working on the ground floor to avoid breathlessness</i> 		

Identified Hazards and risks (Some suggestions below)	<i>Applies</i> Yes/No	<i>Information about controls</i> (Some examples below to help you consider the issues)	Action to be taken/by whom/date	<i>Date for review/by whom (initials)</i>
<p>varicose veins, thrombosis, or blood clot and in the later stages of pregnancy backache when remaining in a specific position for a long time</p> <p>Poor working posture and excessive movements may cause backache</p> <p>Confined Space may not take account of increased abnormal size leading to strain or sprain injuries as well as the increased risk of accidents through impaired mobility, reach and balance</p> <p>Excessive Climbing up Stairs may cause breathlessness and other health problems</p>				
<p>Working at height</p> <p>In ability to climb on to steps or ‘elephant foot’ as increasing susceptibility to injury due to increased size, and balance issues</p>		<ul style="list-style-type: none"> • Stop work at height altogether as her increasing abnormal size will not enable safe balance for climbing on to steps or ‘elephant foot’ • Consider other alternative ways to remove the need for any work at height 		
<p>Working with display screen equipment</p> <p>Increasing susceptibility to injury due to increased size, ability to be comfortable</p>		<ul style="list-style-type: none"> • Undertake the workstation safety training web module for new or expectant mothers on the intranet <p>Note: Pregnant women do not need to stop working</p>		

Identified Hazards and risks (Some suggestions below)	Applies Yes/No	Information about controls (Some examples below to help you consider the issues)	Action to be taken/by whom/date	Date for review/by whom (initials)
at desk, etc.		with display screen. However, the opportunity to discuss concerns like birth defects or miscarriage over using this type of equipment should be given to her to avoid potential problems caused by stress and anxiety over these issues		
Working alone Visits on to various sites. Could need urgent medical attention		<ul style="list-style-type: none"> Review and revise access to communications with others. Levels of supervision (remote) involved to ensure support available when required Revisit emergency procedures taking into account her needs and any additional risk due to her condition 		
Occupational Stress Increased vulnerability due to: <ul style="list-style-type: none"> hormonal, physiological and psychological changes during and after pregnancy as well as anxiety or post natal depression financial, emotional and job insecurity difficulty to organise work and private life anxiety over the pregnancy e.g. previous miscarriage etc. 		<ul style="list-style-type: none"> Adjust working conditions and hours Ensure that necessary understanding, support and recognition is available (Remember to consider this when she returns to work as well). Take account of known organisational stress factors (shift patterns, job insecurity, workloads etc) and the particular medical and personal factors affecting the individual Provide understanding, support and recognition when returning to work, especially if there have been problems with the pregnancy etc. 		
Travelling either inside or outside workplace		<p>See also the specific sections for information on fatigue, stress, static postures etc.</p> <ul style="list-style-type: none"> Consider the issues of discomfort and restricted 		

Identified Hazards and risks (Some suggestions below)	Applies Yes/No	Information about controls (Some examples below to help you consider the issues)	Action to be taken/by whom/date	Date for review/by whom (initials)
Travelling by car to meetings, homes etc. via own car or ability to use public transport. May cause fatigue, stress, static posture, discomfort and accidents		<p>areas and vision while driving</p> <ul style="list-style-type: none"> Consider the need for travelling and look at alternatives like working from home 		
<p>Work equipment and personal protective equipment (including clothing)</p> <p>Clothing not normally designed for use by pregnant or breastfeeding women so could be uncomfortable or unsafe to use restricting the operational mobility, dexterity or co-ordination of the woman</p>		<ul style="list-style-type: none"> Wherever possible, the risk should be avoided by adaptations or substitution, e.g. providing suitable alternative equipment to allow the work to be conducted safely and without risk to health. You must not allow unsafe working Carry out a risk assessment which takes into account the changes as pregnancy progresses 		
<p>Extremes of cold or heat</p> <p>In hot environments greater risk of suffering from heat stress and breastfeeding may be impaired by heat dehydration</p> <p>Cold conditions hazardous to mother and unborn child as are sudden changes in temperature</p>		<ul style="list-style-type: none"> Ensure adequate rest and refreshment breaks alongside unrestricted access to drinking water for both cold and hot environments Thirst is not an early warning sign of heat stress and they need to drink water before they get thirsty For cold environments ensure adequate warm clothing provided 		

Identified Hazards and risks (Some suggestions below)	<i>Applies</i> Yes/No	<i>Information about controls</i> (Some examples below to help you consider the issues)	Action to be taken/by whom/date	<i>Date for review/by whom (initials)</i>
Workplace Facilities Rest facilities to prevent mental and physical fatigue during pregnancy and after birth as well as arrangement to check she is ok Private area after birth to encourage breastfeeding to reduce the likelihood of cancer in the mother and prevent certain diseases in infancy to the baby. This needs to include facilities for washing, sterilising and storing receptacles		<ul style="list-style-type: none"> • Adjust working hours temporarily, as well as other working conditions, including the timing and frequency of rest breaks. • The need for physical rest may increase. As appropriate, allow access to somewhere to sit or lie down comfortably in private and without disturbance • Ensure easy access to clean drinking water, toilets and associated hygiene facilities • Provide appropriate facilities for breastfeeding and for mothers to express and store breast milk as well as washing, sterilising and storing receptacles • Give details of the rest facilities/arrangements for use as required (at the same time agree arrangements for checking that she is ok) 		
Work related violence Increased vulnerability and lack of mobility etc causing miscarriage, premature delivery, underweight birth and the ability to breastfeed		<ul style="list-style-type: none"> • <i>Change the design of the job i.e., avoiding lone working where likelihood of receiving abuse, maintaining contact with worker regularly when away from the base.</i> • Improve the design or layout of the workplace • Provide adequate training and information • Provide a suitable alternative work if unable to significantly reduce the risk. 		
Hazardous substances Like those labelled with the following risk phrases: R40, R45, R46, R49, R61, R63, R64, R 68		<ul style="list-style-type: none"> • <i>Carry out a COSHH assessment for women who are pregnant, have recently given birth or who are breastfeeding to assess the risk and where possible prevent or if not control the risks.</i> • <i>Only use PPE if other methods have failed and</i> 		

Identified Hazards and risks (Some suggestions below)	Applies Yes/No	Information about controls (Some examples below to help you consider the issues)	Action to be taken/by whom/date	Date for review/by whom (initials)
May cause harm to an; unborn child, baby, cancer or possibly irreversible effects		<p><i>be aware of the need for the PPE to be suitable and to be fit correctly</i></p> <p><i>Note: there is a requirement not to allow a women of child bearing age to be exposed to substances which could affect her unborn child</i></p>		
Infectious Diseases – Biological agents of hazard groups 2, 3 and 4, e.g., infections which are transmitted from animals and birds to humans through work activities like hepatitis B.		<ul style="list-style-type: none"> • <i>Look at the nature of the biological agent, how infection is spread, the likelihood of contact and the control measures in place</i> • <i>Carry out a COSHH assessment for women who are pregnant, have recently given birth or who are breastfeeding.</i> • <i>If a vaccination is recommended you must provide information including perceived benefits and drawbacks to allow the individual to make an informed choice</i> 		
Rubella (German Measles)/Chickenpox/ Shingles/Influenza Harm to unborn child and mother		<ul style="list-style-type: none"> • <i>Pregnant women who have been in contact with these or other know agents that could affect the unborn child must contact their GP promptly for advice.</i> • <i>Consider where you send or could put the person at risk while working for you</i> 		
Noise Prolonged noise my lead to increased blood pressure and tiredness		<ul style="list-style-type: none"> • <i>Ensure noise levels to not reach above the Noise at Work Regulations</i> 		
Hazards as a result of inappropriate		<ul style="list-style-type: none"> • <i>Establish the particular needs concerning rest, meal and refreshment breaks by consulting the</i> 		

Identified Hazards and risks (Some suggestions below)	Applies Yes/No	Information about controls (Some examples below to help you consider the issues)	Action to be taken/by whom/date	Date for review/by whom (initials)
nutrition Hormonal and physiological changes resulting in 'morning' sickness, position of unborn child in womb, the nutritional needs of mother and unborn child or breastfeeding child Inability to tolerate food at normal mealtimes requiring little and often etc due to 'morning' sickness, discomfort or other problems during pregnancy		<i>individual concerned, making changes as the pregnancy progresses</i> <ul style="list-style-type: none"> You must take protective measures to deal with these constraints, particularly with regard to the need for rest, meal and refreshment breaks as well as maintaining appropriate hygiene standards 		

If you identify any further hazards give details below:		
<i>Hazard</i>	Controls	<i>Review Date</i>
<i>Other aspects of the pregnancy which may be affected by work</i> <i>e.g. exposure to smells affecting nausea, breast discomfort due to increased size and sensitivity</i> <i>(The impact will vary during the course of the pregnancy and you will want to keep their effects under review)</i>		<i>Yes / No</i>
<i>Aspect/work issue</i>	Controls Page 99 of 183	<i>Review Date</i>

<p><i>If any of the following apply to the work carried out please contact your H & S Advisor:</i> Shocks and vibration, ionising and non-ionising electromagnetic radiation, confined spaces, mercury and mercury derivatives, lead and lead derivatives, carbon monoxide, pesticides.</p>		
<i>Hazard</i>	Controls	<i>Review Date</i>

The persons below should sign to show that the assessment is a correct and reasonable reflection of the hazards and of the control measures and actions required.		
New/Expectant Mother's name (please print):	New/Expectant Mother's signature:	Date:
Line Manager's name (please print):	Line Managers signature:	Date:

Reviews Carried out	Signatures of both from above to confirm agreement of the review actions
Date:	
Date:	
Date:	

Please note. Where a significant risk still remains, i.e. the task cannot be avoided/carried out by someone else or further controls cannot be implemented, you must liaise with the Environmental Health and Safety Officer and the HR Team. Keep this risk assessment in the personal file (with Line Manager or HR). A copy should be given to the employee for her own use. Review this assessment on a regular basis to ensure that it is kept up to date.

URN: 20-094

Subject: New Parental Bereavement Leave Policy

Report to: Policy and Resources Committee

Report by: Angela Sallis, HR Advisor (Policy), requested by Sarah Tate, Head of OD

Date: 8th November 2020

SUBJECT MATTER/RECOMMENDATIONS

New Parental Bereavement Leave Policy

Recommendation:

1. proposes the new Parental Bereavement Leave Policy for approval
2. Agrees to carry out a review of this policy after three years unless there is a significant change in legislation requiring earlier review.

1. BACKGROUND

On 6th April 2020 the government introduced the Parental Bereavement (Pay and Leave) Act to support parents who tragically lose a child.

Sadly, bereavement is something that will affect all of us at some time in our lives. In fact, research suggests that 1 in 10 employees are likely to be affected by the death of a loved one at any given point. Until recently, there has been no legal obligation for employers to provide paid time off for grieving parents, despite the prevalence of childhood deaths: around 7,600 babies, children and young people under the age of 18 died in 2017.

Under the Employment Rights Act 1996, employees currently have the legal right to take 'reasonable' time off to deal with an emergency – such as the death of a child – this entitlement is only to unpaid leave and does not necessarily allow for a longer time off to grieve. The new legislation changed this with the introduction of the new Parental Bereavement Leave and Pay Regulations – known as 'Jack's Law' – which came into force on 6 April 2020.

The Council has always been supportive of any member of staff who sadly suffers a bereavement of

any kind, including the tragic loss of a child and this new policy does not change that. The Parental Bereavement Leave Policy has been drafted to provide information and guidance for employees, managers and HR, on the new legislation and what it entitles parents to, should it be required.

Who is entitled to paid parental bereavement leave?

- Employed parents and adults with parental responsibility who have suffered the loss of a child under the age of 18
- Adults with 'parental responsibility' include adopters, foster parents and guardians and those classed as 'kinship carers', who may be close relatives or family friends that have assumed responsibility for looking after a child in the absence of parents
- The new entitlement also applies to parents who suffer a stillbirth after 24 weeks of pregnancy. In this instance, female employees will still be entitled to up to 52 weeks of maternity leave and/or pay, as will a mother who loses a child after it is born
- Parents and primary carers must have been employed for a continuous period of at least 26 weeks before the child's death to be eligible for paid parental bereavement leave. All employees have a 'day one' right to unpaid bereavement leave.

What are employees entitled to?

- Parental bereavement leave of 2 weeks which can be taken as two weeks together, 2 separate weeks of leave or only one week of leave (a week is the same number of days that an employee normally works).
- Statutory Parental Bereavement Pay, if eligible, £151.20 a week or 90% of an employees average weekly earnings (whichever is lower)
- Notice requirements for taking the leave will be flexible, so it can be taken at short notice

The new policy has been written by HR, feedback has been given by ELT, UNISON HR, and Senior Performance and Data Protection Officer. The policy was considered by ELT in August 2020 and following this, minor changes were made. The policy was reviewed by JCWG on 2nd November and their comments have been reviewed and the policy amended as appropriate. Once the policy is approved it will be made available to staff via the Loop and training will be given to managers as and when required.

2. FINANCIAL IMPLICATIONS

None at this stage.

3. RISK IMPLICATIONS

None at this stage.

4. POLICY IMPLICATIONS

None at this stage.

5. RECOMMENDATIONS

1. Proposes the new Parental Bereavement Leave Policy for approval

2. Agrees to carry out a review of this policy after three years unless there is a significant change in legislation requiring earlier review.

6. BACKGROUND PAPERS

None

Area for consideration	Comment
Monitoring Officer Consultation:	Carried out
Section 151 Officer Consultation:	Carried out
Existing Council Policies:	None, new policy
Financial Implications:	NA
Legal Implications (including human rights)	Employment Rights Act 1996, Parental Bereavement (Pay and Leave) Act
Risk Implications:	Considered
Equality Issues/EQIA assessment:	NA
Crime & Disorder:	NA
Every Child Matters:	NA



Parental bereavement leave policy

Author	Human Resources
Version No.	1
Updated by	AS
Date of update	9 th July 2020
Description of changes to this version	New policy
Document Status	DRAFT– reviewed by JCWG 2/11/20 and amended. For P&R 17/11/20
Review date (unless required earlier i.e. due to a change in legislation)	July 2024

Introduction

The Council recognises that, while dealing with any bereavement is difficult, the death of a child is among the most devastating events that an employee can ever face.

This policy sets out our commitment to supporting bereaved parents through their grief including ensuring they are aware that they can take parental bereavement leave and the support available to them.

The policy applies to employees who suffer the loss of a child under the age of 18 and includes parents who suffer a stillbirth after 24 weeks of pregnancy.

1.0 Purpose

The purpose of this policy is to set out an employee's entitlements to parental bereavement leave including time off and other support offered.

The Council is committed to providing support to employees who experience loss in their lives and, in particular, understands that the death of a child, or a stillbirth, can be one of the most harrowing experiences of someone's life.

2.0 Who can take parental bereavement leave

- 2.1 Parental bereavement leave is available to employees from day one of employment and they can take this leave whatever their length of service, if they are the parent of the child who has passed away, or the partner of the child's parent. In general, employees can take this type of leave if they have parental responsibility for the child; this includes adoptive parents. For additional information please see 2.3 below.
- 2.2 An employee who has suffered a bereavement who is unsure if they are entitled to parental bereavement leave, or other leave, should contact the HR Department for clarification.
- 2.3 Employees may take parental bereavement leave if they fall into any one of the following categories:
- A 'natural' parent
 - An adoptive parent, and those with whom a child has been placed under the 'foster to adopt' scheme, provided the placement is ongoing
 - A 'natural' parent where the child has been adopted but a Court Order exists to allow the 'natural' parent to have contact with the child
 - An employee who is living with a child who has entered Great Britain from overseas in relation to whom has received official notification that they are eligible to adopt
 - An intended parent under a surrogacy arrangement where it was expected that a parental order would be made
 - A 'parent in fact' which is someone in whose home the child has been living for a period of at least four weeks before the death and has had day to day responsibility for the child, subject to exceptions. This category includes guardians and foster parents but does not include paid carers.
 - The partner of anyone who falls into the above categories, where they live in an enduring family relationship with the child and their parent.

3.0 What leave a bereaved parent can take

3.1 An employee can take two weeks parental bereavement leave, which they can take as:

- A single block of one week or
- A single block of two weeks or
- Two separate blocks of one week

Leave cannot be taken as individual days.

3.2 An employee can take the leave at the time(s) they choose within the 56 weeks after their bereavement. They might choose, for example, to take it at a particularly difficult time such as their child's birthday.

3.3 An employee who has suffered a stillbirth after 24 weeks of pregnancy, will still be entitled to take their full entitlement to maternity and paternity leave, provided they were eligible to take maternity or paternity leave in the first place, in addition to parental bereavement leave. However, parental bereavement leave cannot be taken at the same time as maternity or paternity leave.

3.4 If an employee has lost more than one child, they have a separate entitlement to bereavement leave for each child who has passed away.

4.0 Notice to take parental bereavement leave

4.1 Leave to be taken within the first 56 days of the bereavement

If an employee needs to take parental bereavement leave within the first 56 days after their bereavement, they can take the leave straight away and do not need to give any notice. The employee should let their line manager, or Human Resources know no later than the time when they were due to start work on the first day they wish to take leave, or if that is not feasible, as soon as they can.

4.2 Leave to be taken more than 56 days after the bereavement

If an employee wishes to take leave more than 56 days after their bereavement, they should give their line manager, or the HR department, at least one week's notice.

5.0 If an employee changes their mind about taking parental bereavement leave

5.1 An employee can cancel their planned leave and take it at a different time (within the 56 weeks after their bereavement) as long as the period of leave has not already started.

5.2 Where the planned leave was due to begin during the first 56 days after their bereavement, they should let their line manager or the HR department know that they no longer wish to take it, before their normal start time on the first day of the planned leave.

5.3 Where the leave was due to begin more than 56 days after their bereavement, the employee should let their line manager or HR Department know at least one week in advance that they wish to cancel it.

6.0 Pay during parental bereavement leave

- 6.1 To receive statutory parental bereavement pay an employee must have:
- at least 26 weeks' continuous employment with us by the week before the one in which their child passed away (and still be employed by us on the date of the bereavement); and
 - normal weekly earnings in the eight weeks up to the week before their bereavement of at least the lower earnings limit relevant for national insurance purposes
- 6.2 If an employee is unsure if they are entitled to statutory parental bereavement pay, they should contact the HR Department who will be able to advise them.
- 6.3 If an employee qualifies for statutory parental bereavement pay, they will be paid during their leave at the rate set by the Government each year or at 90% of their average weekly earnings where this figure is lower. If an employee is not eligible, their leave will be unpaid.
- 6.4 The employee will need to give us notice of the weeks for which they wish to claim statutory parental bereavement pay by informing their line manager or HR Department, this may be via a form that the HR Department will ask the employee to sign. Employees must normally sign and return the form to the HR Department within 28 days of the first day for which they are claiming. However, if that is not possible, employees are requested to sign and return the form as soon as they can.

7.0 Terms and conditions during parental bereavement leave

During parental bereavement leave, the employee will continue to receive all the terms and conditions of employment that they would have received had they not taken this leave, with the exception of remuneration, which will be replaced by statutory parental bereavement pay, if an employee is eligible for it. This means that while sums paid by way of salary will cease, all other benefits will remain in place, for example holiday entitlement will continue to accrue and pension contributions will continue to be paid.

8.0 Returning to work after parental bereavement leave

- 8.1 When an employee returns to work after some time on parental bereavement leave, they are generally entitled to return to the same job.
- 8.2 However, a slightly different rule applies if an employee returns from time on bereavement leave that follows on immediately from some maternity, adoption, paternity leave or shared parental leave (taken in relation to the child who has passed away), and their total time on leave is more than 26 weeks. In these circumstances an employee has the right to return to the same job unless this is not reasonably practicable, in which case they have the right to return to a suitable and appropriate job on the same terms and conditions.
- 8.3 This rule also applies if an employee's leave includes more than four weeks of ordinary parental leave (taken in relation to any child) regardless of the total length of the leave.
- 8.4 On an employee's first day back to work, their line manager (or designated deputy) will set time aside to hold an informal meeting with them to discuss any arrangements regarding their return to work and any additional support we may be able to offer them.

9.0 Employee Assistance Programme

We would like to remind employees that they have access to a 24-hour telephone counselling service, and we encourage them to use it if they feel they would like to talk to someone about their loss.

This is an independent and confidential employee assistance programme which is available 24 hours a day, 7 days a week. It can be accessed by phoning 08001697676. Details are available on The Loop or by contacting HR.

10.0 Other support available

Employee's may wish to speak to their GP / surgery about the help and support which is available to them. Other organisations which can be contacted include:

Care for the Family – www.careforthefamily.org.uk

Cruse Bereavement Care - www.cruse.org.uk

Child Bereavement UK - www.childbereavementuk.org

Time Norfolk – www.timenorfolk.org.uk – for pregnancy loss

Child death helpline – www.childdeathhelpline.org.uk

11.0 Flexible working

We appreciate that a temporary period of flexible working may be beneficial to employees after they have suffered a loss. To discuss this further, employees should contact their line manager or Human Resources.

12.0 Line manager responsibilities

12.1 Upon being notified by an employee that they wish to take parental bereavement leave, the line manager should notify Human Resources and provide them with information which has been provided by the employee as soon as possible.

12.2 If HR are notified by the employee, they will inform the line manager.

12.3 When an employee returns to work, the line manager (or designated deputy) should set time aside to hold an informal meeting with the employee to discuss any arrangements regarding their return to work and any additional support we may be able to offer them. Support and information can be sought from HR.

13.0 Data Protection

When dealing with parental bereavement leave, we will process data collected in accordance with our data protection policy. In particular, we will record only the personal information required and keep the information only for as long as necessary.

URN: 20-082

Subject: Council Tax Support Scheme 2021/22

Report to: Policy & Resources Committee 17th November 2020
Council 26th November 2020

Report by: Miranda Lee, Head of Customer Services

SUBJECT MATTER

This report seeks Council approval of the Local Council Tax Support Scheme for 2021/22

RECOMMENDATION

That the Committee:

Endorses the recommendation to continue with the existing scheme for 2021/22 which is subject to Council approval - a maximum award of 91.5% of the Council Tax Liability for Working Age but including:

- 1) Automatic assessment of entitlement and award of Council Tax Support based on receipt of a Universal Credit notification
- 2) Council Tax Support claims to remain open for a period of 26 weeks from the date that a claim becomes 'nil qualifying'
- 3) Exemption for customers who are entitled to the Disability Premium, Enhanced Disability Premium or Severe Disability Premium to the self-employed minimum income floor calculation

1. Introduction

- 1.1 The Committee Report of the 21st July 2020 requested permission to commence consultation in relation to the 2021/22 Local Council Tax Support Scheme.
- 1.2 In April 2013 Council Tax Benefit was replaced with a new Local Council Tax Support Scheme. This followed the Government announcement in the Spending Review 2010 that financial support for council tax would be localised.
- 1.3 Initially the amount of funding provided to local authorities to run the scheme was approximately 10% less than what was previously spent on the council tax benefit scheme. For the first 2 years funding had been specifically ring-fenced for allocation towards the scheme.
- 1.4 In 2014, the Government announced that future funding towards the Council Tax Support Scheme would be included within the overall Revenue Support Grant and would not be separately identified or ring-fenced from within the grant.

1.5 In designing a local scheme for 2021/22 the council has to consider:

- The amount of funding the Council decides to allocate towards the scheme
- Support for pensioners must be protected and would not be affected by the local scheme meaning that the rules around a localised scheme would only apply to those of working age

2. Current Position

2.1 Consultation in relation to the 2021 scheme has now closed with only 12 individual responders taking part in the survey.

2.2 As in previous years the consultation was available through the council's website. Consultation was based on retaining the existing scheme for 2021/22 for a working age with pensioners being protected.

2.3 The consultation ran for a 12-week period. Due to the lack of response the results of the consultation are negligible in helping to determine the scheme, however out of the responses received most favoured retaining the existing scheme for a further year and were in favour of the additional changes. The results of the consultation are contained within Appendix 1.

3. Options Considered for the 2021/22 Scheme

3.1 The following options have been considered for the 2021/22 scheme with the aim to keep the scheme like previous years, however, to include:

- Introduction of a clause to enable an automatic assessment of entitlement and award of council tax support based on receipt of a Universal Credit notification without the need for the customer to submit a separate application for council tax support (this should help to increase take up and reduce the time in which an assessment can be made as well as removing the necessity for the customer to submit a separate claim)
- Introduction of a new clause to enable all council tax support claims to remain open for a period of 26 weeks from the date that a claim becomes 'nil qualifying' due to a change of circumstances (this means should circumstances change again within the 26 week period, the customer will not need to submit a new claim)
- Introduction of an exemption for customers who are entitled to the Disability Premium, Enhanced Disability Premium or Severe Disability Premium to the self-employed minimum income floor calculation which is based on the minimum wage

4. Requirement for Change

4.1 Schedule 1A of the Local Government Finance Act 1992 states:

1. For each financial year, each billing authority must consider whether to revise its scheme or to replace it with another scheme: and
2. the authority must make any revision to its scheme, or any replacement scheme, no later than 31 January in the financial year preceding that for which the revision or replacement scheme is to have effect.

- 4.2 As each Local Authority decides their local scheme it is possible that other nearby Local Authorities can have different types of scheme with varying financial implications for customers.

5 Financial Implications

- 5.1 Initially an element of Government funding for Local Authorities to administer their local schemes was funded from within the Revenue Support Grant (RSG).
- 5.2 Since the introduction of Business Rates Retention, Great Yarmouth Borough Council has been part of the Norfolk Business Rates Pool which enables growth from Business Rates to be retained. Since joining the Pool no funding from the RSG has been received. GYBC has been invited to form a business rates pool for 2021/22, however, there is an option to revoke pool arrangements following the publication of the provisional local government finance settlement.
- 5.3 As Council Tax Support is a discount it reduces the Councils tax base, along with a reduction in the tax base for Norfolk County Council and the Norfolk Police & Crime Commissioner.
- 5.4 The individual Council needs to decide how much of this grant will be used to cover the cost of the 2021/22 scheme.
- 5.5 For illustrative purposes the following gives the financial breakdown of the cost for the recommended scheme.

Table 1

Estimated cost of scheme	£9,321,793
Precept Split	
Norfolk County Council	£7,084,563
Police	£1,305,051
GYBC	£838,961
Parish	£93,218

Council Tax Hardship Fund

- 5.6 As part of a range of additional funding and support measures introduced by the Government to assist through the COVID-19 pandemic, GYBC received £1,305,536 to administer a Council Tax Hardship Fund. So far £823,694 has been allocated to assist people with their Council Tax payments and for wider welfare provision. The balance remaining is £481,842.
- 5.7 Any surplus of funding remaining from this financial year can be rolled forward to 2021/22.

6 Risk Implications

The cost of the scheme

- 6.1 Whilst we can predict anticipated costs of the scheme for 202/22 based on continuing with the existing scheme for 2020/21, any increases in demand, changes in composition of current

caseload or unforeseen changes to other welfare benefits during the year could represent a financial risk by increasing the cost of the overall scheme. Ongoing uncertainty of financial effects on residents through the COVID-19 pandemic could also increase the demand on this scheme.

Council Tax Collection

- 6.2 Collection rates of council tax have been impacted with the introduction of the localised scheme but not as much as first anticipated. Tax base has been calculated to take into consideration the costs of the Council Tax Support Scheme with some provision for impact on collection rates. Ongoing uncertainty of financial effects on residents through the COVID-19 pandemic will could continue to impact collection.

7 Recommendations

- 7.1 To continue with the existing scheme for 2021/22 - a maximum award of 91.5% of the Council Tax Liability for Working Age but including:
- 1) Automatic assessment of entitlement and award of Council Tax Support based on receipt of a Universal Credit notification
 - 2) Council Tax Support claims to remain open for a period of 26 weeks from the date that a claim becomes 'nil qualifying'
 - 3) Exemption for customers who are entitled to the Disability Premium, Enhanced Disability Premium or Severe Disability Premium to the self-employed minimum income floor calculation

Areas of consideration: e.g. does this report raise any of the following issues and if so how have these been considered/mitigated against?

Area for consideration	Comment
Monitoring Officer Consultation:	Yes
Section 151 Officer Consultation:	Yes
Existing Council Policies:	S13a Council Tax Support Scheme
Financial Implications (including VAT and tax):	Yes, as outlined
Legal Implications (including human rights):	Schedule 2 Local Government Finance Act 1992
Risk Implications:	Yes, as outlined
Equality Issues/EQIA assessment:	
Crime & Disorder:	
Every Child Matters:	

Council Tax Support 2021/22

1. Council Tax Support Consultation Introduction

1. Have you read the background information about the Council Tax Reduction Scheme?									
								Response Percent	Response Total
1	Yes				<div></div>			91.67%	11
2	No				<div></div>			8.33%	1
Statistics	Minimum	1	Mean	1.08	Std. Deviation	0.28		answered	12
	Maximum	2	Variance	0.08	Std. Error	0.08		skipped	0

2. Page 2

2. Do you think the Council should retain the current scheme for 2021?									
								Response Percent	Response Total
1	Yes				<div><div></div></div>			66.67%	8
2	No				<div><div></div></div>			8.33%	1
3	Don't know				<div><div></div></div>			25.00%	3
Statistics	Minimum	1	Mean	1.58	Std. Deviation	0.86		answered	12
	Maximum	3	Variance	0.74	Std. Error	0.25		skipped	0



3. We are considering changing our scheme to include an automatic Council Tax Support assessment based on receiving a Universal Credit notification, without the need of completing an application form. The benefits of this are: (1) There would be no requirement to complete an application for council tax support. (2) This would help to reduce the time to assess entitlement to a council tax support award. This will not disadvantage any customers: Do you think that the council should include this in the scheme?

							Response Percent	Response Total	
1	Yes		<div></div>				83.33%	10	
2	No		<div></div>				16.67%	2	
3	Don't know						0.00%	0	
Statistics	Minimum	1	Mean	1.17	Std. Deviation	0.37	answered	12	
	Maximum	2	Variance	0.14	Std. Error	0.11			
skipped									0



Comments: (1)

1	25/09/2020 09:08 AM ID: 148866615	I'm on esa support and disability allowance and pip. My hubby is in seasonal work and they will finish him any time so we are behind on mortgage by 6 months and I'm trying so hard to pay this £118 every month I feel that it should be reduced when you are getting 8/18 people living in sublet condition that will pay less as their more in the household
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4. Our current scheme allows Universal Credit customers to allow their Council Tax Support claim to remain open for a maximum of 26 weeks from the date a claim is no longer entitled to an award due a change in circumstance. This currently does not apply to non-Universal Credit customers. For fairness and consistency, we are considering a change to our scheme to allow all Council Tax Support claims that do not qualify at the time to remain open for a maximum of 26 weeks. The benefits of this are: (1) This will mean that the scheme is fairer and consistent to all applicants. (2) Individual changes of circumstances can be informed as they occur without the need of a new application, during this period. This will not disadvantage any customers. Do you agree with this change to the scheme?

							Response Percent	Response Total
1	Yes						91.67%	11
2	No						0.00%	0
3	Don't know						8.33%	1
Statistics	Minimum	1	Mean	1.17	Std. Deviation	0.55	answered	12
	Maximum	3	Variance	0.31	Std. Error	0.16	skipped	0

5. We are considering changing our scheme for self-employed customers who have a minimum income floor applied to their assessment to protect vulnerable groups. For example, a self-employed customer who has an entitlement to a disability premium. Do you think we should introduce a protection for certain vulnerable groups?

							Response Percent	Response Total
1	Yes						91.67%	11
2	No						8.33%	1
Statistics	Minimum	1	Mean	1.08	Std. Deviation	0.28	answered	12
	Maximum	2	Variance	0.08	Std. Error	0.08	skipped	0

Comments on any other groups to consider (2)

1	31/07/2020 15:30 PM ID: 145908229	After receiving a letter before the Coronavirus pandemic stating that you are now presuming everyone is on a 30 hour minimum wage contract so will no longer be getting council tax help. I was shocked as I am nowhere near earning that and would not need any help if I was, So it seems silly to me to assume this is the case as this is not the case in my situation or in plenty of other peoples situations. Most people work between 5 - 20 Hours a week so would not be reaching the minimum floor anyway. I feel this is unfair not just to me but to others also. Luckily I am still currently getting help due to the Coronavirus situation and being on universal credit until I am able to get back to my Self employed work but I am very Anxious about what will happen when all this is over and things get back to normal. This Minimum Floor needs reassessing as most people dont earn anywhere near this and as stated before would not need help if they did.
2	25/09/2020 09:08 AM ID: 148866615	I'm in the highly vulnerable and sheild section hubby works on a camp so he has to be so careful as I'm on a lot of meds and have emu nine system and injections surpress it so a cold can knock me off my feet I'm not ableist to work so have to rely on hubby to bring home the wages

6. What is your age group?

							Response Percent	Response Total
1	under 18						0.00%	0
2	18-24						0.00%	0
3	25-34			<div><div></div></div>			25.00%	3
4	35-54			<div><div></div></div>			66.67%	8
5	55+			<div><div></div></div>			16.67%	2
Statistics	Minimum	3	Mean	3.92	Std. Deviation	0.62	answered	12
	Maximum	5	Variance	0.38	Std. Error	0.17	skipped	0

URN: 20-113

Subject: Council Tax Discounts 2021/22

Report to: Policy & Resources Committee 17th November 2020
Council 26th November 2020

Report by: Stuart Brabben, Revenue Services Manager

SUBJECT MATTER

This report asks the Council to approve the levels of council tax discount that shall apply for 2021/22 as set out in this paper.

RECOMMENDATION

That Committee is asked to endorse:

- 1) The council tax discounts as shown in Section 3.1 which will apply for 2021/22, this includes the discount change outlined in section 2.2 which is subject to Council approval

1. Council Tax Discounts

- 1.1 Under Section 11A of the Local Government Finance Act 1992 as enacted by Section 75 of the Local Government Act 2003, Section 11B of the Local Government Finance Act 1992, as enacted by Section 11 and Section 12 of the Local Government Finance Act 2002 and in accordance with the provisions of the Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003 and the Council Tax (Prescribed Classes of Dwellings) (England) (Amendment) Regulations 2012 the mechanism for levying council tax discount on unoccupied and empty domestic properties is set out. The regulations allow Councils some discretion in setting the level of council tax charged in respect of these unoccupied properties and second homes.
- 1.2 For the financial year 2021/22 it is proposed that there is one change to these discounts following a change in legislation on Long-Term Empty Premiums in 2018.

2. Long Term Empty Property Premium

- 2.1 The Council has discretion to be able to add a premium charge to properties that have been empty over more than two years. This premium was introduced in 2013 as part of the Government's range of measures to bring empty homes into use. Empty homes are wasted assets and are often a blight on the local community, harming the local amenity of

neighbouring properties. Therefore, putting empty homes more quickly back into productive use will increase housing supply.

- 2.2 Currently this premium can be up to 100% for those properties that have been empty between 2 years and five years and 200% for those properties empty for more than 5 years. However, from 2021/22 regulations allow a further discretion, which means that the Council can now increase the premium to 300% for properties that have been empty for more than ten years. It is recommended that this increase is approved.
- 2.3 The table below shows the empty property charges for 2021 including the increase in premium to 300% for properties empty for more than ten years.

Table1

Financial Year	Premiums for Long-Term Empty Property (Discount Class C)	Premium Value
2021	Properties empty for greater than two years less than 5 years	100%
	Properties empty for more than 5 years but less than 10 years	200%
	Properties empty for more than 10 years	300%

3. Recommended Council Tax Discounts to be applied for 2021/22

- 3.1 The table below shows the recommended Council Tax discounts to be applied in 2021/22.

Table 2

Discount Class	Equivalent in 2020/21	2021/22
Class C: Properties vacant (unoccupied and unfurnished) for one month or less	100% discount	100% discount
Class C: Properties vacant (unoccupied and unfurnished) for one month and one day or more and up to 2 years	0% discount (full 100% charge)	0% discount (full 100% charge)
Class C: Properties vacant (unoccupied and unfurnished) for 2 years and 5 years	200% charge (100% Empty Property Premium)	200% charge (100% Empty Property Premium)
Class C: Properties vacant (unoccupied and unfurnished) for more than 5 years	300% charge (200% Empty Property Premium)	300% charge (200% Empty Property Premium)

Class C: Properties vacant (unoccupied and unfurnished) for more than 10 years	300% charge (200% Empty Property Premium)	400% charge (300% Empty Property Premium)
Class B: Furnished properties and second homes that are no one's main residence	0% discount (Full 100% charge)	0% discount (Full 100% charge)
Class D: Property that is vacant (unoccupied and unfurnished) and (a) it requires or is undergoing major repair work to render it habitable, (b) It is undergoing structural alteration or (c) it has undergone major repair works to render it habitable or structural alteration and less than six months have elapsed since the date on which the work was substantially completed and the dwelling has remained vacant since that date.	0% discount (full 100% charge)	0% discount (full 100% charge)
Class A: Properties that fall into Class A of Section 11A of the Local Government Finance Act 1992 and the Council Tax (Prescribed Classes of Dwellings) (England) (Amendment) Regulations 2012 <ul style="list-style-type: none"> - A property that is not the sole or main residence of an individual, - which is furnished, and - the occupation of which is restricted by a planning condition preventing occupancy for a continuous period of at least 28 days in a relevant year 	10% discount	10% discount
Care Leavers Discount A care leaver is defined as a person aged 25 or under, who has been looked after by a local authority for at least 13 weeks since the age of 14; and who was looked after by the local	100% Discount	100% Discount

authority at school-leaving age or after that date.		
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4. Financial Implications

- 4.1 Extra revenue could be generated by this change to Long-Term Empty Premiums, but the main purpose of the increase is to get empty properties back into use.

5. Recommendations

- 5.1 The committee is asked to endorse the council tax discounts as shown in Section 3.1, Table 2 that will apply for 2021/22, this includes the discount change as outlined in section 2.2 which is subject to Council approval.

Areas of consideration: e.g. does this report raise any of the following issues and if so how have these been considered/mitigated against?

Area for consideration	Comment
Monitoring Officer Consultation:	
Section 151 Officer Consultation:	Yes
Existing Council Policies:	N/A
Financial Implications (including VAT and tax):	Yes, as outlined
Legal Implications (including human rights):	Yes, as outlined
Risk Implications:	
Equality Issues/EQIA assessment:	
Crime & Disorder:	
Every Child Matters:	

URN: 20-114

Subject: Council Tax Base 2021/22

Report to: Policy & Resources Committee 17th November 2020
Council 26th November 2020

Report by: Stuart Brabben, Revenue Services Manager

SUBJECT MATTER

This report asks the Committee to endorse the calculation of the 2021/22 tax base totalling 28,910. This is the total number of domestic properties in the Borough using band D as the average property band which is to be approved by Council.

RECOMMENDATION

That Committee is asked to endorse:

- 1) The calculation of the 2021/22 tax base totaling 28,910 and the estimated tax bases for the Borough and for each parish, as shown in Appendix A

1. Introduction

- 1.1 The Council Tax base is a technical calculation that must be formally set each year. It is the first stage of the Council Tax setting process that will be finalised once the budgets have been agreed.

2. Tax Base Calculation

- 2.1 Dwellings have been valued in accordance with the following valuation bands:

Valuation	Range of Values	Proportion of 'Band D charge'
A	Up to £40,000	6/9=2/3
B	Over £40,000 up to £52,000	7/9
C	Over £52,000 up to £68,000	8/9
D	Over £68,000 up to £88,000	9/9=1
E	Over £88,000 up to £120,000	11/9
F	Over £120,000 up to £160,000	13/9
G	Over £160,000 up to £320,000	15/9
H	Over £320,000	18/9=2

The tax bill for each band is calculated in proportion to band D, which is deemed to be the average for these purposes. Accordingly, a taxpayer whose home is in band A will pay two-thirds of what someone whose home is in band D will pay; a taxpayer whose home is in band H will pay twice what someone whose home is in band D will pay.

- 2.2 A tax base calculation must be done in accordance with the Local Authority (Calculation of Council Tax Base) Regulations 1992 and Local Authority (Calculation of Council Tax Base) Regulations 2012 as amended, for each parish based on the number of taxable dwellings calculation in terms of band D equivalent.
- 2.3 The calculation involves the following:
 - (a) The number of current chargeable dwellings for each band shown in the valuation list;
 - (b) The number of discounts and disabled reductions which apply to those dwellings;
 - (c) The estimated changes during the coming year, for example, for new properties, discounts and appeals;
 - (d) The proportion which dwellings in a band bear to dwellings in band D (as shown in paragraph 1.1); and
 - (e) The estimated collection rate (97.5%).
- 2.4 For the purposes of this report the Local Council Tax Support Scheme has been estimated for maximum award of 91.5% for working age claimants
- 2.5 A prediction for growth in the tax base calculation has been estimated because of new properties being added the remainder of this year and next year. However, the overall tax base for the Borough has decreased by 138 Band D equivalents compared to last year. The reason for this is due to an increase in the non-collection rate for 2021/22 to 2.5% because of the predicted effect of the COVID pandemic on collection.

3. FINANCIAL IMPLICATIONS

- 3.1 To comply with a statutory requirement as the first stage of the Council Tax setting process

4. RECOMMENDATIONS

- 4.1 To endorse the calculation of the 2021/22 tax base totalling 28,910 and the estimated tax bases for the Borough and for each parish, as shown in Appendix A which is to be approved by Council.

5. BACKGROUND PAPERS

- 5.1 Local Authority (Calculation of Tax Base) Regulations 1992 and 2012 & The Local Authorities (Calculation of Council Tax Base) (Amendment) (England) Regulations 2003.

Areas of consideration: e.g. does this report raise any of the following issues and if so how have these been considered/mitigated against?

Area for consideration	Comment
Monitoring Officer Consultation:	

Section 151 Officer Consultation:	Yes
Existing Council Policies:	
Financial Implications (including VAT and tax):	To comply with a statutory requirement as the first stage of the Council Tax setting process.
Legal Implications (including human rights):	Yes, as outlined
Risk Implications:	
Equality Issues/EQIA assessment:	
Crime & Disorder:	
Every Child Matters:	

TAX BASE -EQUIVALENT BAND'D' for 2021/22 -OVERALL TAXBASE

Appendix A

	Current Data base after discounts	~~~~~Adjustments for Assumptions~~~~~					Non- collection 2.50%	TAX BASE	Current % in parish
		+ New Props	Less Appeals	Less Seasonal	Discount Changes	Adjusted total			
<u>PARISH:</u>									
Gt Yarmouth/Gorleston	13,047	54	0	0	6	13,107	-328	12,779	43.99%
Ashby with Oby	23	0	0	0	0	23	-1	22	0.08%
Belton with Browston	1,153	0	0	0	0	1,153	-29	1,124	3.89%
Bradwell	3,738	108	0	0	0	3,846	-96	3,750	12.60%
Burgh Castle	467	2	0	-12	0	457	-11	446	1.57%
Caister on Sea	2,857	0	0	0	0	2,857	-71	2,786	9.63%
Filby	345	4	0	0	0	349	-9	340	1.16%
Fleggburgh	403	0	0	0	0	403	-10	393	1.36%
Fritton with St Olaves	267	0	0	0	0	267	-7	260	0.90%
Hemsby	1,561	17	0	-130	0	1,448	-36	1,412	5.26%
Hopton	1,039	0	0	0	0	1,039	-26	1,013	3.50%
Martham	1,165	39	0	0	0	1,204	-30	1,174	3.93%
Mautby	147	0	0	0	0	147	-4	143	0.50%
Ormesby St Margaret	1,820	36	0	-89	0	1,767	-44	1,723	6.14%
Ormesby St Michael	116	0	0	0	0	116	-3	113	0.39%
Repps with Bastwick	155	1	0	0	0	156	-4	152	0.52%
Rollesby	352	0	0	0	0	352	-9	343	1.19%
Somerton	116	0	0	0	0	116	-3	113	0.39%
Stokesby	122	0	0	0	0	122	-3	119	0.41%
Thurne	52	0	0	0	0	52	-1	51	0.18%
West Caister	75	0	0	0	0	75	-2	73	0.25%
Winterton	642	3	0	-49	0	596	-15	581	2.16%
TOTAL	29,662	264	0	-280	6	29,652	-742	28,910	100%

URN: 20-148

Report to: ELT – 4 November 2020
Policy and Resources Committee – 17 November 2020
Council – 26 November 2020

Subject: Medium Term Financial Strategy 2021/22

Report by: Finance Director

RECOMMENDATIONS:

1) It is recommended that Members consider and approve the following:

- a) The updated Medium Term Financial Strategy (MTFS) and the key themes of the business strategy as outlined at section 8;**
- b) The revised reserves statement as included at Appendix A of the MTFS;**
- c) To set up a small working group of five members to develop and agree the Additional Restrictions Grant scheme and criteria and delegate authority to the Section 151 Officer and Head of Customer Services.**

2) That Members recommend to Council:

- a) The allocation of £1 million to the capital programme to support the digital strategy as outlined in section 8 of the MTFS;**
- b) The updated Acquisition and Disposal Policy as included at Appendix C.**

1. INTRODUCTION

- 1.1. The Medium-Term Financial Strategy has been refreshed and updated to reflect the latest external pressures and challenges facing the Council that will impact on the financial position of the Authority moving forward, most significantly the impact of Covid 19.
- 1.2. The strategy provides an updated position on the Council's financial projections for 2021/22, highlighting the budgetary pressures on the Council during this period. It reflects the delay of the major policy changes previously planned for implementation in 2021/22 namely the outcome of the fair funding review and review of business rates along with the impact of covid on the overall financial projections. Whilst the assumed roll forward of the 2020/21 finance settlement will provide additional resources above the level previously assumed, this has not yet been confirmed and makes the ability to accurately forecast funding shortfalls even more challenging.
- 1.3. Whilst there continues to be uncertainty around the funding allocations for 2021/22 onwards, it would be prudent to continue with a business strategy that focuses on a number of key themes

as outlined within the MTFS at section 8 that seeks to identify future income streams and efficiency savings to fund the future forecast deficits.

- 1.4. The Financial Strategy is the first of a number of pieces of work which culminate in setting the annual budget and Council Tax for the forward financial year in February 2021.

2. COVID 19

- 2.1. The financial impact of Covid 19 for the current financial year was detailed in the period 5 budget monitoring report presented to the Policy and Resources Committee in October 2020. The ongoing impact for 2021/22 and future years is not yet fully known and adds challenge and uncertainty to the setting of the 2021/22 budget. Members will be aware that funding allocations have been made in the current financial year to mitigate the financial impact to the Council from increased costs and reduced income. In addition, funding has been allocated to Local Authorities to administer grants payable to businesses in line with national criteria and also local criteria for discretionary grant schemes.
- 2.2. Following the announcement of a second national lockdown from 5 November 2020 further funding announcements has been made available to support and help businesses that are forced to close. The following schemes have been confirmed, although further details are still to be announced (at the time of production of the report):
 - 2.2.1. Local Restrictions Support Grants - Grants worth up to £3,000 per month can be distributed to business premises forced to close. Businesses required to close in England due to restrictions will be eligible for funding based on their rateable value of their properties along the following:
 - For properties with a rateable value of £15k or under, grants to be £1,334 per four weeks;
 - For properties with a rateable value of between £15k-£51k grants to be £2,000 per four weeks;
 - For properties with a rateable value of £51k or over grants to be £3,000 per four weeks.
 - 2.2.2. Additional Restrictions Grant (ARG) – Grant funding has been allocated to Local authorities for 2020/21 and 2021/22 to provide support to businesses. This will be a discretionary scheme and this report is seeking approval to set up a working group of five members to develop and agree the ARG scheme and criteria.
- 2.3. Further guidance on both of the latest schemes are expected to be published and these will be used to administer the mandatory scheme and inform the development of the local scheme.

3. FINANCIAL AND BUSINESS STRATEGY

- 3.1. The MTFS outlines in detail a number of key themes that continue to remain a priority to reduce the forecast funding gap these are:
 - 3.1.1. Strategic Asset Management
 - 3.1.2. Economic and Housing Growth
 - 3.1.3. Property Investment and Commercialisation
 - 3.1.4. Technological Investment
 - 3.1.5. Partnerships

3.1.6.GYBC Operating model.

- 3.2. The above themes are presented in more detail within section 8 of the MTFS and savings and additional income proposals will be brought forward for consideration as part of the 2021/22 budget that are aligned to these key priorities. The updated forecast gap is still in the region of £1m for the general fund ahead of the detailed working on the budget for 2021/22. The forecast does assume a transfer from reserves in the year of £500,000 leaving a gap of £500,000 for which work is currently on
- 3.3. This report is also seeking approval of £1million to added to the capital programme to be funded from borrowing to accelerate the technological and digital investment work that is in line with the digital strategy as approved previously. This investment will build on some of the changes to the ways of working that have been adopted in response to covid and ensuring that the necessary investment in technology supports the needs of the customers and business alike.
- 3.4. The Acquisition and Disposal policy has been updated and the revised version appended to the Medium-Term Financial Strategy. Revision of the policy will give rise to consequential amendments to the Constitution which will be actioned by the Monitoring Officer.

4. CONCLUSIONS

- 4.1. The continued uncertainty around the future of local government funding and the Covid 19 pandemic makes the forecasting of future funding gaps challenging. Covid 19 has had a significant impact on the Council's finances in the current year and the impact for short to medium term and the speed of the recovery is not yet known. The level of reserves that the Council hold can be used in the short term to mitigate the financial impact, although future budget planning will need to consider the available reserves moving forward and seek to replace reserves as applicable.
- 4.2. The Council remain committed to the ambitious plans for regeneration of the borough including the Future High Street and Towns Fund for which applications and submissions have been made to government. These and the already approved capital programme of works including the re-provision of the Health and Leisure centre are essential to support the wider economic recovery.

5. FINANCIAL IMPLICATIONS AND RISKS

- 5.1. The commentary with in the MTFS has highlighted the financial challenges that continue to face the Council. Regular review of reserves, both general fund, earmarked and Housing revenue Reserves are essentially to inform the in-year decisions and also part of the budget setting report.
- 5.2. The financial support that has been allocated to Local Government to date has mitigated some of the immediate impacts of Covid 19 to Council's financial position although there will need to be a call on reserves for both the general fund and housing revenue account in the current financial year and most likely in 2021/22 to offset the financial impact.

6. BACKGROUND PAPERS

- 6.1. 2020/21 Budget monitoring reports
- 6.2. 2019/20 Outturn report and accounts
- 6.3. Funding announcements and financial modelling

Areas of consideration: e.g. does this report raise any of the following issues and if so how have these been considered/mitigated against?

Area for consideration	Comment
Monitoring Officer Consultation:	Via ELT
Section 151 Officer Consultation:	Included within the detail of the report
Existing Council Policies:	N/A
Financial Implications (including VAT and tax):	Included within the detail of the report
Legal Implications (including human rights):	N/A
Risk Implications:	Included within the detail of the report
Equality Issues/EQIA assessment:	N/A
Crime & Disorder:	N/A
Every Child Matters:	N/A



Medium Term Financial Strategy 2021/22

Author	Karen Sly
Date	October 2020
Document Status	Draft

Contents

	Page Number
1. Introduction	1
2. Background and Context	2
3. Resources	3 – 5
4. Financial Forecast Update	6 – 8
5. Housing Revenue Account	9 -10
6. Reserves	11 -13
7. Capital	14 -15
8. Financial and Business Strategy	16 -20
9. Risk and Sensitivity	21 -22
Appendices A - Reserves Statement B - Capital Programme C - Updated Acquisition and Disposal Policy D - Updated Digital Strategy Action Plan	

1. INTRODUCTION

- 1.1. The Medium-Term Financial Strategy (MTFS) sets out the Council's budget strategy and framework to deliver the budget for the following year. The MTFS term is refreshed annually in response to changing pressures and opportunities and supports the preparation of the 2021/22 budget.
- 1.2. The MTFS supports the delivery of the Council's priorities by setting out the framework within which resources are available to the Council over the medium term and the financial challenges facing the Council in terms of future funding gaps.
- 1.3. The MTFS of an authority is a strategic document that supports the delivery of the Corporate Plan [The Plan 2020-2025](#) . Great Yarmouth Borough Council's sets out the Council's commitment to drive and facilitate in the following four strategic areas:
 - A strong and growing economy
 - Improved housing and strong communities
 - High-quality and sustainable environment
 - An efficient and effective council.
- 1.4. The plan expands on the above key priorities, highlighting the Council's ambition, and approach to delivery.
- 1.5. The MTFS provides a high-level assessment of available resources and outlines the medium-term financial projections. It provides a high level summary of the financial projections taking into account a number of local and national factors which inform the assumptions upon which the projections are based, including known spending pressures and commitments, forecast of future funding reductions and the economic outlook.
- 1.6. The MTFS outlines the demands on the capital programme of both ambition and resources, the impact on the revenue account (for both housing and non-housing) and on the level of reserves held by the Council.
- 1.7. Finally, the strategy addresses both the sustainability of the Council's financial position and examines the more significant risks inherent in the proposals.
- 1.8. The Covid-19 (C19) pandemic has had a significant impact on the Council's finances. The immediate impact in the current financial year is evident from the direct impact to expenditure in response to the pandemic and also shortfall in income compared to the levels budgeted, there will also be a longer term impact as the Council, its residents and local economy seek to recover from the pandemic. The financial impact is explored in more detail within the strategy.

2. BACKGROUND AND CONTEXT

- 2.1. This section provides an overview of the wider financial issues and current assumptions made in the strategy and financial projections.
- 2.2. In April 2020 suspension of major policy changes was confirmed, these included the Fair Funding Review (FFR), the move to 75% business rates retention and the business rates reset. A three-year comprehensive spending review (CSR) was announced earlier in the year and was previously due to take place in July 2020, this was put back to the Autumn with results expected to be announced by the end of November. The multi-year CSR was due to set the public spending envelope for the period from 2021/22 to 2023/24 for revenue and to 2024/25 for capital if there is to be a multi year spending review.
- 2.3. The Autumn Budget was cancelled in September due to the continued uncertainty about the UK's economic outlook and not being the right time for outlining longer-term plans. The most recent announcement in mid October confirmed there would be a one year Spending Review setting the department's resource and capital budgets for 2021/22 only.
- 2.4. Until the detail of the spending review is known there is little certainty on what the future public spending envelope will look like. There are significant fiscal pressures facing the economy, whilst some will be assumed to be short-term ie the immediate response to Covid, others will be longer term for example the wider spending pressures in health and care, the ongoing recession. Any spending review will be balancing additional taxes, spending cuts and borrowing. It would be a prudent approach for any medium term financial strategy to set priorities that will support and deliver savings and additional income for the Borough Council.
- 2.5. For Local Government the funding outlook remains uncertain, for example will the new Homes Bonus scheme continue, will there be a further one-off allocation or a replacement incentive, changes to business rates retention and 100% pilots. The continued uncertainty further curtails the ability to provide accurate financial projections and forecasts over the medium term, for the purpose of the MTFS and the planning for the 2021/22 budget setting it has been assumed that there will be a further¹ roll forward of the 2020/21 finance settlement into 2021/22. Until announcements are made on the likely funding for Local Government estimates have been based on previous funding allocations, although for the period from 2021/22 onwards it would be prudent to plan for funding reductions and to ensure that the MTFS provides a sound framework for the business strategy moving forward that seeks to grow the income base and seeks efficiencies that will mitigate future funding gaps.
- 2.6. Despite the national uncertainty, the refresh of the MTFS is required to inform the detailed budget setting process for the 2021/22 budget ahead of approval of the budget in February 2021.

¹ 2020/21 was a roll forward of the 2019/20 finance settlement due to previous delays.

3. RESOURCES

- 3.1. This section provides an overview of financial resources available to the Council. Financial resources can be split between internal and external. The internal resources are those that are available from local decision making, for example decisions around the level of council tax, sales, fees and charges to be levied, capital receipts from asset disposals and use of available reserves. The external resources include government grants which could be general or service specific and to a certain extent business rates as whilst the Borough Council is the collecting authority for the rates, it does not set them and has very little discretion over reliefs that can be granted, however local decisions that support future growth in business rates will see a direct benefit returned to the council through the business rates retention scheme.
- 3.2. **REVENUE SUPPORT GRANT (RSG)** – RSG is a central government grant provided to Local Authorities to be used to finance revenue expenditure. Previous budget years have seen the level of RSG reduce as part of the multi-year finance settlement covering 2016/17 to 2019/20. The finance settlement for 2020/21 included a roll-over of the 2019/20 RSG resulting in a grant of £2.062million. The Council continue to be one of the largest receivers of RSG compared to similar tiers of authorities, this is primarily due the previous method of funding allocation for local government reflecting the local characteristics including deprivation and spending. At this time it is assumed that there will be a roll-over of the 2020/21 finance settlement for 2021/22.
- 3.3. **BUSINESS RATES RETENTION** – The current system of business rates retentions means that 50% of the rates collected locally is retained locally for the provision of services. Under the current scheme business rates collected are shared between central and local government. The current splits are 50% local (40% Borough and 10% County) and 50% central government.
- 3.4. The system includes a mechanism of tariffs and top ups to reflect local spending needs, and resources allocated from business rates, essentially districts pay a tariff and counties (i.e. NCC) receive a top-up. The business rates baseline is increased annually by RPI (in line with the actual business rates payable) and the tariffs and top-ups are also increased by RPI annually. The baseline allocation forms part of annual budget finance settlement announcements.
- 3.5. Local Authorities can keep up to 50% of the growth in business rate income above the baseline, the remaining 50% is paid (levy) to central government, unless the Local Authority is in a business rates pool and then the amount that would have been paid to central government is retained within the business rates pool.
- 3.6. The system includes a ‘safety net’ element which provides protection to those authorities when the year-on-year income falls by more than 7.5%, i.e. they fund the drop to the 7.5% and are protected beyond the 7.5% reduction.
- 3.7. Business rates’ pooling provides a mechanism for the growth from business rates, to be retained locally and used as agreed by the authorities within the pool. The Council has been part of the Norfolk Business Rates pool since 2018/19. The continuation of the pool for 2021/22 is currently being considered.
- 3.8. Mandatory business rate reliefs and those introduced by the government which reduce the amount of business rates collected locally are normally reimbursed via a section 31 grant. As part of the covid support provided to businesses there have been extensions to retail relief for the 2020/21 financial year. The Council is then compensated for the income that would have been collected via a section 31 grant. Extensions to the reliefs beyond 2020/21 due to Covid has not been confirmed, however when considering future revenues retained from the rates

retention system there are a number of factors that need to be taken into account that will impact on the amount retained locally, including the following:

- 3.9. Bad Debt Provision – It would be prudent to assume that a greater level of bad debt provision is required due to non-payment of business rates, whilst the reliefs are provided in the current year, if these do not continue the ability of some business to pay their business rates could be impacted.
- 3.10. Empty Property Relief – Again following covid there may be an increase in the number of businesses that close and whilst rates are still payable on empty properties there becomes an increased chance of businesses moving into administration and business rates no longer being collectable.
- 3.11. Appeals – All businesses have the ability to appeal their rateable value (RV) for their business premises. Appeals are made to the Valuation Office Agency (VOA) who set the RV for the properties. The outcome of appeals if found in the favour of the appellant can have the impact of reducing the rates collectable moving forward and can also be subject to back dating. The annual budgeting process does make allowance for appeals and a provision is allowed for. Depending on the size of the property decisions in year can have an impact on the actual rates collected in the year. In previous years the Council has been carrying the increased risk in relation to the outstanding appeal on the power station within the borough. The outcome of the power station appeal was confirmed in 2019/20 which resulted in a reduction to the RV, the impact in 2019/20 pushed the Council into a safety net position, the impact in the year was also mitigated by the use of the appeals provision.
- 3.12. Business rate information on reliefs and income received or expected is collected via the National Non Domestic Rate (NNDR) returns submitted in January (projection) and May (actual). The above factors will be used to inform the 2021/22 budget forecast for retained business rates. The business rates baseline funding and tariff is included in the annual finance settlement announcement and these increase by inflation each year.
- 3.13. **NEW HOMES BONUS (NHB)** – New homes bonus has been part of the funding for local government since 2011/12. The scheme was originally introduced to incentivise and reward councils and communicates for building new homes in their areas. The future of the scheme is not yet known, the 2020/21 finance settlement allowed for a further year of the scheme pending the wider review as part of the fair funding review, as this review has been delayed by a further year
- 3.14. The grant is calculated by multiplying the national average council tax by the net additional homes growth (net of movements in long-term empty properties and demolitions), in addition there is an additional supplement of £350 per affordable dwelling.
- 3.15. The system splits the grant between local authority tiers; 80% to the lower tier (GYBC) and 20% to the upper tier (NCC) with annual allocations of NHB Grant being announced as part of the finance settlement based on annual returns ².
- 3.16. Since the introduction of the scheme, the grant has reduced from being payable for six years to four years and from 2018/19 a 0.4 % threshold below which no bonus would be payable was introduced. 2020/21 was the first year since the introduction of the 0.4% threshold that the Council received a new NHB grant.

² Council Tax Base Returns submitted to government annual covering twelve months October to September. The calculation of the bonus does not take into account planning permissions or any other elements of the planning processes.

- 3.17. **COUNCIL TAX** – The current band D equivalent for the boroughs Council tax is £166.48. Alongside the annual Local Government Finance Settlement the Government sets the annual increase in council tax above which would trigger a referendum. Council tax capping in recent years has meant that annual increases in council tax for borough and district authorities have been limited to the higher of 3% or £5 for a band D. Announcements on referendum limits for council tax increases are announced annually as part of the annual Local Government finance settlement.
- 3.18. The Council tax base is an assessment of the number of dwellings expressed in Band D equivalents after allowing for non-collection, discounts and new property growth. The tax base for 2020/21 is 29,048 (28,560 2019/20). The forward projections had previously allowed for the tax base growth of 500 band d properties per annum. The tax base is due to be presented for approval in November, the impact of the covid pandemic will have an impact on the tax base for 2021/22 due to an increase in the demand for local council tax support which reduces the tax base as it is treated as a discount, in addition the impact of non collection in the current year will have an ongoing impact to 2021/22 and this too be reflected in the position.
- 3.19. As part of the financial support offered to Local Government there is the option for 2020/21 collection fund deficits to be phased over three years. Local tax income (council tax and business rates) is collected by the billing authority and paid into the local collection funds. Where there is a shortfall in tax receipts in any financial year compared to the level expected, this can lead to a deficit on the collection fund which should usually be recovered the following financial year. As part of the financial support to local government the government has proposed a scheme whereby repayments to the collection fund to meet the 2020/21 deficits could be phased over a three-year period to mitigate the immediate pressures on the revenue budgets in the short term. The impact of collection fund deficits will fall to the main precepting bodies, Parish and Town Councils are already protected from the impact of collection fund deficits as any deficit relating to the parish share is the responsibility of the billing authority.
- 3.20. The level of council tax discounts has a direct impact on the net collectable council tax and therefore income that is received in the general fund. The **Local Council Tax Support Scheme (LCTS)** is essentially a discount that supports those households and individuals that are on low income.
- 3.21. **SALES, FEES AND CHARGES** – Income from sales, fees and charges from the provision of services continue to be an essential source of funding for local authorities. These include income from a number of demand led services for example, car parking, planning and building control and waste services. The impact of Covid 19 on the demand for these services has had a significant impact in the 2020/21 financial year and whilst it can be assumed for budget setting purposes that these services will recover, the timescales for these is not certain. The forward financial projections allow for annual increases to fees and charges in line with the current fees and charges policy³. The general principles of the policy are annual increases of RPI plus upto 2% to cover the cost of service delivery.
- 3.22. The update financial forecasts will be informed by estimates of all of the above financial resources and this is included in section 4.

³ Fees and charges policy 2020/21 to 2024/25 [Policy Document](#)

4. FINANCIAL FORECAST UPDATE

- 4.1. The production of a detailed financial forecast for the position from 2021/22 onwards is very difficult at this time. The continued uncertainty around government funding, council tax collection, the impact of business rates retention coupled with the challenges around recovery does make the forecasting of future funding gaps somewhat challenging.
- 4.2. The forecast update has been informed by the base budget for 2020/21 allowing for inflation increases and known commitments, at this time it is difficult to forecast what the impact Covid will have on the budget assumptions for 2021/22, for example income from sales fees and charges, the current support scheme from the government is only confirmed for the current financial year.
- 4.3. Some of the impacts in the current financial year can be expected to continue and therefore the future budget will be updated to reflect these, the following provides some commentary around the more significant impacts compared to the current financial year that have been taken into account when arriving at the forecast funding gap and size of the budget challenge that needs to be mitigated.
- 4.4. **INTEREST RECEIVABLE AND PAYABLE** – The Bank of England made two cuts to the UK Official Interest rate over a period of weeks in March 2020 in response to the Covid 19 virus from 0.75% to 0.1% where the rate has remained since that time. This has in return reduced the amount of investment income received on the Council's investments. The forecast impact in the current financial year is expected to be £110,000 and it would be prudent to assume that this will continue for 2021/22.
- 4.5. The borrowing requirements for the Council continue to be undertaken in line with the treasury management strategy and due to slippage in the capital programme some of the planned borrowing will be re-profiled to 2021/22 and 2022/23, this is therefore expected to reduce the forecast interest payments in 2021/22 and overall is expected to mitigate the impact of reduced interest receivable. However planned capital programme that is assumed to be funded by borrowing will be incurred resulting in additional borrowing costs compared to the current financial year, which is currently estimated to be £120,000.
- 4.6. **MINIMUM REVENUE PROVISION (MRP** – allowance in the revenue account for the repayment of debt incurred for capital expenditure) – The MRP is set annually taking into account planned capital spend within the approved capital programme, due to the capital programme covering more than one financial year the future MRP budgets can be projected. An initial review of the capital programme taking into account slippage in the timing of the schemes will delay the commencement of the MRP and based on current assumptions, this assumes additional MRP of £163k compared to the current year.
- 4.7. **PAY AWARD AND PENSIONS** – The 2020/21 budget assumed an annual increase in the employee pay award of 2% per annum. The actual award for 2020/21 was 2.75%, the impact in future years of this is in the region of £100,000 per annum which has been factored into the forward projections. Forecasts for 2021/22 onwards assumed pay awards of 2%. The nature of the Local Government Pension Scheme cost for the Council means that there is an employer contributions payable on actual employee costs incurred in the year as well as a lumpsum element. The lumpsum element is set for three financial years and for 2021/22 represents growth of £135,000 compared to the 2020/21 based budget.
- 4.8. **COUNCIL TAX** – As flagged earlier as part of the resources section, the impact of covid has increased the demand for local council tax support and thereby reduce the amount of council

tax collectable, furthermore the impact of reduced collection will reduce the borough councils element of council tax collectable for budget purposes. Rates of unemployment will continue to have a direct impact on the level of demand for the council tax support scheme, again reducing the net collectable amount of council tax income. The governments support of allowing collection fund deficits means that the impact can be smoothed over a number of years to mitigate the impact in 2021/22. As part of the budget process a prudent estimate for additional council tax income for the coming financial year would be made informed by increases in the tax base as well as increases to the band D equivalent council tax. Previously the future budget forecasts have allowed for annual growth of the tax base of 500 band D equivalents plus the maximum allowable increase of £5 (band D) council tax for the borough element of the council tax. This would generate in the region of £231,000 additional income per annum compared to the prior year. Due to the impact on recovery of council tax and increase in demand for council tax support, these have both reduced the level of tax base growth for the coming year and therefore a prudent estimate of £145,000 has been factored in to the financial forecasts for council tax income for 2021/22 on the assumption of maintaining the current tax base (29,048) and the £5 increase in the borough element of the council tax. Due to the unprecedented impact on the tax base position and the financial forecast it would be prudent to allow for a transfer from general reserves to offset the shortfall in the collection in the 2021/22 financial year which could be in the region of £90,000.

- 4.9. **EXTERNAL GRANT AND FUNDING** – The 2020/21 finance settlement was a roll over of the prior year, at this time following the announcements of the deferring of the fair funding review and business rates review the forecast for 2021/22 has assumed a further rollover of the 2020/21 finance settlement. This is expected to deliver some additional funding compared to what had previously been anticipated under continued funding reductions, and a small increase compared to the current year of approximately £30,000 In addition, assuming there is a further year of the new homes bonus legacy payments, whilst this will deliver funding for 2021/22 for a further year, based on the indication of the tax base forecasts for 2021/22 there will be no “new” NHB and only legacy payments for 2021/22 which is £195,000 less than 2020/21.
- 4.10. **BUSINESS RATES** – The base budget for the 2020/21 budget had assumed some continued levels of growth from business rates for the financial year. The impact of Covid on business rates income for future years is difficult to predict, whilst the extensions to reliefs and grants that have been available in the 2020/21 financial year have sought to mitigate some of the impact, it would be prudent to assume that there may be some direct impact in 2021/22. The updated forecasts assumes a reduction of £250,000 compared to the current financial year. The Council does continue to hold a collection fund earmarked reserve that can be used to smooth the impact between financial years of fluctuations in business rates, however this does not provide a sustainable solution in the medium to long term.
- 4.11. **NET COST OF SERVICES** – As part of the detailed budget work, the service budgets for income and expenditure will be pulled together taking into account inflationary increases for both expenditure and income. Fees and charges income will be increased in line with the fees and charges policy which allows for annual increases of RPI plus upto 2% with the aim to recover costs. For 2021/22 the RPI rate of 1.1% has been used which will see increases in fees and charges of upto 3.1%. The detailed income estimates will inform the detailed budget workings to be presented as part of the budget report in February 2021 which will also be informed by the latest assumptions for service demand and also taking into account covid.
- 4.12. At this stage the impact of inflationary increases for both spend and income have been assumed to mitigate each other unless there are known additional budgetary pressures for which proposals to reduce the impact to the bottom line will need to be considered. This could include

further savings and additional income proposals being factored into the medium term forecast and use of reserves in the short term to smooth the impact. Such additional pressures at this time include additional waste disposal costs, additional external audit fees or which further work and review is due to be carried out.

- 4.13. **SUMMARY** – After allowing for the factors above the following table summarises the current forecast gap for 2021/22.

Updated Financial Forecast 2021/22	£000
2020/21 Budget Gap	150
+ Interest Income Receivable and Interest Payable	180
+ Minimum Revenue Provision	165
+ Employee Costs (Pay award and Pensions)	235
- Council Tax	(145)
+ Financial Settlement – Revised Forecasts	115
+ Business Rates	250
Forecast Financial Gap 2021/22	950

- 4.14. Detailed work on the 2021/22 budget has already commenced with the Management Team to critically review budgets and look at options to reduce the forecast gap for 2021/22. The key themes for the MTFS are included at section 8 and these will be the priorities to be taken forward for reducing the future budget gap.

5. HOUSING REVENUE ACCOUNT

- 5.1. Since the introduction of self-financing in 2012, the HRA business plan has continued to be challenged by a number of changes. Right to buy discounts have increased, rent-setting policy has changed and other future new proposals affecting the HRA have been announced and are in the process of being consulted on. Recently the impact of covid on the HRA has seen an increase to the level of arrears as the financial impact of covid continues to make debts more difficult to collect.
- 5.2. The recent strategy for the HRA has been to keep the HRA reserves levels sufficient in order to mitigate any loss of revenue. The Council continues to be prepared for further reductions in resources available to manage, maintain, improve and add to its housing stock and further managing the implications from the stock condition survey.
- 5.3. Community Housing continues to review all of its revenue spending to look at where savings can be made. The Capital programme, which is funded partly by contributions from revenue, is monitored regularly during the year and is reviewed in detail to update the position of the 2020/21 budget.
- 5.4. Since the full stock condition was carried out in 2017/18 the HRA has continued to see increased capital programme on the stock and as a result the stock condition has improved, and repairs and maintenance demand has greatly reduced.
- 5.5. Additional borrowing currently maintains the affordable housing programme to comply with the right to buy agreement. The requirement is to use retained receipts within three years of a dwelling sale, to support up to 30% of the scheme cost of replacement homes. A consultation from Central Government with Local Authorities was completed to consider introducing flexible options in the future to help spend Retained receipts. This consultation closed in October 2018 and no further guidance has been provided following submission.
- 5.6. The majority of fees and charges relating the Housing Revenue Account have been increased in line with the corporate formula adopted by the Council, RPI + 2%, to close the gap in terms of recovery of costs.
- 5.7. **RENT SETTING POLICY** - The Welfare Reform and Work Act 2016 introduced a 1% reduction per year for four years to social housing rents starting in April 2016 with 2019/20 being the final year subject to 1% rent reductions. From 2020/21 onwards rent setting is based on increases of CPI + 1%. For 2020/21 this equated to 2.7%, on both social and affordable rent in line with the new Rents for Social Housing policy for 2020/21.
- 5.8. **RIGHT TO BUY DISCOUNTS AND RETAINED RECEIPTS** - Right to buy discounts have increased since the introduction of Self Financing, the maximum discount increases each year based on the consumer price index (CPI). The business model has been amended to incorporate this change.
- 5.9. The HRA is still part of a retention agreement, where the HRA can retain receipts, to support up to 30% of the cost of replacement homes if incurred in a three-year period. If retained receipts are not used, the Council is liable for repayment of the receipt plus interest, so it is important to monitor and project RTB sales and RTB receipts in order to plan for their appropriate use and mitigate any repayment liabilities.
- 5.10. Great Yarmouth Borough Council have set out a plan and ambition to use retained receipts to develop affordable council housing and to further increase the supply of affordable housing using a combination of four options:

- Grant contribution to Housing Association development
- Development of new build homes
- Purchasing empty homes on the open market
- Purchase of suitable properties on the open market.

- 5.11. **HRA DEBT CAP SUMMARY** - In 2018 it was announced that in order to help solve the 'housing crisis', the Government would scrap the borrowing cap limitations on how much councils can borrow against their HRA Assets. The budget stated that the HRA debt cap would be removed with immediate effect and the new determination came into force on 30 October 2018. The Great Yarmouth Borough Council's HRA has previously been subject to a borrowing cap limitation of £89 million. Following the removal of the borrowing cap, the Council is now able to borrow above its original borrowing limit but must remain within its own affordability.
- 5.12. The Council continues to actively review the best way to utilise the additional borrowing capacity within the HRA, to deliver further affordable homes within the Borough. The council plans to utilise revenue savings to finance additional borrowing within the HRA, along with the use of accrued 1-4-1 receipts, which may have otherwise been repaid to government along with the relevant interest.
- 5.13. Overall, the aim is to increase the levels of new housing within the existing housing stock, and to increase net rental income received. The HRA continues to model the implications to the housing business plan, as well as identifying potential sites for the delivery of additional housing. Increased borrowing for the HRA will need to be able to demonstrate affordability and informed decisions taken to understand the longer term impact to the HRA funding.
- 5.14. There are two key strands to the Councils HRA investment plans:
- Maintaining and improving the housing stock;
 - New Affordable council housing, including new housing to replace sales under RTB in line with Government guidance.
- 5.15. The plans are prepared over the medium term and are reviewed and updated annually. Future investment decisions will be based on local decision making and local knowledge of the condition of the stock and the components.

6. RESERVES

- 6.1. This section provides an overview of reserves held by the Council along with the strategy approach to the use of and replacement of reserves.
- 6.2. The Policy Framework for Reserves is reviewed annually alongside the setting of the annual budget. The Council holds a number of useable reserves both for revenue and capital purposes which fall within one of the following categories.
- General Reserve
 - Earmarked Reserves (General Fund and Housing Revenue Account)
 - Capital Receipts Reserve
 - Housing Revenue Account Reserve.
- 6.3. The General Reserve is held for two main purposes - to provide a working balance to help cushion the impact of uneven cash flows to avoid temporary borrowing and as a contingency to help cushion the impact of unexpected events or emergencies. It is this latter reason that will see a use of the general reserve in 2020/21 due to the impact of Covid 19 and the financial impact in the current year that is not currently due to be covered by government support unless there are further funding allocations.
- 6.4. As part of setting the budget each year the adequacy of all reserves is assessed along with the optimum level of general reserve that an authority should hold. The optimum level of the general reserve takes into account a risk assessment of the budget and the context within which it has been prepared including the following factors:
- sensitivity to pay and price inflation;
 - sensitivity to fluctuations in interest rates;
 - the level of savings that have been factored into the budget and the risk they will not be delivered as anticipated, both level and timing;
 - potential legal claims where earmarked funds have not been allocated;
 - emergencies and other unknowns;
 - impact of demand led pressures which impact on both income and expenditure;
 - future funding fluctuations;
 - level of earmarked reserves held;
 - a level of general reserve that is within 5% to 10% of net expenditure.
- 6.5. A financial assessment is made of all the factors to arrive at a recommended level for the general reserve, which for the 2020/21 financial year was assessed to be £2.8 million.
- 6.6. The general reserve balance at 1 April 2020 was £3.49 million, based on the latest financial monitoring position taking into account the immediate impact of Covid, the balance at 31 March 2021 is expected to be £2.8million, ie still within a reasonable tolerance of the recommended balance, although the ongoing impact of Covid may require further transfers from the general reserve in 2021/22 to mitigate the impact. The medium term financial strategy would seek to replace use of the general reserve over the next two to three years.

- 6.7. **EARMARKED RESERVES** provide a means of building up funds to meet known or predicted liabilities and are used to set aside sums for major schemes, such as capital developments or asset purchases, or to fund restructurings as part of invest to save proposals. Whilst earmarked in nature until the amounts are budgeted to be taken from the reserves, commitments have not yet been made from these reserves. Earmarked reserves can also be held for service projects and business units, which have been established from surpluses to cover potential losses in future years, or to finance capital expenditure. Earmarked reserves also provide a mechanism to carry forward underspends at the year-end for use in the following financial year where no budget exists.
- 6.8. For each earmarked reserve a number of principles should be established:
- the reasons for, or the purpose of the reserve
 - how and when the reserve can be used – short to long term
 - procedures for the reserve's management and control.
- 6.9. The establishment and use of earmarked reserves is reviewed at the time of budget setting, throughout the year as part of the budget monitoring processes and also as part of the year-end reporting. Review of earmarked reserves throughout the year takes into account the continuing relevance and adequacy of the reserve and also the level of the general reserve.
- 6.10. An updated reserves statement is included at Appendix A. This reflects the latest position for the use of all reserves in the current and future financial years where known. There is still some uncertainty around the exact timing of the use of a number of the reserves, for which some are held as a contingency to mitigate a potential liability although the timing and likelihood of this is dependent upon future events.
- 6.11. The following provides a commentary on some of the more significant reserves that the Council currently holds and maintains:
- 6.12. **INVEST TO SAVE** – This earmarked reserve provides resources to fund one-off/upfront costs for projects that will deliver on-going savings. Examples include, officer restructures, where one-off redundancy or pension strain costs might be payable where a business case delivers an on-going revenue saving within two to five years, or for an investment in IT hardware, software or equipment or one-off costs which will deliver savings through more efficient ways of working (for example the programme of digital transformation projects). The balance at the beginning of the year was £1.55m and the forecast balance at 31 March 2021 is £1.27million.
- 6.13. **COLLECTION FUND NATIONAL NON DOMESTIC RATES RESERVE** – This reserve is used to offset the fluctuation in the level of retained business receipts received in the year to mitigate the impact to the revenue account. The reasons for the fluctuations include timing of the outcome of appeals and actual collection of rates. The balance at 1 April 2020 was £1.88 million, the actual use of the reserve in the year will depend upon the business rates position at the year end.
- 6.14. **ASSET MANAGEMENT RESERVE** – This reserve was established to earmark funds that will support the provision of current and future assets, of the reserve £1.257m has been committed to smooth the impact to the revenue account of the new leisure facility, the current forecast unallocated balance is £183k.
- 6.15. All reserves, general and earmarked, will be reviewed over the coming months as part of setting the detailed budgets for 2021/22, with a view that where commitments have not been

identified and funds or reserve balances are no longer required, these will be re-allocated to the general reserve to mitigate the impact of Covid to the Councils financial position.

- 6.16. **CAPITAL RECEIPTS RESERVE** - The Council also holds a reserve which includes the balance of receipts generated from asset disposals. Capital receipts are generated when an asset is disposed of and can only be used to fund expenditure of a capital nature, i.e. not for on-going revenue expenditure. The balance of capital receipts is used to fund the current approved capital programme. The balance at 31 March 2020 was £2.032million.
- 6.17. Using reserves to finance one-off spend for example in relation to projects, and where the funds can be used to lever in other external funding enables flexibility and also does not tie up in-year budget allocations. However when utilising reserves to fund annual budget deficits, it should be remembered that use of reserves provides only a short-term measure to reduce the funding gap and whilst it can be used to mitigate the impact in the short-term for example in response to changes to funding regimes and in response to unplanned impacts eg Covid, this does not provide a sustainable solution in the medium to long term.

7. CAPITAL

- 7.1. This section provides an overview of the current capital programme and resources available to it for the financing of current and new capital schemes.
- 7.2. The capital programme is updated regularly throughout the year as part of the budget monitoring report process. A copy of the current capital programme is included at Appendix B.
- 7.3. **GENERAL FUND CAPITAL PROGRAMME** - The following tables provide a summary of the current capital programme for 2020/21, together with current forecasts for 2021/22 ahead of consideration of new capital proposals for 2021/22 along with a breakdown of the relevant scheme financing.

2020/21	Forecast Expenditure	Borrowing	Grants & Contributions	Revenue/ Earmarked Reserves	Capital Receipts
Service Area:	£'000	£'000	£'000	£'000	£'000
Resources	533	533	0	0	0
Neighbourhood Management	98	73	0	0	25
Customer Services	592	592	0	0	0
Inward Investment	9,388	7,450	1,938	0	0
Housing	2,020	568	1,255	60	137
ICT	500	500	0	0	0
Property & Asset Management	4,011	3,691	220	100	0
Total	17,142	13,407	3,413	160	162
2021/22	Forecast Expenditure	Borrowing	Grants & Contributions	Revenue/ Earmarked Reserves	Capital Receipts
Service Area:	£'000	£'000	£'000	£'000	£'000
Neighbourhood Management	102	102	0	0	0
Inward Investment	16,420	13,670	2,750	0	0
Housing	3,202	1,823	0	880	499
ICT	558	558	0	0	0
Property & Asset Management	7,377	6,377	1,000	0	0
Total	27,659	22,530	3,750	880	499

- 7.4. The current capital programme is funded from the following sources of finance:
- Capital Receipts – generated from asset disposals (both new and existing within the capital receipts reserve);
 - Grants and contributions received from external sources including third parties and government;
 - Revenue – by means of making a revenue contribution to capital;
 - Prudential Borrowing – by means of loans made to the council by PWLB and other sources;
 - Internal Borrowing – by using of the council's cash balances as opposed to borrowing externally.
- 7.5. Prudential borrowing to fund capital expenditure can only be undertaken when an authority can demonstrate the need to borrow. The need to undertake prudential borrowing is demonstrated through its Capital Financing Requirement, which is driven by the balance sheet of the authority and takes into account reserves (including general and earmarked). Financing

costs of the borrowing are charged to the revenue account and therefore any decision to undertake external borrowing would need to take account of the debt costs including interest and the Minimum Revenue Provision (MRP) and overall demonstrate affordability.

- 7.6. As an example, if a £5m capital project is approved the revenue impact from an MRP charge to the revenue account will be made in line with the current MRP Policy – probably over the useful life of the asset – which would amount to £200,000 per annum (assuming a 25 year life).
- 7.7. If a decision is to be taken to use revenue reserves or capital receipts to finance the expenditure, no MRP charge would be necessary, as the expenditure would be financed immediately by a revenue contribution to capital.
- 7.8. **HOUSING REVENUE ACCOUNT CAPITAL PROGRAMME** - The following provides a summary of the 2020/21 and 2021/22 capital programmes for the HRA along with the financing of these programmes.

Summary of the Housing Revenue Capital Programme

	Budget Expenditure	Borrowing	Revenue	Capital Receipts
	£'000	£'000	£'000	£'000
2020/21	18,105	8,730	7,087	2,288
2021/22	13,080	4,100	6,848	2,132

- 7.9. As part of the 2021/22 budget process capital bids will be considered for approval. Bids will be prioritised in line with the priorities of the business strategy and those that report the delivery of future efficiencies, savings and growth. In addition, as flagged earlier the digital strategy remains a priority and therefore these proposals will be considered internally via the IT Investment group ahead of releasing the funds from the IT capital programme.
- 7.10. Significant capital schemes may be brought forward for approval outside of the annual budget setting process for example Future High Street Fund and Town Deal funding. These are two significant programmes of work that are seeking externally funding to deliver wider regeneration schemes within the borough. As these schemes progress

8. FINANCIAL AND BUSINESS STRATEGY

- 8.1. This section outlines the short to medium term priorities to reduce the forecast deficit. The preceding sections set out the updated financial forecast and some of the context within which the forthcoming budget setting will be set.
- 8.2. Despite the lack of certainty around future funding levels, the Council's strategy must continue to look for opportunities to maximise income through growth in homes and businesses and the associated return that these will deliver through council tax and business rates, along as the wider benefits of growth. It must continue to take advantage of new funding streams, including one-off funding where there is a direct benefit to the Borough that will support this growth for example through the future high street fund and towns fund, and also proactive opportunities to seek funding locally through the pooled business rates fund and Local Enterprise Partnerships which align wider objectives to the delivery of local growth and also other funding partners for example Homes England, Sport England and Heritage funding streams.
- 8.3. At the same time, it should also continue to ensure that it is operating in the most efficient way to identify and deliver saving opportunities.
- 8.4. The following outlines in more detail the **key themes of the financial and business strategy**. Each of the themes should not be seen in isolation and where applicable should support other themes in the overall delivery:
- 8.5. **STRATEGIC ASSET MANAGEMENT** – The Council holds a significant asset base, some are directly used for the provision of services and others that support the wider priorities within the plan. Some assets for example commercial properties deliver a return to the Council from rentals and lease payments. In the same way that these properties are reviewed in terms of the financial return to the Council, other assets that are utilised in the delivery of services should be reviewed to ensure that they too support the delivery of services and the wider priorities within the plan. Regular review all Council's asset holdings to ensure that income streams are being maximised and costs minimised should be a continued focus of the work to identify development opportunities, new investment or recognise assets which are under performing for potential disposal, with a view to adding value to strategic assets. **The key aim is to identify the most efficient way to utilise the Council's assets and maximise the return that the Council receives from them.** Delivery of this theme is informed by the Asset Management Strategy and will also cover opportunities to grow the asset base and demonstrate linkages with external funding opportunities and grants. To support this theme it is important that the Council has the correct policies and tools in place that are aligned and support effective and timely decision making in respect of assets. The Acquisition and Disposal Policy has been reviewed to ensure that it is aligned to the Use of Retained Right to Buy Receipts Policy which was updated in 2019⁴. A revised Acquisition and Disposal Policy is attached at Appendix C to clarify that the Council will undertake acquisitions using Retained Right to Buy Receipts in accordance with the Use of Retained Right to Buy Receipts Policy and the delegations within that policy.
- 8.6. **ECONOMIC AND HOUSING GROWTH** – As flagged earlier in the document income from homes and businesses within the borough provides an essential source of income to fund the provision of local services. **A key aim must be to maximise income from housing and business rates through enabling growth and retaining existing baselines.** With an expected greater reliance on income from business rates locally in the future it is important to enhance and protect funding from business rates. There needs to be opportunities to encourage new growth in the

⁴ Introduction of price limit of £350,000 for the acquisition of homes to meet specific needs for adaptation and amending the payback for all acquisitions to 40 years.

Borough, including the enterprise zones and other areas. This will also support new housing growth which will deliver one of the main sources of funding for services from the collection of Council Tax. The Council already has mechanisms in place to support the priority to maximise housing growth both within its own stock through the Housing Revenue Account and also the wider delivery of homes through its company, Equinox.

- 8.7. Optimising the Council tax base continues to be the means by which Council Tax income can be maximised. This could be through growth in property numbers, increased collection and reductions in discounts and through proactive work to ensure that all eligible council tax properties are identified. It is recognised that there are factors outside of the Councils control in terms of managing collection for the 2020/21 financial year due to the covid pandemic, however the longer term delivery of new homes and bringing homes back into use continue to be a priority and recently has seen additional funding allocated to the capital programme to support this aim.
- 8.8. **PROPERTY INVESTMENT AND COMMERCIALISATION** – This theme is closely linked to the strategic Asset management priority, but also seeks to identify other external opportunities for investment in properties to achieve either an income stream or improved returns on investment. These would not necessarily be for investment purposes alone but seeks to regenerate areas which may require up front regeneration funding interventions, with a wider opportunity and growth potential.
- 8.9. Opportunities could be indirect through treasury management property investments or direct delivery by the Council or through an appropriate vehicle. These could support, for example, regeneration within the Borough to deliver growth and linkages to the economic growth theme as detailed above. Any direct investment would be subject to a business case, taking into account all risks and the full revenue implications (including borrowing costs). Currently these opportunities are identified as part of the current asset management plan or proposals taken forward by the appropriate decision making process.
- 8.10. **TECHNOLOGICAL INVESTMENT** – In response to Covid and the shift almost overnight to some services being delivered remotely the Council has responded well and adapted to utilise technology in a more efficient way. Whilst the speed of some of the changes has meant that detailed implementation plans could not be followed, for example the shift to virtual meetings both internal and external by the use of Microsoft teams and zoom, has seen users internally, both members and officers adapt to a different way of working. There is further opportunity for the enhancement and development of IT to ensure efficient and effective service delivery. The Digital Strategy was approved in October 2019 and identified three strategic aims of **Digital Services, Digital Communities and Digital Workforce**. The three aims are supported by the following objectives:
 - A. *To make our service provision more efficient via automation, reducing duplication of effort and reducing manual intervention.*
 - B. *To increase the quality of our service, by increasing speed, reliability and consistency.*
 - C. *Increase data sharing across services*
 - D. *Create a single view of residents, land and property*
 - E. *To promote Great Yarmouth as a great place to live, work, do business and visit.*
 - F. *To improve the accessibility and availability of our services.*
 - G. *To provide up to date always available information online for our customers*
 - H. *To have a workforce that has the right information, equipment, systems, training and confidence to do their job in a digital workplace.*

- 8.11. The strategy included an action plan which has been refreshed and included at Appendix D. There are further opportunities for technological investment including system development to improve access to services, flexible working and digital by design. The current capital programme includes approved funding for ICT investment of £779k, proposals for investment although there will be a requirement for further funding, these will be subject to business cases which will also identify future efficiencies. This MTFS is seeking the earmarking of a further £1million for capital investment in IT subject to business case to expediate the digital strategy (see section 8.14 also).
- 8.12. **PARTNERSHIPS** - Creating efficiencies through collaborative working with others. Identifying opportunities must continue at a local level with partners and other organisations, ensuring that realistic and deliverable benefits are achieved. In addition, a strengthened approaches to working with communities and partners in the voluntary sector to;
- Drive better outcomes for local residents;
 - Reduce avoidable demand on council services;
 - Secure investment to drive new partnerships with partners and communities to deliver corporate ambitions;
 - Make better use of council assets and resources to offer greater social value to local communities and to develop a partnership approach with public sector partners to working with communities across the borough.
- 8.13. **GYBC OPERATING MODEL** – It is essential that the Council is effective and efficient. This is one of the four strategic priorities of the Plan. The key to this is the operating model by which the services are delivered to the residents and businesses of the borough. The Council must continue to ensure that the model for delivery of services is the most efficient and effective, providing good value for money and that this is challenged where necessary. Including the review of the joint ventures that are in operation.
- 8.14. There are various strands to considering what the right operating model is for the Council and these will continue to drive efficiency and saving:
- 8.14.1. **Organisational Development Strategy** – This work is ongoing and provides an opportunity to continue to review service delivery and the strategic capacity of the organisation. This focuses on the people resource and ensures that the Council has the right people with the right skills, that decisions are taken in the right place, at the same time empowering staff and Members to challenge and drive forward transformation initiatives, being clear on the benefits they will bring and being accountable for their delivery.
- 8.14.2. **Digital Strategy** – Whilst technological investment is a key theme in itself the digital strategy provides the framework that will support the wider investment. With an ambition to become more efficient via automation, reducing duplication of effort and manual intervention the action plan supports this work to provide an on-line service for residents, businesses and visitors that is supported by a seamless transfer of data in the back office and ensuring that staff have the ability to work in the most effective way with the appropriate tools, support joined-up working, and mobile solutions. Ensuring that investment in services are aligned to the digital strategy that has been adopted. Furthermore building on the work and progress that has been made since March 2020 when all Local Authorities were forced to re-think the provision of services to their residents in a covid secure and predominantly digital way. As the Council has adapted to new ways of working this has highlighted some of the issues with the current IT systems and the limited ability to shift to a remote way of working for staff and to provide on-line services. The digital strategy had previously highlighted the need for some of the back office system upgrades and reviews for example the housing system for which the implementation is underway, other

systems include the planning, environmental services and licensing system for which initial business cases have been produced and presented to the ITIG (Information Technology Investment Group) for consideration. Still need to have a wider review of the digital strategy to ensure that priorities are still applicable and whether we need to re-prioritise to identify those investments that will deliver the benefits including cashable savings.

8.14.3. In order to accelerate some of the ICT investment required within the digital strategy, members are being asked to consider approving an additional £1million to the capital programme to be used to fund IT investment business cases that are brought forward to the ITIG for consideration and support ahead of release of the funds from the capital programme. The business cases will cover the need for the investment along with the benefits to the business and also efficiencies. As a guide this level of investment would have an impact of in the region of £40,000 per annum to the revenue account although it is anticipated that this would be more than offset by the cashable savings that the investment would achieve. Furthermore, the benefits of the current way of working for example the greater use of Microsoft Teams and remote working will deliver savings that can be factored into the base budget to reduce the forecast funding gap.

8.14.4. **Procurement and Contract Management** – The council has in place a number of contracts/arrangements for the provision of services. These make up a considerable element of both the day to day and capital spend for the Council and therefore there needs to be robust arrangements in place for managing these contracts, whether this is through a joint venture or formal contract management, ensuring key governance principles are adopted including the establishment of clear specifications for service delivery under contract arrangement, pro-active budget and contract management of the service and ensuring value for money is being challenged and achieved.

8.14.5. **Enforcement Strategy** – The enforcement board continue to provide a co-ordinated approach to issues such tackling homes and properties which blight areas and may contribute to anti-social behaviour.

8.15. As projects that are aligned to the above themes are progressed, the associated savings/additional income will be quantified and factored into the budget and will be brought forward to members for approval as part of the setting of the 2021/22 budget.

8.16. **SAVINGS AND ADDITIONAL INCOME** - As part of the budget work for 2021/22 officers have been asked to put forward savings and additional income proposals for consideration as part of the budgets work. These will be presented for approval as part of the budget reports in January and February 2021. It is too early to put monetary amounts against the individual savings proposals as this work is still to be concluded, however a total indicative target of £500,000 would be reasonable at this time, although these may require some lead in time ahead of the full savings targets being factored into the base budget. These proposals will be worked upon in the coming months ahead of consideration by Members as part of the budget reports.

8.17. **USE OF RESERVES AND INVEST TO SAVE** - As flagged in the earlier section use of reserves to balance a budget provides only a short-term solution as the funds can only be used once. Reserves can however be used to smooth the impact of funding reductions and fluctuations in funding over the short to medium term and to allow for planning and implementing projects and work streams that will deliver a longer-term financial benefit through reduced costs or additional income.

8.18. Similarly, reserves can be used to fund one-off costs for projects that will deliver a longer-term benefit, for example the invest to save reserve. The use of the reserves in this way will be

considered as part of the full business case for individual project proposals, taking into account the payback period of the project along with indirect financial implications.

- 8.19. Due to the ongoing impact of Covid it would be reasonable to expect the financial impact to continue into 2021/22, due to this it may be required that the 2021/22 budget is reliant on a transfer from reserves to mitigate the impact of reduced income both from services and also the impact of council tax collection.
- 8.20. **PARISH COUNCIL SUPPORT** – As part of approving the 2020/21 budget in February 2020, Council agreed for a review to be undertaken on the level of concurrent function grants awarded to Parish Councils ahead of the 2021/22 budget setting. The Borough Council is currently providing concurrent function grants totalling £142,000 to parish councils to in the form of grants annually. The concurrent function grants have remained the same since 2016/17. Concurrent functions are discretionary services that can be carried out by the Borough Council but can also be undertaken by parish councils where these exist. They cover services that are provided in some parts of the borough by the borough council and in other areas by the parish councils and can result in parish tax payers being charged twice – double taxation. The payment of grants to the parishes seeks to make a contribution to the costs to mitigate this.
- 8.21. Due to Covid this review work has not been able to be completed and will therefore commence over the coming months as part of the work on the 2021/22 budget.
- 8.22. **KEY ACTIONS** – From the review of the MTFS and business priorities there are a number of work streams that are in place and these will start to deliver savings in 2021/22 and 2022/23 onwards. Furthermore the detail of the 2021/22 budgets will be subject to challenge to identify efficiencies and savings to mitigate future funding gaps. The continued uncertainty on the future funding for local government and covid recovery impact presents a significant challenge, whilst it is expected that the budget challenge work still to be completed will reduce the forecast gap for 2021/22, there will be a need to make a transfer from reserves in 2021/22. The longer term financial position does need to be critically reviewed to ensure that the budget remains achievable in the medium term.
- 8.23. **SUMMARY** - The updated position above is prior to the detailed work on the budget for 2021/22 being completed, which is currently in progress to be presented to Members in February. Work is continuing with services to identify further options to reduce the forecast gap in the short to medium term.

9. RISK AND SENSITIVITY

- 9.1. This section outlines the more significant financial risks facing the Council along with scenarios of the impact of changes to some of the assumptions.
- 9.2. The continuing downward pressure on external resources continues to constrain the level of service delivery that the Council is able to provide. The annual budget and financial planning process aims to ensure that the Council is prepared and able to respond to these pressures at an early stage. That said, there continues to be significant pressures on the Councils budget, both general fund and housing revenue account, and therefore decisions must be made which take account of the overall financial position of the authority.
- 9.3. There is a legal requirement to set a balanced budget annually, for which the process ensures the budget is prepared in an informed manner and may propose changes to service levels, which may require upfront investment. Alongside approval of the budget, the level of reserves and robustness of the estimates are factors that are considered in full ahead of approving the budget and the council tax for the coming year. Whilst reserves can be used to mitigate one-off funding gaps, the use of the reserves should not be seen as a longer-term sustainable option to delivering robust budget and financial management.
- 9.4. The updated financial forecasts are dependent upon a number of key assumptions at a point in time, which are not directly within the control of the Council. The most significant of these are detailed below along with the sensitivities to the financial projections.
- 9.5. **EMPLOYEE COSTS** – As mentioned above the forecasts assume an annual pay award of 2%, the Council is part of a national pay agreement and as a guide for GYBC, 1% equates to approximately £90,000 annually. The base budgets allow for a turnover element from staffing costs, which equate to approximately 1.5% per annum.
- 9.6. **BUSINESS RATES GROWTH** – Within the Local Government Finance Settlement, the Business Rates Baseline funding is assumed to increase annually in line with inflation. Actual increases (or reductions) will result in additional or a reduced level of income retained locally. As a guide a 1% movement each year would result in approximately £50,000 additional income per annum being retained.
- 9.7. **COUNCIL TAX BASE GROWTH AND NEW HOMES BONUS** – The current budget and projections allow for no new NHB allocation for 2021/22. Increases in the tax base generate increases in the locally collected element of the council tax, this is also dependent upon the level of collection. The continued impact of Covid 19 on council tax collection will be reflected in the position for 2021/22 and onwards.
- 9.8. **REVENUE SUPPORT GRANT** – The current assumptions assume a roll over of the 2020/21 funding and until the outcome of the one year comprehensive spending review is announced, this continues to be a significant risk in terms of Local Government funding.
- 9.9. **FUTURE FUNDING AND BUSINESS RATES** – Local Authority funding from central government continues to be under pressure with the continued shift from central government grant (from revenue support grant) to locally generated resources including retained business rates to fund the provision of local services. There are a number of inherent risks, which are borne locally including, the status of properties changing, for example business premises becoming empty and the impact of appeals and the resulting outcomes which can result in backdating of refunds. The granting of business rate reliefs in response to the covid pandemic has assisted businesses with rates liabilities for 2020/21, these have only been granted for the 2020/21 financial year and therefore there is a greater risk of business rates income collection should the reliefs no

longer be available. The Council holds an earmarked reserve which can be used to mitigate any adverse impact to the Council in the short to medium term.

- 9.10. **SAVINGS AND ADDITIONAL INCOME OPPORTUNITIES** – The Council is continuing to deliver against a programme of savings and additional income from current and previous budget decisions. Delivery of the savings at the levels budgeted along with the identification of new opportunities is vital to delivery of the overall budget and achieving a sustainable future financial position. The delivery of these savings is closely monitored by ELT and Members as part of the ongoing budget monitoring process.
- 9.11. **SERVICE DEMAND AND INCOME** - A significant amount of the revenue budget is dependent upon income from demand led services, for example car parking, planning and building control. The time taken for these to recover post Covid 19 will inform the detailed budget work for 2021/22 and will very much be influenced by the current status of the pandemic. The importance of maintaining general and earmarked reserves remains essential to mitigate short term impacts of reduced income.
- 9.12. **INTEREST AND MRP** - The revenue budget takes account of the planned borrowing and financing of the current and future capital programmes. Slippage of capital schemes will impact on the level of borrowing required along with the associated financing costs. In addition, as new schemes and projects are approved this will have an impact on the associated financing costs and will need to be considered as part of the options appraisal and business case.
- 9.13. **FAIR FUNDING REVIEW AND SPENDING REVIEW** – The announcement of the one year spending review will inform the funding allocations for 2021/22. When the timescales for the fair funding review are announced these will inform the future financial forecasting for Local Government.
- 9.14. **HRA** – As flagged previously the removal of the debt cap for the HRA provides greater flexibility and opportunity for the HRA in terms of provisions of replacement and additional housing for the HRA as well as maintaining existing stock. Additional borrowing must still be able to demonstrate affordability and modelling and scenario planning will be undertaken to inform future decisions. Furthermore the impact of covid 19 to the HRA most significantly in terms of rental income and increased arrears will need to be reflected in the updated HRA business plan.
- 9.15. The extent to which the above factors will have an impact on the ongoing financial projections and funding gap will vary. Some will have an ongoing impact, for example a slowing of the tax base growth will impact in 2021/22 and future years as it reduces the council tax income that will be generated annually. In the same way an increase in the employee inflation in one year will increase the base budget requirement moving forward cumulatively. The above risks will be considered as part of the annual budget setting process.

General Fund Reserves Statement - Appendix A

Reserve	Opening Balance 01/04/20	Forecast Movement 2020/21	Forecast Closing Balance 31/03/21	Budgeted Movement 2021/22	Forecast Closing Balance 31/03/22	Budgeted Movement 2022/23	Forecast Closing Balance 31/03/23	Budgeted Movement 2023/24	Forecast Closing Balance 31/03/24
Planning Delivery Grant	62	0	62	0	62	0	62	0	62
Insurance Fund	312	0	312	0	312	0	312	0	312
DFG top-up capital loans and grant fund	350	50	400	0	400	0	400	0	400
Restricted use grant	935	-142	792	-128	664	-40	624	-20	604
Invest to Save	1,553	-104	1,449	-176	1,274	0	1,274	0	1,274
Specific budget	192	-25	167	-27	141	15	156	-20	136
LEGI	124	-50	74	0	74	0	74	0	74
Repairs and Maintenance	302	0	302	0	302	0	302	0	302
Second Homes Council Tax	0	0	0	0	0	0	0	0	0
Waste Management	25	0	25	0	25	0	25	0	25
Collection Fund (Business Rates)	1,884	0	1,884	0	1,884	0	1,884	0	1,884
Community Housing Fund	543	-30	513	-30	483	-30	453	-30	423
Enforcement	42	0	42	0	42	0	42	0	42

General Fund Reserves Statement - Appendix A

Reserve	Opening Balance 01/04/20	Forecast Movement 2020/21	Forecast Closing Balance 31/03/21	Budgeted Movement 2021/22	Forecast Closing Balance 31/03/22	Budgeted Movement 2022/23	Forecast Closing Balance 31/03/23	Budgeted Movement 2023/24	Forecast Closing Balance 31/03/24
Special Project Reserve	554	-132	422	-244	178	-50	128	-26	102
Benefits/Revenues Reserve	145	0	145	0	145	0	145	0	145
Homelessness	281	104	384	-46	338	-46	292	-46	246
Treasury Management reserve	200	0	200	0	200	0	200	0	200
Asset Management reserve	1,798	-449	1,349	-802	547	-205	342	-205	137
Coast Protection	115	0	115	-75	40	0	40	0	40
Empty Business Property Incentive Fund	100	0	100	0	100	0	100	0	100
Other Reserves	1,331	-78	1,252	0	1,252	0	1,252	0	1,252
Total GF Earmarked Reserves	10,848	-857	9,991	-1,528	8,463	-355	8,107	-347	7,760
General Fund Reserve	3,490	-652	2,838	-500	2,338	0	2,338	0	2,338
Total GF Reserves	14,338	-1,508	12,829	-2,028	10,801	-355	10,446	-347	10,099

General Fund Capital Programme - Detail - 2020/21

Services & Projects	Budget Expenditure £000			2020/21 Expenditure £000		2021/22 Onwards
	Rolled Forward 19/20 Budget	Approved 20/21 Budget	Updated 20/21 Budget	Actuals 20/21 year to date	Forecast 20/21	(Roll forward from 20/21)
Equinox Enterprises Limited Share Capital	533	-	533	-	533	-
Total: Executive	533	-	533	-	533	-
Childrens Playground Refurbishment	87	-	87	-	-	87
Cobholm Skate Park	99	-	99	0	98	1
Wellesley CCTV	15	-	15	-	-	15
Total: Neighbourhood Management	200	-	200	0	98	102
Rebuilding sections of Factory Rd/Belvedere Rd/Nth Denes Rd Gt Yarmouth Cemetery Wall	19	-	19	19	19	-
St Nicholas Minster West Boundary Wall	95	-	95	-	95	-
St Nicholas car park North Boundary Wall	25	-	25	-	25	-
Rebuilding sections of Great Yarmouth Cemetry Wall - East Road	9	-	9	0	9	-
Crematorium Tearooms	444	-	444	5	444	-
Total: Customer Services	592	-	592	24	592	-
Health and Fitness Centre	24,509	-	24,509	1,087	8,090	16,419
The Waterways	33	-	33	29	33	-
Phoenix Pool & Gym car park extension	130	-	130	-	130	-
Winter Programme	-	-	905	-	905	-
Great Yarmouth Preservation Trust Loan	230	-	230	230	230	-
Total: Inward Investment	24,902	-	25,807	1,346	9,388	16,419
Disabled Facilities Grants	61	1,188	1,225	119	1,225	-
Better Care Fund Projects	6	-	53	41	53	-
Empty Homes	511	-	511	-	250	261
DFG Top-up Grants	250	-	250	-	20	230
DFG Top-up Loans	150	-	150	-	20	130
Norfolk & Waveney Equity Loan Scheme	32	-	36	-	32	4
Equity Home Improvement Loans	531	-	545	-	50	495
HMOs /Guesthouse Purchase & Repair Scheme	1,912	-	1,912	3	350	1,562
Community Housing Fund Loans	540	-	540	-	20	520
Total: Housing	3,992	1,188	5,221	164	2,020	3,202
ICT Investment to deliver GYBC ICT Strategy	384	395	779	170	500	279
Total: IT, Communications & Marketing	384	395	779	170	500	279
Public Toilet Refurbishment Programme	45	-	45	0	45	0
Footway Lighting	82	300	382	117	382	0
Gorleston High Street car park resurfacing			6	-	6	-

General Fund Capital Programme - Detail - 2020/21

Services & Projects	Budget Expenditure £000			2020/21 Expenditure £000		2021/22 Onwards
	Rolled Forward 19/20 Budget	Approved 20/21 Budget	Updated 20/21 Budget	Actuals 20/21 year to date	Forecast 20/21	(Roll forward from 20/21)
Esplanade Resurfacing	331	-	296	-	-	296
GY Flood Defence Scheme Epoch 2	50	-	50	-	50	-
Beach Huts	51	-	86	21	86	0
Council Chamber relocation	122	-	122	4	122	0
Gorleston Paddling Pool /Splash Pad	10	-	10	-	10	-
Beacon Park Projects	500	-	500	3	10	490
Market Place Redevelopment	4,477	-	4,477	11	1,000	3,477
North Quay Redevelopment	2,361	-	2,361	-	800	1,561
Winter Gardens	7	900	907	38	500	407
Hopton Section 106 funded playground works	-	-	-	-	-	-
Energy Park - South Denes	1,845	-	1,845	4	1,000	845
Total: Property & Asset Management	9,888	1,200	11,088	198	4,011	7,077
Overall Total	40,491	2,783	44,221	1,903	17,142	27,080

Specific Actions	Lead	Start Date	End Date	Additional Resource Requirements	Update
Strategic Objective - A To make our service provision more efficient via automation, reducing duplication of effort and reducing manual intervention.					
A1 Conduct a systems review, integration and automation project. Reviewing all 80 systems used by council to deliver services as end to end processes to identify and implement automations of manual tasks and integrations between systems to facilitate single views of residents, land and property.	Digital Improvement Manager	Sept 19	Oct 22	External consultancy, Norfolk County Council IMT	Initial review of HR, Housing and EH/Lic/Pln have been looked at and decisions made that new modern systems will be required to drive the business forward. Other systems will be reviewed when additional resource in position
A2 Setup of integration and automations sever to facilitate automation.	Digital Improvement Manager	Oct 19	Jan 20	Training of IMT developers to work with integration server	Integration server has been built with access granted by NCC. Additional software requirements being considered
A3 Implementation of new HR System to facilitate self-service and electronic payslips to reduce manual intervention.	IMT Manager	Feb 20	May 21	Procurement Officer	Systems have been demo'd and Sarah Tate is considering best options to move this project forward
A4 Implementation of Single Sign On for most commonly used applications across the organisation.	IMT Manager	Feb 20	Jul 21		Single sign on has been prioritised for all new systems in procurement. Other systems are being investigated with Integra having work in progress
A5 Finance Systems review (Integra) integrations and automations	Digital Improvement Manager	Dec 19	Apr 20	External Consultant	Meetings with Finance arranged and postponed due to workload and Covid-19. Not yet been re-addressed.
A6 Customer Services Systems review (Civica OR, Civica DM, CRM) integrations and automations	Digital Improvement Manager	May 20	Sep 20	External Consultant	Civica System Review booked.

Specific Actions	Lead	Start Date	End Date	Additional Resource Requirements	Update
A7 Environmental Services Review Customer Services Systems review (Civica APP, BBits, LaLPac, EROS) integrations and automations	Digital Improvement Manager	Oct 20	Jan 21	External Consultant	Systems have been demo'd and business plan approved by ITIG. James Wilson writing OJEU procurement documents
A8 Housing systems review integrations and automations	Digital Improvement Manager	Feb 21	May 21	External Consultant	Housing procurement complete. Awaiting results of dispute meeting in writing before progressing
A9 Planning systems review integrations and automations	Digital Improvement Manager	Jun 21	Sep 21	Y	Reviewed as part of the new system procurement
A10 Property systems review integrations and automations	Digital Improvement Manager	Oct 21	Jan 22	N	Meeting held with system provider to explore functionality of system for use within other teams, bought forward by a desire to digitally transform
A11 Replacement of OHMS system	IMT Manager	Jun 19	Mar 20	N	Reviewed as part of the new system procurement
Strategic Objective B To increase the quality of our service, by increasing speed, reliability and consistency.					
B1 Replace and upgrade GYBC Local area network infrastructure.	IMT Operations Manager	Oct 19	Nov 20	Norfolk County Council IMT	Work in progress. Test units in place and working. Dates for offices postponed due to COVID. Awaiting new dates
B2 Replace and upgrade GYBC Wi-Fi	IMT Operations Manager	Oct 19	Dec 19	Norfolk County Council IMT	Work in progress. Test units in place and working. Dates for offices postponed due to COVID. Awaiting new dates
B3 Relocation of communications equipment to improve business continuity and disaster recovery.	IMT Operations Manager	Jul 19	May 20	NCC, Updata & GYBC	Work has been completed
B4 Upgrade of Crematorium connection to Fibre Optic	IMT Manager	Jul 19	Sep 19	NCC, Updata & GYBC	Work has been completed

Specific Actions	Lead	Start Date	End Date	Additional Resource Requirements	Update
B5 Renegotiate NCC Shared Service Agreement SLAs	Director of Resources / IMT Manager	Jul 19	Dec 19	Norfolk County Council IMT	GYBC requirements added to agreement. Further discussions required to complete
Strategic Objective C – Increase data sharing across services					
C1 Implementation of integration of systems across services as identified in A1	Digital Improvement Manager	Sep 19	Oct 22		Integration server has been built with access granted by NCC. Additional software requirements being considered
Strategic Objective D - Create a single view of residents, land and property					
D1 (C2) Collaborate with NCC and SNDC on the single citizen view project	Digital Improvement Manager	Sep 19	Ongoing	N	Central government funding for project has been turned down. COVID has led to project been put on hold
Strategic Objective E - To promote Great Yarmouth as a great place to live, work, do business and visit.					
E1 Provision of public Wi-Fi in the Great Yarmouth Market Place	IMT Operations Manager	Oct 19	Jan 20	BID Grant	Procurement has been completed. Work to be completed before December 20. Just waiting for final permissions
E2 Collaborate with NCC to discover and utilise LoRaWAN	Digital Improvement Manager	Ongoing	Ongoing	NCC	Initial discussions have taken place with a view as to how this can be used for GYBC. Discussions to continue
E3 Collaborate with NCC to assist with delivery of the LLFN (Local Full Fibre Network) across Great Yarmouth.	IMT Manager	Ongoing	Ongoing	NCC, Updata	LFFN site surveys are currently taking place by BT. Dates for implementation awaited

Specific Actions	Lead	Start Date	End Date	Additional Resource Requirements	Update
Strategic Objective F - To improve the accessibility and availability of our services.					
F1 Conduct Customer Experience focussed review and rebrand of GYBC website and implement recommended improvements.	Digital Improvement Manager	Sep 19	Feb 20	N	Work has been completed on the website
F2 Implement end to end self-service online portals – as identified in the systems review project (A1)	Digital Improvement Manager	Sep 19	Oct 22	N	Implementation of new Bulky item end ot end service complete. Several end to end grant form digital processes complete including paying out of 20+m grants).
F3 Create a single sign on portal for customers via working in collaboration with NCC and SNDC on the Norfolk Single Citizen Identity project integrating MyAccount with Single Citizen Identity.	Digital Improvement Manager	Sept 2019	Ongoing	Local Digital Fund Bid Grant	Project placed on hold by NCC and SNDC/BDC due to COVID-19.
F4 Deliver three community upskilling and access training workshops. Including promotion of the workshops.	IMT Manager / Neighbourhoods	Apr 2021	Oct 22	Neighbourhoods Team Communications and Marketing Team	Project not anticipated to take place until 21 however highlighted red to raise as risk Covid 19
F5 Integrate Civica Open Portal with GYBC MyAccount as a single sign on.	Digital Improvement Manager	Apr 20	June 20	Civica	New Portal for OR installed and working
Strategic Objective G - To provide up to date always available information online for our customers					
G1 Develop and implement a continuous improvement program for the website.	Digital Improvement Manager	Ongoing	Ongoing	N	Review complete and annual schedule of audit, and address in place.

Specific Actions	Lead	Start Date	End Date	Additional Resource Requirements	Update
Strategic Objective H - To have a workforce that has the right information, equipment, systems, training and confidence to do their job in a digital workplace.					
H1 Implement service-based information dashboards utilising Microsoft Power BI (Business Information).	Digital Improvement Manager	Dec 19	Oct 21	N	Initial conversations held with Finance but put on hold due to year end accounting
H2 Conduct a rolling device refresh to keep technology up to date. Planned roll out to Environmental Services, Inward Investment, Finance and Planning in Y1, Y3 Customer Services, Housing, Organisational Development and Property.	IMT Operations Manager	Ongoing	Ongoing	N	Device refresh for Year 1 of the plan has been initiated with devices being rolled out. Phase 2 procurement initiated 09/10/2020
H3 Instil a continuous improvement cycle for GYBC Intranet 'The Loop'	Digital Improvement Manager	Ongoing	Ongoing	N	
H4 Replace current Avaya telephony solution (due to end of life) with a modern telephony system.	IMT Manager	Apr 20	Dec 21	Y	Project agreed by ITIG and now being implemented. To be completed by 30/11/20
H5 Implement digital skills as part of job descriptions, person specifications and PDR objectives	HR	Ongoing	Ongoing	N	Discussions have been held with HR to ensure that "digital" skill are included within new and existing JD's
H6 Provision of ICT training courses to upskill workforce.	HR	Ongoing	Ongoing	N	Word and excel provisioned. HR requesting skills audit. To be discussed with HR
H7 Facilitate digital training via online learning hub – such as cyber security training.	HR/IMT	Ongoing	Ongoing	N	Cyber security and other digital training continues to be delivered.
H8 Provision of BYOD capabilities via Mobile Device Management Microsoft Intune.	IMT Manager	March 20	Feb 21	N	Project agreed by ITIG and now being implemented. To be completed by 28/02/21



Property Acquisitions and Disposals Policy

Document created	January 2019 v1 Updated October 2020
Agreed by Policy and Resources Committee	23 April 2019
Review date	January 2022

Part 1	Acquisitions Policy
1	Background
2	Purpose of the Policy
3	Policy Aims
4	Relevant Legislation
5	Process
6	Use of Retained Right to Buy Receipts
7	Use of Compulsory Purchase Orders
8	Risks
9	Financial Considerations
10	Delegated Decisions
11	Monitoring & Review of the Policy

PART 1 - ACQUISITIONS POLICY

1 BACKGROUND

There are a number of reasons that GYBC may wish to acquire properties. These include but are not limited to:

- it contributes towards the provision of Council services;
- there is a direct link to improving the economic, social and environmental wellbeing of the community;
- it leads to strategic benefits to the authority in relation to regeneration or redevelopment proposals;
- the acquisition furthers the provision of services for the community by third parties;
- the property is already maintained by the Council (and there is an advantage in owning it);
- revenue income generation and/or capital growth, and local community benefit purposes.

2 PURPOSE OF POLICY

This policy has been written to allow for the variety of circumstances which may lead to GYBC acquiring properties.

3 POLICY AIMS

This policy is written to encompass all housing assets commercial properties and land. Regardless of tenure there are general principles of due diligence which need to be applied and the process included in this policy creates a gateway system which allows officers freedom to act with agility in the marketplace and gives members the comfort that actions are well thought out, proportionate and controllable.

Each potential acquisition will be assessed on a case-by-case basis and in line with the acquisition criteria set out in this policy; considering the financial implications of the acquisition and the relative merits in value for money terms.

A proposed acquisition will only be progressed if the criteria are met and the relative financial benefits can be demonstrated based on the following principles:

4 RELEVANT LEGISLATION

Section 111 of the Local Government Act 1972 gave local authorities the power to do anything “which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions”. When using this power, a local authority would need to identify which of their functions an activity was ‘incidental’ to.

This situation was relaxed in the Local Government Act 2003, which permitted local authorities to pursue certain forms of commercial activity through a company structure. This was subject to statutory guidance for the use of trading powers.

The General Power of Competence, introduced by the Localism Act 2011, permits a local authority exercising the general power: to do it in any way whatever, including— (a) power to do it anywhere in the United Kingdom or elsewhere, (b) power to do it for a commercial purpose or otherwise for a

charge, or without charge, and (c) power to do it for, or otherwise than for, the benefit of the authority, its area or persons resident or present in its area. This would mean that a local authority would have to set up a company to manage property purely for financial gain. But as mentioned, most authorities hold and manage commercial property as an adjunct to other functions

5 PROCESS

This document sets out a Gateway procedure for acquisitions. This is an industry standard methodology for controlling expenditure at member level at timely and proportionate intervals whilst allowing officers to progress work with levels of delegated authority. Please see the related flowchart of the process at Appendix 3. Points below describe the actions on the flowchart as per the numbering. In some cases, reflecting the specifics of the acquisition and committee approval, not all actions/sequence of actions will be completed.

Actions 1a & 1b: Dependent upon the nature of the project, the relevant committee shall approve the acquisition/objectives of the acquisition programme, the financial parameters and any other pertinent criteria (such as partnering arrangements, timescales etc). Following committee approval, delegated authority shall be passed to the appropriate Heads of Service or Directors in consultation with the S151 Officer.

Actions 2, 3 & 4: Following approval, officers will run a financial appraisal based on best estimates and desktop research. For example agreed financial parameters are set within the appraisal model. Values and market rent information are taken from existing comparable data. Build costs and professional fees are set at generic, generous, broad-brush levels at this early stage. The asking price is used as guidance for a purchase price.

At this early 'no cost' stage, it will be quickly apparent whether the scheme merits further investigation or should be stopped before incurring abortive costs. Should the scheme merit further investigation, the officer will discuss with the Head of Property and Assets/Housing Director or another responsible officer appointed by them, who decides whether to take the scheme forwards.

Action 5: This is Gateway 1. The relevant officer presents the scheme to the appropriate Director. They should have a file of evidence of the data used to enable an informed decision to be made on whether to proceed. This gateway will release a small amount of abortive budget to refine the business case with professional input. Suggested fees are up to £10,000 to cover the costs of architects, planning consultants, cost consultants, lawyers as required for high level input.

Actions 6 & 7: Due diligence is undertaken based on the additional information obtained at action 5 to refine the appraisal. The refined appraisal is reported to the relevant S Director and permission sought to make a conditional offer, Subject to Contract. This is Gateway 2.

Action 8: Once those conditions (for example a full survey or report on title) have been met, the Head of Property and Assets/appropriate Director, if comfortable, would be in a position to authorise purchase. This is Gateway 3.

Action 9: Full budget is released. Contracts can be exchanged and completed on the property and any works packages can be authorised. At this point, the chairperson of the relevant committee should be informed by email of the successful purchase.

At each Gateway, an appraisal signature should be sought from Housing or Assets as applicable and Finance to show consultation across the relevant affected departments and independent checking of the financial appraisal.

Should an acquisition not fit within the parameters but still meets strategic objectives, it is recommended that after Gateway 1, it is taken to the relevant committee for a decision as to new parameters.

6. USE OF RETAINED RIGHT TO BUY RECEIPTS

In relation to all acquisitions acquired by the Council to be held in the Housing Revenue Account or General Fund and funded through the use of Retained Right to Buy Receipts, decision making and delegated authority is set out in the Use of Retained Right to Buy Policy.

7. USE OF COMPULSORY PURCHASE ORDERS

The Council's approach to the use of Compulsory Purchase Orders (CPOs) will be set out in a separate policy. CPOs may be considered when the Council needs to acquire a property from a freeholder or leaseholder, or the tenant(s) of a freeholder or leaseholder, for the purpose of carrying out of development, redevelopment or improvement on or in relation to the land. Such acquisitions will be carried out in accordance with the requirements of CPO requirements and the CPO Policy.

8. RISKS

Risks to be considered and mitigated in any proposal include:

- Acquisition Risk – there is always the potential for a downturn in the property market at some point in the future which could impact on sales receipts if and when an acquisition is disposed of.
- Due to the nature of the property market, decisions may need to be taken quickly in order to put offers forward. Offers, where appropriate will be subject to conditions and will be subject to due diligence being undertaken before proceeding to acquire. Agility will need to be built into any request for authority to proceed.
- Cost Risk – abortive costs, including legal costs, survey fees, and officer time all may be incurred in abortive transactions including costs for initial feasibility investigations. These costs are inevitable as acquisitions are part of the ongoing strategy for the Council. The proposed process reduces these costs to the minimum for the longest possible period. However, in a rising market or market with increased competitive activity from smaller property companies, the Council could be one of several bidders for any good quality assets available in the Borough. It is likely that the Council will be an unsuccessful bidder on a number of occasions. The Council need to be aware of this possible outcome. This 'competition' could be a measure of success in relation to some policy objectives for acquisitions.
- Lack of suitable sites - The local property market is restricted and is dominated by assets that may not be good quality. There may therefore be a shortage of suitable stock in the Borough.
- Property Market risk - property is an inherently riskier asset than other asset classes because of its physical characteristics, which need to be managed and maintained. This is ideally compensated by increased returns. However, the property market is not a certain market and the Council may not achieve target returns if market conditions significantly worsen.
- Void Risk - close management of the asset portfolio is critical to the success in delivering additional income to the Council. The existing arrangements will be extended to cover these assets and marketing of the assets in a timely and efficient manner is crucial. Long

term voids will have an impact on the overall revenue budget with no income to offset the costs of owning a property. It is therefore important to monitor the level of voids over the entire portfolio, with an allowance being made for this within the financial plan.

- Refinancing Risk - the Council exposure to increasing debt will need to be considered as part of its Treasury Management function and will be reviewed annually. Therefore when assessing investment opportunities we will use appropriate timescales for repayment.
- Liquidity Risk – property is an inherently illiquid asset that yields higher returns on long-term investment. This means that funds are not easily accessible once committed.
- Many investment transactions happen prior to even coming to the market. Information is vital and getting to know about properties for sale is important. This can be done through contacting property owners and agents in the Borough proactively.

A thorough legal, financial and practical due diligence process will help to mitigate these and other property specific, risks. The Council will robustly evaluate risks of acquisitions on each occasion in order to act in the best interests of its Council taxpayers.

9. FINANCIAL CONSIDERATIONS

Factors to be considered with any investment at an early stage are: Available budget, available cash flow, ability to cover capital costs of investment and revenue costs of interest payable and the ownership costs of the property.

Internal rate of return (IRR) is the interest or inflation rate that yields a zero Net Present Value. The Council will in accessing the viability of an acquisition for the asset seek to deliver an internal interest rate that as a minimum meets the cost of borrowing whilst factoring in any additional risk which should be reflected in the IRR. In some cases, an acquisition will not meet this criteria, but the reason for this will be justified in relation to the achievement of other Council objectives and explicitly referenced in the Committee request for approval of the project.

Therefore, a low risk investment would only be required to repay the borrowed capital and the interest, so an IRR of 3% would be sufficient. For higher risk investments such as build for sale housing development, the IRR should be higher reflecting borrowing costs plus the price of the additional risk, such as values dropping, slow sales, competitor schemes, cost inflation etc. This is known as Risk Premium. In some cases, reflecting the particulars of the asset and which service will own it, there is no requirement for an acquisition to repay debt but only to service interest costs.

It will be for officers to recommend an IRR in the initial report and for members to approve or revise at Stages 1a & b (see appended process).

10. DELEGATED DECISIONS

Under this policy the power to approve a programme of acquisitions dependent upon the level of capital expenditure, may sit with the appropriate committee (up to that Committee's expenditure

limit) but most commonly with Policy and Resources Committee.

Once a specific programme of acquisitions is approved by members (1a & 1b), delegated authority is given to key officers within the Council to authorise expenditure within the limits set by the programme:

11. MONITORING AND REVIEW OF THE POLICY

The policy will be monitored and be subject to review every two years unless there is a fundamental change of legislation.

PART 2 – DISPOSALS POLICY

Part 2	Disposals Policy
1	Aims of this Policy
2	The Surplus Test
3	The Under-Used Test
4	Meaning of Disposal
5	Meaning of Best Consideration
6	Means of identifying surplus or under-used land/property
7	Disposal Criteria
8	Marketing Strategy
9	Valuation
10	Decision Making
11	Means of Disposal
12	Timings of Disposals and Due Diligence
13	Other Steps to Facilitate the Disposals Process
14	References

THE DISPOSAL OF PROPERTY OWNED BY GREAT YARMOUTH BOROUGH COUNCIL

1. AIMS OF THIS POLICY

1.1. It is government policy that local authorities should dispose of surplus and under-used land and property wherever possible. Under the Local Government Act 1972 local authorities have powers to dispose of property in any manner they wish, subject to certain constraints which may include a requirement to obtain the consent of the Secretary of State.

Under Section 123 of the Local Government Act 1972 (see Appendix 1) principal councils have a duty not to sell land for a consideration less than the best consideration reasonably obtainable unless the Secretary of State's consent has been obtained.

However, the Local Government Act 1972: General Disposal Consent (England) 2003 gives a general consent provided that any undervalue of the interest does not exceed £2 million and the transaction is considered by the local authority to help secure the promotion or improvement of the economic, social or environmental well-being of its area. There are other forms of consent or exception set out in legislation.

These powers provide the backdrop against which decisions to dispose of property in the Council's ownership must be made.

1.2. The way the Council manages its property assets can have a significant impact both on the quality of services delivered to the public and the local environment. Effective asset management is essential in bringing 'agility' to land and property assets so that the delivery of the Council's goals and objectives are realised in a sustainable manner, at the right time and on budget.

1.3. The Council will consider the business case for disposing of any assets that :

- (a) are no longer of use to it and unlikely to be in the future or
- (b) which provide limited benefit which is disproportionate to the opportunity cost of the capital tied up in the asset or the costs of required improvements
- (c) are held as investment (residential or commercial) assets for the purpose of generating rental income and/or capital appreciation to be released through sale.

1.4. Each asset disposal is treated on its own merits and nothing in this Policy will bind the Council to a particular course of action in respect of a disposal. Alternative methods of disposal not specifically mentioned in this Policy may be used where appropriate, subject to obtaining the necessary committee approval.

1.5. This Policy:

- sets out the procedure to be adopted in connection with the disposal of surplus and under-used assets and ensures that requests to purchase Council owned assets are dealt with in a fair and consistent manner and that any person who may have an interest in making an offer to purchase, has the opportunity to do so in circumstances no less favourable than anybody else;
- distinguishes requests for small areas of land that may be considered for sale by private treaty and larger areas with development potential that should be sold on the open market.

1.6. Although this Policy will normally be followed, there will be occasions where the procedure may need to be changed, particularly for larger, more complex land/property sales. Properties acquired through Compulsory Purchase Orders (CPO) shall be disposed of in accordance with this Policy and the CPO Policy but are not required to meet the 'Surplus' or 'Under-Used' tests set out in this Policy.

2. THE 'SURPLUS' TEST

Land/property will be deemed surplus to the Council's requirements where:

- (a) it makes no contribution to the delivery of the Council's services, strategic or corporate objectives;
- (b) an alternative site has been identified which would be more cost effective in delivering the Council's services, strategic or corporate objectives;
- (c) it has no potential for strategic or regeneration/redevelopment purposes in the near future;
- (d) it will not contribute to the provision of a sustainable pattern of development;
- (e) it makes no contribution to protecting and enhancing the natural, built and historic environment, including making no contribution to helping to improve biodiversity.

3. THE 'UNDER-USED' TEST

Land/property will be deemed to be under-used if:

- (a) part of the site is vacant and is likely to remain vacant for the foreseeable future;
- (b) the income being generated from the site is consistently below that which could be achieved from:
 - (i) disposing of the site and investing the income;
 - (ii) an alternative use;
 - (iii) intensifying the existing use;
- (c) only part of the site is used for service delivery and this could be delivered from an alternative site;
- (d) it makes no contribution to protecting and enhancing the natural, built and historic environment, including making no contribution to helping to improve biodiversity.

In the case of open spaces, amenity areas and similar sites, the under-used test should also consider the 'community value' of the asset, which would include visual amenity and not be limited solely to income generation or whether the site is vacant etc.

4. MEANING OF DISPOSAL

For the purposes of this Policy, a disposal means any freehold disposal, by sale or exchange, of Council owned land/property (including buildings) and any disposal by the granting of a lease or licence for a period greater than 7 years.

Leases of 7 years or less or assignment of a term which has not more than 7 years to run are not covered by this Policy, as they are exempt from the statutory requirement to obtain best consideration. It also excludes any disposals by the Council through the Right to Buy.

5. MEANING OF BEST CONSIDERATION

‘Best consideration’ means achieving maximum ‘value’ from the disposal, not just maximum price. Disposal at less than market value must contribute to the ‘promotion or improvement of the economic, social or environmental wellbeing of the area’ [see section 1.2 of Appendix 1].

6. MEANS OF IDENTIFYING SURPLUS OR UNDER-USED LAND/PROPERTY

Surplus or under-used land/property may be considered for disposal:

- (a) following an asset management review
- (b) following a review of operational costs and income of an asset;
- (c) following the identification of development opportunities;
- (d) through a corporate property portfolio review;
- (e) through the declaration of specific sites as being surplus to requirements;¹
- (f) through Local Plan designation;
- (g) following a direct approach from an interested party;
- (h) where the disposal helps to deliver other Council objectives e.g. the provision of housing in the Borough;
- (i) where management of the land/property is considered suitable for community ownership or has been determined as an ‘asset of community value’.

7. DISPOSAL CRITERIA

7.1 Open space (including, parks, playing fields & informal open spaces (excluding amenity land on Council housing estates) of ‘public value’ whether or not there is public access to it – assets in this category are considered to be valuable community resources, to be enjoyed by the wider community. Open space also enhances the quality of urban life, the character of residential areas, the environment etc. There will be a general presumption against declaring these assets as surplus/under-used unless:

1. alternative provision of equivalent community benefit is made in the locality; or
2. the area in question no longer provides a valued opportunity for sport, recreation or leisure; or
3. there is an excess of provision taking into account the long term recreation and amenity value of such provision; or
4. sport, recreation and leisure facilities can be retained and enhanced through the redevelopment of a small part of the site; or
5. there is over provision in the area; or

¹ Where an under-used asset is generating an income, a cost/benefit analysis must be carried out to establish whether it is in the Council’s best interests to dispose of the site.

6. the asset is required for the regeneration of the area.

(a) The Council is required by law to advertise the disposal of land designated as 'public open space' in a local newspaper for two consecutive weeks and to consider any objections received. No final decision about the disposal will be made until any objections have been considered, as the response may be material to the decision. Public response may also be an important factor in any determination by the Secretary of State of an application by the Council for specific consent to the disposal.

(b) There will be a general presumption against disposal of land designated as 'Local Green Space' either through the Local Plan or a Neighbourhood Plan.

7.2 Amenity land - certain rights, environmental or economic conditions may preclude the sale of amenity land for example:

(a) the land is subject to rights of way over it;

(b) the land is a landscaping feature of the local environment, or designated public open space;

(c) sale of the land would incur additional costs for the Council (for example, the re-siting of lamp posts or telephone cables) unless a purchaser is willing to finance the additional costs (payable in advance);

(d) the land has been identified for future regeneration or development by the Council;

(e) following a request to purchase amenity land, a review identifies future regeneration or development opportunities for the Council;

(f) the sale of the land may prejudice future development by the Council;

(g) there are management or other issues that would cause inconvenience to the Council if the land was to be sold.

Approaches from private individuals to buy Council owned amenity land (e.g. green space land on council housing estates) to benefit their existing residential property will be considered where:

- there is a broader community benefit to the disposal e.g. a rationalisation of small parcels of 'backland' open space, either rarely used or often misused; or
- there are management/financial issues for the Council e.g. the land is costly to maintain; or
- the applicant has extenuating circumstances e.g. there are health grounds in relation to the applicant and/or their family and the sale of the land would improve their quality of life and would not adversely affect the quality of life of others in the neighbourhood – (the applicant will need to provide evidence to support and justify the application to purchase).

Where the Council considers that amenity land has development potential and agrees to dispose of the land, the valuation will reflect this. An overage clause may be applied and/or restrictive covenants placed on any future development.

Disposals of amenity land will normally be by private treaty. However, where the Council considers that the amenity land may be of interest to persons other than the applicant, the Council may dispose of the land on the open market.

7.3 Commercial Properties

There will be a general presumption against declaring the following categories of assets as surplus/under-used:

1. units designed to meet the needs of new and developing small businesses where there is anticipated to be demand for such units from different occupiers in future;
2. offices/rooms within business centres that have communal reception areas, facilities and services;
3. shop units where there is a community need for continued retail occupation, or where the integrity of a building or parade of shops might be adversely affected by the sale of individual units;
4. sites in industrial estates and sensitive locations where management control by the Council is required to ensure that amenity is maintained;
5. land or property which provides revenue income for the Council where disposal would adversely impact on the Council's revenue budget.

7.4 Assets of Community Value

Every town, village or neighbourhood is home to buildings or amenities that play a vital role in local life. They might include community centres, libraries, swimming pools, village shops, markets or pubs. Local life would not be the same without them, and if they are closed or sold into private use, it can be a real loss to the community.

An 'asset of community value' is an asset, which in the opinion of the Council furthers the social well-being or social interests of the local community (or has done in the recent past). 'Social Interests' can include cultural, recreational and sporting interests.

The Council maintains a list (on its website) of land and buildings which may from time to time be nominated by the local community as an 'asset of community value'. In reviewing the future of any asset, the Council will assess all the options, to be sure that it obtains best value. Options include using the asset in a different way, disposing of it on the open market or transferring it to a voluntary or community organisation at less than best consideration to achieve wider social benefits.

Community organisations operate on a business model, often using volunteer effort and have community intelligence about local needs and sources of funding not available to local authorities. They are in a position to run a community asset as a social enterprise. The business plan for the community asset transfer to a community organisation must demonstrate financial viability.

The Council may either advertise all community asset transfer opportunities or consider transfer requests from organisations which currently manage a property, without seeking other bids.

A community asset transfer should contribute to the Council's policies and targets. Where there are competing interests, the Council will consider which of the proposals put forward are viable and sustainable in the long term. The Council will deal with competition for a specific asset by identifying its key objectives in that area, using, for example, deprivation indices, local priorities and the current mix of buildings and services in the area and assess which bid best meets those objectives.

7.5. Disposal of property assets (residential or commercial)

In disposing of property or land which the Council owns which may have been specifically purchased as an investment or to facilitate development or redevelopment of the land or property or for some other purpose, when disposing of that land or property it is normal Council policy to achieve 'best consideration' as *Section 123 - Local Government Act 1972* (see appendix 1.2.).

They may be times when the Council may wish to dispose of the property/land at an 'undervalue'. For the benefit of any doubt, any such disposal still needs to comply with 'normal and prudential commercial practices, including evidence of obtaining the view of a professionally qualified valuer'. This is in line with *The General Consent 2003* as outlined in appendix 1.2. In those cases where disposal at an under value will promote or improve the economic, social or environmental wellbeing of the area this will be recorded and will be permitted so long as the relevant limit on such disposals is not exceeded.

7.6 For all of the above criteria and for information only, the relevant ward Councillors should be made aware that the site is being considered for disposal at the earliest opportunity and any comments or feedback taken into consideration before a decision is made.

8. MARKETING STRATEGY

Where applicable, the Head of Property and Asset Management, in consultation with the relevant Director, will determine the marketing strategy for the disposal of surplus or under-used land or property. The marketing strategy may be conducted in-house or through an external agent. Costs should be recovered from the eventual purchaser where appropriate or practical or will be recovered from the sales proceeds.

9. VALUATIONS

9.1 Although there is no particular prescribed route to achieve the best price reasonably obtainable, there may be circumstances in which an actual sale to the market is the only way to achieve it as opposed to one particular sale at a price according to an independent valuation.

9.2 Before disposing of any interest in land for a price which may be less than the best consideration reasonably obtainable, a realistic valuation of that interest will be obtained. This will apply even for disposals by means of formal tender, sealed bids or auction, and irrespective of whether the Council considers it necessary to make an application to seek the Secretary of State's specific consent. By following this procedure, the Council will be able to demonstrate that it has adopted a consistent approach to decisions about land disposals by carrying out the same step by step valuation process on each occasion. Supporting documents will provide evidence, should the need arise, that the Council has acted reasonably and with due regard to its fiduciary duty.

9.3 The return from any disposal is to be maximised unless there are over-riding factors identified in the Corporate Plan or otherwise agreed by the Chief Executive or relevant Committee, that take precedence over the receipt of capital e.g. preferred use or preferential purchaser.

10. DECISION MAKING

10.1 In accordance with the Constitution/Scheme of Delegations to Officers (Appendix 2), the Head of Property and Asset Management has delegated authority within agreed financial parameters to deal with:

- (i) sales of sites for electricity sub-stations and gas governors;
- (ii) the grant, surrender and renewal of licences, wayleaves, and easements;
- (iii) grants of grazing licences;
- (iv) grant, surrender and renewal of leases where the Property concerned has been previously let;
- (v) sales of land/property.
- (vi) rent reviews

10.2 Except with the consent of the Secretary of State, the Council cannot dispose of land otherwise than by way of a short tenancy, for a consideration less than the best that can reasonably be obtained.

Disposals of land/property by way of a short tenancy, for a consideration less than the best that can reasonably be obtained, will only proceed on the specific authority of the relevant Director on a report of the Head of Property and Asset Management justifying the reasons for disposal at less than the best that can reasonably be obtained.

10.3 The Council is required by law to advertise the disposal of land designated as 'public open space' in a local newspaper for two consecutive weeks and to consider any objections received. No final decision about the disposal will be made until any objections to the disposal have been considered.

11. MEANS OF DISPOSAL

The most commonly used method of disposal shall be:

1. **Private Treaty** – a sale of land/property negotiated with one or a small number of interested parties either through a direct approach from an individual(s) or through a marketing exercise.

A private sale without marketing the land may be justified where for example:

- (a) the land to be disposed of is relatively small in size and an adjoining or closely located landowner is the only potential or likely purchaser;
- (b) the Council's corporate objectives and best consideration can best be achieved by a sale to a particular purchaser;
- (c) the purchaser has a particular interest in purchasing the land or a particular association with the land;
- (d) the nature of the Council's land ownership and that of the surrounding landownership is such that the land must be sold to adjoining or surrounding landowners if best consideration is to be obtained;
- (e) the Council's land is part of a larger area of land that is proposed for development, redevelopment or regeneration and the nature and complexity of the proposed development of the overall site is such that the Council's corporate objectives and best consideration can only be achieved by a sale to a purchaser with an existing interest in land in the area.

2. **Public Auction** – a sale of land/property by open auction available to anyone. The sale will be publicly advertised in advance. Reasons justifying sale by this method and how the reserve price is determined must be recorded in writing.

3. **Formal Tender** – a sale of land/property by a process of public advert and tenders submitted by a given date. This is a suitable mechanism where there are identified development proposals. A fair and transparent tender process will need to be adopted.

4. **Exchange of Land** – a transaction involving the exchange of Council owned land with another land owner. The land acquired by the Council will meet at least one of its corporate objectives and will be 'equal' in financial worth to the land exchanged whether from the value of the land itself or where a payment is made in addition to the land exchanged.

5. **Informal Negotiated Tender** – a transaction involving a public advert that requests informal offers or bids that meet a given specification or set of objectives. The Council may then negotiate further or more detailed terms with one or more individuals who submitted the most advantageous bid or bids.

In some cases a property will be sold via an estate or other agent.

12. TIMING OF DISPOSALS & DUE DILIGENCE

The timing of any marketing/disposals will need to be considered against the background of the current market conditions, potential for the site value to increase in the future, whether there is a need to raise capital receipts and current planning policies.

In order to properly assess the likelihood of and business case for disposal, the following issues which have the potential to prohibit disposal or influence the sale price will be reviewed:

12.1 - the title is reviewed to identify whether there are any title issues which may impact upon the disposal process or the value which could be achieved from disposal.

12.2 Unregistered land - If the land/property identified for disposal is unregistered, then it is important that the title deeds are located as soon as possible and checked for evidence of the Council's title. This can be achieved through a voluntary application to the Land Registry to register the land/property before it is put on the market.

12.3 Restrictive covenants - The land/property may be subject to restrictive covenants which limit or restrict its use or the extent to which development can be carried out on it. Whether these are a concern will depend upon the likely use of the land/property following disposal, particularly where surplus land/property is being sold for re-development. A restrictive covenant against a certain type of development may have a significant adverse effect on the land value.

12.4 Ransom strip - It will generally be sensible to resolve ransom strip issues prior to offering the property to the open market; it is crucial if the property is to achieve full value on the open market that it has adequate access rights. If development is anticipated, then access may need to be by a different route than that used historically, either because of a physical aspect of or defect with the existing access or for planning purposes or as a consequence of intensification of use. By whichever route access is obtained, a title review should be carried out to establish whether any ransom strips are present. A ransom strip is an area of land which is owned by someone other than the Council. If access is only possible via a ransom strip, then the person with title to that strip will hold the key to unlocking the development potential of the land and that may involve payment to the ransom strip owner, either in return for a formal right of way or transfer of ownership of the strip. In some cases, the Council may want to retain some land to provide access to land remaining in its ownership.

12.5 Rights of way and other easements - It is important to establish the nature of any easements benefitting the land/property, so that any that are missing can be addressed, if possible. As well as access rights, the property may benefit from rights to run services over adjoining land, rights to light, rights of support or other property specific rights. Also to check whether the land/property is subject to any rights which might adversely affect the proposed disposal and subsequent development, for example, public or private rights of way or rights of support.

12.6 Retaining rights over adjoining land - It may be the case where surplus land/property is being disposed of, that the Council will be retaining adjoining land. In that case, the Council will consider whether it needs to reserve any rights over the land/property being disposed of for the benefit of that adjoining land, most commonly, access to the public highway or mains utilities.

12.7 Outline planning consent - Assessing whether an application for a change of planning use might have the potential to increase the value of the surplus land/property. If the change of use is obtained by the Council, it removes an element of risk and uncertainty for potential buyers, which may lead to an increase in the purchase price that they are willing to pay.

12.8 Development agreements - The Council as landowner may, through a development agreement, engage a developer to carry out the development of the site on its behalf. Arrangements may comprise a grant of a lease of the whole site with the developer receiving a fee based partly upon the development value. In circumstances where there is a development agreement or the grant of a lease associated with the disposal, this may trigger the need for an EU tendering exercise

13. OTHER STEPS TO FACILITATE THE DISPOSAL PROCESS

When due diligence in accordance with section 12 of this Policy has been completed, the following will be considered, although not all may be required depending on the type of disposal or basis of the original acquisition:

1. Legislation and Secretary of State guidance governing the disposal process;
2. General guidelines which are applicable, for example, the Crichel Down rules. The Crichel Down Rules are rules that guide how public authorities should dispose of land previously acquired by compulsory acquisition, or land acquired under the threat of compulsory purchase. They are to be applied by any public body disposing of land that was acquired for a purpose for which the authority had compulsory purchase powers at the time of acquisition, whether or not those powers were relied on to acquire the land.
3. Carrying out a site inspection to establish what specific issues there are on the ground, for example, drainage, boundary problems or illegal occupiers. It will also assist when instructing legal advisers or other professionals, who may only have seen the property on plans or in photographs. For some disposals, it may be appropriate for the various professionals to undertake a site visit.
4. Producing a sales pack to circulate to interested parties, including title information and replies to standard pre-contract enquiries.
5. Considering the most appropriate pricing structure. In some cases, it may be appropriate to use an overage arrangement whereby the Council receives future payments representing any uplift in value of the land/property once it has been developed or once it has been developed and sold on. A calculation of the overage that the Council is likely to receive and the likelihood of that sum being

correct given changing market conditions will be important pieces of information in assessing the business case for disposal of surplus/under-used land/property.

6. Considering whether the transaction is caught by the public procurement rules.

7. Considering whether the transaction is caught by the State Aid rules.

14. REFERENCES

(a) A bank reference will be obtained in every case where a lease, tenancy or licence is being granted at a rent or fee in excess of any financial limit as may be defined in Financial Regulations and/or Scheme of Delegations to Officers, unless the relevant Director has agreed to dispense with this requirement.

(b) In every case where a lease, tenancy or licence is to be granted to a limited company at a rent or fee in excess of any financial limit as may be defined in Financial Regulations and/or the Scheme of Delegations to Officers, a guarantor will be required, unless the relevant Director has agreed to dispense with this requirement.

APPENDIX 1

1. LEGAL POWERS

Section 123 - Local Government Act 1972

1.1 In general, the Council is required to achieve the **‘best consideration reasonably obtainable’** when it is disposing of land. Section 123 imposes a duty on the Council to achieve a particular outcome (namely the best price reasonably obtainable): it is not a duty to conduct a particular process (e.g. to have regard to particular factors).

If the disposal is under the 1972 Act, there is neither express power to include covenants on a disposal, nor a prohibition. Where the disposal is a lease, that lease will contain terms and similarly, on the conveyance/transfer of freehold property or on the assignment of a lease, covenants may likewise be included by virtue of section 111 of the 1972 Act.

Under Section 123(2A), the Council must follow certain statutory requirements to advertise the disposal of land that consists of or forms part of an open space.

General Consent

1.2 If the Council seeks to dispose of land or buildings at less than the market value, then it has to obtain the consent of the Secretary of State Communities and Local Government. However, the Secretary of State has issued a number of ‘general consents’ i.e. a set of conditions which, if they apply to a particular transfer, means that the Council does not need to obtain specific permission to transfer at an ‘undervalue’. However, the undervalue itself still needs to comply with ‘normal and prudent commercial practices, including obtaining the view of a professionally qualified valuer’.

The most important of these consents is the General Disposal Consent 2003 (‘the General Consent’) which permits the Council to dispose of land at less than its market value, without the need to seek specific permission from the Secretary of State, provided that:

- the purpose for which the land is to be transferred is likely to contribute to the ‘promotion or improvement’ of the economic, social, or environmental well-being of the area; and
- the difference between the market value of the land and the actual price paid for the disposal (if any), is not more than £2,000,000.

The General Consent has been issued to provide local authorities autonomy to carry out their statutory duties and functions and to fulfil such other objectives as they consider to be necessary or desirable. The General Consent does not require the Council to undertake a tendering process i.e. to market test a disposal. However, when disposing of land at an undervalue, the Council remains aware of the need to fulfil its fiduciary duty in a way which is accountable to local people. The Council will not divest itself of valuable public assets, unless it is satisfied that the circumstances warrant such action.

In justifying a disposal of land/property at undervalue, the Council will have regard to the following:

- what community benefits will be realised by the disposal;
- how the interests of local people will be better served by the disposal;
- the financial viability of the Council’s plans for the land;
- the State Aid implications of the disposal;

- the Council's future plans for the land;
- the market value of the land and the difference between that and the proposed disposal value.

Housing Act 1985 (as amended)

1.5 Under s32 the local authority has the power to dispose of land and dwellings held for housing purposes. Secretary of State consent will be required unless the disposal is covered by one of the General Consents relating to the disposal of:

- vacant dwellings for owner occupation;
- occupied dwelling houses to secure tenants;
- dwellings to tenants who have the right to buy acquiring with others;
- dwellings on shared ownership terms;
- housing authority land; and
- reversionary interest in houses and flats.

Disposals are to be at market value, but discounts may be applicable to qualifying applicants. For details of criteria for disposing of individual council properties (other than through the right to buy) please refer to the Housing Asset Strategy.

Local Government Act 1988 – Section 25

1.6 The Council may provide a Registered Social Landlord with any financial assistance or gratuitous benefit of land for development as housing accommodation. This includes:

- land for development or access, easements and rights;
- dwelling houses for refurbishment;
- financial assistance for prevention of homelessness; and
- loans to RSLs.

The aggregate value of financial assistance or gratuitous benefit provided by the disposal or grant must not exceed £10 million.

Town and Country Planning Act 1990 – Section 233

1.7 The disposal of land held for planning purposes, follow principles similar to those of s123 of the Local Government Act 1972 and its requirement to obtain best consideration reasonably obtainable. However, it must be noted that the General Consent does not apply and a specific consent from the Secretary of State will be required if the Council is considering disposal at an undervalue.

Under s233(2), the Council must obtain the consent of the Secretary of State

to dispose of common land, which may involve the requirement to provide land in exchange.

State Aid

1.8 All land/property disposals need to comply with the European Commission's State Aid rules¹¹. When disposing of land 'at less than best consideration', depending on the nature of the transaction, the Council may be 'subsidising' the purchaser. Where this occurs, the Council must ensure that the nature and amount of subsidy complies with the State Aid rules, particularly if there is no element of competition in the disposal process. Failure to comply with the rules means that the aid is unlawful, and may result in the benefit, with interest, being recovered by the Member State (the UK) from the recipient.

Public Procurement

1.9 A straightforward disposal of land/property for a market value price will not be caught by the Public Contracts Regulations 2006 rules. However, when disposing of land the Council is involved in determining the scope of the future development of its land and its intention is to impose on the purchaser certain obligations as to the nature of the development and also perhaps the standards to which the works must be constructed (usually through a development agreement or grant of a lease associated with the disposal), then where the values involved trigger the EU threshold, it is likely that such an arrangement may be construed as a public works contract triggering the need for an EU tendering

The applicability or otherwise of the public procurement rules will depend on the particular nature of the transaction, how it is structured and its detailed provisions. As a general rule, the risk will be higher the more the Council specifies its requirements for any full development and conversely will be lower the more the Council is willing to take a 'hands off' approach. The Council must therefore give due consideration to the possibility of public procurement rules applying to any particular disposal of land and obtain case specific legal advice before entering into any agreement.

APPENDIX 2 Delegation Scheme for Property Disposals

Council	Disposal Value above £500,000
Policy & Resources Committee	<p>New leases and licences where the premium or annual rental payment is over £150,000.</p> <p>Where the lease or licence or transaction is subject to an existing legal agreement the Head of Property and Asset Management in consultation with the Director of Finance (Section 151 Officer) may approve the transaction.</p> <p>*see exception for Beacon Park and Energy Park</p>
Policy & Resources Committee	<p>Transfers of freehold or leasehold land or property where the consideration is between £200,000 and £500,000.</p> <p>Where the lease or licence or transaction is subject to an existing legal agreement the Head of Property and Asset Management in consultation with the Director of Finance (Section 151 Officer) may approve the transaction.</p> <p>*see exception for Beacon Park and Energy Park</p>
Head of Property and Asset Management in Consultation with Chairman/vice Chairman and Group Leaders of Policy and Resources Committee and the Director of Finance (Section 151 Officer)	<p>Beacon park and Energy Park South Denes.</p> <p>New short-term (7 years or under) leases and licences where the premium or annual rental payment is over £50,000</p>
Head of Property and Asset Management in Consultation with Chairman/vice Chairman and Group Leaders of Policy and Resources Committee and the Director of Finance (Section 151 Officer)	<p>Beacon Park and Energy Park South Denes.</p> <p>Transfers of freehold or leasehold land where the consideration is over £50,000 but under £500,000</p>
Head of Property and Asset Management in consultation with the Director of Finance (Section 151 Officer)	New short-term (7 years or under) leases and licenses where the premium or annual rental payment is above £10,000
Head of Property and Asset Management in consultation with the Director of Finance (Section 151 Officer)	Transfers of freehold or leasehold land or property where the consideration is above £10,000 and below £200,000.

Property Acquisition

