

COUNCIL

WEDNESDAY, 21ST MARCH, 2018, 6.00 PM

SHIELD ROOM, CIVIC CENTRE, WEST PADDOCK, LEYLAND, PR25
1DH

AGENDA

1 Apologies for absence	
2 Minutes of Previous Meetings	
2a Minutes of the Meeting of Council held on Wednesday 28 February 2018	(Pages 5 - 16)
Copy attached to be signed as a correct record.	
2b Minutes of the Meeting of Council held on Wednesday 14 March 2018	(Pages 17 - 20)
Copy to follow to be signed as a correct record.	
3 Declarations of Interest	
4 Mayors Announcements	
5 Report of Cabinet and Committees	
5a Minutes of Cabinet meeting held on 1 March 2018	(Pages 21 - 26)
Copy attached.	
5b Minutes of Scrutiny Committee meeting held on 8 March 2018	(Pages 27 - 32)
Copy to follow.	
6 Nomination of Mayor Elect and Deputy Mayor Elect 2018/19	(Pages 33 - 36)
Report of the Scrutiny and Performance Manager attached.	
7 Change to Committee Membership 2017/18	(Pages 37 - 40)
Report of the Scrutiny and Performance Manager attached.	
8 Pay Policy 2018-19	(Pages 41 - 50)
Report of the Interim HR Manager attached.	

9 Member and Officer Protocol	(Pages 51 - 80)
Report of the Interim Corporate Improvement Manager attached.	
10 Appeals Committee - Terms of Reference	(Pages 81 - 86)
Report of the Interim Monitoring Officer attached.	
11 My Neighbourhood Area Procedure Rules & Terms of Reference	(Pages 87 - 102)
Report of the Interim Monitoring Officer attached.	
12 Proposed Changes to the Licensing Policy	(Pages 103 - 108)
Report of the Revenues Manager attached.	
13 Residential Caravan Sites - Proposed Adoption of: (1) Model Standards 2008; (2) Draft Mobile Home Fee Policy; and (3) Associated Documentation	(Pages 109 - 178)
Report of the Revenues Manager attached.	
14 Questions to the Leader of the Council	
15 Questions to Members of the Cabinet	
16 Questions to Chairmen of Committees and My Neighbourhood Areas	
17 Questions to Member Champions and Representatives on Outside Bodies	
18 Notice of Motion	(Pages 179 - 180)
Notice of the attached Motion has been submitted in accordance with Standing Order number 10(2). The Council's attention is drawn to Standing Order number 10, which deals with the disposal of Motions. The Motion is proposed by Councillor Paul Wharton and seconded by Councillor Claire Hamilton.	
19 Notice of Motion	(Pages 181 - 182)
Notice of the attached Motion has been submitted in accordance with Standing Order number 10(2). The Council's attention is drawn to Standing Order number 10, which deals with the disposal of Motions. The Motion is proposed by Councillor Alan Ogilvie and seconded by Councillor Caroline Moon.	

20 Exclusion of Press and Public

To consider the exclusion of the press and public for the following item of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

By Virtue of Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).

21 Shared Services

(Pages 183 - 200)

Report of the Chief Executive attached.

Heather McManus
CHIEF EXECUTIVE

Electronic agendas sent to Members of the Council Councillors Michael Titherington (Mayor), John Rainsbury (Deputy Mayor), Jane Bell, Warren Bennett, David Bird, Renee Blow, Carol Chisholm, Colin Clark, Colin Coulton, Malcolm Donoghue, Bill Evans, Derek Forrest, Paul Foster, Mary Green, Michael Green, Claire Hamilton, Harry Hancock, Jon Hesketh, Mick Higgins, David Howarth, Cliff Hughes, Ken Jones, Susan Jones, Jim Marsh, Keith Martin, Elizabeth Mawson, Caroline Moon, Jacqui Mort, Peter Mullineaux, Barbara Nathan, Mike Nathan, Mike Nelson, Rebecca Noblet, Alan Ogilvie, James Patten, Margaret Smith, Phil Smith, Susan Snape, David Suthers, Caleb Tomlinson, Matthew Tomlinson, Karen Walton, Graham Walton, Ian Watkinson, David Watts, Paul Wharton, Jonathan Woodcock, David Wooldridge, Linda Woppard and Barrie Yates

The minutes of this meeting will be available on the internet at www.southribble.gov.uk

Forthcoming Meetings

6.00 pm Tuesday, 15 May 2018 - Shield Room, Civic Centre, West Paddock, Leyland, PR25 1DH

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MINUTES OF COUNCIL

MEETING DATE **Wednesday, 28 February 2018**

MEMBERS PRESENT: Councillors Michael Titherington (Mayor), John Rainsbury (Deputy Mayor), Jane Bell, Warren Bennett, David Bird, Renee Blow, Carol Chisholm, Colin Clark, Colin Coulton, Malcolm Donoghue, Bill Evans, Derek Forrest, Paul Foster, Mary Green, Michael Green, Claire Hamilton, Harry Hancock, Jon Hesketh, Mick Higgins, David Howarth, Cliff Hughes, Ken Jones, Susan Jones, Jim Marsh, Keith Martin, Elizabeth Mawson, Caroline Moon, Jacqui Mort, Peter Mullineaux, Barbara Nathan, Mike Nathan, Mike Nelson, Alan Ogilvie, James Patten, Margaret Smith, Phil Smith, Susan Snape, David Suthers, Caleb Tomlinson, Matthew Tomlinson, Karen Walton, Graham Walton, Ian Watkinson, David Watts, Paul Wharton, Jonathan Woodcock, David Wooldridge, Linda Woollard and Barrie Yates

OFFICERS: Heather McManus (Chief Executive), Dave Whelan (Legal Services Manager/Interim Monitoring Officer), Jane Blundell (Deputy Section 151 Officer) and Dave Lee (Democratic Services Officer)

OTHER MEMBERS:

PUBLIC: 0

84 Apologies for Absence

An apology for absence was received from Councillor Rebecca Noblet.

85 Declarations of Interest

Councillor Michael Green declared a personal (non-prejudicial) interest in Min. Nos. 91 and 92 as he was a Member of Lancashire County Council but was able under the Code of Conduct for Elected Members to take part in the discussion and vote thereon.

86 Minutes of the Last Meeting

RESOLVED:

That the minutes of the Council meeting held on 17 January 2018 be approved as a correct record subject to Minute No. 83 being amended to read:

"It was proposed by Councillor Paul Wharton and seconded by Councillor Paul Foster that consideration of the report be deferred."

87 Mayors Announcements

The Mayor provided an update on the events he had recently attended and his forthcoming engagements.

88 Report of Cabinet and Committees**88a Minutes of Governance Committee held on 31 January 2018**

The Council considered the draft minutes of the Governance Committee meeting held on 31 January 2018.

It was moved by Councillor Alan Ogilvie, seconded by Councillor James Patten and

RESOLVED:

That the draft minutes of the Governance Committee meeting held on 31 January 2018 be noted.

88 Minutes of Scrutiny Committee meeting held on 8 February 2018**b**

The Council considered the draft minutes of the Scrutiny Committee meeting held on 8 February 2018.

It was moved by Councillor Matthew Tomlinson, seconded by Councillor Colin Coulton and

RESOLVED:

That the draft minutes of the Scrutiny Committee meeting held on 8 February 2018 be noted.

88c Minutes of Cabinet meeting held on 14 February 2018

The Council considered the draft minutes of the Cabinet meeting held on 14 February 2018.

It was moved by Councillor Peter Mullineaux, seconded by Councillor Colin Clark and

RESOLVED:

That the draft minutes of the Cabinet meeting held on 14 February 2018 be noted.

89 Corporate Plan 2018-2023 and Corporate Risk Register 2018/19

Further to Minute No. 79a of the Cabinet meeting held on 14 February 2018, the Council considered the report of the Interim Corporate Improvement Manager on the Council's Corporate Plan for 2018-2023 and the Corporate Risk Register for 2018-2019.

It was moved by Councillor Peter Mullineaux, seconded by Councillor Colin Clark and

RESOLVED: (Unanimously):

That:

- (1) the Corporate Plan for 2018-2023 as detailed in Appendix 1 of the report be approved; and
- (2) the Corporate Risk Register for 2018-19 as detailed in Appendix 2 of the report be approved.

90 Capital Strategy

Further to Minute No. 79b of the Cabinet meeting held on 14 February 2018, the Council considered the report of the Deputy Section 151 Officer on the Council's five year Capital Strategy 2018/19 to 2022/23 and how it was funded. The implications of the strategy were reflected in the Council's 2018/9 Budget and the Medium Term Financial Strategy and it was an ambitious and deliverable key part of the Council's Corporate Planning process setting out the major capital expenditure to deliver its ambitions and services for residents.

It was moved by Councillor Susan Snape, seconded by Councillor Peter Mullineaux and

RESOLVED: (Unanimously):

That:

- (1) the Capital Strategy detailed in Appendix 1 of the report be approved; and
- (2) the funding arrangements for the Capital Strategy be approved.

91 Revenue Budget 2018/19 and Medium Term Financial Strategy

Further To Minute No. 79c of the Cabinet meeting held on 14 February 2018, the Council considered the report of the Deputy Section 151 Officer on the proposed 2018/19 Revenue Budget for the Council and the Medium Term Financial Strategy for the next 5 years. This was the financial plan for the Council for the next 5 years, which was aligned to and supported the Corporate Plan and accounted for the implications of the Capital Strategy in delivering the Council's ambitions and services for residents.

It was moved by Councillor Susan Snape, seconded by Councillor Peter Mullineaux that:

1. the revenue budget for 2018/19 as set out in Appendix A of the report be approved;
2. the 5 year Medium Term Financial Strategy 2018/19 through to 2022/23, as summarised at Appendix B of the report be approved; and

3. a Council Tax increase of 2.99% for 2018/19 be approved.

An **amendment to the Motion** was moved by Councillor Matthew Tomlinson, seconded by Councillor Paul Foster:

“That the budget proposals set out in the report be amended by the implementation of the following measures:

- Zero increase in Council Tax in 2018/19;
- Increase the target for transformation/shared services savings by £75,000;
- Seek additional income of £50,000 in 2018/19; and
- Utilise £96,000 from General Fund balances to balance the budget.”

Following debate and in accordance with Rule 16.5 in Part 4 of the Constitution, the voting on the amendment was recorded and the Members of Council present at the time, voted as follows:

FOR THE AMENDMENT:

Councillors Jane Bell, David Bird, Renee Blow, Mal Donoghue, Bill Evans, Derek Forrest, Paul Foster, Claire Hamilton, Harry Hancock, Mick Higgins, David Howarth, Ken Jones, Susan Jones, Keith Martin, Liz Mawson, Jim Patten, Mick Titherington, Caleb Tomlinson, Matthew Tomlinson, Ian Watkinson, Dave Watts, Paul Wharton, Jonathan Woodcock, David Wooldridge

AGAINST THE AMENDMENT:

Councillors Warren Bennett, Carol Chisholm, Colin Clark, Colin Coulton, Mary Green, Michael Green, Jon Hesketh, Cliff Hughes, Jim Marsh, Caroline Moon, Jacqui Mort, Peter Mullineaux, Barbara Nathan, Mike Nathan, Mike Nelson, Alan Ogilvie, John Rainsbury, Margaret Smith, Phil Smith, Susan Snape, David Suthers, Graham Walton, Karen Walton, Linda Woppard, Barrie Yates

The Mayor declared that the amendment was **lost** by 25 votes to 24.

A further **amendment to the Motion** was moved by Councillor Paul Wharton, seconded by Councillor Claire Hamilton:

“That the budget proposals set out in the report be amended by the implementation of the following measures:

- Zero increase in Council Tax in 2018/19;
- Introduce Local Member Grant Scheme in 2018/19 totalling £50,000;
- Remove My Neighbourhood Forums funding of £70,000 (part year saving 2018/19); and
- Utilise £201,000 from General Fund balances to balance the budget.”

Following debate and in accordance with Rule 16.5 in Part 4 of the Constitution, the voting on the amendment was recorded and the Members of Council present at the time, voted as follows:

FOR THE AMENDMENT:

Councillors Jane Bell, David Bird, Renee Blow, Mal Donoghue, Bill Evans, Derek Forrest, Paul Foster, Claire Hamilton, Harry Hancock, Mick Higgins, David Howarth, Ken Jones, Susan Jones, Keith Martin, Liz Mawson, Jim Patten, Mick Titherington, Caleb Tomlinson, Matthew Tomlinson, Ian Watkinson, Dave Watts, Paul Wharton, Jonathan Woodcock, David Wooldridge

AGAINST THE AMENDMENT:

Councillors Warren Bennett, Carol Chisholm, Colin Clark, Colin Coulton, Mary Green, Michael Green, Jon Hesketh, Cliff Hughes, Jim Marsh, Caroline Moon, Jacqui Mort, Peter Mullineaux, Barbara Nathan, Mike Nathan, Mike Nelson, Alan Ogilvie, John Rainsbury, Margaret Smith, Phil Smith, Susan Snape, Graham Walton, Karen Walton, Linda Woppard, Barrie Yates

ABSTENTION:

Councillor David Suthers

The amendment was tied by 24 votes to 24 with 1 abstention and the Mayor used his casting vote for the amendment, which was subsequently carried by 25 votes to 24 with 1 abstention.

The Mayor declared that the amendment was **carried** and now became the Substantive Motion.

An **amendment to the Substantive Motion** was moved by Councillor David Howarth, seconded by Councillor Harry Hancock:

"That the Substantive Motion be amended by the deletion of the following measures:

- Introduce Local Member Grant Scheme in 2018/19 totalling £50,000;
- Remove My Neighbourhood Forums funding of £70,000 (part year saving 2018/19); and

And that the following measures be implemented

- Incorporate into the budget a concessionary green waste collection charge of £5 (per bin) per household for residents who qualify for council tax support by allocating £25,000 from reserves. To be reviewed after year one when we have actual take up figures.
- Establish a contingency fund of £20,000 from reserves to proactively address fly-tipping of green waste resulting from the removal of universal green waste collections.
- Provide a budget of £12,500 in 2018/19, and £12,500 in 2019/2020, for the provision of bus shelters from the My Neighbourhood funding.

Following debate and in accordance with Rule 16.5 in Part 4 of the Constitution, the voting on the amendment was recorded and the Members of Council present at the time, voted as follows:

FOR THE AMENDMENT:

Councillors Jane Bell, Warren Bennett, David Bird, Renee Blow, Mal Donoghue, Bill Evans, Derek Forrest, Paul Foster, Claire Hamilton, Harry Hancock, Mick Higgins, David Howarth, Ken Jones, Susan Jones, Keith Martin, Liz Mawson, Barbara Nathan, Jim Patten, Mick Titherington, Caleb Tomlinson, Matthew Tomlinson, Ian Watkinson, Dave Watts, Paul Wharton, Jonathan Woodcock, David Wooldridge

AGAINST THE AMENDMENT:

Councillors Carol Chisholm, Colin Clark, Colin Coulton, Mary Green, Michael Green, Jon Hesketh, Cliff Hughes, Jim Marsh, Caroline Moon, Jacqui Mort, Peter Mullineaux, Mike Nelson, Alan Ogilvie, John Rainsbury, Margaret Smith, Phil Smith, Susan Snape, David Suthers, Graham Walton, Karen Walton, Linda Woppard, Barrie Yates

ABSTENTION:

Councillor Mike Nathan

The Mayor declared that the amendment was **carried by 26 votes to 22 with one abstention** and now became the new Substantive Motion.

Cllr Michael Green moved an amendment to the substantive motion. This related to any proposed removal of the Council Tax Support Scheme. After debate Cllr Michael Green decided to remove this amendment.

A vote was then taken on the new substantive motion. In accordance with Rule 16.5 in Part 4 of the Constitution, the voting on the new substantive Motion was recorded and the Members of Council present at the time, voted as follows:

FOR THE NEW SUBSTANTIVE MOTION:

Councillors Jane Bell, David Bird, Renee Blow, Mal Donoghue, Bill Evans, Derek Forrest, Paul Foster, Claire Hamilton, Harry Hancock, Mick Higgins, David Howarth, Ken Jones, Susan Jones, Keith Martin, Liz Mawson, Jim Patten, Mick Titherington, Caleb Tomlinson, Matthew Tomlinson, Ian Watkinson, Dave Watts, Paul Wharton, Jonathan Woodcock, David Wooldridge

AGAINST THE NEW SUBSTANTIVE MOTION:

Councillors Warren Bennett, Carol Chisholm, Colin Clark, Colin Coulton, Mary Green, Michael Green, Jon Hesketh, Cliff Hughes, Jim Marsh, Caroline Moon, Jacqui Mort, Peter Mullineaux, Barbara Nathan, Mike Nathan, Mike Nelson, Alan Ogilvie, John Rainsbury, Margaret Smith, Phil Smith, Susan Snape, David Suthers, Graham Walton, Karen Walton, Linda Woppard, Barrie Yates

The Mayor declared that the new substantive motion was **lost** by 25 votes to 24.

As the new substantive motion was lost, the meeting was then adjourned at 8.30pm to allow Group Leaders to discuss a way forward on the Budget for 2018/19. In accordance with good practice the Chief Executive advised the group leaders to identify what they could agree on and identify those areas of dispute.

The meeting resumed at 9.40pm

The Chief Executive reported that the Group Leaders had met and had agreed to put forward the Council's original budget for consideration with the exception that there was full agreement that the Council Tax Support Scheme for the year 2019/2020 onwards in the Medium Term Financial Strategy should be removed. There were two areas of non-agreement namely:—

- 2.99% increase in Council Tax in 2018/19
- Adding into the budget a concessionary green waste collection charge

In accordance with Rule 16.5 in Part 4 of the Constitution, the voting on the proposed budget (with the inclusion of the 2.99% increase in Council Tax in 2018/19) was recorded and the Members of Council present at the time, voted as follows:

FOR (with the inclusion of the 2.99% increase in Council Tax in 2018/19):

Councillors Warren Bennett, Carol Chisholm, Colin Clark, Colin Coulton, Mary Green, Michael Green, Jon Hesketh, Cliff Hughes, Jim Marsh, Caroline Moon, Jacqui Mort, Peter Mullineaux, Barbara Nathan, Mike Nathan, Mike Nelson, Alan Ogilvie, John Rainsbury, Margaret Smith, Phil Smith, Susan Snape, David Suthers, Graham Walton, Karen Walton, Linda Woppard, Barrie Yates

AGAINST (with the inclusion of the 2.99% increase in Council Tax in 2018/19):

Councillors Jane Bell, David Bird, Renee Blow, Mal Donoghue, Bill Evans, Derek Forrest, Paul Foster, Claire Hamilton, Harry Hancock, Mick Higgins, David Howarth, Ken Jones, Susan Jones, Keith Martin, Liz Mawson, Jim Patten, Mick Titherington, Caleb Tomlinson, Matthew Tomlinson, Ian Watkinson, Dave Watts, Paul Wharton, Jonathan Woodcock, David Wooldridge

The Mayor declared that the proposed Budget (with the inclusion of the 2.99% increase in Council Tax in 2018/19) was **carried** by 25 votes to 24.

In accordance with Rule 16.5 in Part 4 of the Constitution, a further vote was taken to provide an addition to the budget to incorporate a concessionary green waste collection charge. The vote was recorded and the Members of Council present at the time, voted as follows:

FOR:

Councillors Jane Bell, David Bird, Renee Blow, Mal Donoghue, Bill Evans, Derek Forrest, Paul Foster, Claire Hamilton, Harry Hancock, Mick Higgins, David Howarth, Ken Jones, Susan Jones, Keith Martin, Liz Mawson, Jim Patten, Mick Titherington, Caleb Tomlinson, Matthew Tomlinson, Ian Watkinson, Dave Watts, Paul Wharton, Jonathan Woodcock, David Wooldridge

AGAINST:

Councillors Warren Bennett, Carol Chisholm, Colin Clark, Colin Coulton, Mary Green, Michael Green, Jon Hesketh, Cliff Hughes, Jim Marsh, Caroline Moon, Jacqui Mort, Peter Mullineaux, Barbara Nathan, Mike Nathan, Mike Nelson, Alan Ogilvie, John Rainsbury, Margaret Smith, Phil Smith, Susan Snape, David Suthers, Graham Walton, Karen Walton, Linda Woppard, Barrie Yates

The Mayor declared that the additional request to incorporate in the budget a concessionary green waste collection charge was **lost** by 25 votes to 24.

Accordingly the following was

RESOLVED:

That the revenue budget for 2018/19 and the 5 year Medium Term Financial Strategy (MTFS) to 2022/23 as set out in the Table below were approved.

Agreed by Council 28th February 2018
MEDIUM-TERM FINANCIAL STRATEGY 2018/19 TO 2022/23

PORTFOLIO	FORECAST	FORECAST	FORECAST	FORECAST	FORECAST
	2018/19	2019/20	2020/21	2021/22	2022/23
	£000's	£000's	£000's	£000's	£000's
Leader	1,910	1,966	1,932	1,955	1,994
Finance	874	895	895	895	895
Corporate Support and Assets	5,287	5,230	5,356	5,462	5,571
Neighbourhoods & Streetscene	5,354	5,345	5,378	5,498	5,608
Public Health Safety & Wellbeing	422	437	452	465	475
Regeneration and Leisure	1,434	1,465	1,461	1,486	1,515
Strategic Planning & Housing	141	96	16	16	16
Pensions Triennial Review	0	0	200	200	200
Restructure savings	(210)	(410)	(410)	(410)	(410)
Staff Turnover Savings Target	(100)	(100)	(100)	(100)	(100)
TOTAL SERVICE BUDGETS	15,112	14,924	15,180	15,466	15,764
Financing and Investment	(2,563)	(2,479)	(2,438)	(2,438)	(2,438)
Transfers to/(from) earmarked reserves	30	(90)	30	30	30
BOROUGH COUNCIL BUDGET REQUIREMENT	12,579	12,355	12,772	13,058	13,356
FUNDED BY: Revenue Support Grant/Tariff adjustment	0	494	494	494	494

Transition Grant	0	0	0	0	0
New Homes Bonus (net of City Deal payments)	(407)	(135)	(59)	0	0
Retained Business Rates (net of City Deal payments)	(4,293)	(4,293)	(4,293)	(4,293)	(4,293)
Council Tax	(7,467)	(7,516)	(7,616)	(7,766)	(7,826)
TOTAL FUNDING	(12,167)	(11,450)	(11,474)	(11,565)	(11,625)
FORECAST BUDGET GAP	412	905	1,298	1,493	1,731
18/19 BUDGET PROPOSALS:					
Investment in Corporate Plan (net)	173	125	100	100	100
Net borrowing costs from Capital Strategy	45	140	520	880	900
Indicative Savings and income from Capital Strategy Transformation and Shared Services savings	0	0	(100)	(1,186)	(1,186)
Release from Transformation Fund	(270)	(580)	(615)	(615)	(615)
Fees and Charges	(60)	(121)	(121)	(121)	(121)
Council Tax Increase of 1.99% from 2019/20		(152)	(307)	(465)	(626)
Removal of Council Tax Reduction Scheme		73	73	73	73
Council Tax increases at 2.99% for 2018/19	(221)	(221)	(221)	(221)	(221)
MTFS ASSUMPTIONS:					
Contribution to Capital Asset reserve	0	0	0	562	465
Forecast net Business Rates Growth	0	0	(250)	(500)	(500)
	0	169	377	0	(0)
Use of General Fund Balance	0	(169)	(377)	(0)	0
FORECAST BUDGET (SURPLUS)/DEFICIT	0	0	0	0	0

92 Council Tax Setting 2018/19

Further to Minute No. 91 above, the Council considered the report of the Deputy Section 151 Officer on the Council Tax calculation and Council Tax resolution for 2018/19, which provided details of the Council's budget for 2018/19 and the precepts set by the Parish and Town Councils, Lancashire County Council, the Police and Crime Commissioner for Lancashire and Lancashire Combined Fire Authority for 2018/19.

It was moved by Councillor Susan Snape and seconded by Councillor Peter Mullineaux:

That the formal Council Tax resolution for 2018/19 as set out in the report be approved.

Members were reminded that in the previous item (Minute 91) Council had approved a 2.99% increase as part of the budget. Members were also reminded that they had a legal duty to agree a budget and set a Council Tax. Members were further advised that if they could not support the Council tax setting they had the option of abstaining from the vote on this item.

Following debate and in accordance with Rule 16.5 in Part 4 of the Constitution, the voting on the Motion was recorded and the Members of Council present at the time, voted as follows:

FOR THE MOTION:

Councillors David Bird, Carol Chisholm, Colin Clark, Colin Coulton, Mary Green, Michael Green, Jon Hesketh, Cliff Hughes, Jim Marsh, Caroline Moon, Jacqui Mort, Peter Mullineaux, Barbara Nathan, Mike Nathan, Mike Nelson, Alan Ogilvie, John Rainsbury, Margaret Smith, Phil Smith, Susan Snape, David Suthers, Graham Walton, Karen Walton, Linda Woppard, Barrie Yates

AGAINST THE MOTION:

Councillors Derek Forrest, Claire Hamilton, Mick Higgins, Ken Jones, Susan Jones, Keith Martin, Matthew Tomlinson, Ian Watkinson, Dave Watts, Paul Wharton

ABSTENTIONS:

Councillors Jane Bell, Mal Donoghue, Bill Evans, Paul Foster, Liz Mawson, Jim Patten, Mick Titherington, Caleb Tomlinson, Jonathan Woodcock, David Wooldridge

The Mayor declared that the Motion was **carried** by 25 votes to 10 with 10 abstentions and it was

RESOLVED:

That the formal Council Tax resolution as set out in the report be approved.

93 Treasury Strategy 2018/19 to 2022/23

Further To Minute No. 80 of the Cabinet meeting held on 14 February 2018, the Council considered the report of the Deputy Section 151 Officer on the Prudential and Treasury Indicators; Treasury Management and Investment Strategies for 2018/19 to 2022/23, and the Minimum Revenue Policy Statement for 2018/19. The Treasury Strategy was aligned to the Capital Strategy and its delivery within the Council's ambitious Corporate Plan.

It was moved by Councillor Susan Snape, seconded by Councillor Mullineaux and

RESOLVED: (For: 44, Against: 0, Abstention: 0):

That approval be given to:

- (i) the Prudential Indicators for 2018/19 to 2022/23 as referred to in paragraphs 9.2, 9.3, 9.5, and 9.6 of the report;
- (ii) the annual Minimum Revenue Policy Statement as referred to in paragraph 9.4 of the report;
- (iii) the Treasury Strategy, and Treasury Indicators for 2018/19 to 2022/23 as referred to in paragraphs 10.6, 10.7 and 11.4 of the report; and
- (iv) the Annual Investment Strategy including Investment Counterparties as referred to in section 11 of the report.

94 Timetable of Meetings 2018/19

Further To Minute No. 69 of the Cabinet meeting held on 25 January 2018, the Council considered the report of the Interim Monitoring Officer on the proposed timetable of meetings for 2018/19.

It was moved by Councillor Peter Mullineaux, seconded by Councillor Colin Clark and

RESOLVED: (For: 44, Against: 0, Abstention: 0):

That the timetable of meetings for 2018/19 as set out in the appendix to the report be approved.

95 Notice of Motion

Reducing single use plastic (SUP) use in the Borough of South Ribble

With the agreement of the Proposer of the Notice of Motion (Councillor Paul Wharton), consideration of this matter was deferred until the next scheduled Council meeting on 21 March 2018.

Chair

Date

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MINUTES OF**COUNCIL (EXTRA-ORDINARY MEETING)****MEETING DATE****Wednesday, 14 March 2018****MEMBERS PRESENT:**

Councillors Michael Titherington (Mayor), Jane Bell, David Bird, Renee Blow, Carol Chisholm, Colin Clark, Colin Coulton, Malcolm Donoghue, Bill Evans, Derek Forrest, Paul Foster, Mary Green, Michael Green, Claire Hamilton, Harry Hancock, Jon Hesketh, Mick Higgins, David Howarth, Cliff Hughes, Ken Jones, Susan Jones, Jim Marsh, Keith Martin, Caroline Moon, Jacqui Mort, Barbara Nathan, Mike Nathan, Mike Nelson, Rebecca Noblet, Alan Ogilvie, James Patten, Margaret Smith, Phil Smith, Susan Snape, David Suthers, Caleb Tomlinson, Matthew Tomlinson, Karen Walton, Graham Walton, Ian Watkinson, David Watts, Paul Wharton, Jonathan Woodcock, David Wooldridge, Linda Woollard and Barrie Yates

OFFICERS:

Heather McManus (Chief Executive), Dave Whelan (Legal Services Manager/Interim Monitoring Officer) and Andy Houlker (Senior Democratic Services Officer)

PUBLIC:

53

96 Apologies for absence

Apologies for absence were received from Councillors Warren Bennett, Elizabeth Mawson, Peter Mullineaux and John Rainsbury.

97 Declarations of Interest

There were no declarations of interest.

98 Notice of Motion

In accordance with Standing Order number 3.1(vi) in Part 4A, Council Procedure Rules (Standing Orders) of the Council's Constitution, Councillors Paul Foster, Susan Jones JP, Malcolm Donoghue, Ken Jones and Keith Martin had requested that this Extraordinary Meeting of the Council be convened to consider the Notice of Motion set out below, which had been submitted in accordance with Standing Order number 10.2 in Part 4A of the Constitution.

The purpose of the Motion was to seek the removal of the Leader as per Standing Order number 11.1 of Part 4A of the Constitution and subsequently appoint a replacement upon the Motion being carried.

The Interim Monitoring Officer advised the Council on the process to be followed at the meeting to deal with the consideration of the Motion and any potential amendments.

The following Motion was proposed by Councillor Paul Foster and seconded by Councillor Susan Jones JP:

1. As individuals who are in a position of great responsibility, this Council no longer believe that the Leader and Cabinet are deemed fit to hold that position as they are continually failing to carry out their obligations in a diligent and professional manner to the detriment of the local community we represent. Therefore this Council now has No Confidence in the Leader and Cabinet.
2. It is therefore decided that:
 - (a) The Executive Leader of the Council be formally removed, as per Standing Order 11.1, Part 4 – Page 9 of the South Ribble Borough Council Constitution dated October 2017. The Council will then immediately seek nominations from those Members present and appoint a new Executive Leader; and
 - (b) The newly appointed Executive Leader will then appoint a Cabinet

Councillors Paul Foster and Susan Jones outlined the concerns of the Labour Group over recent decisions made and actions by the Cabinet and their general dissatisfaction in the administration of the Council by the Conservative Group, and in particular by the Leader and Members of the Cabinet that had led to the submission of the Motion.

An **amendment** was moved by Councillor Michael Green and seconded by Councillor Michael Nathan that the Motion be amended to read as follows:-

1. As individuals who are in a position of great responsibility, this Council no longer believes that the Leader is deemed fit to hold that position as he is failing to carry out his obligations in a diligent and professional manner to the detriment of the local community we represent. Therefore this Council now has No Confidence in the Leader.
2. It is therefore resolved that:
 - a. The Executive Leader of the Council be formally removed, as per Standing Order 11.1, Part 4 – Page 9 of the South Ribble Borough Council Constitution dated October 2017.
 - b. Councillor Colin Clark be appointed as the Interim Executive Leader, until the next Annual Business Meeting of the Council at the latest; and
 - c. The newly appointed Executive Leader will then appoint a Cabinet.

Councillor Michael Green questioned the timing of the meeting in view of the Leader's (Councillor Peter Mullineaux) unavailability adding that all Cabinet members worked hard in their areas and referred members to the Council's recent achievements.

Councillor Paul Foster, the mover of the Motion accepted the amendment, which then became the Substantive Motion.

During the debate, Members of the Council expressed their support and opposition to the Substantive Motion and a statement was read out on behalf of the Leader expressing concern the meeting had been held in his absence and defending his record as the Leader of the Council.

Councillor Paul Wharton subsequently moved an amendment to the Substantive Motion relating to the submission of nominations for the post of Leader of the Council but following discussion about the proposal, Councillor Paul Wharton decided to withdraw the amendment without being seconded.

Following further debate, the vote on the Substantive Motion was For: 21, Against: 25 and the Mayor declared that the **Substantive Motion was lost** and the impact was that no change be made to the Leader of the Council.

Chair

Date

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DRAFT

MINUTES OF CABINET

MEETING DATE Thursday, 1 March 2018

MEMBERS PRESENT: Councillors Peter Mullineaux (Chair), Colin Clark (Vice-Chair), Cliff Hughes, Jacqui Mort, Phil Smith, Susan Snape and Graham Walton

OFFICERS: Heather McManus (Chief Executive), Dave Whelan (Legal Services Manager/Interim Monitoring Officer) and Dave Lee (Democratic Services Officer)

OTHER MEMBERS AND OFFICERS: Councillor Susan Jones JP, Councillor Keith Martin, Councillor Michael Titherington (Mayor), Councillor Paul Wharton, Gail Collins (Interim HR Manager), Darren Cranshaw (Scrutiny & Performance Manager), Mark Hodges (Partnership Development Manager), Jonathan Noad (Chief Planning Officer), Noel O'Neill (Interim Consultant) and Andrew Richardson (Parks & Neighbourhoods Manager)

PUBLIC: 0

81 Apologies for Absence

None.

82 Minutes of the Last Meeting

RESOLVED (Unanimously):

That the minutes of the meeting held on 14 February 2018 be approved and signed as a correct record.

83 Declarations of Interest

There were no declarations of interest.

84 Pay Policy 2018-19

The Cabinet considered the report of the Interim Human Resources Manager which provided the Pay Policy to ensure there was transparency as to how pay and remuneration was set by the Council, for all of its employees and particularly for its most senior level posts.

Decision Made (Unanimously):

That the Pay Policy 2018/19 attached to the report submitted be recommended for approval by the Council at its meeting on 21 March 2018.

Reasons for the Decision:

The Localism Act 2011 requires all local authorities to set out its position on a range of issues relating to the remuneration of its employees. The Policy must be approved by the Council in open forum, by the end of March each year and then be published on its website.

Alternative Options Considered and Rejected:

There was a legal requirement to publish a Pay Policy – this was something the Council must do.

85 Performance Report - Quarter 3

The Cabinet considered the report of the Interim Corporate Improvement Manager which provided an overview of performance against the Council's Corporate Plan for 2017-18 at the end of the third quarter i.e. end of December 2017.

During the debate the Cabinet considered/responded to the following comments made by the Scrutiny Committee on the report at its meeting held on 8 February 2018:

- (Scrutiny Recommendation): In respect of complaints received it would be helpful if these were categorised and indicate how lessons have been learned.
- (Cabinet Response): The Cabinet felt that it was a management issue on how complaints against service delivery were handled and should be for the Chief Executive to provide a response.
- (Scrutiny Recommendation): The Committee strongly requests that it is kept informed with clear timelines on the delivery of the Master Plans for Leyland, Lostock Hall and Penwortham.
- (Cabinet Response): The Cabinet noted the request however felt it was a Cabinet function to monitor progress against its Corporate Plan Projects, information would be shared with Scrutiny at the relevant time.
- (Scrutiny Recommendation): Future reports on shared service performance provide more explanation on the performance figures, including differences between those for Chorley and South Ribble Councils.
- (Cabinet Response): The Cabinet felt that the performance figures, or comparison to Chorley, was a matter for the Shared Services Committee. In bringing forward performance of the South Ribble service, Cabinet requested that only the performance of South Ribble should be considered in future performance reports to Cabinet.

Decision Made (Unanimously):

That:

1. the performance at the end of Quarter 3 shown at Appendices 1 and 2 to the report be noted.
2. the corporate risks and the controls in place to mitigate risks as identified in the Corporate Risk Register shown at Appendix 3 to the report be noted.
3. the arrangements in place to report performance to Cabinet, Scrutiny and Full Council be noted.
4. the response to the Scrutiny Committee's recommendations be communicated to the Committee.

Reasons for Decision:

The Corporate Plan for 2017-18 contained a number of outcomes and activities for delivery in 2017-18. This report provided an update at the end of Quarter 3 for members' consideration.

Performance reports for each quarter were considered by the Council's Leadership Team and for Quarters 2, 3 and 4 by the Cabinet and the Council's Scrutiny Committee. An annual report on performance at the end of Quarter 4 would also be submitted to Full Council.

Cabinet was required in the Council's constitution to provide a response to the Scrutiny Committee's recommendations.

Alternative Options Considered and Rejected:

As this was a routine performance report, other options were not relevant.

86 Nomination of Mayor Elect and Deputy Mayor Elect 2018/19

The Cabinet considered the report of the Interim Monitoring Officer to seek nominations for the Mayor Elect and Deputy Mayor Elect 2018/19.

Decision Made (Unanimously):

That:

1. the current Deputy Mayor, Councillor John Rainsbury be nominated as the Mayor Elect for 2018/19; and
2. Councillor Carol Chisholm be nominated as the Deputy Mayor Elect for 2018/19.

Reasons for Decision:

The Mayor and Deputy Mayor for the Council Year 2018/19 would need to be formally appointed at the Annual Council Meeting (Mayoral Installation) to be held on 15 May 2018.

It had been the practice for a number of years for the Cabinet to nominate the Mayor Elect and Deputy Mayor Elect for the forthcoming Council Year, in advance of the Annual Council Meeting to enable arrangements to be made for the Mayoral Installation and invitations sent out to family members and friends, well in advance of the event.

Alternative Options Considered and Rejected:

Not applicable. The Constitution indicates that the Mayor and Deputy Mayor should be appointed at the Annual Council Meeting held each year.

87 Cabinet Forward Plan

The Cabinet considered its Forward Plan.

The Cabinet noted that the item in respect of Corporate Plan, Risk Management, 2018/19 Budget and Medium Term Financial Strategy should include the Relevant Portfolio Holder for Finance.

Decision Made (Unanimously):

That subject to the reported amendment, the Cabinet's Forward Plan be approved.

Reasons for the Decision:

To enable the Cabinet to consider and amend as appropriate its statutory forward plan.

Alternative Options Considered and Rejected:

There was no alternative as Section 22 of the Local Government Act 2000 required the Cabinet to set out its programme of work and key decisions in the coming months, as far as it was known, in a forward plan.

88 Ministry of Housing, Communities and Local Government (MHCLG) - Land Release Funds

This item on the Supplementary Agenda was for decision by the Cabinet in accordance with Rule 19 of the Access to Information Procedure Rules (Special Urgency) of the Constitution.

This item was being dealt with as a matter of urgency on the basis that it was impracticable to defer the decision because of the need to accept the offer of Government funding within the timescales prescribed.

The Cabinet considered the report of the Planning Manager that the Council had been offered Land Release Funding (LRF) to progress its home building concept.

During the debate, the Cabinet welcomed the Council's successful bid for LRF of £362,000 from MHCLG. The objective of the Home Build concept was to see if home building or renovating underutilised assets and renting could generate a long term revenue stream for the Council, as well as meeting local social, community and housing targets. This supported the Council's Corporate Plan targets of 'financial

self-sufficiency through investment and commercial use of Council owned assets' and a key outcome for 'More homes of the quality and mix to meet needs'. This was in line with the recently revised Housing Framework and also part of our wider vision, campus strategy and City Deal ambitions.

Decision Made (Unanimously):

That:

1. delegated authority be granted to the Planning Manager, in consultation with the Deputy Leader/Portfolio Holder for Assets and the Portfolio Holder for Strategic Planning and Housing, to make a final decision on the offer, once full details of the terms and conditions become known, and financial and legal advice has been obtained.
2. any proposal to develop or dispose of Council owned land and property assets will be the subject of a detailed report to Cabinet, following full consultation within the community.

Reasons for Decision:

As a result of a bid to Ministry of Housing, Communities and Local Government (MHCLG), South Ribble Borough Council had been offered £362,000 of Land Relief Funds (LRF) to progress its home build project.

Alternative Options Considered and Rejected:

There are a number of options for this funding:

- Do nothing - Do not accept the funding and lose the benefit of £362,000.
There is a financial and reputational risk to this option.
- Use SRBC own money – this would increase costs within SRBC by £362,000.

Other options were considered for home delivery in the business case. The detail of the business case and the actual detail of the MHCLG offer was key. At this point in time neither were precisely known.

Chair

Date

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MINUTES OF SCRUTINY COMMITTEE

MEETING DATE Thursday, 8 March 2018

MEMBERS PRESENT: Councillors Matthew Tomlinson (Chair), Colin Coulton (Vice-Chair), Carol Chisholm, Michael Green, David Howarth, Susan Jones, Barbara Nathan, Karen Walton, Ian Watkinson and Linda Woollard

CABINET MEMBERS:

OFFICERS: Darren Cranshaw (Scrutiny & Performance Manager) and Dave Lee (Democratic Services Officer)

OTHER MEMBERS: Councillor Colin Clark (Deputy Leader of the Council and Cabinet Member for Corporate Support and Assets), Councillor Jacqueline Mort (Cabinet Member for Public Health, Safety and Wellbeing), Councillor Susan Snape (Cabinet Member for Finance), Andy Glover (Interim Licensing Manager), Peter Haywood (Revenues Manager), Heather McManus (Chief Executive), Jennifer Mullin (Public Health Manager) and Jonathan Noad (Chief Planning Officer)

PUBLIC: 0

43 Apologies for Absence

Apologies for absence were received from Councillors Keith Martin and Mick Titherington.

44 Declarations of Interest

Councillor Barbara Nathan declared a personal interest in Minute No. 47 (Licensing Implementation Plan) as she was a member of the General Licensing Committee, but was able under the Code of Conduct for Elected Members, to remain in the meeting and take part in the discussion and voting thereon.

45 Minutes of the Last Meeting

RESOLVED (Unanimously):

That the minutes of the Scrutiny Committee meeting held on 8 February 2018 be approved as a correct record.

(The Committee noted that due to the short time since the last meeting, the matters arising update would be provided to the next meeting on 12 April 2018.

The Chair indicated that he was pleased that the Cushman & Wakefield report together with a report as to how that has been used would be submitted as an exempt confidential item at the next meeting.

The Chair referred to the comments of the Committee at the last meeting on the Council's third quarter's performance monitoring report and although he acknowledged the Cabinet's prerogative he was disappointed with the responses.)

46 Safer Chorley & South Ribble Community Safety Partnership

The Committee considered the report of the Public Health Manager which provided an update on the progress of the partnership and also progress against the key actions.

The report set out the details of the overall position, areas of significant progress/achievement and areas for further action/monitoring.

During the discussion, the Committee's comments/enquiries included the following areas:

- Role with the Partnership – the Council currently chairs the Partnership and we could influence the police on how they work and use funding by Police Crime and Commissioners (PCC) for projects (some of these include the disruption of criminal gangs, domestic violence groups, counter terrorism groups etc).
- Partnership's governance structure – the Responsible Authority Group (RAG) would appoint a Chair on an annual basis in April. This would feed into an officers' group which produces action plans.
- Rationale for the Partnership – joined up skills/resources together to deliver community projects in both Chorley/South Ribble.
- Partnership meetings – The RAG would take place twice a year and special meetings would be arranged if there were any special circumstances arising. Community Safety meetings would take place every month to discuss various issues.
- Partnership's engagement with the community – police presence and listening to what people had to say. Surveys would be carried out on which areas of concern people would like to focus on. The Council also carried out a residents' survey on whether people feel 'safe in their area'.
- Measuring success – the priorities were set at the conference and this year it would focus on online crime because this was an upcoming issue. The actions were frequently reviewed at meetings which also considered what funding/impact this funding had. The officers' group would continue to monitor what had been set out by partners in the action plan. The partners would be very much disjointed if the partnership did not exist.
- Responsibilities (Crime & Disorder Act 1988) – the main objective was to keep people safe
- National challenges being mirrored – the main challenges were the reduction of police officers and to mitigate this the Partnership try to work more efficiently and smarter.
- Increases in all burglary/theft – a lot of hard work goes into the detection of burglaries. Resources were used during night time hours to eradicate this issue some operations deployed include covert operations. This work was

very much ongoing and significant results were achieved. Burglaries were split into two categories (residential and commercial businesses).

- **MARAC Conferences** – this was where actions (needs/support) were assessed and put in place to enable the victim to feel safe/protected and ensure there was no reoffending from the perpetrator.
- **'Target hardening'** – this was where robust targeting takes place where an individual released from prison of domestic violence were continuously being monitored by a team of officers to help keep the victim safe.
- **Tackling child sexual exploitation** – the Partnership would work closely with schools and funding had been obtained from the Office of the PCC for project work in raising awareness and helping young people understand what texting may lead to. Snap chatting/texting was a major issue ("known as the dark dark web") in the detection/prevention of these crimes. Some diversionary activities and measures had also been carried out with a youth group in Leyland.
- **Crime reduction** – Multi Agency Teams were similar to Domestic Violence Teams where a reported crime would be discussed by partners on how to tackle those individual issues with the resources and concerns in those particular areas.
- **Police and Crime Commissioner funding** – the £10k was for projects for South Ribble. As a community we did get some other forms of funding for other areas of work.
- **Community Safety Action Plan (timescale)** - the action plan would be delivered to the RAG at the end of April on an annual basis.
- **Additional research (South Ribble)** – to raise the Partnership's profile and promote positive messages on the good work undertaken by partners.

RESOLVED (Unanimously):

That:

1. the Partnership's future reports to Scrutiny Committee include more measurable outcomes and measures of success.
2. further consideration be given to the Partnership engaging more effectively with young people and youth groups.
3. a more proactive and structured approach to child sexual exploitation be developed by the Partnership.
4. the Partnership explores potential external funding sources to help deliver its objectives.
5. the Committee welcomes the Partnership's commitment to raise its profile and promote positive messages.
6. future reports include resident confidence/safety perception data, including trends and comparisons.

47 Licensing Implementation Plan

The Committee considered the report of the Revenues Manager which provided an explanation of the origins of the Implementation Plan; its development over the past

year; and a year-end assessment of progress since the inception of the Plan in March 2017.

The Committee was pleased to note that steady incremental progress had been made in implementing the Implementation Plan over the past 12 months. Collectively, officers and members had worked hard to arrive at the point where the overwhelming majority of actions could now be identified as complete (76%) with a further 15% in progress. The 3 items still to be commenced were all resource-intensive and their implementation would require a full-time manager to be in post. Given resource constraints, this was a commendable effort which had led to the introduction of more robust administrative procedures and a safer environment for local residents.

During the discussion, the Committee's comments/enquiries included the following areas:

- **Implementation Plan** – the Licensing Service at the time was processing applications on a daily basis but there was very little undertaken in terms of proactive enforcement. Some elements of improvement included the update of the Convictions/Licensing Policies and formal engagement with the taxi trade.
- **Lessons learnt** – there was a new robust assertive Convictions Policy which allowed the Council to take into account soft intelligence; the new Licensing Policy enabled the General Licensing Committee to require new applicants to undergo safeguarding training before they were issued with a licence; increased support for vulnerable people using taxis; and the governance process being streamlined to allow separate hearing panels to take place to consider cases and to bring the process in line with best practice.
- **What next after implementation** – this was the start of the journey. The Licensing Service could not afford to stay still as it was always evolving. A new full Licensing Manager would be in place shortly and plans were in place for the licensing function to be relocated to Legal Services. Some of the major issues to be addressed in 2018/19 included mandatory cctv in taxis; implementing a wide range of reviews into the Gambling Policy; and implementing an operator's accreditation scheme.
- **Will there be another peer challenge** – there are no plans for this at present however there was a proposal that the Licensing Service should be included on the internal audit plan for 2018/19. There were no National Accreditation for Licensing Service.
- **Resource constraints** – the Council was currently in the process of the recruitment of the new licensing manager. Three full time equivalent would be sufficient to move the service forward and to build on the good work.
- **Leading the team** – there were only three actions outstanding on the Plan at present and it was envisaged that once the full time Licensing Manager was recruited these actions would be progressed very quickly.

RESOLVED (Unanimously):

That:

1. the Council assesses the future resource requirements of the service.

2. the Committee expresses concern about the potential vacant Licensing Manager post and delay in recruiting to this important post.
3. consideration be given to us lobbying the Local Government Association (LGA) and Licensing Associations how we measure success to develop a National Standard and Quality Accreditations.

48 Worden Hall Update

The Planning Manager and the South Ribble Partnership Manager addressed and responded to the Committee's enquiries relating to an update on the investment into Worden and proposals to bring Worden Hall back into use.

The Planning Manager provided a brief update on the Artizan Market and an outline of the timescale for tenders for consultancy work in respect of the use of Worden Hall and market.

RESOLVED (Unanimously):

That:

1. the progress be noted.
2. Looks forward to a timeline at the next scheduled meeting of the Committee on 12 April 2018 on the following:
 - Artizan Market (firm plans)
 - Tender Documents set out

49 Scrutiny Matters

49a Review of the Business & Conference Centre (Formerly the Banqueting Suite)

Further to minute no. 42(a) (8 February 2018), the Committee received a report from the Review of the Business & Conference Centre (Formerly the Banqueting Suite) Task Group.

RESOLVED (Unanimously):

That the Committee endorses the task group's findings/recommendations.

49b Verbal update on Lancashire County Council's Health Scrutiny Committee

The Chair had been unable to attend the recent meeting. The minutes had been circulated to members of the Committee for information.

49c Member feedback on meeting(s) and training attended on behalf of the committee

The next North West Strategic Scrutiny Network meeting would take place on Monday, 12 March 2018.

49 Scrutiny Committee Forward Plan

The following were identified as items of interest for the Committee in future meetings –

- Mental Health
- Prostate Cancer
- Reducing Single Use Plastics (SUP) – subject to the decision of the Motion on this matter of Full Council on Wednesday, 21 March 2018

49e Cabinet Forward Plan

The Committee noted the Cabinet's Forward Plan.

Chair

Date

Agenda Item 6

REPORT TO	ON
Cabinet	1 March 2018
Council	21 March 2018



TITLE	PORTFOLIO	REPORT OF
Nomination of Mayor Elect and Deputy Mayor Elect 2018/19	Cllr Peter Mullineaux	Scrutiny and Performance Manager

Is this report a KEY DECISION (i.e. more than £100,000 or impacting on more than 2 Borough wards?)	No
Is this report on the Statutory Cabinet Forward Plan ?	No
Is the request outside the policy and budgetary framework and therefore subject to confirmation at full Council?	No
Is this report confidential?	No

1. PURPOSE OF THE REPORT

- 1.1 To seek nominations for the Mayor Elect and Deputy Mayor Elect 2018/19.

2. PORTFOLIO RECOMMENDATIONS

- 2.1 That the current Deputy Mayor, Councillor John Rainsbury be nominated as the Mayor Elect for 2018/19; and
- 2.2 That Councillor Carol Chisholm be nominated as the Deputy Mayor Elect for 2018/19.

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities

Clean, green and safe	Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire	Efficient, effective and exceptional council	x

4. MAYOR ELECT AND DEPUTY MAYOR ELECT 2018/19

- 4.1 The Mayor and Deputy Mayor for the Council Year 2018/19 will need to be formally appointed at the Annual Council Meeting (Mayoral Installation) to be held on 15 May 2018.
- 4.2 It has been the practice for a number of years for the Cabinet to nominate the Mayor Elect and Deputy Mayor Elect for the forthcoming Council Year, in advance of the Annual Council Meeting to enable arrangements to be made for the Mayoral Installation and invitations sent out to family members and friends, well in advance of the event.
- 4.3 It has also been normal practice for the Deputy Mayor to be appointed as the Mayor for the succeeding Council Year. Councillor John Rainsbury was appointed as the Deputy Mayor for 2017/18 and it would therefore follow that he should be nominated as the Mayor Elect for 2018/19.
- 4.4 The Cabinet will need to nominate a Councillor to be the Deputy Mayor Elect for 2018/19 who will be seeking re-election as a Councillor at the Council Elections to be held 2 May 2019 and subject to being re-elected, will be willing to serve as the Mayor for 2019/20.
- 4.5 It should be noted that if the Councillor appointed as the Deputy Mayor for 2018/19 is not re-elected as a Councillor in May 2019, the Council would need to appoint another Councillor to be the Mayor for 2019/20.

5. CONSULTATION CARRIED OUT AND OUTCOME OF CONSULTATION

- 5.1 Not applicable.

6. OTHER OPTIONS CONSIDERED AND REJECTED

- 6.1 Not applicable. The Constitution indicates that the Mayor and Deputy Mayor should be appointed at the Annual Council Meeting held each year.

7. FINANCIAL IMPLICATIONS

- 7.1 Mayoral costs are already included in the Council's revenue budget and therefore the appointment of the Mayor Elect and Deputy Mayor Elect for 2018/19 will have no financial impact.

8. HUMAN RESOURCES AND ORGANISATIONAL DEVELOPMENT IMPLICATIONS

- 8.1 There are no human resources and organisational development implications arising from this report.

9. ICT/TECHNOLOGY IMPLICATIONS

- 9.1 There are no ICT/Technology implications arising from this report.

10. PROPERTY AND ASSET MANAGEMENT IMPLICATIONS

- 10.1 There are no property and asset management implications arising from this report.

11. RISK MANAGEMENT

11.1 There are no risk management implications arising from this report.

12. EQUALITY AND DIVERSITY IMPACT

12.1 There are no equality implications arising from this report.

13. RELEVANT DIRECTORS RECOMMENDATIONS

13.1 That the current Deputy Mayor, Councillor John Rainsbury be nominated as the Mayor Elect for 2018/19; and

13.2 That the Cabinet nominate a Councillor to be the Deputy Mayor Elect for 2018/19.

14. COMMENTS OF THE STATUTORY FINANCE OFFICER

14.1 Mayoral costs are already included in the Council's revenue budget and therefore the appointment of the Mayor Elect and Deputy Mayor Elect for 2018/19 will have no financial impact.

15. COMMENTS OF THE MONITORING OFFICER

15.1 The Constitution states that the Mayor and Deputy Mayor should be appointed at the Annual Council Meeting and this report requests the Cabinet to nominate the Mayor Elect and Deputy Mayor Elect for 2018/19 to enable arrangements for the Mayoral Installation on 15 May 2018 to be commenced.

16. BACKGROUND DOCUMENTS

16.1 There are no background papers to this report

David Whelan
Interim Monitoring Officer

Report Author:	Telephone:	Date:
Steve Pearce	01772 625307	06/03/18

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Agenda Item 7

REPORT TO	ON
Council	21 March 2018



TITLE	REPORT OF
Change to Committee Membership 2017/18	Scrutiny and Performance Manager
Is this report confidential?	No

1. PURPOSE OF THE REPORT

To advise the Council that Councillor David Bird has resigned from the Conservative Group and wishes to be known as a Penwortham Independent with effect from 19 February 2018. This has changed the Political Balance on the Council and the change in proportionality has affected the entitlement to formal Committee Places.

This report informs Council of the outcome of the recalculation of Committee Places and the changes necessary to ensure political proportionality is achieved. The Council is requested to approve the changes to the membership of the Standards Committee and Governance Committee.

2. RECOMMENDATIONS

- (1) That the Council note the change in proportionality results in an increase in the Labour Group entitlement of one Committee Place and a corresponding decrease in the Conservative Group entitlement;
- (2) That the political groups below report orally on the changes to the Committees indicated:
 - The Labour Group to gain one member on the Standards Committee for the remainder of the Council Year 2017/18;
 - The Conservative Group to lose member on the Standards Committee for the remainder of the Council Year 2017/18; and
 - The Conservative Group to appoint a member on the Governance Committee in place of Councillor David Bird (Penwortham Independent) for the remainder of the Council Year 2017/18.

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities

Clean, Green and Safe		Strong and Healthy Communities	
Strong South Ribble in the heart of prosperous Lancashire		Efficient, Effective and Exceptional Council	x

4. MEMBERSHIP OF POLITICAL GROUPS

- 4.1 Councillor David Bird has given notice that he has resigned from the Conservative Group and wishes to be known as a Penwortham Independent with effect from 19 February 2018.
- 4.2 The Local Government (Committees and Political Groups) Regulations 1990 state that a political group may not be less than 2 members and individual Councillors who are not members of a political group are not entitled to any Committee places. This applies to Councillor Bird who will no longer be entitled to any Committee places on the Council.
- 4.3 The reduction of one member on the Conservative Group has changed the political balance on the Council and a recalculation of the entitlement to formal Committee Places has been undertaken. This has resulted in the Conservative Group losing one Committee Place on the Standards Committee and the Labour Group gaining one place on the Standards Committee. It is therefore necessary to amend the membership of the Standards Committee for the remainder of the Council Year 2017/18.
- 4.4 The Conservative Group is still entitled to four places on the Governance Committee and they will need to appoint a Member to fill the place on that Committee previously occupied by Councillor Bird.
- 4.5 The change in proportionality is as follows:

Political Group	Number of Seats on Council	Entitlement to Committee Places	
		From 19 February 2018	Prior to 19 February 2018
Conservative	26 (-1)	42 (-1)	43
Labour	18	29 (+1)	28
Liberal Democrat	3	5	5
South Ribble Independents	2	3	3
Penwortham Independent	1 (+1)	0	0
Total	50	79	79

4.6 The revised allocation of places is as follows:

Committee	Places Available	Places Allocated to Political Groups				
		Conservative	Labour	Liberal Democrat	South Ribble Independents	Penwortham Independent
Scrutiny	12	6	5	1	0	0
Planning	15	9	5	1	0	0
General Licensing	11	5	4	1	1	0
Licensing Act 2003	11	5	4	1	1	0
Appeals	6	3	2	0	1	0
Governance	6	4	2	0	0	0
Standards	7	4 (-1)	3 (+1)	0	0	0
Appointments Panel	6	3	2	1	0	0
Shared Services	5	3	2	0	0	0
Total	79	42 (-1)	29 (+1)	5	3	0

5. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

5.1 Comments of the Statutory Finance Officer

There are no financial implications as a result of the recommendations in this report.

5.2 Comments of the Monitoring Officer

The Chief Executive received formal notice of the change in political group membership in accordance with Paragraph 9 (b) of the Local Government (Committees and Political Groups) Regulations 1990. The allocation of Committee Places has been revised following the change in proportionality on the Council to meet the requirements of Paragraph 15 (d) of the Local Government and Housing Act 1989.

Other implications:	
► Risk	Failure to have in place a robust and effective decision making structure could leave the Council's decisions open to challenge. This risk is addressed by the proposals within the report.
► Equality & Diversity	There are no equality implications arising from this report.
► HR & Organisational Development	There are no HR & Organisational Development implications arising from this report.
► Property & Asset Management	There are no Property & Asset Management implications arising from this report.

► ICT / Technology	There are no ICT / Technology implications arising from this report.
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6. There are no background papers to this report.

Darren Cranshaw
Scrutiny and Performance Manager

Report Author:	Telephone:	Date:
Steve Pearce	01772 625308	13/03/18

Agenda Item 8

REPORT TO	ON
Council	21 March 2018



TITLE	REPORT OF
Pay Policy 2018/19	<i>Interim HR Manager</i>

Is this report confidential?	No
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1. PURPOSE OF THE REPORT

- 1.1 The Localism Act 2011 requires all local authorities to set out its position on a range of issues relating to the remuneration of its employees. The Pay Policy must be approved by the Council in open forum, by the end of March each year and then be published on its website.

2. RECOMMENDATIONS

- 2.1 The Council approves the Pay Policy statement.

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities

Clean, green and safe		Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire	✓	Efficient, effective and exceptional council	✓

4. BACKGROUND TO THE REPORT

- 4.1 The purpose of the Pay Policy statement is to ensure there is transparency as to how pay and remuneration is set by the Council, for all of its employees and particularly for its most senior level posts.

5. DETAIL

The Pay Policy sets out the current approach to the remuneration of all posts within the Council. In particular it specifies certain mandatory requirements that must be detailed within the Policy. This refers to:-

- The pay structure of the Council and how it is set.
- Chief officer remuneration
- The recruitment arrangements for a Chief Officer.
- The relationship between the salaries of Chief Officers and other employees.

- Details of the lowest paid posts within the Council.
- Termination of employment payments.

In addition, the Council already publishes separately pay and remuneration details of its senior managers on its website as required by the Transparency Act.

The Council has now brought together certain terms and conditions regarding time off with pay and so forth for Reservists into a Reservists Policy, in order to support Reservists, whilst employed by the Council.

7. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

7.1 Comments of the Statutory Finance Officer

The senior management posts and grades in the Pay Policy reflect the approved senior management restructure. The estimated financial implications of the senior management restructure are reflected in the proposed 2018/19 Revenue Budget and the Medium Term Financial Strategy for the next 5 years.

7.2 Comments of the Monitoring Officer

The Pay Policy has been prepared to ensure the Council complies with the requirements of the Localism Act 2011.

Other implications:	
► Risk	The Localism Act places a legal requirement for this information to be published annually.
► Equality & Diversity	An equality impact assessment will be done prior to the policy being published.
► HR & Organisational Development	
► Property & Asset Management	Pay and remuneration need to be fair and transparent in order to recruit and retain staff. Pay should be proportionate to staff's level of responsibility within the organisation. Unfair pay can lead to low staff satisfaction and morale.
► ICT / Technology	

8. BACKGROUND DOCUMENTS (or there are no background papers to this report)

Redundancy Policy

Report Author:	Telephone:	Date:
Gail Collins	01772 625268	06/03/2018

PAY POLICY STATEMENT- 2018/19

1. Introduction

The Localism Act 2011 – [Chapter 8 - Pay Accountability] requires all local authorities in England and Wales to produce a pay policy statement from 2012/13 and for each financial year thereafter, and must do so with regard to any guidance from the Secretary of State for Communities and Local Government.

The Policy must be agreed by the Full Council and be publically available.

2. Policy Objective

The purpose of the Pay Policy is to provide transparency with regard to the Council's approach to the setting of pay for all its employees and therefore identifies:

- The methods by which salaries of all employees are determined
- The details of the remuneration of its most senior employees, i.e. Chief Officers
- The relationship between the salary of its Chief Officers and other employees within the Council.
- Details relating to the lowest paid employees.

3. Scope

The pay policy covers the remuneration of all employees of the Council including temporary employees.

4. Pay Structure

In determining the pay and remuneration of its employees the Council will comply with all relevant employment legislation. This includes the Equality Act 2010 and the Part-time Regulations 2008.

The Council uses the nationally negotiated pay spine as the basis for its local pay structure, with the exception being those most senior level posts referred to within the Policy. The Council also adheres to the national pay bargaining arrangements in respect of increases to the nation pay spine.

The pay spine is used to determine the salaries of all council employees, apart from the Chief Officers and senior officers, which are addressed separately within this policy. The grading structure of the majority of the posts was established as part of the Single Status job evaluation process and subsequent pay grade structure was adopted following Council approval in April 2007. This also addressed the Council's approach to the job evaluation of

posts and the harmonisation of key terms and conditions of employment. Since 2007 all new posts and posts that have changed significantly are evaluated in accordance with the same Job Evaluation Scheme. The Council operates the GLPC [Greater London Provincial Council] Scheme

5. Chief Officer Remuneration

The Localism Act refers to the position of Chief Officer and states that this refers to: the Head of Paid Service; Statutory Chief Officers; non-statutory Chief Officer posts and their direct reports (known as Deputy Chief Officers). It should be noted that this definition is very broad, and takes account of Metropolitan and County Councils as well as District Councils with far fewer management levels.

Therefore, for the purpose of this policy for South Ribble Borough Council, Chief Officers are:

- The Chief Executive (Head of Paid Services)
- Deputy Chief Executive (2 posts)
- Director of Finance and Assurance Services (Chief Finance Officer s151)
- Director of Legal and Democratic Services (Monitoring Officer)
- Assistant Director of Finance and Assurance Services (Deputy Chief Finance Officer s151)
- Assistant Director of Legal Services (Deputy Monitoring Officer)

Chief Executive

Details of remuneration are contained in the annual Statement of Accounts.

The Chief Executive also receives an essential car user lump sum and the reimbursement of professional subscription fees where membership of a particular professional organisation/s is required to carry out the full role of the post.

The Chief Executive will also take on the role of Returning Officer for any Local, National and European elections, payment for which will be in accordance with the statutory calculation.

Any other allowances relating to the post are the same as for all other posts within the Council, for example, reimbursement of fuel expenditure from business travel.

Deputy Chief Executive

There are two posts of Deputy Chief Executive reporting directly to the Chief Executive

- Deputy Chief Executive Regeneration and Growth
- Deputy Chief Executive Resources and Transformation (Shared Post) (This post is subject to change under proposals to be agreed at full council in March 2018)

Details of remuneration are contained in the annual Statement of Accounts.

Any other allowances relating to the posts are the same as for all other posts within the Council, for example, reimbursement of fuel expenditure from business travel.

Director and Assistant Director Chief Officer Remuneration

There are two posts of Director and two Assistant Directors, which are considered to be Chief Officer's posts: of which three are a shared post due to undertaking statutory roles.

- Director of Finance and Assurance (Shared Post)
- Director of Legal and Democratic Services (Shared Post)
- Assistant Director Finance and Assurance (Shared Post)
- Assistant Director Legal Services (Shared Post)

Details of remuneration are contained in the annual Statement of Accounts.

Any other allowances relating to the posts are the same as for all other posts within the Council, for example, reimbursement of fuel expenditure from business travel.

6. Recruitment of Chief Executive and Chief Officers

Under Section 112 of the Local Government Act 1972, the Council has the “power to appoint officers on such reasonable terms and conditions as the authority thinks fit” where there is a requirement to recruit to the post of Chief Executive or Chief Officer.

The appointment to the Council's Chief Executive, Deputy Chief Executive and statutory officer posts will be dealt with by the Appointment and Employment Panel and in accordance with the Council's constitution.

7. Relationship between Chief Executive/Chief Officer Pay and other Employees

The relationship between the maximum average salaries of the Chief Executive and Chief Officers and the median salary and the lowest paid salary are:

Post	Benchmark Salary	Ratio
Chief Executive salary	median salary	1:4.9
Deputy Chief Executives salary	median salary	1:3.9
Director salary (shared)	median salary	1:3.2
Directors salary	median salary	1:3.0
Assistant Director salary (shared)	median salary	1:2.5
Assistant Directors salary	median salary	1:2.3
Chief Executive salary	lowest salary	1:6.3
Deputy Chief Executives salary	lowest salary	1:5.0
Director salary (shared)	lowest salary	1:4.2

Director salary	lowest salary	1:3.9
Assistant Director salary (shared)	lowest salary	1:3.3
Assistant Director salary	lowest salary	1:3.0

The median salary is £21,962 (The median figure excludes casual employees who are only employed on an ad hoc or occasional basis)

8. Lowest Paid Employees

At a meeting of the council on 5 March 2014, South Ribble Borough Council adopted a supplement to the lowest paid staff, (excluding apprentices) to address the issue of low pay. The supplement mirrors the rates of the Foundation Living Wage. The rate is set by the Centre for Research in Social Policy and is based upon what it considers to be the basic cost of living to provide a minimum income standard. This is applied each April and refers back to the Foundation Living wage that is agreed nationally each November. The current annual pay is £16,881.

9. Apprentices

There are a number of apprentices currently employed by South Ribble Council for a fixed period, usually two years. With effect from 1st April 2018 they receive the current National Minimum Wage relating to their age as detailed below:-

Under 18	£4.20 per hour
18 -20	£5.90 per hour
21 - 25	£7.38 per hour

10. Other conditions Relating to Chief Officers and other Employees

Performance-related Pay

The Localism Act requires Councils to provide details of any performance related pay for its Chief Officers. However, South Ribble Borough Council does not have any such arrangements.

Bonuses

There are no schemes in relation to the payment of bonuses for any employees, including Chief Officers.

Payments on the termination of employment

The Council's Redundancy Policy applies equally to all employees regardless of their grade.

Pension Arrangements

All employees, including Chief Officers, are entitled to join the Local Government Pension Scheme if they so wish. No alternative options are available should employees not wish to join the scheme.

Starting Salary

For all appointments, including internal appointments and any employee re-graded, negotiations will commence on the lowest point of a grade, however where there is strong justification of the need for a higher starting point this will be considered. This justification must be supported by both the appropriate Director and the Human Resources Manager.

Specialist Support

In exceptional circumstances, it may be necessary for the Council to make temporary appointments, to address capacity and/or skills gaps. These appointments should be for as short a period as is practicable and comply with appropriate procurement rules.

Market Supplements

The Council also has a process by which it can consider paying market supplements where there have been difficulties in recruiting to the posts or the market demand/supply reflects the need. By taking account of external pay levels in the labour market in order to attract and retain employees with particular skills, knowledge and experience. On such occasions the Council will ensure the requirement for such is objectively justified by reference to clear and transparent evidence of relevant market comparators, using data sources available from within the local government sector and outside, as appropriate. All market supplements have to be agreed with the Head of Human Resources and the relevant Director and are reviewed regularly.

Professional Subscriptions

A number of employees are member of professional organisations in connection with their employment at the Council. Where there is a direct link to the employee's role, the council will reimburse the employee.

Honorariums

The council has guidelines on the use of honoraria for substantial additional duties and responsibilities. Any additional payments are subject to regular reviews and must be agreed in advance of payment with the relevant Director and HR Manager.

11. Publication of the Policy

The Policy will be published on the Council's Website, prior to April 2018.

12. Review of Pay Policy

The Policy will be subject to annual review and must be approved by the Council prior to 31 March each year. If there is a need to amend the Policy between reviews, then any such amendments will be considered by the Cabinet, prior to approval by the Council.

Background document

Redundancy policy

SOUTH RIBBLE BOROUGH COUNCIL –SALARY GRADES 1-9 WEF 1 APRIL 2018 (PAY AWARD PENDING)

Grade 1 (scp 6-7)		Grade 4 (scp 20-24)	
6	£15,014	20	£19,430
7	£15,115	21	£20,138
		22	£20,661
		23	£21,268
		24	£21,962
Grade 2 (scp 9-16)		Grade 5 (scp 24-28)	
9	£15,375	24	£21,962
10	£15,613	25	£22,658
11	£15,807	26	£23,398
12	£16,123	27	£24,174
13	£16,491	28	£24,964
14	£16,781		
15	£17,072		
16	£17,419		
Grade 3 (scp 16-20)		Grade 6 (scp 28-32)	
16	£17,419	28	£24,964
17	£17,772	29	£25,951
18	£18,070	30	£26,822
19	£18,746	31	£27,668
20	£19,430	32	£28,485
Grade 7 (scp 32-36)		Grade 9 (scp 41-45)	
32	£28,485	41	£36,379
33	£29,323	42	£37,306
34	£30,153	43	£38,237
35	£30,785	44	£39,177
36	£31,601	45	£40,057
Grade 8 (scp 36-41)			
36	£31,601		
37	£32,486		
38	£33,437		
39	£34,538		
40	£35,444		
41	£36,379		

NOTES

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Agenda Item 9

REPORT TO	ON
Council	21 st March 2018



September 2017

TITLE	REPORT OF
Member and Officer Protocol	Interim Corporate Improvement Manager

Is this report a KEY DECISION (i.e. more than £100,000 or impacting on more than 2 Borough wards?)	No
Is this report on the Statutory Forward Plan ?	No
Is the request outside the policy and budgetary framework and therefore subject to confirmation at full Council?	Yes
Is this report confidential?	No

1. PURPOSE OF THE REPORT

To seek Council approval of a new Member and Officer Protocol.

2. RECOMMENDATIONS

2.1 That Council approve the Member and Officer Protocol shown at **Appendix 1**

2.2 That Council accepts the recommendation of the Governance Committee that all members of the Council, all Tier 1 – 4 officers and any other officers whose posts are politically restricted be required to sign the Protocol to signify their acceptance of its contents and their commitment to their adherence to the Protocol.

2.3 That Council accepts the recommendation of the Governance Committee that the Member and Officer Protocol becomes a formal part of the Council's Constitution.

3 EXECUTIVE SUMMARY

- 3.1 Following the Scrutiny Review of Licensing and the LGA Corporate Peer Challenge, there was a need to develop a Member and Officer Protocol to set out clearly the expected behaviours of members and officers.
- 3.2 The LGA commissioned a consultant to work with members and officers to develop the Protocol and this is now submitted to members for consideration prior to Council approval.
- 3.3 The Protocol applies to all members and officers of the Council. When approved, it will form an integral part of the Council's Constitution.
- 3.4 The Protocol sets out the respective roles of members and officers and the behaviours expected of them. It details the behaviours needed to ensure mutual trust and respect and effective working relationships.
- 3.5 It also refers to the social media protocol approved by Council in July 2017 and the rules relating to the use of information technology.
- 3.6 Section 23 of the Protocol sets out the processes to be followed for addressing concerns and the sanctions to be applied for non-compliance of the Protocol.

4 CORPORATE PRIORITIES

The report relates to the following corporate priorities

Clean, green and safe		Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire		Efficient, effective and exceptional council	✓

5. BACKGROUND TO THE REPORT

- 5.1 Following the Scrutiny Review of Licensing undertaken in September 2016, the Cabinet approved a Corporate Improvement Plan incorporating the recommendations made in the Scrutiny Review.
- 5.2 One of those recommendations was the need to develop a Member / Officer Relations Protocol. A diagnostic to identify the issues which the Protocol should address was undertaken by the Centre for Public Scrutiny in February 2017.
- 5.3 The LGA Corporate Peer Challenge carried out at the end of March 2017 considered the findings from this diagnostic work and noted that there was a need to ensure strong standards of personal behaviour. It recognised the importance of Members and Officers taking collective responsibility for driving a change in culture at the Council and to help strengthen mutual trust and respect between Officers and Members.
- 5.4 Accordingly, the LGA commissioned work to develop a Member and Officer Protocol ('the Protocol') to provide clarity in relation to the respective roles and responsibilities of Members and Officers and the nature of the relationships that underpin effective joint working.

5.5 This work was undertaken by Mike Green from Transitional Spaces between August and December 2017.

6. DEVELOPMENT OF THE PROTOCOL

6.1 Officers worked closely with Mike Green to establish an inclusive approach to development of the Protocol.

6.2 In early October, a series of focus group with a cross section of members and staff were held to identify the challenges that currently exist so that a draft protocol could be developed to meet the Council's specific needs. The Focus Groups considered of the following.

- Cabinet members
- Scrutiny Members
- Backbench members
- Committee Chairs
- Senior Management Team
- Middle managers (including HR)
- Front line staff (office based – Including HR)
- Front line staff (Depot)

6.3 The feedback from these sessions was used to inform the development of a draft Protocol which was then tested out in a joint meeting between the Cabinet, the Shadow Cabinet and the Senior Management Team held on 13th November.

6.4 The Protocol was then refined and presented to members and officers in a series of joint workshops held in early December. A total of 5-workshops were held over two days attended by 38 officers and 30 members.

Members of the Cabinet and the Shadow Cabinet jointly facilitated these sessions alongside Mike Green and the Council's Interim Corporate Improvement Manager.

In these sessions, different scenarios were used to 'road test' the Protocol and to explore what it means for officers and members and the behaviours the Protocol is intended to promote.

Feedback from these sessions was then used to fine tune the Protocol.

6.5 A final version of the Protocol has now been developed for members' approval and this is attached at **Appendix 1**.

6.6 **Appendix 2** provides a diagrammatic overview of the routes to resolution set out in the Protocol.

6.7 The Protocol was considered by the Governance Committee on 31st January when the Committee agreed to recommend its approval to Council.

6.8 The Governance Committee also agreed to recommend that all elected members, all Tier 1 – 4 officers and any other officers whose posts are politically restricted be required to sign the Protocol to signify their acceptance of it and their commitment to its adherence.

6.9 Sanctions for non-compliance with the protocol are included within the Protocol at Paragraph 23.

6.10 When approved, the Protocol will become an integral part of the Council's Constitution.

7. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

7.1 Comments of the Statutory Finance Officer

There are no financial implications to this report.

7.2 Comments of the Monitoring Officer

This protocol needs to be seen in the context of a number of other council documents particularly the Code of Conduct for Members and the Code of Conduct for Employees.

For any council to function effectively there needs to be a good relationship between elected councillors and officers. At the heart of that relationship needs to be mutual respect.

7.3 Other implications

Risk	The Council's reputation (both generally and within the local authority sector) is at risk of being damaged if member and officer relations and behaviours do not improve. The Protocol is intended to mitigate against this risk.
Equality & Diversity	The Protocol applies to all member of the Council and all of its staff. There are no adverse implications on equality and diversity.
HR & Organisational Development	Adherence to the Protocol will strengthen member and officer relations and will have a positive impact on both staff and member morale, which will help to address some of the issues identified in the November 2016 staff survey and the September 2017 member survey.
Property & Asset Management	None
ICT / Technology	Adherence to the Council's IT Policies is included within the Protocol. This includes adherence to the Social Media Protocol which was approved by Council in July 2017.

8. BACKGROUND DOCUMENTS AND APPENDICES

Scrutiny Review of Licensing dated September 2016
Corporate Improvement Plan approved by Cabinet in February 2017
Centre for Public Scrutiny Report dated March 2017
LGA Corporate Peer Challenge final report dated 28th March 2017.
Report to Governance Committee 31st January 2018

Appendix 1: Member and Officer Protocol

Appendix 2: Overview of the Routes to Resolution

Joanne Platt
Interim Corporate Improvement Manager

Report Author:	Telephone:	Date:
Joanne Platt	01772 625454	16 th February 2018

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Member and Officer Protocol

2018

Document Control

Document Title: Member and Officer Protocol

Summary

Publication Date	January 2018
Related Documents	Corporate: Council Constitution, Council Standing Orders, Member Code of Conduct, Social Media Protocol, Officer Code of Conduct, Access to Information Procedural Rules, Council's Employee Whistle Blowing Policy
Owner (Name/Position)	Heather McManus, Chief Executive
Author (Name/Position)	Joanne Platt – Interim Corporate Improvement Manager
Applies to	All elected Members and officers

Review of Protocol

Review Date	April 2021
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Contents

Section	Contents	Page No.
1	<u>Introduction</u>	4
2	<u>Roles of Members</u>	4
3	<u>Roles of officers</u>	5
4	<u>Effective working relations - Respect and Courtesy</u>	5
5	<u>Familiarity</u>	7
6	<u>Provision of Information and Advice</u>	7
7	<u>Political Activity</u>	9
8	<u>Employee Advice to Party Groups</u>	9
9	<u>Confidentiality</u>	10
10	<u>Member-Officer and Member-Member Resolution of Concerns</u>	11
11	<u>Preparation of Agenda and Minutes</u>	12
12	<u>Support Services to Members and Party Groups</u>	13
13	<u>Correspondence and e-mails</u>	13
14	<u>Dealing with the Media</u>	13
15	<u>Social Media</u>	14
16	<u>Use of Information Technology</u>	14

Member and Officer Protocol
2018

Section	Contents	Page No.
17	<u>Role of the Cabinet</u>	14
18	<u>Role of the Leadership Team</u>	15
19	<u>Role of Monitoring Officer / Chief Financial Officer</u>	15
20	<u>Members on Outside Bodies</u>	16
21	<u>Member Training and Development</u>	17
22	<u>Summary of Member-Officer Expectations</u>	17
23	<u>Non-compliance</u>	20
24	<u>Conclusion</u>	20
25	<u>Signature</u>	21

Section 1: Introduction

- 1.1** The purpose of this Protocol is to guide both elected Members and officers of the Council in their relations with one another on some of the issues that most commonly arise and to assist with their working relationship generally.
- 1.2** The majority of the Protocol is a written statement of our current practice and conventions. However, where greater clarity would be helpful it tries to provide it.
- 1.3** Underpinning the Protocol are the rules of conduct which apply to both Members and officers and which emphasise the high standards of personal conduct which the public have a right to expect. Please see both the Member Code of Conduct and Officers Code of Conduct in the [Councils Constitution](#) which set out in more detail the obligations placed on Members and officers, respectively.
- 1.4** Both Members and officers are servants of the public and they are indispensable to one another. However, their responsibilities are distinct. Members are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council and the Chief Executive as the Head of Paid Service. Their job is to carry out the Council's work under the general policies and overall strategic direction which has been approved by Members.
- 1.5** All members and officers also have a duty of care to each other and this Protocol is intended to address some of the issues that have caused concerns in relation to that duty in recent times.

The two main areas where tensions occur are:

- ❖ When the distinctive roles of Members and Officers become blurred; and
- ❖ When Member challenge (of both officers and other Members) degenerates into criticism.

- 1.6** Mutual respect between Members and officers is essential to good local government. Two-way communication is key to effective working relations.

Close personal familiarity between individual Members and officers can damage this relationship and should be avoided.

- 1.7** Both Members and officers should maintain the highest standards of personal and professional conduct at all times and should not seek to take advantage of their positions.
- 1.8** It is important that the relationship works well without compromising the ultimate responsibilities of all officers to the Council as a whole, and with having regard to any technical, financial, professional and legal advice that officers provide to Members.
- 1.9** It is incumbent on all Members and officers to adhere to all Council processes, policies and protocols including the Member-officer protocol. Failure to do so for both Members and officers may result in sanctions under the respective Codes of Conduct set out in Part 5 of the Council's Constitution.

Section 2: Roles of Members

- 2.1** Members undertake many different roles. Broadly these are:
- ❖ Members express political values and support the policies of the party or group to which they belong (if any)
 - ❖ Members represent their ward and all those residents who live in that area
 - ❖ Members are often involved with other organisations as community leaders
 - ❖ Members contribute to the decisions taken in Council and the various bodies on which they serve, as well as joint committees, outside bodies and partnership organisations
 - ❖ Members help develop, monitor and review policy strategy and service quality
 - ❖ Members are involved in quasi-judicial work such as considering planning applications, through their Membership of regulatory committees
- 2.2** Members' experience and knowledge of the strategic and operational delivery of services may vary considerably, and whilst it is their role to set strategic direction and hold officers to account for service delivery, it is the role of officers to offer professional advice and implement decisions.

Section 3: Roles of Officers

- 3.1** Broadly, officers have the following main roles:
- ❖ Managing and providing the services the Council has given them responsibility for
 - ❖ Providing information and advice to both the Council and its various bodies and to individual Members, for Members to discharge their roles and any specific function in respect of the services provided
 - ❖ Initiating and implementing policy proposals
 - ❖ Ensuring that the Council always acts in a lawful manner

Section 4: Effective Working Relations - Respect and Courtesy

- 4.1** For the effective conduct of Council business there must be mutual respect, trust and courtesy in all meetings and contacts, both formal and informal, between Members and officers. This plays an important part in the Council's reputation and how it is seen by the public.
- 4.2** It is important that, in any dealings between Members and officers, neither should seek to take unfair advantage of their position

Member and Officer Protocol
2018

4.3 It is very important that both Members and officers remember their respective obligations to enhance the Council's reputation and to do what they can to avoid criticism of other Members, or other officers, in public.

4.4 In politics, rival groupings are common and criticism of ideas and opinion is part of democratic debate, and does not in itself amount to failing to treat someone with respect.

However, whilst ideas and policies may be robustly criticised, individuals should not be subject to unreasonable or excessive personal attacks. This particularly applies to dealing with the public and officers.

Personal criticism by one Member of another can damage the reputation of the Council, adversely impact staff morale, and risk Members losing the respect of officers and of other Members.

Chairs of meetings are expected to apply the rules of debate and procedure rules or standing orders to prevent abusive or disorderly conduct taking place.

4.5 A Member should not apply undue pressure on an officer to do anything that he or she is not authorised to do, or to do any work which is outside their normal duties or outside normal hours. Particular care needs to be taken in connection with the use of Council property and services.

4.6 A Member should not raise matters relating to the conduct or capability of an officer in public or act in a way which does not reflect the principles set out in this Protocol, especially since an officer has no means of responding to such criticism in public.

When dealing with officers (especially junior officers), Members need to be aware that it is easy for officers to be overawed and feel at a disadvantage.

4.7 Members having concerns about the conduct or capability of an officer should raise them in the first instance with the Head of Service responsible for that service, who will take action accordingly.

4.8 An officer must not seek to use undue influence on an individual Member to make a decision in his or her favour, or raise personal matters to do with their job, or make claims or allegations about other officers. The Council has formal procedures for consultation, grievance, and discipline. The one exception to this rule is the right of staff to report possible wrongdoing under the Council's Employee [Whistle Blowing Policy](#).

4.9 Officers should not undermine or criticise Members in meetings, but can raise any concerns with their Director or the Chief Executive.

4.10 The Chief Executive should be notified if the Party Group Leader becomes involved in dealing with any concern relating to an officer, or in any other case where that is appropriate. Feedback should be given to the officer on the outcome.

4.11 Challenge in a constructive and non-confrontational way is important in ensuring policies and service performance are meeting the Council's strategic objectives. Nothing in this protocol is therefore intended to stop Members holding officers to account.

4.12 The Monitoring Officer is empowered to decide whether a complaint from one Member or officer to another is vexatious and therefore no further action be taken.

Member and Officer Protocol
2018

Vexatious complaints are ones of a trivial or recurrent nature without merit, made with the intention of causing inconvenience, harassment or expense to the Council or a named individual representative (Member or officer) of the Council. Examples of such complaints could include but not be limited to:

- ❖ Where there is insufficient or no grounds for the complaint
- ❖ The complaint would appear to have been made only to annoy
- ❖ Refusing to specify the grounds of a complaint
- ❖ Repeat unwillingness to accept documented evidence as being factual
- ❖ Making unreasonable demands and failing to accept that these may be unreasonable
- ❖ Lodging numbers of complaints in batches over a period of time, resulting in related complaints being at different stages of a complaints procedure
- ❖ Persistently raising subsidiary or new issues whilst a complaint is being addressed that were not part of the initial complaint
- ❖ Submitting repeat complaints, after complaints processes have been completed, essentially about the same issues, with minor additions / variations
- ❖ Regularly focusing on a trivial matter which is out of proportion to its significance
- ❖ Have harassed or been personally abusive or verbally aggressive towards officers dealing with the complaint

Section 5: Familiarity

- 5.1** It is clearly important that there are close working relationships between some Members and officers, for example Cabinet Members / committee chairs and the relevant Director / Head of Service. However, care should be taken to ensure that the relationship does not become so close, or appear to be so close, as to bring into question the officer's ability to deal impartially with other Members and other groups.
- 5.2** Close personal familiarity between individual Members and officers can damage the principle of mutual respect. It could also intentionally or accidentally lead to the passing of confidential information, such as personal details and may also cause embarrassment to other Members and / or other officers or give rise to suspicions of favouritism.
- 5.3** For these reasons close personal familiarity must be avoided. This may include being 'friends' on Facebook or other social media interaction. See the Councils Social Media Protocol in the [Council Constitution](#) for further guidance.

Section 6: Provision of Information and Advice

(See also the Council Standing Orders and the Access to Information Procedural Rules in the [Council Constitution](#).)

- 6.1** Officers serve the Council as a whole and not any political party or individual Member of the Council. However, giving advice is an important part of the role of officers and the following guidelines should be respected.
- 6.2** Members of the Cabinet will be briefed first on agenda items and draft reports. Other Members should appreciate that, whilst they will be fully consulted at the earliest opportunity on agenda items and draft reports relating to their specific roles, there will be some situations where officers are under a duty to report on a particular item or submit a report providing independent advice.
- 6.3** Any Member is entitled to apply to the Chief Executive or to any Director, for information and / or advice required in connection with his / her work as an elected Member. Except where the information involves the divulging of exempt information (as defined in Section 100F of the Local Government Act 1972) or would be in breach of rules around personal data, it is the responsibility of the Chief Executive or Director approached to give that information and / or advice, within the limits of his / her Services' resources and to the best of his / her ability. Members should seek to act reasonably in the number and content of the applications they make. It should be noted that the clear route for information on policy in the first instance should be via the Portfolio Holder.
- 6.4** With the exception of pre-planning matters, Members should be consulted as ward representatives on any major issues affecting their wards, on any public meeting proposed to be held in their wards and on any form of consultative exercise due to be held in their ward.
- 6.5** Information requested by a Member to address a ward issue may be supplied to that Member in confidence.
- 6.6** If any Member asks for specific information relating to the work of a particular Council team or service and it appears possible or likely that at a subsequent meeting issues will be raised or questions asked on the basis of the information provided, then the relevant Cabinet Member should be informed beforehand.
- 6.7** The Leader or Spokesperson of each minority Group, recognised as such by the Council, is entitled, for his / her own purposes as a Leader or Spokesperson, to apply to the Chief Executive and / or to the appropriate Director for general background information on, or for further information in respect of an item of business coming before the next meeting of a Committee of the Council. The appropriate Chair or Council Spokesperson, as appropriate, should be informed of any new / additional information which has been supplied by the Chief Executive or Director.
- 6.8** Technical / procedural information may be supplied, in confidence, to any Group Leader, to enable a budget to be presented by that Group which is in the legally correct form.
- 6.9** If a request is made for routine factual information regarding a service, then, in addition to being supplied to the Member concerned, it may be made available to all Members through Councillor Connect.

Section 7 Political Activity

- 7.1** Senior officers are usually politically restricted and cannot therefore be local authority Members or Members of Parliament, nor can they speak or publish written work for the public at large or to a section of the public with the apparent intention of affecting public support for a political party.
- 7.2** Officers are employed by the Council as a whole. They serve the Council through its Cabinet and Committees and are responsible to the Chief Executive ('Head of Paid Service') and not to individual Members of the Council, whatever office they might hold.
- 7.3** However, it is important for there to be regular contact between the Chief Executive, Directors and the Leaders of Political Groups on matters affecting the Council, and between, Committee Chairs on matters affecting their respective Committees.

Section 8: Employee Advice to Party Groups

- 8.1** It is common practice for the Cabinet and Political Groups to give preliminary consideration to some matters of Council business before those matters are considered by the relevant Council decision making body.
- 8.2** It is possible that a Director or other senior officer may be asked to attend an informal Cabinet Workshop meeting or a Political Group Meeting.
- 8.3** Any request for an officer to attend a Political Group meeting should be made to the Chief Executive outlining the name of the individual, the topic or information required and the reason it is necessary.
- 8.4** The Chief Executive, after consultation with the relevant Director and the individual officer concerned, will decide whether permission can be given for the officer to attend the meeting (provided they are willing to do so). The decision will be notified to the relevant Group Leader, together with the Leaders of the other Groups, advising that similar arrangements will be made for them if they wish.
- 8.5** Since legally, officers (including the Chief Executive and Directors) serve the whole Council, and not individual Political Groups, their attendance at Political Group Meetings is entirely voluntary.
- 8.6** Officers are entitled to have their political neutrality respected should they agree to attend the Group Meeting, and to be treated in a fair and proper way. Officers must not be placed in a position where they feel at a disadvantage or their political impartiality or integrity are put at risk. Normally officers should leave the meeting having given information on the issue in question and before the Group decide what view to take on it as a Political Group.
- 8.7** To safeguard both officers and Members, officers must not be asked to provide information except where it relates to matters of Council business. Officers should not be expected to be present when matters of Party business are discussed. Officers must be reminded on each occasion, that they should leave a meeting if there is any suggestion that they are to be asked to comment on matters beyond the brief agreed in advance, or if they feel vulnerable or that their integrity is being put in question.

Member and Officer Protocol
2018

- 8.8** Any breach of these arrangements by either Members or officers will be viewed seriously and appropriate action taken by Group Leaders or the Chief Executive respectively.
- 8.9** Special care needs to be exercised whenever officers are involved in providing information and advice to a Political Group Meeting that includes persons who are not elected Members of the Council. Those individuals may be bound by the rules of the Group, but will not be bound by the Members' Code of Conduct (in particular, the provisions concerning the declaration of interests and confidentiality). For this and other reasons, officers may not be able to provide the same level of information and advice as they would to a 'Members-only' meeting.
- 8.10** Officers must respect the confidentiality of any Political Group discussions at which they are present, in the sense that they should not relay the content of any such discussion to another Political Group.
- 8.11** Any particular cases of difficulty or uncertainty in this area of officer advice to Political Groups should be raised with the Chief Executive who will discuss it with the relevant Group Leader(s)

Section 9: Confidentiality

- 9.1** In accordance with the Members' Code of Conduct a Member must not disclose any information given to him or her as a Member in breach of any confidence.
- 9.2** Confidential Cabinet or Committee papers are to be treated as confidential information unless the relevant meeting resolves not to exclude press and public. Members are reminded that the author of the report makes the initial decision as to whether or not the papers are to be treated as confidential. The decision as to whether they remain confidential is for the meeting to determine. As this decision will be taken at the meeting, confidential reports should not be disclosed prior to the meeting taking place or at all if the meeting decides that the item should remain as confidential.
- 9.3** Other information may be confidential because to disclose it would be against the Council's or the public interest. Information may also be confidential because of the circumstances in which it was obtained.
- 9.4** Information and correspondence about an individual's private or business affairs will normally be confidential.
- 9.5** Officers should make it clear to Members if they are giving them confidential information. If a Member is not sure whether information is confidential, he or she should ask the relevant officer, but treat the information as confidential in the meantime.
- 9.6** Any Council information provided to a Member must only be used by the Member in connection with the proper performance of the Member's duties as a Member of the Council.
- 9.7** In particular, information discussed in confidential meetings between the Chief Executive and / or Directors and Group Leaders must not be disclosed to other Members, the media or at all to anyone.
- 9.8** If a Member receives confidential information and considers it should be disclosed to another person because it is reasonable and in the public interest to do so then he or she must first

consult with the Monitoring Officer and shall not disclose the information without having regard to any written advice given by that officer.

Section 10: Member-Officer and Member-Member Resolution of Concerns

10.1 The two main areas where the Member-officer relationship may create tension and require resolution are:

- ❖ Where a Member or an officer is believed to have not performed their role or have acted in some way outside of their role; and
- ❖ Where a Member or officer has spoken or behaved without respect and courtesy or has acted in a way counter to the expectations suggested in this protocol.

10.2 Tackling poor Member-officer relationships require action, but also those involved need to be mindful that concerns may need to be tackled with sensitivity, especially when more junior officers are involved, due to the power differential.

10.3 Where a Member has a concern regarding the performance or behaviour of an officer then he or she should raise it with the officer's Head of Service. If the Head of Service cannot resolve the concern he or she will escalate the issue to the relevant Director, or if necessary, to the Chief Executive, who will raise with the appropriate Member and, if necessary, the relevant Group Leader.

Officers are bound by the Officers' Code of Conduct and can be held to account under the usual Council disciplinary and / or performance management procedures.

10.4 Where an officer has a concern regarding the conduct of a Member, he or she should raise it with their Head of Service who can discuss with the Member. If necessary the Head of Service can escalate the issue to Director level, or if necessary, to the Monitoring Officer or Chief Executive, who will raise it with the appropriate Member and, if necessary, the relevant Group Leader.

Members are bound by the Members' Code of Conduct and can be held to account by the Standards Committee and Party Discipline procedures.

10.5 The Chief Executive should be notified if the Political Group Leader becomes involved, and likewise the Political Group Leader be notified if the Chief Executive becomes involved.

10.6 Feedback should be given to both the Member and the officer on the outcome, within five working days.

10.7 When a member criticises another member of their own or another party in public forum and this criticism is either personal, not factual or is of an abusive nature, then the criticised member can seek a route to resolution of their concerns via the Chair of the meeting in which the criticism was made or via the Chief Executive, Monitoring Officer and Group Leaders as set out in paragraph 10.4 above and in Section 23 below.

Section 11: Preparation of Agenda and Minutes

- 11.1** Each Council, Cabinet and Standing Committee and Member Working Group agenda will be prepared by the Democratic Services Team on behalf of the Chief Executive.
- 11.2** The Chair will be consulted once the draft agenda is available.
- 11.3** If there is disagreement between the Chair and the relevant Director over the inclusion of a particular item on the agenda, the Chief Executive will decide if the item should appear on the agenda in consultation with the Chair.
- 11.4** Special rules apply to the preparation of Cabinet Agendas (see paragraphs 2.8 – 2.13 of the Cabinet Procedure Rules in the [Council Constitution](#)). These include:
- ❖ The Leader will decide upon the schedule and agenda for the meetings of the Cabinet, and may put on the agenda of any Cabinet meeting any matter which he / she wishes
 - ❖ With the agreement of the Leader any Member of the Cabinet may require the Chief Executive to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration
 - ❖ Any Member of the Council may, with the agreement of the Leader, require the Chief Executive to include an item on the agenda of the next available Cabinet meeting
 - ❖ The Chief Executive will make sure that an item is placed on the agenda where a relevant Scrutiny Committee or the full Council have resolved that an item be considered by the Cabinet
 - ❖ The Monitoring Officer and / or the Section 151 Officer may in exercise of their statutory duties include an item for consideration on the agenda of a Cabinet meeting and if necessary may require the Chief Executive to call such a meeting
- 11.5** Minutes of Member meetings will be prepared by the Democratic Services Team after consultation with the appropriate Director.
- 11.6** At the next meeting of the Cabinet, Committee or the Council, as the case may be, it is for Members to approve or amend the draft minutes as appropriate.
- 11.7** Reports to Cabinet or Committees should be written by the appropriate Director or an officer authorised by him or her.

It is likely that a sensitive report would be discussed with senior Members at a briefing meeting held with the relevant Director and Members may make suggestions as to the contents of the report. However, the report is the Officers, and any amendments can only be made by that officer. Obviously Members may move any amendments to any recommendations within a report at the formal meeting to consider the report. The report template for Cabinet meetings includes a section for Portfolio holder's recommendations to enable the inclusion of any comments by the Portfolio holder.

- 11.8** It is good practice to involve all Members in key strategic decisions prior to reports coming forward to Cabinet for approval, for example by use of cross party working groups or wider Member engagement sessions but ultimately the Cabinet doesn't have to do this, nor does it have to discuss decisions with their Political Group in advance albeit that it is good practice to do so.

Section 12: Support Services to Members and Party Groups

- 12.1** The only basis on which the Council can lawfully provide support services (e.g. stationery, typing, printing, photocopying, transport, etc.) to Members is to assist them in discharging their formal role as Members of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with Party political or campaigning activity or for private purposes.
- 12.2** In line with promoting a range of services to Members and encouraging and supporting them in their community leadership role, the Council has a policy on printing and photocopying for Members in connection with ward business. The policy in relation to this service is as follows:
- ❖ Printing and photocopying in connection with ward business will be undertaken for all Members upon request
 - ❖ The cost of the service will be met corporately, subject to available resources
 - ❖ All requests for service should be made to Democratic Services, who will also help and advise Members on style and content if required
 - ❖ Assistance will be provided to Members upon request, to help them with legal constraints on content
 - ❖ All material produced under this policy will bear an imprint stating by or on behalf of whom it has been written, published and printed

Section 13: Correspondence and e-mails

- 13.1** Official letters and official e-mails on behalf of the Council should be sent out in the name of the appropriate officer, rather than in the name of a Member. It may be appropriate in certain circumstances for a letter or e-mail to be sent in the name of a Member, for example in response to a letter of complaint sent direct to that Member. However, this is the exception rather than the norm and should only be done following consultation with the Chief Executive or appropriate Director.
- 13.2** Letters or e-mails which create obligations or give instructions on behalf of the Council should never be sent out in the name of a Member.

Section 14: Dealing with the Media

- 14.1** The Council has guidelines which set out [procedures for dealing with the press and media](#) which Members should follow.
- 14.2** It is important that Members act with caution in expressing views to the press or media on issues which are for discussion at future meetings of the Council. Such comments could affect

a Member's right to discuss the matter in question at the meeting and may risk bringing the Council into disrepute.

- 14.3** Part 2 agenda items should never be discussed with the media until or unless Members have decided at the relevant meeting that the report should not be an exempt report.
- 14.4** Further information on this, including possible sanctions, is given in the Code of Conduct for Members and in the guidelines on Member involvement in planning procedures in the [Council Constitution](#).

Section 15: Social Media

- 15.1** Social Media is an incredibly useful tool which has changed the way many Members now engage and communicate with the public. However, there can also be legal and reputational pitfalls and to help minimise any risk the [Social Media Protocol](#) sets out some of the points Members should keep in mind whenever they use Social Media in their official role as a South Ribble Councillor.
- 15.2** All references to the media in paragraph 14.1 and 14.2 above apply equally to social media, and confidential reports should never be referred to on social media in the same way they shouldn't be discussed with the media or press. The Code of Conduct for Members applies when Members engage in online activity whenever a Member is (or even just appear to be) acting in their capacity as a South Ribble Councillor rather than as a private individual. Further information on this, including possible sanctions, is given in the Code of Conduct for Members and in the guidelines on Member involvement in planning procedures in the [Council Constitution](#).

Section 16: Use of Information Technology

- 16.1** The Council has agreed detailed guidelines for Members and officers on the use of information technology. These are set out in the [ICT Acceptable Use Policy](#).
- 16.2** With reference to this protocol, emails written by one Member which are carbon copied to other Members should not criticise or undermine officers.

Section 17: Role of the Cabinet

- 17.1** The Cabinet is responsible for all the functions of the Council unless they are delegated elsewhere, either by law or under the Constitution. For a full description of the role of the Cabinet follow this [link](#)
- 17.2** The main functions of the Cabinet are:
- ❖ to recommend to full Council the Corporate Plan and Corporate Risk Register, Annual Revenue Budget, Medium Term Financial Strategy and Treasury Management Strategy
 - ❖ to recommend any in-year changes to the budget that are reserved to full Council
 - ❖ to recommend to full Council the policies and strategies that form the Policy Framework
 - ❖ to consider and review reports on the Council's performance

- ❖ to approve the award of contracts that are reserved to Cabinet
- ❖ to agree strategies and plans that are not in the Policy Framework
- ❖ to consider reports on significant changes or issues relating to service delivery
- ❖ to receive and consider reports from Scrutiny Committee, including referrals from the call-in process
- ❖ to receive reports from Members sitting on strategic partnerships

Section 18: Role of the Leadership Team

- 18.1** The role of the Leadership Team is to ensure that advice and support is available to all Members to help them fulfil their various roles effectively. However, the team works particularly closely with Cabinet, with individual Cabinet Members, as appropriate, and with Scrutiny Committee to help and support them in fulfilling their responsibilities.
- 18.2** The team's overall role is to work with Members to ensure that the Council has a clear vision, challenging priorities and values which are owned and actively promoted, has effective corporate management and managerial leadership and delivers value for money in all of its services and actions and within an effective corporate framework.
- 18.3** The team also has overall responsibility for the day to day management of the Council and its employees, together with the powers to act under delegation as defined by the Council's Scheme of Delegation and on urgent items, in consultation with the appropriate Member as appropriate.
- 18.4** The council's senior management structure chart is set out in the [Council Constitution](#).

Section 19: Role of Monitoring Officer / Chief Financial Officer

- 19.1** The Monitoring Officer / Chief Financial Officer have personal responsibility to report to the Council on certain matters specified in legislation.
- 19.2** They must be impartial in providing support and advice to all councillors as individuals, to all political groups, and to both Cabinet and Scrutiny functions and must maintain the confidentiality of that advice where appropriate.
- 19.3** They undertake to discharge their responsibilities in a manner which will enhance the reputation of the Council. In general terms their ability to discharge these duties depends on excellent working relations with colleagues and Members but also the flow of information and access to debate particularly at early stages.
- 19.4** Where any procedural, financial, probity or other constitutional issues are likely to arise, the following arrangements and understandings between the Monitoring Officer / Chief Financial Officer (or their Deputies) and colleagues and Members will help ensure the effective discharge of their functions:
- ❖ Advance notice of meetings whether formal or informal between senior managers and Members of the Cabinet or Committee Chairs

- ❖ Senior Managers should alert them of any emerging issues
- ❖ They should have access to all reports to Members
- ❖ They should develop good liaison and working relations, with the External Auditor and the Ombudsman including the giving and receiving of relevant information whether confidential or otherwise
- ❖ They should liaise closely with the Chairs of the Governance, Standards and Scrutiny Committees ensuring that they have up-to-date information
- ❖ The Monitoring Officer should make enquiries into allegations of misconduct in compliance with the Localism Act 2011 and supporting regulations along with the Council's Code of Conduct and Investigation and Hearing Procedure
- ❖ They should liaise closely to consider and recommend action in connection with current governance issues and other matters of concern regarding probity
- ❖ In carrying out any investigation the Monitoring Officer / Chief Financial Officer should be given unqualified access to any information held by the Council and any employee who can assist in the discharge of their functions
- ❖ They should be provided with adequate resources, including access to specialist advice

19.5 The Monitoring Officer will play an important role in highlighting whether a Member or an officer has breached this protocol and his or her advice to the Chief Executive and relevant Group Leader regarding resolution of any breach will constitute an important part of the process.

19.6 The Monitoring Officer is empowered to decide whether a complaint from one Member or officer to another is vexatious and therefore no further action be taken. Vexatious complaints are ones of a trivial or recurrent nature without merit, made with the intention of causing inconvenience, harassment or expense to the Council or a named individual representative (Member or officer) of the Council.

However referral to or intervention by the Monitoring Officer should be seen as a last resort.

Section 20: Members on Outside Bodies

20.1 Members are entitled to all reasonable assistance from officers to support them in their Membership of outside bodies to which the Council has appointed them. Such assistance includes provision of information about the body prior to appointment and the availability of a named contact officer for each body.

20.2 The appointment to an outside body by the Council carries certain responsibilities on behalf of the Council. A Member must still continue to observe the Council's Code of Conduct when acting for that body, unless legislation relating to that body directs otherwise. Furthermore a Member has a responsibility to keep the Council informed of all key issues relating to the activities of that body that are likely to affect the Council. Questions may also be asked at Council meetings of Outside Body representatives.

Section 21: Member Training and Development

21.1 The Leaders of the political groups have agreed the following protocol in relation to the above:

- ❖ All political groups agree to strongly encourage all of their Members to attend appropriate training and development in relation to their roles, in accordance with the council's programme, either in advance of taking up their place or within three months of being appointed thereto.

This is particularly important in relation to the following committees and it is advisable that Members receive appropriate training in advance of taking up their places on them:

- Planning
- Licensing
- Standards
- Appeals
- Appointments

- ❖ All groups agree to do everything possible, including use of group discipline, to enforce this protocol.
- ❖ All groups agree to have regard to Members' attendance or willingness to attend at previous training and development events when making nominations for committee places and other Member roles.
- ❖ All political groups are encouraged to follow the Personal Development Programme principles to assist the council to retain the North West Member Development Charter.

Section 22: Summary of Member-Officer Expectations

22.1 Members can expect officers to:

- ❖ demonstrate the highest standards of integrity
- ❖ act in an open, honest and transparent manner
- ❖ treat Members with courtesy and respect at all times
- ❖ implement and / or act in accordance with the policies of the Council
- ❖ implement the decisions of Council, committees and sub-committees
- ❖ inform Members of any decision that they cannot fully implement
- ❖ behave in a professional manner in accordance with the Council's values
- ❖ serve all Members, not just those of the Administration group(s)

Member and Officer Protocol
2018

- ❖ deal with Member enquiries efficiently and effectively
- ❖ strive continually to comply with the Council's policies, performance management and scrutiny processes
- ❖ comply with all relevant legal, regulatory and professional requirements, taking reasonable steps to ensure they are not placed in a position where they are unable to comply and to challenge non-compliance by others raising with the appropriate management
- ❖ fulfil any obligations to report information to relevant regulatory authorities
- ❖ ensure good governance is followed and risk taken fully account of
- ❖ support Members in their role ensuring all the required information is disclosed to Council, committee and Members to allow them to carry out their duties and make informed decisions
- ❖ Not use undue influence over a Member or put a Member(s) under undue pressure
- ❖ Avoid words or actions that may undermine respect for Members
- ❖ a commitment to the Authority as a whole corporate body rather than merely any one part of it
- ❖ show an understanding of and support for respective roles, workloads and pressures
- ❖ ensure timely responses to enquiries and complaints
- ❖ give professional advice, not influenced by political views or preference
- ❖ comply with the Employees' Code of Conduct and Protocols at all times; and
- ❖ follow the routes to resolution to address any issues as set out in this protocol

22.2 Officers can expect Members to:

- ❖ demonstrate the highest standards of integrity
- ❖ treat officers with courtesy and respect at all times
- ❖ endeavour to forge an effective working partnership
- ❖ avoid putting officers under pressure to the extent that it could be regarded as harassment, bullying and / or discrimination. Members should be particularly sensitive when dealing with less senior officers in the absence of the Chief Executive
- ❖ not require officers to do things that are not consistent with Council policy, not within normal budgetary controls and not part of the officer's normal duties
- ❖ avoid criticising officers, at public meetings or in the media (including on social media)
- ❖ avoid actions or words that may appear to others to be attaching blame to an officer(s) particularly when the officer(s) is not present

Member and Officer Protocol
2018

- ❖ avoid words or actions that may serve to undermine the professionalism and integrity of officers
- ❖ not circumvent Council's policies, processes and protocols
- ❖ show an understanding of and support for respective roles, workloads and pressures
- ❖ not use their position or relationship with officers to seek to influence decisions improperly
- ❖ comply with the Members' Code of Conduct and protocols at all times; and
- ❖ follow the routes to resolution to address any issues as set out in this protocol

22.3 Useful Descriptors of Members, Members and Officers, and Officers

Members	Members and Officers	Officers
Show a real interest in what's happening in the authority	Have clarity of roles Have clarity of boundaries	Are helpful Are courteous
Show a real interest in employees	Show mutual respect and common courtesy	Show Expertise
Keep updated on latest ideas and innovations	Are friendly but not friends	Are professional
Are visible	Are there to serve the Authority and the citizens	Are polite
Really understand their patch	Demonstrate reciprocity	Deliver in a timely way
Respect officers' expertise	Do not misrepresent the other's views	Are open and honest
Do not personalised criticism of officers or other Members	Abide by confidentiality rules	Are not condescending
Appreciate and recognise achievements	Adhere to and role model South Ribble Values:	Give advice within the law
Do not bicker in public amongst themselves	✓ always having a positive attitude	Are supportive
Challenge other Members' unacceptable behaviour	✓ acting with integrity ✓ striving for excellence ✓ being a learning organisation ✓ working as a team	Take time to explain Seek to understand the political context Demonstrate loyalty to the Authority as a whole Respond to all political groups Are politically neutral

22.4 From time to time tensions and incidents may well occur between Members and officers, and Members and other Members, which fall within the remit of this protocol.

Given the value that the Council places on the aspiration for it to be a truly learning organisation it is critically important that all parties seek to:

- ❖ understand the true nature of the incident and how it arose
- ❖ (re)-establish lines of communication
- ❖ (re)-build trust in the relationship; and
- ❖ Instigate changes to behaviours and/or the processes which led to the incident.

Section 23: Non-compliance

23.1 Breaches of this protocol by Members will be addressed by reference to the Code of Conduct for Members. Members are bound by the Members' Code of Conduct and can be held to account by the Standards Committee and Party Discipline procedures. Sanctions as outlined in the Code of Conduct may be applied along with any Party Discipline procedures.

23.2 Breaches of this protocol by officers will be addressed by reference to the Code of Conduct for Employees and may result in a formal disciplinary process being initiated.

23.3 A Member or an officer who is deemed to have personally criticised another Member or officer or made false or unsubstantiated statements regarding another Member or officer in defiance of this protocol will be expected to publicly apologise and / or retract any false or critical statements.

23.4 If unresolved, possible final sanctions for non-compliance of this Protocol will include but are not limited to:

- ❖ Exclusion from access to confidential papers
- ❖ Exclusion from Committees
- ❖ Exclusion from the Political Group (subject to Group policy)
- ❖ Exclusion from the Political Party (subject to Party policy)

23.5 All Members and officers (individually and collectively) are responsible for ensuring compliance with this protocol.

23.6 It is important that the combined political and managerial leadership of the Council seek both to role model effective behaviours and also to challenge inappropriate behaviours in a timely way.

Section 24: Conclusion

24.1 By following good practice and maintaining sensible and practical working relationships between Members and officers, where each understands and respects each other's role, we will enhance not only the reputation of the Council but also the delivery of high value quality services to the people of South Ribble.

Member and Officer Protocol
2018

Section 25: Signature

I acknowledge that I have read the above protocol, understand what it means for me and agree to adhere to it.

I understand that failure to comply with any or all of this protocol could lead to sanctions being taken against me as set out in Section 23 above.

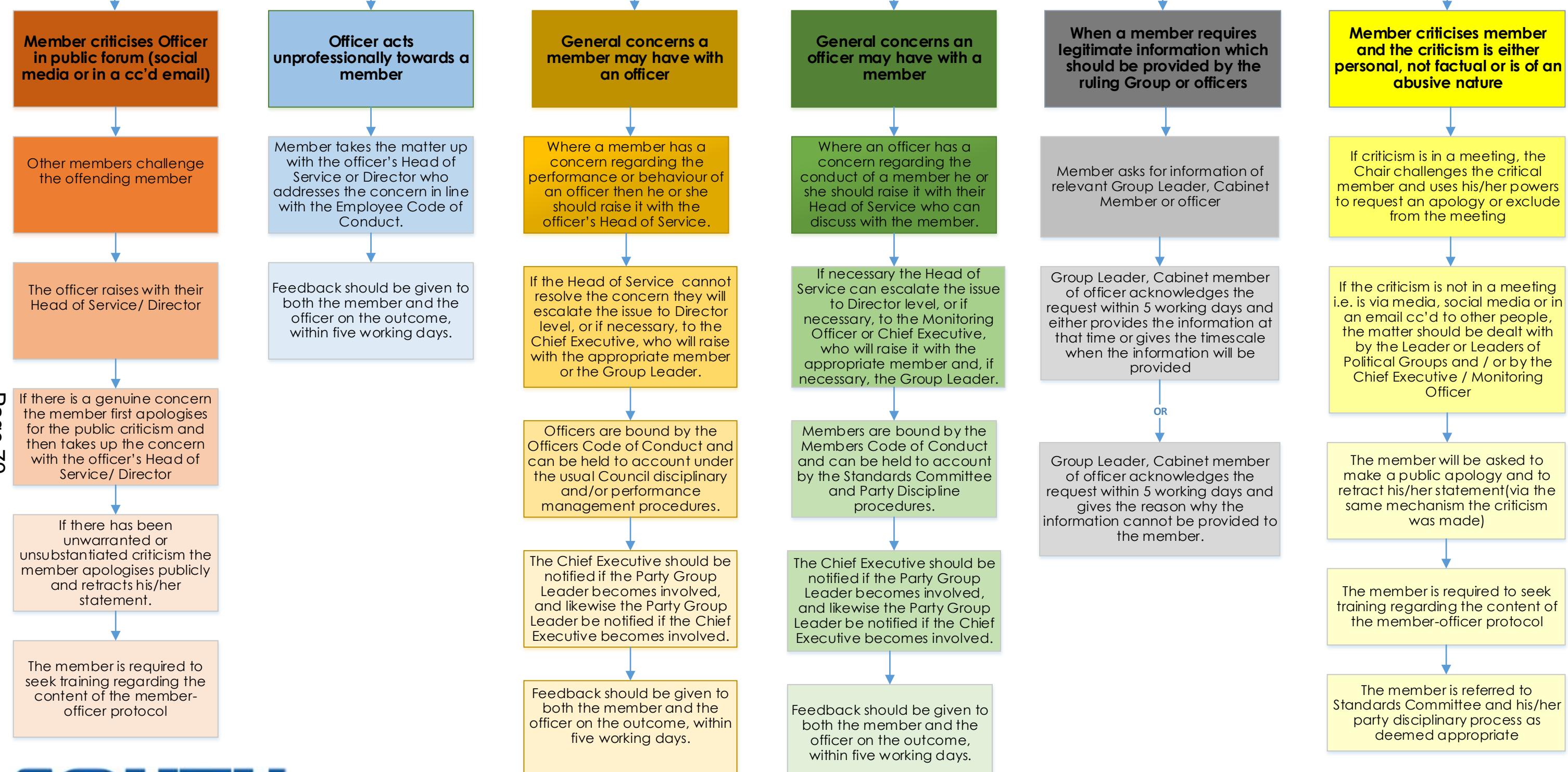
Signed:

Full Name:

Date:

Member / Officer - Routes to Resolution

Appendix 2



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Agenda Item 10

REPORT TO	ON
Council	21 March 2018



September 2017

TITLE	REPORT OF
Appeals Committee - Terms of Reference	Interim Monitoring Officer

Is this report confidential?	No
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1. PURPOSE OF THE REPORT

Following a decision of the Governance Committee at its meeting on the 31st of January 2018 the report seeks the approval of Council to the proposed Appeals Committee Terms of Reference.

2. RECOMMENDATIONS

2.1 That Council approve the draft Appeals Committee Terms of Reference at Appendix A.

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities:

Clean, green and safe		Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire		Efficient, effective and exceptional council	✓

4. BACKGROUND TO THE REPORT

4.1 All Councils are required to have a written Constitution which sets out the Council's internal governance arrangements, approved procedures and protocols. As part of the Corporate Governance Action Plan 2016/17 Members of the Governance Committee agreed to carry out a thorough review of the Constitution in order to ensure that the Constitution is as clear as possible, completely up to date and fit for purpose.

4.2 Historically there have been no formal Terms of Reference for the Appeals Committee which has been convened on an ad hoc basis to consider appeals. The opportunity is being taken to draft full Terms of Reference as part of the review of the Constitution to reflect the scope of work undertaken by the Committee.

4.3 Members should note that there is a specific and separate member body required by law to deal with Statutory Officers staffing matters.

4.4 The suggested draft Terms of Reference are set out at Appendix A.

5.0 Appeals Committee Terms of Reference

5.1 The Terms of Reference have been dropped into the approved template for all Terms of Reference. The draft document provides as follows:

Paragraph	Content	Justification
1. Appeals Committee	Sets out role as final internal appeal body to deal grievances & disciplinary or dismissal appeals.	New section
2. Membership	The Committee consists 6 members appointed on a politically balanced basis with the Chairman appointed each meeting as the Committee meets on an ad hoc basis.	New section
3. Terms of Reference	Sets out role to act as final internal body to hear & determine appeals under the Council's various policies & procedures including <ul style="list-style-type: none">• Dismissal for misconduct/ capability/ attendance• Redundancy selection criteria/• Grievances• Any other staffing issues referred by the Head of Paid Services	New section

6.1 Comments of the Statutory Finance Officer

There are no financial implications arising directly from this report.

6.2 Comments of the Monitoring Officer

Every Council is required to have a written Constitution which is regularly reviewed and kept up to date.

Other implications:	
► Risk	There are no specific risk implications arising from this report
► Equality & Diversity	There are no specific equality implications arising from this

► HR & Organisational Development	report There are no specific HR implications arising from this report
► Property & Asset Management	There are no specific Property or asset management implications arising from this report
► ICT / Technology	There are no specific ICT implications arising from this report

7. BACKGROUND PAPERS

None

David Whelan
Monitoring Officer

Report Author:	Telephone:	Date:
David Whelan	01772 625247	7 March 2018

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2I Appeals Committee

Appendix A

1. Appeals Committee

Appointed by Council at the first business meeting of the municipal year to meet on an ad hoc basis to act as the final internal appeal body to deal with grievances and disciplinary or dismissal appeals.

2. Membership

- a) Political Balance.** The rules of proportional political balance apply in accordance with the requirements of the Local Government & Housing Act 1989
- b) Membership.** 6 Members
- c) Chairing the Committee.** Chairman to be appointed at each meeting.

NB All Members must have received relevant training on the process and procedures to be followed. Updated training will be provided prior to each meeting of the committee.

3. Terms of Reference

1. To act as the final internal body to hear and determine appeals, in accordance with the relevant Council policies and procedures for:
 - a. Dismissal for misconduct
 - b. Dismissal for capability
 - c. Dismissal arising from the Council's Managing Attendance Policy
2. To consider any appeal by an employee that the selection criteria for redundancy has been unfairly applied in their case under the Council's Redundancy Policy.
3. To act as the final internal appeal body to determine staff grievances at stage 3 and in accordance with the Council's approved Grievance procedures.
4. To determine or make recommendations, as appropriate, on any other staffing matter referred to the Panel by the Head of Paid Service.

NOTE: There is a separate Committee to deal with matters relating to Statutory Officers - see Appointment & Employment Panel Terms of Reference & Officer Employment Procedure Rules

Agenda Item 11

REPORT TO	ON
Council	21 March 2018



September 2017

TITLE	REPORT OF
My Neighbourhood Area Procedure Rules & Terms of Reference	Interim Monitoring Officer

Is this report confidential?	No
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1. PURPOSE OF THE REPORT

Following a decision made by Governance Committee at its meeting of the 31st of January 2018 the report seeks the approval of Council to the proposed My Neighbourhood Area Procedure Rules and Terms of Reference.

2. RECOMMENDATIONS

2.1 That Council approve the draft My Neighbourhood Area Procedure Rules and Terms of Reference.

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities:

Clean, green and safe		Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire		Efficient, effective and exceptional council	✓

4. BACKGROUND TO THE REPORT

4.1 All councils are required to have a written Constitution which sets out the council's internal governance arrangements, approved procedures and protocols. As part of the Corporate Governance Action Plan 2016/17 Members of the Governance Committee agreed to carry out a thorough review of the Constitution in order to ensure that the Constitution is as clear as possible, completely up to date and fit for purpose.

4.2 Both the My Neighbourhood Area Procedure Rules & Terms of Reference have not been updated for some time. The opportunity is being taken to refresh both documents as part of the review of the Constitution and update to reflect current practice and procedures. As an example all former references to the Community Improvement Plans have been amended to refer to My Neighbourhood Plans and the section on decision making has been enhanced to reflect the

involvement of the Portfolio holder in practice and also the requirement to record decisions which was formerly within the section on decision making at what was Article 14.

4.3 However, in approving any refresh of the documents Members are asked to note that as the council's Transformation Plans are developed an opportunity for enhanced ways of working between Neighbourhoods and Street Scene is emerging which appears to have potential for more joint working and as a result further reports may be brought to members on the function and role of My Neighbourhood Areas going forward.

4.4 The suggested amendments to the My Neighbourhood Area Procedure Rules & Terms of Reference are set out at Appendix A with the original documents enclosed at Appendix B for ease of reference.

5.0 My Neighbourhood Area Terms of Reference

5.1 The Terms of Reference have been dropped into the approved template for all Terms of Reference. There are very few changes to original, however the changes to note in the document are as follows:

Paragraph	Content	Justification
1. Summary	Short summary setting out role and purpose of My Neighbourhood Areas to strengthen links with the local community.	Original wording
2. Membership	Sets out the membership of each area and names and boundaries.	Original wording
3. Terms of Reference	Outlines responsibility for drawing up My Neighbourhood Plans – amends former description of "Community Improvement Plans"	Simplifies wording very slightly. Updates terminology.
4. Note	Indicates meetings are informal & do not normally have agendas & minutes.	Simplifies wording very slightly from original version.

6.0 My Neighbourhood Area Procedure Rules

6.1 The Procedure Rules are largely unchanged but have been updated to reflect up to date terminology and recent examples of a lack of clarity in the rules when changing nominated Chairmen mid – year. The changes to note in the document are as follows:

Paragraph	Content	Justification
1. Appointment of Chairman & Vice Chairman	<p>Deals with the appointment of Chairmen & Vice Chairmen based on nominations from each Group to be ratified by full Council. If there is an equal number of seats held by both parties full Council will decide. If there is an in year vacancy or the Chairman or Vice is no longer a member of the nominating party the Group may re nominate to Council.</p>	<p>Original provisions with wording simplified for clarity. Additional section dealing with members crossing the floor or leaving the nominating group for any reason which allows the Group to re nominate.</p>
2. Removal of Chairman & Vice Chairman	<p>Deals with the removal of a Chairman or Vice Chairman in year by Notice of Motion to full Council.</p>	<p>Original wording but cross references now to relevant section of Council Procedure Rules for Notices of Motion which have been updated since these Rules were drafted. (ie 10 not 9)</p>
3. My Neighbourhood Meetings	<p>States meetings will be up to 4 times annually with arrangements approved by the chairman in consultation with other members.</p>	<p>Original wording</p>
4. My Neighbourhood Plans	<p>Deals with the establishment of the MNP in conjunction with the public & partners & in alignment with the Corporate plan & Development Plan. Indicates will identify funding for community improvements.</p>	<p>Original section but terminology updated e.g. My Neighbourhood Plans not Community Improvement Plans & Development Plan not Local Development Framework. Clarifies improvements need not be limited to "small scale"</p>
5. Decision Making	<p>Sets out the decision making process by the Chairman in consultation with the relevant Portfolio Holder & Senior Officer. Requires the Chairman to make every effort to obtain the consensus of members in the area and to make the decision with the interests of the whole Council</p>	<p>Updates the section on decision making to reflect the normal procedure in practice under which the portfolio holder is consulted. Incorporates the wording formerly in Article 14 which dealt with decision making & stipulated decisions makers must have the interests of the</p>

	<p>in mind. Decisions must be recorded on the appropriate delegated decision form & published on the website.</p>	<p>whole Council in mind & the consensus of other area members if possible. Also sets out the need for a delegated decision form & publication.</p>
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7.1 Comments of the Statutory Finance Officer

There are no financial implications arising directly from this report.

7.2 Comments of the Monitoring Officer

Every Council is required to have a written Constitution which is regularly reviewed and kept up to date.

Other implications:	
► Risk	There are no specific risk implications arising from this report
► Equality & Diversity	There are no specific equality implications arising from this report
► HR & Organisational Development	There are no specific HR implications arising from this report
► Property & Asset Management	There are no specific Property or asset management implications arising from this report
► ICT / Technology	There are no specific ICT implications arising from this report

8. BACKGROUND PAPERS

None

David Whelan
Interim Monitoring Officer

Report Author:	Telephone:	Date:
David Whelan	01772 625247	February 2018

APPENDIX A

4B. MY NEIGHBOURHOOD AREA PROCEDURE RULES

1. Appointment of Chairman and Vice-chairman

- 1.1 Appointment of My Neighbourhood area chairmen and vice-chairmen will be determined by full Council, following one nomination for each area from the political group with the majority of seats from amongst the ward members representing each My Neighbourhood area. Appointments will be for a period of one year or until the next annual First Business meeting of full Council.
- 1.2 If there is an equality of seats between political groups within any My Neighbourhood area, each group may nominate one chairmen and vice-chairmen and the appointments will be determined by full Council. In this situation if the chairman is taken from one political group then the vice-chairmen will be taken from the other group. Appointments will be for a period of one year or until the next annual First Business meeting of full Council.
- 1.3 In the event of the position of chairman or vice-chairman of a My Neighbourhood area becoming vacant, or if any chairman or vice chairman is no longer a member of the nominating group, during the municipal year, the appointment of a new chairman or vice-chairman shall be made in accordance with (1.1 and 1.2) above.

2. Removal of Chairman or Vice-chairman

- 2.1 A My Neighbourhood area may remove the chairman or vice-chairman of the My Neighbourhood area during the municipal year if a motion submitted to full Council in accordance with Council Procedure Rule 10 is passed by a simple majority of those members present at the Council meeting at which it is considered.

3. My Neighbourhood Meetings

- 3.1 My Neighbourhood meetings shall be held up to four times annually. The date, time, location and number of meetings shall be decided by each My Neighbourhood area chairman in consultation with other local neighbourhood members.

4. My Neighbourhood Plans

- 4.1 My Neighbourhood area members will work in conjunction with partners and the public to identify neighbourhood priorities and establish My Neighbourhood Plans.
- 4.2 My Neighbourhood Plans must align with the Council's Corporate Plan and the Development Plan and will also take into account existing plans such as those of Parish and Town Councils and other partners.

APPENDIX A

4.3 My Neighbourhood Plans will identify actions and funding for community improvements and will be reviewed annually as part of the corporate budget process. Any expenditure should be of a one-off nature and should not generate further on-going revenue expense to the Council.

5. Decision-making

5.1 My Neighbourhood area decision-making will be by delegation to the relevant My Neighbourhood chairman in consultation with the relevant first or second tier Council Officer and Portfolio holder.

5.2 The My Neighbourhood Chairman must make every effort to gain the consensus of the members of his/her My Neighbourhood area before making any decision. Any decision must be made with the interests of the whole Council in mind rather than the interests of any specific area.

5.3 All decisions must be recorded on the appropriate delegated decision form and details of the decisions taken and any associated expenditure recorded on the Council's website.

APPENDIX A

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2M - My Neighbourhood Areas APPENDIX A

After consulting with councillors, Council partners and members of the public, the Council decided to establish My Neighbourhood areas in order to strengthen communications with members of the local community and to increase their involvement in Council decisions about services which affect them.

Membership

- (a) **Membership.** My Neighbourhood Areas consist of all councillors from the wards in each area identified below.
- (b) **Boundaries/Names.** The current boundaries and names of the My Neighbourhood areas are as follows:

1) Western Parishes

Hoole, Longton and Hutton West, New Longton and Hutton East

2) Penwortham

Broad Oak, Charnock, Howick and Priory, Middleforth

3) Central

Farington East, Farington West, Lostock Hall.

4) Leyland

Broadfield, Buckshaw and Worden, Earnshaw Bridge, Leyland Central, Moss Side, Seven Stars, St Ambrose.

5) Eastern

Bamber Bridge East, Bamber Bridge West, Coupe Green and Gregson Lane, Samlesbury and Walton, Walton-le-Dale East, Walton-le-Dale West

Terms of Reference

Each My Neighbourhood area is responsible for drawing up a My Neighbourhood Plan to identify neighbourhood priorities. These plans will be drawn up by elected members

working alongside the public and the council's partners in the manner outlined in the My Neighbourhood Area Procedure Rules (see 4B)

Note

My Neighbourhood meetings are informal and are not normally expected to have agendas and minutes.

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APPENDIX B

Article 11 – My Neighbourhood Areas

11.01 My Neighbourhood Areas

After consulting with councillors, Council partners and members of the public, the Council decided to establish My Neighbourhood areas In order to strengthen communications with members of the local community and to increase their involvement in Council decisions about services which affect them.

11.02 Form, Composition and Functions

- (a) **Membership.** My Neighbourhood areas consist of all councillors from the wards in each area identified in 11.02 (b) below.
- (b) **Boundaries/Names.** The current boundaries and names of the My Neighbourhood areas are as follows:

1) Western Parishes

Hoole, Longton and Hutton West, New Longton and Hutton East

2) Penwortham

Broad Oak, Charnock, Howick and Priory, Middleforth

3) Central

Farington East, Farington West, Lostock Hall.

4) Leyland

Broadfield, Buckshaw and Worden, Earnshaw Bridge, Leyland Central, Moss Side, Seven Stars, St Ambrose.

5) Eastern

Bamber Bridge East, Bamber Bridge West, Coupe Green and Gregson Lane, Samlesbury and Walton, Walton-le-Dale East, Walton-le-Dale West

11.03 Functions.

Each My Neighbourhood area is responsible for drawing up a Community Improvement Plan to identify neighbourhood priorities. These plans shall be drawn up by elected members working alongside the public and the council's partners in the manner outlined in [4B](#).

11.04 Proceedings

My Neighbourhood meetings shall be informal and would not normally be expected to have agendas and minutes.

APPENDIX B

4B. MY NEIGHBOURHOOD AREA PROCEDURE RULES (STANDING ORDERS)

1. Appointment of Chairman and Vice-chairman

- 1.1 Appointment of My Neighbourhood area chairmen and vice-chairmen shall be ratified by full Council following one nomination for each from the political group with the majority of seats from amongst the ward members representing each My Neighbourhood area for a period of one year following which it shall be reviewed.
- 1.2 In the event of an equality of seats within the My Neighbourhood area, appointment of My Neighbourhood area chairmen and vice-chairmen shall be ratified by full Council following one nomination from each political party from amongst the ward members representing each My Neighbourhood area to serve for a period of one year following which it shall be reviewed.
- 1.3 In the event of the position of chairman or vice-chairman of a My Neighbourhood area becoming vacant during a municipal year, the appointment of a new chairman or vice-chairman shall be made in accordance with (1.1 and 1.2) above.

2. Removal of Chairman or Vice-chairman

- 2.1 A My Neighbourhood area may remove the chairman or vice-chairman of the My Neighbourhood area during the municipal year if a motion submitted to full Council in accordance with Standing Order 9 (Part 4), is passed by a simple majority of those members present at the Council meeting at which it is considered.

3. My Neighbourhood Meetings

- 3.1 My Neighbourhood meetings shall be held up to four times annually. The date, time, location and number of meetings shall be decided by each My Neighbourhood area chairman in consultation with other local neighbourhood members.

4. Community Improvement Plans

- 4.1 My Neighbourhood area members shall work in conjunction with partners and the public to identify neighbourhood priorities and establish Community Improvement Plans.
- 4.2 Community Improvement Plans shall align with the Corporate Plan and the Local Development Framework and shall take into account existing plans such as those of Parish and Town Councils and other partners.
- 4.3 Community Improvement Plans shall identify actions and funding for small scale community improvements and shall be reviewed annually as part of the corporate budget process. Any expenditure shall be of a one-off nature and shall not generate further on-going revenue expense to the Council.

5. Decision-making

5.1 My Neighbourhood area decision-making shall be by delegation to the My Neighbourhood chairman in consultation with the Director of Development, Enterprise and Communities in accordance with Article 14.08.[_](#)

Agenda Item 12

REPORT TO	ON
FULL COUNCIL	21 MARCH 2018



September 2017

TITLE	REPORT OF
PROPOSED CHANGES TO LICENSING POLICY	PETER HAYWOOD

Is this report confidential?	No
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1. PURPOSE OF THE REPORT

The report invites full Council to formally adopt the proposed changes to the current Licensing Policy relating to (i) the use of vaping equipment and (ii) Safeguarding controls applicable to licensed operators.

2. RECOMMENDATIONS

2.1 Members of full Council are requested to formally adopt the 3 proposed revisions to the current Licensing Policy (as set out in section 4.1 of the attached report).

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities

Clean, green and safe	x	Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire		Efficient, effective and exceptional council	

4. BACKGROUND TO THE REPORT

4.1 On 17 October 2017, the General Licensing Committee received a report detailing the outcomes of a consultation exercise regarding a number of proposed changes to the Council's Licensing Policy. Whilst the majority of proposed amendments were adopted without further comment (and went on to be adopted by the full Council at its meeting on 22 November 2017), a small number of the proposed changes were required to be amended and re-submitted for a second consultation exercise.

4.2 Matters on which further consultation was required related to:

- a) the inclusion of vaping equipment within the regulatory requirements applicable to tobacco products and e-cigarettes; and
- b) a strengthening of the wording in the Licensing Policy obliging operators to ensure that dispatch staff receive Safeguarding training, and that appropriate records of the training provided are kept and made available to Licensing Officers.

4.3 Full details of the proposed changes to the Licensing Policy were set out in a report to the meeting of the General Licensing Committee which took place on 23 January 2018 (a copy of which is attached to this report as Appendix 1). The attached report outlines the consultation exercise undertaken during November 2018, to which no formal responses were received.

4.4 At their meeting on 23 January 2018, members of the General Licensing Committee agreed with the officer recommendation to amend the current wording to the Licensing Policy, and confirmed their intention to forward the report to full Council on 21 March 2018 for formal adoption.

5. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

5.1 Comments of the Statutory Finance Officer

There are no financial implications arising from the revisions proposed in the recommendations in this report.

5.2 Comments of the Monitoring Officer

In order for the changes to the Licensing Policy to become effective, they will have to be formally adopted by Council.

Other implications:	
► Risk	The introduction of training for dispatch staff will help to provide a more robust response to the issue of Child Sexual Exploitation.
► Equality & Diversity	None
► HR & Organisational Development	None
► Property & Asset Management	None
► ICT / Technology	None

6. BACKGROUND DOCUMENTS

Appendix 1 - report to General Licensing Committee on 23 January 2018 – Proposed Changes to Licensing Policy

SMT Member's Name – Peter Haywood
Job Title – Revenues Manager

Report Author:	Telephone:	Date:
Peter Haywood	01772 625578	20 February 2018

REPORT TO	ON
GENERAL LICENSING COMMITTEE	23 JANUARY 2018

September 2017



TITLE	REPORT OF
PROPOSED CHANGES TO LICENSING POLICY	PETER HAYWOOD

Is this report confidential?	No
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1. PURPOSE OF THE REPORT

Taking into account the outcome of the consultation exercise undertaken throughout November 2017 (summarised at section 4.3 below), members are requested to consider the 3 proposed revisions to the existing Licensing Policy as set out in section 4.1 to this report below.

2. RECOMMENDATIONS

Members are requested to forward this report to the meeting of full Council on 28 February 2018 with a recommendation for formal adoption of the 3 proposed revisions to the current Licensing Policy (as set out in section 4.1 below).

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities

Clean, green and safe	x	Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire		Efficient, effective and exceptional council	

4. CHANGES TO LICENSING POLICY

- 4.1 On 17 October 2017, the General Licensing Committee received a report detailing the outcomes of a consultation exercise regarding a number of proposed changes to the Council's Licensing Policy. Whilst the majority of proposed amendments were adopted without further comment (and went on to be adopted by the full Council at its meeting on 22 November 2017), a number of the proposed changes were required to be amended and re-submitted for a second consultation exercise. These are summarised below:

Original proposal put to GLC on 17 October 2017	Members' suggested amendment to original proposal	Proposed final version of wording in Licensing Policy / conditions
Amendment of paragraph 5.11 of the Licensing Policy to state: "Tobacco products"	Wording of proposed change to be amended to include vaping devices	New third sentence in paragraph 5.11 of the Licensing Policy: "Tobacco products (including e-cigarettes and vaping devices)"

(including e-cigarettes) may not be smoked or used inside a licensed vehicle at any time.”		may not be smoked or used inside a licensed vehicle at any time.”
Hackney Carriage Vehicle Condition 10 and Private Hire Vehicle Condition 9 be amended to state: “All vehicles must display no-smoking signs in each passenger-carrying compartment of the vehicle, these signs relating to both tobacco and e-cigarettes”	Wording of proposed change to be amended to include vaping devices	New wording in Hackney Carriage Vehicle Condition 10 and Private Hire Vehicle Condition 9: “All vehicles must display no-smoking signs in each passenger-carrying compartment of the vehicle, these signs relating to tobacco, e-cigarettes and vaping devices”
Amendment third paragraph of paragraph 9.3 of the Licensing Policy to state: “Operators will be expected to ensure that all dispatch staff they employ also undertake appropriate Safeguarding training. This training will either be provided directly by Council staff or commissioned from an appropriate provider. Operators will be expected to keep adequate records of all Safeguarding training undertaken by staff (including name of staff member and date undertaken) and to make all such records available for inspection by an officer of South Ribble Council on request.”	Wording of proposed change to be amended to state “Operators must....”	New wording of paragraph 9.3 of the Licensing Policy: “Operators must ensure that all dispatch staff they employ also undertake appropriate Safeguarding training. This training will either be provided directly by Council staff or commissioned from an appropriate provider. Operators will be expected to keep adequate records of all Safeguarding training undertaken by staff (including name of staff member and date undertaken) and to make all such records available for inspection by an officer of South Ribble Council on request.”

- 4.2 The second consultation exercise took place during the month of November 2017. The consultation exercise was promoted on the Council's website, and was referred to at the Taxi Trade Forum on 26 October 2017.
- 4.3 It can be confirmed that no responses were received during the second consultation exercise.
- 4.4 If adopted, this proposed wording would oblige operators to ensure that their dispatch staff are adequately trained. In practice, it is suggested that this could be achieved via the free online course on Child Sexual Exploitation provided through the website of the Lancashire Safeguarding Children's Board (this being the same course that licensed drivers are expected to complete). Given resource constraints, it is not currently practical for Licensing staff to provide the training themselves and the proposed use of the LSCB website would seem a sensible alternative. Staff can write to operators and provide them with a link to the Lancashire Safeguarding Children's Board training site, and they would then be expected to maintain appropriate records of training undertaken by their dispatch staff. Licensing officers could then undertake an enforcement exercise in the future with a view to assessing the level of compliance; the outcome of this could be reported to members at a future meeting.

5. NEXT STEPS

5.1 The minutes of the General Licensing Committee meeting held on 17 October 2017 record that, with regard to the above proposed amendments, delegated authority should be given to the Chair of Licensing to approve them following the completion of further consultation with the trade. Unfortunately, when the reports were forwarded from the General Licensing Committee to full Council on 22 November 2017, the Committee's wish for authority to be delegated to the Chair of Licensing was omitted from the report and hence no delegated mandate from full Council has been given. Consequently, with the agreement of the General Licensing Committee, this report will need to be forwarded on to full Council on 28 February 2018 for final adoption.

6. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

6.1 Comments of the Statutory Finance Officer

There are no financial implications arising from the recommendations in this report.

6.2 Comments of the Monitoring Officer

The proposed changes to the wording places a duty on operators to ensure that their dispatch staff are sufficiently trained and provides an adequate response to the issue of CSE.

Other implications:	
► Risk	The introduction of training for dispatch staff will help to provide a more robust response to the issue of Child Sexual Exploitation.
► Equality & Diversity	None
► HR & Organisational Development	None
► Property & Asset Management	None
► ICT / Technology	None

7. BACKGROUND DOCUMENTS (or there are no background papers to this report)

None

SMT Member's Name: Peter Haywood
Job Title: Revenues and Benefits Manager

Report Author:	Telephone:	Date:
Peter Haywood	01772 625578	5 January 2018

Agenda Item 13

REPORT TO	ON
FULL COUNCIL	21 MARCH 2018



September 2017

TITLE	REPORT OF
RESIDENTIAL CARAVAN SITES – PROPOSED ADOPTION OF: (1) MODEL STANDARDS 2008; (2) DRAFT MOBILE HOME FEE POLICY; AND (3) ASSOCIATED DOCUMENTATION	PETER HAYWOOD

Is this report confidential?	No
------------------------------	----

1. PURPOSE OF THE REPORT

This report invites members of full Council to formally adopt:

- the Model Standards 2008 (Appendix 1 to the attached report);
- the draft Mobile Homes Fee Policy (Appendix 2 to the attached report); and
- associated documentation (Appendices 3 and 4 to the attached report).

2. RECOMMENDATIONS

Members of full Council are requested to:

- 2.1 with regard to future applications for a site licence, formally adopt the Model Standards 2008 (Appendix 1 to the attached report) and a draft application form (Appendix 4 to the attached report); and
- 2.2 with regard to both the existing holders of and future applicants for a site licence, formally adopt the draft Mobile Homes Fee Policy (Appendix 2 to the attached report) and the associated methodology for determination of fees (Appendix 3 to the attached report).

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities

Clean, green and safe	x	Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire		Efficient, effective and exceptional council	x

4. BACKGROUND TO THE REPORT

- 4.1 On 20 February 2018, the General Licensing Committee received a report detailing the outcomes of a consultation exercise relating to residential sites for mobile homes. The consultation exercise related to two issues:

- a) the proposed adoption of the Model Standards 2008, these in effect being a set of government-sponsored conditions which are intended as a blueprint for how residential caravan sites should be set out and managed. The Model Standards are revised over time, but the 2008 version has not been formally adopted by this authority; and
 - b) the draft Fee Policy, which (if adopted) would enable the Council to introduce charges for certain licensing activities, including the recovery of enforcement costs in certain situations.
- 4.2 A copy of the report presented to the General Licensing Committee on 20 February 2018 is attached to this report as Appendix A. (Appendix A has a total of 5 sub-appendices which are also attached to it).

4.3 The meeting on 20 February was attended by members of the public and a local site owner. After considering the consultation responses (along with comments made from the floor during the meeting), members of the General Licensing Committee recommended that the Model Standards 2008 and the draft Fee Policy (along with associated documentation) should be forwarded to full Council on 21 March 2018 for formal adoption.

5. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

5.1 Comments of the Statutory Finance Officer

There are no financial implications arising from the recommendations in this report, however if a fees policy is adopted this will generate income to the Council, but only on a cost recovery basis.

5.2 Comments of the Monitoring Officer

In order for the Council to charge any fees under the Mobile Homes Act 2013, a Fees policy must be adopted. Furthermore, it is imperative that the Council adopts the Model Conditions 2008 to ensure that the standards applied for any future applications are at a level recommended by government.

Other implications:	
► Risk	Failure to formally adopt the 2008 Model Standards would prevent these standards being applied to future applicants for site licence. Should the Council decide that it wishes to charge fees under the Mobile Homes Act 2013, a Fees Policy must be adopted.
► Equality & Diversity	None
► HR & Organisational Development	None
► Property & Asset Management	None
► ICT / Technology	None

6. BACKGROUND DOCUMENTS

Appendix A - attached report to General Licensing Committee on 20 February 2018 – Residential Caravan Sites

SMT Member's Name – Peter Haywood
Job Title – Revenues Manager

Report Author:	Telephone:	Date:
Peter Haywood	01772 625578	20 February 2018

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Model Standards 2008 for Caravan Sites in England
Caravan Sites and Control of Development Act 1960 – Section 5



Model Standards 2008 for Caravan Sites in England
Caravan Sites and Control of Development Act 1960 – Section 5

April 2008
Department for Communities and Local Government: London

Communities and Local Government
Eland House
Bressenden Place
London
SW1E 5DU
Telephone: 020 7944 4400
Website: www.communities.gov.uk

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April 2008

Product Code: 08 LPH 05217

ISBN: 978 1 8511 29089

Introduction

1. Under section 5(6) of the Caravan Sites and Control of Development Act 1960 (the Act) the Secretary of State may from time to time specify model standards with respect to the lay-out and the provision of facilities, services and equipment for caravan sites or particular types of caravan site; and that, in deciding what (if any) conditions to attach to a site licence, the local authority shall have regard to any standards so specified.
2. These standards only apply to those sites which contain caravans that are used as permanent residential units. They do not apply to sites used exclusively for holidays or touring caravan sites (for which separate model standards have been issued). The standards also do not apply to sites occupied by gypsies or travellers or caravan sites which house agricultural workers.
3. These standards should be considered when applying licence conditions to new sites and sites that have been substantially redeveloped. In considering variations to existing site licences or applications for new site licences for existing sites local authorities should consider whether it is appropriate for these standards to apply. In relation to variation of a licence the local authority must consult the site licence holder on its proposed variations and may wish to consult with residents or a Residents' Association, where appropriate. Where a current licence condition is adequate in serving its purpose, the authority should not normally apply the new standard. Where it is appropriate to apply the new standard to a condition the local authority should be able to justify its reasons for doing so, having regard to all the relevant circumstances of the site. In deciding whether to apply a new standard the local authority must have regard to the benefit that the standard will achieve and the interests of both residents and site owners (including the cost of complying with the new or altered condition).
4. The model standards represent those standards normally to be expected as a matter of good practice on caravan sites. They should be applied with due regard to the particular circumstances of the relevant site, including its physical character, any relevant services, facilities or other amenities that are available within or in the locality of the site and other applicable conditions.
5. The annex to this document provides advice on the application and enforcement of the model standards when considering attaching conditions to licences.

- 6.** In the model standards any references to "site" includes a park home site (including a mobile home site) and to "caravan" includes a mobile or park home.
- 7.** This document should be referred to as Model Standards 2008 for Caravan Sites in England.

Previous Standards

- 8.** The 2008 Standards replace the document "Model Standards 1989: Permanent Residential Mobile Homes Sites". When issuing any new licences or reviewing current ones the local authority must have regard to the 2008 Standards in setting or varying any of the conditions attached.

THE STANDARDS

1. The Boundaries and Plan of the Site

- (i) The boundaries of the site from any adjoining land shall be clearly marked by a man made or natural feature.
- (ii) No caravan or combustible structure shall be positioned within 3 metres of the boundary of the site.
- (iii)
 - (a) A plan of the site shall be supplied to the local authority upon the application for a licence and, thereafter whenever there is a material change to the boundaries or layout of the site, or at any other time on the demand of the local authority.
 - (b) The plan supplied must clearly illustrate the layout of the site including all relevant structures, features and facilities on it and shall be of suitable quality.

2. Density, Spacing and Parking Between Caravans

- (i) Except in the case mentioned in sub paragraph (iii) and subject to sub paragraph (iv), every caravan must where practicable be spaced at a distance of no less than 6 metres (the separation distance) from any other caravan which is occupied as a separate residence.
- (ii) No caravan shall be stationed within 2 metres of any road or communal car park within the site or more than 50 metres from such a road within the site.
- (iii) Where a caravan has retrospectively been fitted with cladding from Class 1 fire rated materials to its facing walls, then the separation distance between it and an adjacent caravan may be reduced to a minimum of 5.25 metres.
- (iv) In any case mentioned in subparagraph (i) or (iii):
 - (a) A porch attached to the caravan may protrude one metre into the separation distance and must not exceed 2 metres in length and 1 metre in depth. The porch must not exceed the height of the caravan. Where a porch is installed only one door may be permitted at that entrance to the home, either on the porch or on the home.

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

3. Roads, Gateways and Overhead Cables

- (i) Roads shall be designed to provide adequate access for emergency vehicles and routes within the site for such vehicles must be kept clear of obstruction at all times.
- (ii) New roads shall be constructed and laid of suitable bitumen macadam or concrete with a suitable compacted base.
- (iii) All roads shall have adequate surface water/storm drainage.
- (iv) New two way roads shall not be less than 3.7 metres wide, or if they are designed for and used by one way traffic, not less than 3 metres wide.
- (v) One-way systems shall be clearly signposted.
- (vi) Where existing two way roads are not 3.7 metres wide, passing places shall be provided where practical.

- (vii) Vehicular access and all gateways to the site must be a minimum of 3.1 metres wide and have a minimum height clearance of 3.7 metres.
- (viii) Roads shall be maintained in a good condition.
- (ix) Cable overhangs must meet the statutory requirements.

4. Footpaths and Pavements

- (i) Every caravan shall be connected to a road by a footpath with a hard surface which shall be maintained in good condition.
- (ii) Where practicable, communal footpaths and pavements shall not be less than 0.9 metres wide.

5. Lighting

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

6. Bases

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

7. Maintenance of Common Areas, including Grass, Vegetation and Trees

- (i) Every part of the site to which the public have access shall be kept in a clean and tidy condition.
- (ii) Every road, communal footpath and pavement on the site shall be maintained in a good condition, good repair and clear of rubbish.
- (iii) Grass and vegetation shall be cut and removed at frequent and regular intervals.
- (iv) Trees within the site shall (subject to the necessary consents) be maintained.
- (v) Any cuttings, litter or waste shall be removed from the immediate surrounds of a pitch.

8. Supply & Storage of Gas etc

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

9. Electrical Installations

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

10. Water Supply

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

11. Drainage and Sanitation

- (i) Surface water drainage shall be provided where appropriate to avoid standing pools of water.
- (ii) There shall be satisfactory provision for foul and waste water drainage either by connection to a public sewer or sewage treatment works or by discharge to a properly constructed septic tank or cesspool approved by the local authority.
- (iii) All drainage and sanitation provision shall be in accordance with all current legislation and British or European Standards.
- (iv) Work on drains and sewers shall be carried out only by persons who are qualified in the particular type of work being undertaken and in accordance with current legislation and British or European standards.

12. Domestic Refuse Storage & Disposal

- (i) Where communal refuse bins are provided these shall be non-combustible and housed within a properly constructed bin store.
- (ii) All refuse disposal shall be in accordance with all current legislation and regulations.

13. Communal Vehicular Parking

Suitably surfaced parking spaces shall be provided to meet the requirements of residents and their visitors.

14. Communal Recreation Space

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

15. Notices and Information

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

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

16. Flooding

- (i) The site owner shall establish whether the site is at risk from flooding by referring to the Environment Agency's Flood Map.
- (ii) Where there is risk from flooding the site owner shall consult the Environment Agency for advice on the likelihood of flooding, the depths and velocities that might be expected, the availability of a warning service and on what appropriate measures to take.

17. Requirement to Comply with the Regulatory Reform (Fire Safety) Order 2005

The site owner shall make available the latest version of the fire risk assessment carried out under the Regulatory Reform (Fire Safety) Order 2005 for inspection by residents and when demanded, a copy of the risk assessment shall be made available to the local authority.

18. Fire safety measures where the Regulatory Reform (Fire Safety) Order 2005 does not apply (such as single unit sites and those sites solely occupied by family groups)

- (i) The standards in this paragraph only apply if the site is not subject to the Regulatory Reform (Fire Safety) Order 2005.

Fire Points

- (ii) These shall be located so that no caravan or site building is more than 30 metres from a fire point. Equipment provided at a fire point shall be housed in a weather-proof structure, easily accessible and clearly and conspicuously marked "FIRE POINT".

Fire Fighting Equipment

- (iii) Where water standpipes are provided:
 - (a) The water supply shall be of sufficient pressure to project a jet of water not less than 5 metres from the nozzle.
 - (b) There shall be a reel that complies with the current British or European Standard, with a hose not less than 35 metres long, having a means of connection to a water standpipe (preferably a screw thread connection) with a water supply of sufficient pressure and terminating in a small hand nozzle.
 - (c) Hoses shall be housed in a red box and marked "HOSE REEL". Access to the fire point shall not be obstructed or obscured.
- (iv) Where hydrants are provided, hydrants shall conform to the current British or European Standard.
- (v) Access to hydrants and other water supplies shall not be obstructed or obscured.
- (vi) Where standpipes are not provided or the water pressure or flow is not sufficient, each fire point shall be provided with water extinguishers (2 x 9 litres) which comply with the current British or European Standard.

Fire Warning

- (vii) A suitable means of raising the alarm in the event of a fire shall be provided at each fire point.

Maintenance and Testing of Fire Fighting Equipment

- (viii) All alarm and fire fighting equipment shall be installed, tested and maintained in working order by persons who are qualified in the particular type of work being undertaken and be available for inspection by, or on behalf of, the licensing authority or the Fire and Rescue Service.

- (ix) A record shall be kept of all testing and remedial action taken.
- (x) All equipment susceptible to damage by frost shall be suitably protected.

Fire Notices

- (xi) A clearly written and conspicuous notice shall be provided and maintained at each fire point to indicate the action to be taken in case of fire. This notice should include the following:

“On discovering a fire:

- I. Ensure the caravan or site building involved is evacuated.
- II. Raise the alarm.
- III. Call the fire brigade (the nearest phone is sited at).”

Annex to Model Standards 2008 for Caravan Sites in England: Explanatory Notes

Contents

	Paragraphs
Preface	1-4
Legal background	5-11
Introduction	12-20
The Boundaries and Plan of the Site	21-25
Density, Spacing and Parking between caravans	26-34
Roads, Gateways and overhead cables	35-40
Footpaths and pavements	41
Lighting	42
Bases	43-47
Maintenance of Common Areas, including Grass, Vegetation and Trees	48-50
Supply & storage of Gas etc	51-55
Electrical Installations	56-61
Water Supply	62-65
Drainage and sanitation	66-71
Domestic Refuse Storage & Disposal	72-73
Communal Vehicular Parking	74-75
Communal Recreation Space	76-78
Notices & Information	79-81
Flooding	82-85
Fire Safety Measures	86-103

Preface

- 1.** These explanatory notes are designed to be read in conjunction with Model Standards 2008 for Caravan Sites in England (“the Standards”) and are intended to offer guidance on the application and enforcement of the standards for local authorities.
- 2.** The standards are a revision and modernisation of the 1989 standards, incorporating a number of new requirements, particularly in relation to maintenance of sites and flood protection measures, other standards have been modified and the standard relating to telephones has been deleted. The standards also take account of the effect of the Regulatory Reform (Fire Safety) Order 2005.
- 3.** These standards do not apply to sites used exclusively for siting holiday or touring caravans. However, the standards apply to holiday sites containing permanent residential caravans (except those holiday sites where the only permanent residents are the site owner and members of his family and/or his employees who are employed on the site and occupy the caravan pursuant to their contract of employment). The standards should be applied with due regard to the particular circumstance of the site to which they are intended to apply, including its physical characteristics, size, density, layout, amenities and services. See also paragraph 3 of the Standards document for further advice on the application of the standards.
- 4.** In this document the term “site owner” is referred to throughout, as normally that person would be the licence holder.

Legal background

- 5.** The use of land as caravan sites is controlled by relevant planning legislation, whereas the physical standards and layout, amenities and other standards are controlled by a site licence issued under the Caravan Sites and Control of Development Act 1960 (“the Act”). Section 5 of the Act enables local authorities to set licence conditions.
- 6.** Under the Act, most privately owned sites must be licensed by the local authority, unless exempted under the Act¹. A licence will be granted unless the applicant does not have relevant planning permission to operate the site or has had a licence revoked in the last three years.²

¹ Section 2 and Schedule 1 to the Act set out in which circumstances a site licence is not required.

² Section 3 (4) and (6).

7. The local authority may attach conditions to the licence, but these can only relate to the physical use of the site and its management³. The Secretary of State may issue Model Standards which the local authority must have regard to in deciding what conditions to attach to a licence⁴. The authority may from time to time alter a site licence condition (either of its own volition or upon the application of the licence holder)⁵.
8. A licence holder may appeal against the imposition of a condition in a licence or any proposed alteration to a condition or a refusal to alter a condition⁶.
9. It is an offence to breach a licence condition and on summary conviction the offender can currently be fined up to £2,500⁷. Where a condition requires works to the site to be carried out and these are not done either within the time specified or to satisfaction of the local authority, the authority may carry out the works itself and recover from the licence holder any expenses it has reasonably incurred in doing so⁸.
10. The local authority may apply to the court to have a licence revoked if the licence holder has been convicted on two or more occasions of breaches of licence conditions⁹.
11. The local authority is required, under Section 25 of the Act, to maintain an accurate register of the site licences in their area. Given the number of different types of sites that local authorities may deal with, it is recommended that the register shows what type of site each is, be it holiday, residential, mixed use or gypsy and traveller. It is recommended as a minimum the information the site register has is:
 - Name and address of site (if available the Geographic Information Service mapping code should also be logged)
 - Name of the licence holder, the site owner (if different) and any person managing the site on behalf of either of those persons
 - Type of site
 - The number of pitches
 - The licence conditions (if any)

³ Section 5 (1) to (5). For restriction see Mixnam's Properties v Chertsey UDC A.C. 735.

⁴ Section 5 (6).

⁵ Section 8.

⁶ Sections 7 and 8 (2).

⁷ Section 9 (1). The maximum penalty on summary conviction is a fine not exceeding level 4 on the standard scale.

⁸ Section 9 (3).

⁹ Section 9 (2).

MODEL STANDARDS – EXPLANATORY NOTES

Introduction

- 12.** The Model Standards 2008 for Caravan Sites in England have been made under powers conferred on the Secretary of State under section 5(6) of the Caravan Sites & Control of Development Act 1960 (the Act). A local authority must have regard to the standards when it imposes conditions in a site licence.
- 13.** The standards do not apply to sites used solely for caravan holiday homes (although they do apply to mixed residential/ holiday sites), touring caravans or to sites occupied by gypsies and travellers or agricultural workers. The standards as laid out represent what would normally be expected as a matter of good practice on such sites. They should be applied with due regard to the particular circumstances of each case, including the physical character of the site, any facilities or services that may already be available within convenient reach and other local conditions.
- 14.** The local authority must apply the Model Standards with regard to the particular characteristics of the site to which they are intended to apply, and in particular its existing layout and size. It is recognised that not all sites will easily be able to meet the Model Standards in every case due to their particular characteristics, but a local authority will need to be able to justify any decision not to have regard to a standard in setting a licence condition.
- 15.** The standards are not intended to be the “ideal”; local authorities may in the circumstances set more demanding ones if that can be justified.
- 16.** There will be some licence conditions which require inter and cross agency input and advice from other teams within the local authority and outside organisations, such as the Health and Safety Executive, the local Fire and Rescue Service and the Environment Agency. It is important for all parties concerned with sites that effective lines of communication are established to ensure that any problems are identified and resolved as early as possible.
- 17.** Disability Discrimination legislation applies to sites and this should be borne in mind when framing licence conditions and considering possible enforcement action. Guidance can be found at www.dwp.gov.uk and this can also help local authorities in their consideration of licence conditions. Further guidance can also be found on the Equality and Rights Commission website at www.equalityhumanrights.com.

Enforcement

- 18.** Any decision to enforce a licence condition should be taken in line with the Compliance Code (ISBN: 978-0-85605-712-0) which came into force in April 2008, for which comprehensive guidance is available on the Department for Business, Enterprise and Regulatory Reform website, www.bre.berr.gov.uk.
- 19.** Local authorities should allow a reasonable period of time after any site licence alteration for compliance with the revised conditions, unless the reason for making the alteration was to address a matter requiring immediate attention.
- 20.** When considering taking enforcement action local authorities should undertake a risk assessment to take into account all possible factors in relation to the prosecution.

The Boundaries and Plan of the Site

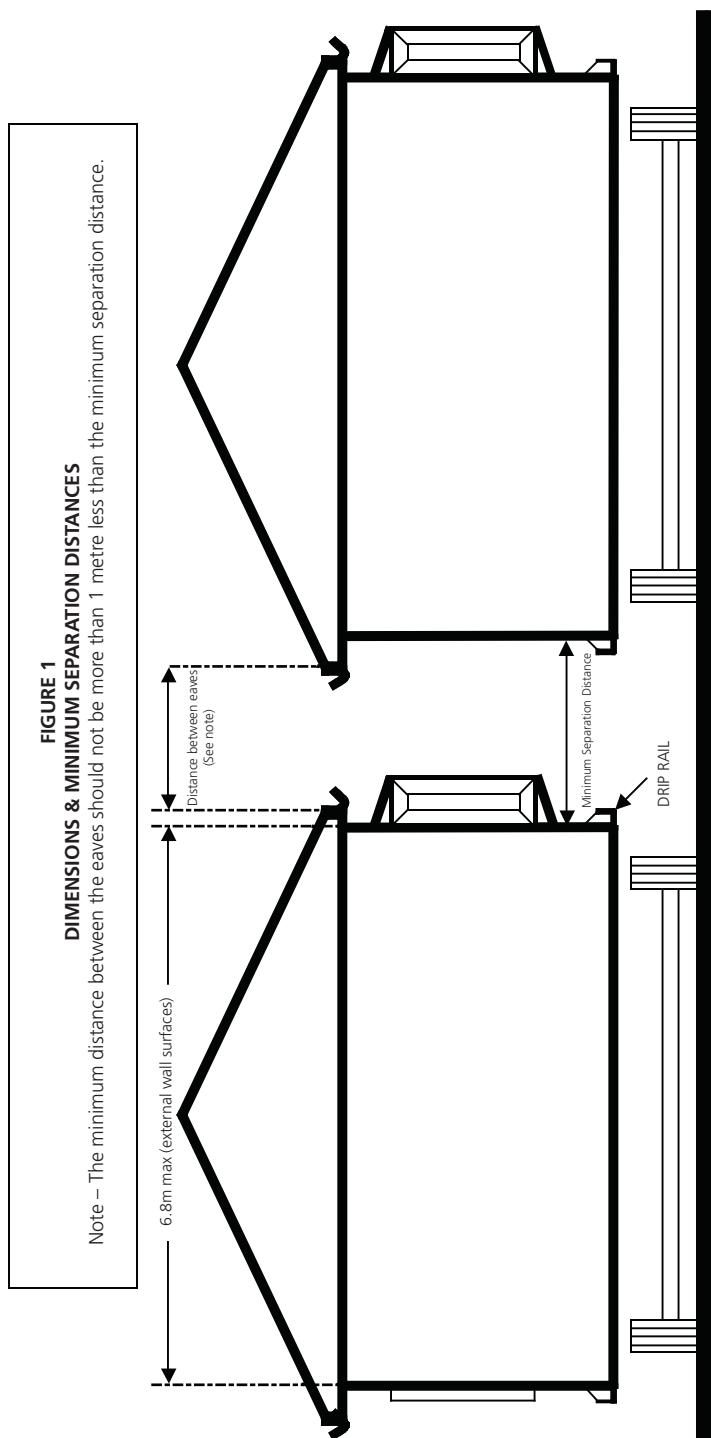
- 21.** The boundary should clearly define the limit of the site owner's responsibility. The boundary should be suitably marked and properly maintained. This boundary could be formed of a fence, hedge, wall or natural feature or any other suitable structure (or any combination of these) or it may in whole, or part, be formed by an appropriate natural feature, such as a river or a wood. It would not normally be appropriate for that natural feature to simply include an open field.
- 22.** Plans of the site shall be provided to the local authority at the site owners' expense.
- 23.** It is best practice for copies of the plan to be made available to the emergency services.
- 24.** The 3 metre separation distance inside the boundary serves the purpose of ensuring privacy from whatever is on the other side of the boundary, such as a road, and other developments, such as houses etc.
- 25.** The 3 metre separation distance measurement should be taken from the caravan wall.

Density, Spacing and Parking Between Caravans

26. The 6 metre separation distance is required for two reasons:

- Health and safety considerations; and
- Privacy from neighbouring caravans.

27. A diagram explaining the separation distances is attached below.



- 28.** If a caravan has been fitted with cladding from class 1 fire rated materials, then the distance between units may be reduced. However, there is a need for the privacy of residents to be taken into consideration. Health and safety matters, such as the positioning of gas bottles, etc. will also need to be taken into account.
- 29.** For the purposes of calculating the distance between the caravans, the point from which measurements are taken is the exterior cladding of the relevant caravan. Eaves, drainpipes, gutters, sills, threshold, door canopies and bay windows should be discounted.
- 30.** Porches should not render the home incapable of being moved, which means they should be demountable.
- 31.** If structures, other than garages, are on pitches within the separation distance and are of a combustible construction, then the local authority should consider allowing sufficient time for them to be replaced with an acceptable non combustible model.
- 32.** At no time should a garage constructed of combustible material be allowed in the separation distance.

Enforcement

- 33.** In considering the enforcement of the separation distance the local authority should consult with the local Fire and Rescue Service. It should also seek the views and take account of representations from the site owner and affected residents before taking any steps to enforce this standard, where practicable.
- 34.** Before the local authority undertakes any enforcement action it should consider the benefit of the works against the potential impact on the residents' enjoyment of their homes and the cost to the site owner.

Roads Gateways and Overhead Cables

- 35.** Roads should be constructed of bitumen macadam or concrete with suitable compacted base. However, sites with roads constructed of tarmacadam (which is now obsolete and no longer commercially available) should not be required to automatically upgrade their roads. The roads should only be required to be upgraded as and when they begin to fall into disrepair.

- 36.** Some larger sites may have traffic calming measures such as speed humps on their roads. Though not specifically covered in this standard, it will be worth ensuring that any legal requirements applying to un-adopted roads are met. Guidance and assistance can be found on the Department for Transport website, www.dft.gov.uk.
- 37.** Gateways, roads and turnings should have enough clearance to allow safe entry for emergency vehicles and new units on lorries. The widths and heights given are based on the maximum sizes of emergency vehicles that may regularly attend incidents on sites.
- 38.** In determining the permitted height of cable overhangs the local authority must take into account the current statutory requirements. Those applying as at the date of this guidance are found in the Electricity Safety Quality and Continuity Regulations 2002 SI 2002/2665 (ESQCR). These regulations provide that, in general, cables should not overhang a road at a height of less than 5.8 metres. In the case of fully insulated overhead conductors the ground clearance is 3.8 metres. There are a number of exceptions where:
- The overhead line follows a route along a hedgerow, fences, boundary walls or similar features. The minimum clearance in these circumstances is 4 metres.
 - If it crosses a driveway with an access width of no more than 2.5 metres (and the driveway is defined by gateposts or similar features), the minimum clearance is 4.3 metres.

Further advice on minimum clearances is available from the Health and Safety Executive.

- 39.** It is good practice that all overhead lines on sites should be fully insulated and where a cable is in within easy reach of a property; it must be so and protected from interference.
- 40.** The authority should require the site owner to comply with regulation 3 of the ESQCR and in considering any enforcement action in relation to cables must consult with the HSE.

Footpaths and Pavements

- 41.** Communal path widths should normally be 0.9 metres in respect of new sites or sites that are undergoing substantial redevelopment (including expansion to part of the site); otherwise paths of not less than 0.75 metres should be accepted where they already exist.

Lighting

- 42.** The lighting provided for communal paths and roads should be adequate to allow safe movement around the site during the hours of darkness. Many sites use low lighters rather than traditional street lamps and these work well as long as they are well maintained and plants/vegetation are not allowed to grow around them and stop them emitting light effectively. The lighting must be fit for purpose i.e. to allow vehicles and pedestrians to navigate around the site between dusk and dawn.

Bases

- 43.** It is important to note that the construction, maintenance and repair of the concrete base are the responsibility of the site owner. New bases should be laid as a minimum in accordance with the current industry guidelines issued by the National Park Homes Council and the British Holiday and Home Parks Association. The Industry's current standard for the bases provides:

"A hard core base to a minimum depth of 150 mm, well consolidated and topped with 100 mm of concrete (mix as BS8500-2:2006¹⁰) shall be used. The finished raft must be generally level with due allowance for surface drainage. Where the ground conditions so require, thickening or the introduction of reinforcement of the raft may be necessary."

- 44.** Particular attention should be paid to the terrain of the site before a base is laid, which may mean a thicker base is needed. The base should be sufficient to handle the load placed upon it by the caravan and its contents.

Enforcement

- 45.** When considering any enforcement action, the authority should also seek the views and take account of representations from the site owner and affected residents before taking any steps to enforce this standard, where practicable.
- 46.** Before the local authority undertakes any enforcement action it should consider the benefit of the works against the potential impact on the residents' enjoyment of their homes and the cost to the site owner.
- 47.** Where a caravan has to be removed in order to facilitate works to the base the authority should normally, if it is feasible and if it is the resident's wish, require the site owner to reinstate, at his own expense, the caravan on the original pitch on completion of the works.

¹⁰ Copies of the Standard can be obtained from the British Standards Institute.

Maintenance of Common Areas, including Grass, Vegetation and Trees

- 48.** Cut grass and vegetation should be removed from the site as soon as practicable. Bonfires should not be used as a means of disposal. Vegetation is often used for sight screening but should be kept at a reasonable height.
- 49.** Trees on the site will normally be the responsibility of the site owner. Where trees are in need of care and maintenance the local authority should, before any action is taken, liaise with the officer responsible for trees at the authority to ensure that all statutory and other requirements are complied with.
- 50.** The common parts of the site (including roads, paths and pavements) must be kept free of any rubbish and maintained in a clean and tidy condition. The local authority may wish to consider whether appropriate receptacles for litter need to be provided in such areas. In any case the site owner should be required to make arrangement for the regular collection of routine rubbish from the site. He should also be required to make arrangements for the prompt disposal of waste and other materials which accumulate on the site during any works etc. Secure non combustible facilities should be provided on the site for the proper storage of rubbish and waste prior to its removal and disposal off the site.

Supply and Storage of Gas etc

- 51.** The HSE website, www.hse.gov.uk, provides details and information about the various legislative requirements and contacts if further information is needed. In addition the trade body for LPG suppliers, ukLPG, www.lpga.co.uk, also has information which may be of use.
- 52.** Anyone being employed by a site owner to carry out work on gas (including natural gas) or oil installations should be suitably qualified to do the work. The HSE pages contain details of some of the schemes. The Communities and Local Government website contains details of various certification schemes which may apply. The details of these schemes can be found at www.communities.gov.uk.

Enforcement

- 53.** In considering whether to take enforcement action for a breach of site licence conditions officers should liaise with the Health and Safety Executive to ensure any action taken by the authority is not in conflict with any action the HSE are proposing to take.

- 54.** Local authority officials who identify areas of concern on sites should always consult the HSE about the problem(s).
- 55.** All new installations must be to the current regulations and maintained at that standard.

Electrical Installations

- 56.** The electrical installations on the site will be a distributor's network either belonging to the local regional electricity network operator or the owner of the site. The HSE website: www.hse.gov.uk contains information on the electricity legislation which may well apply to the site and can provide further information if needed.
- 57.** A suitably qualified person for the purpose of carrying out work on electrical installations and appliances, including maintenance and inspections, includes a professionally qualified electrical engineer, a member of the Electrical Contractors Association, a contractor approved by the National Inspection Council for Electrical Installations Contracting, or a qualified person acting on behalf of the above.
- 58.** It may be necessary to ensure the electricity distribution network complies with ESQCR, in which case such work should only be undertaken by a competent person familiar with those Regulations.
- 59.** All new installations must meet the requirements of the current regulations and maintained at that standard.

Enforcement

- 60.** In considering whether to take enforcement action for a breach of site licence conditions, officers should liaise with the Health and Safety Executive to ensure any action taken by the authority is not in conflict with any action the HSE are proposing to take.
- 61.** Local authority officials who identify significant areas of concern with site electrical networks and installations should always consult the HSE about the problem(s).

Water Supply

- 62.** OFWAT lay down service standards for the water suppliers and details can be found on their website at www.ofwat.gov.uk. In addition there are various schemes for suitably qualified persons and authorities should check to see those undertaking works are qualified. The main scheme is run by NIC certification and details can be found about the scheme at www.niccertification.com.

Enforcement

- 63.** With the majority of well established sites, enforcement of this section will need to be carefully handled, as most sites will have long established water systems. As with gas and electricity above, there may be a case for dual enforcement if an offence is identified. Consultation with the Environment Agency and the local water company is essential.
- 64.** As with the previous sections, local authority officers who identify an issue with water supply on a particular site may wish to advise the Environment Agency, and the local water company of the problem.
- 65.** All new installations must be to the current regulations and maintained at the appropriate standard.

Drainage and Sanitation

- 66.** As with water supplies, provision of sewerage facilities is overseen by OFWAT and codes of practice are in place.
- 67.** It is important that all drains and sewers are well maintained and are connected to the appropriate system. If left unchecked, there can be consequences for the health of residents, along with those who live near the site.
- 68.** It should be noted that the environmental quality of drainage is regulated by the Environment Agency, with whom the local authority must consult about any problems.

Enforcement

- 69.** In considering whether to take enforcement action for a breach of site licence conditions officers should liaise with the Environment Agency to ensure any action taken by the authority is not in conflict with any action the Agency are proposing to take.

- 70.** Local authority officials who identify areas of concern on sites should alert the Environment Agency and the local water company to the possible defects.
- 71.** All new installations must be to the current regulations and maintained at that standard.

Domestic Refuse Storage and Disposal

- 72.** If communal bins are provided they should be of a type that is non-combustible and stored properly. Liaison with colleagues who deal with refuse collection matters will help in ensuring that the bins provided by the site owner (in the case of communal bins) are acceptable to the local authority in pursuance of its collection of rubbish from them.
- 73.** The site owner should be required to discuss with the local authority arrangements for the separation of waste for the purpose of recycling it, and require him to provide the necessary receptacles etc on the site.

Communal Vehicular Parking

- 74.** Parking needs will vary considerably between individual parks. Parking requirements should reflect the reasonable needs of the residents, having regard to the size and layout of the site, the number of units, the occupation criteria of the site and the availability of public transport in the immediate vicinity.
- 75.** Provision of parking spaces on new sites or those undergoing redevelopment or extension should be consistent with local planning policies.

Communal Recreation Space

- 76.** This standard should only be applied if the local authority is satisfied that it is both practicable to provide recreation space on the site and there is insufficient recreation space off the site in the near locality.
- 77.** It will only be practicable to provide such space on the site if there is sufficient open space which is available and it is possible to safely use that space for recreation. The standard requires the local authority to consider the need for recreation space; it does not require it to consider the need for

recreation facilities, although the local authority may consider that need as part of a licence condition. The larger the site the more recreation space or spaces may be needed. On small sites there may be no need for space at all. In deciding whether it is practicable to provide the space the authority should also consider the site layout, the availability of private open spaces (e.g. within the pitch), the availability of other amenities on the site (e.g. club houses) and the age and number of residents on the site.

- 78.** On site recreation space may be considered unnecessary if there is sufficient suitable space available off site within close (walking) distance of it. The space must, however, be freely accessible by the public, such as a municipal park, commons land, and greens or any part of the countryside to which the public have a right to walk.

Notices and Information

- 79.** It is important that all notices are protected from the weather and are prominently displayed, either on a board, in an office open to the public, or other places on the site which the residents have free and reasonable access to.
- 80.** The notices must include the most recent site licence, and the contact details of the site manager, and if different the licence holder. This should include an out of hours contact number for emergencies, and if available an e-mail address.
- 81.** The site owner is also required to make available certain information for inspection by residents in a prominent position on the site. That could be the site office provided it is open at reasonable times, a community room which every resident was entitled to use and which is also open at reasonable times or a notice board located at the entrance to or in a central part of the site.

Flooding

- 82.** It is important that if a site is in an area susceptible to flooding, procedures are in place to ensure that all those on the site are alerted quickly, and that they are aware of any evacuation procedures that may be in place. A notice should be prominently displayed with all relevant information.

- 83.** The site should be included in any local authority flood evacuation plan.
- 84.** Advice on flood risks is available from the Environment Agency website: www.environment-agency.gov.uk
- 85.** It is important in those parts of the country where flooding is an issue that local authorities have effective liaison with the Environment Agency office for their area, as well as relevant officials across their own local authority. Local water companies should also be contacted.

Fire Safety Measures

- 86.** The Regulatory Reform (Fire Safety) Order 2005 (the Order) applies to caravan sites. The Order disappplies some fire related standards that may be in current site licensing conditions. It applies to all non domestic premises in England and Wales, including certain types of caravan sites:
 - all sites with common or shared parts; and
 - individual caravans which are holiday-let type i.e. they are rented out
- 87.** On such sites the local authority should advise the 'responsible person', who will be the licence holder of his duty under that Order to undertake a fire risk assessment and decide what prevention and protection arrangements are appropriate and adequate to mitigate the identified risks.
- 88.** However, there are some sites around the country which do not fall under the Order. These may include single unit sites and those sites which are occupied by single family groups.
- 89.** Where the Order applies the authority should satisfy itself that the site owner is aware of, and complying with, his obligations under it, in particular that a fire risk assessment has been carried out. In this regard the local authority should seek the advice of the local Fire and Rescue Service who are the main enforcers of the Order.
- 90.** The Communities and Local Government website: www.communities.gov.uk contains a range of helpful information on fire safety and the requirements of the Fire Safety Order. This includes links to technical guides for specific types of accommodation, including one for sleeping accommodation.

- 91.** The Fire and Rescue Service has a duty to provide fire safety advice to those who ask for it, although it will not carry out risk assessments.
- 92.** In applying any standards relating to fire safety measures where the Order does not apply, the local authority must consult the local Fire and Rescue Service.

Fire Fighting Equipment

- 93.** The Guidance under the remaining sections only applies to sites to which the Order does not apply; however these standards will provide a useful benchmark of the sort of preventative and protective measures that may be necessary following completion of a fire risk assessment.
- 94.** The siting of the fire points should be so that they are visible at all times, and marked in a way that makes it obvious as to what they are. They will need to be kept clear of any obstructions at all times should they be needed in the event that a fire breaks out.
- 95.** Fire Points are the places on sites where fire fighting equipment is stored, ready for use by anyone in the event of an emergency.
- 96.** If hosepipes are provided, they should be of the relevant British and European Standards¹¹, and positioned in such a way that they are easily attachable to the mains water supply, if not permanently attached. Any valves connecting the hose to the water supply should be easily accessible. The hose reel should be well maintained and in good working order.
- 97.** Any hydrants provided on the site should be kept clear of any obstruction in the event that they need to be used. The positioning of mains connected hydrants is the responsibility of the local water company, and any queries as to whether a site has a hydrant should be directed to them. The positioning of the hydrants should be recorded on the site map, which will assist the emergency service in locating them in the event of an emergency.
- 98.** Fire Extinguishers should only be used if there is not enough water pressure for a hose reel. Where provided, extinguishers should comply with the current British or European Standard.

¹¹ Details of relevant British Standards can be found at www.communities.gov.uk

99. A water tank with buckets and a pump should not be the main means of fighting fire for the following reasons:

- Pumps and buckets are likely to be vandalised or stolen.
- Pumps and buckets are inadequate for fighting a fire.
- A water storage tank should be securely covered to prevent it becoming a health or safety hazard.

Fire Warning

100. The means of raising the alarm in the event of a fire should be appropriate to the size and layout of the site. If you are unsure of which form of raising the alarm is the most suitable to the site, then contact the local Fire and Rescue Service, who will be able to advise you.

Maintenance and Testing of Fire Fighting Equipment

101. It is important that all fire warning systems and fire fighting equipment are regularly inspected and maintained. The suggestion is that these checks should be carried out on an annual basis. All testing and maintenance should be carried out by a person suitably qualified to do the work. Records should be kept of any testing and when the most recent inspections were carried out. The record of all tests and inspections should be kept on the site for inspection.

Fire Notices

102. The fire action notice should be displayed on a notice board, and at other suitable points around the site. The full address of the site, including the postcode should be included.

Enforcement

103. The main enforcer for the Order is the Fire and Rescue Service.

ISBN: 978 1 85112 908 9

ISBN 978-1-85112-908-9

A standard linear barcode representing the ISBN number 9781851129089.

9 781851 129089

South Ribble Borough Council

Mobile Homes Fees Policy

2017/18



Contents

1. Introduction
2. Fees charged for licensing
3. Application for a new site licence
4. Transfer/Amendment of an existing site licence
5. Annual fees for site licences
6. Enforcement Costs
7. Fees for depositing Site rules
8. Publishing and revising the fees policy

Appendix 1 – Elements which can be included in fee setting

Appendix 2 – List of current Mobile Home Sites with South Ribble

Related documents

The following documents have been consulted when drafting this policy:

- The Caravan Sites and Control of Development Act 1960 as amended (CSCDA60)
- Mobile Homes Act 2013 (MHA 2013)
- Regulators Compliance Code
- RBC Corporate Enforcement Policy
- DCLG Guidance on Site Licensing Fee Setting
- https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/285926/140227__A_guide_for_LocalAuthorities_on_setting_site_licensing_fees.pdf

1. Introduction

South Ribble Borough Council has granted Caravan site licences under **The Caravan Sites and Control of Development Act 1960** (as amended) (CSCDA60) for sites that have planning permission for a caravan site.

The CSCDA60 has now been amended by the **Mobile Homes Act 2013** (MHA 2013). The MHA 2013 was introduced in order to provide greater protection to occupiers of residential park homes and caravans as the existing legislation had not been updated for more than 50 years.

This Act introduces some important changes to the buying, selling or gifting of a park home and the pitch fee review process. There is an expectation that councils will inspect sites annually and use the additional powers to ensure compliance with site licence conditions.

The council can also now charge a fee for different licensing functions, serve enforcement notices and publish any site rules relating to a site. The Fee generated by the MHA 2013 is not designed to include investigation of harassment or matters not related to the Site Licence – these should be dealt with through Residents Associations or other appropriate channels.

2. Fees charged for site licences

The changes introduced by the MHA 2013 for Site Licensing came into force on 1st April 2014. These include powers for local authorities to charge fees for their licensing functions in respect of “relevant protected sites”. A relevant protected site is defined in the Act as any land to be used as a caravan site with planning consent, other than one where a licence is:

- Granted for holiday use only
- In any other way subject to conditions which restrict the usage of the site for the stationing of caravans for human habitation at certain times of the year (such as planning conditions).

Relevant protected sites to which the legislation applies are typically known as residential parks, mobile home parks and Gypsy Roma and Traveller sites and so on.

Sites which do not fall within the definition of ‘relevant protected sites’ are still subject to the licensing requirements contained within the CSCDA60, but the provisions relating to payment of fees do not apply.

Under the new Act, a fee can be charged for:

- applications to GRANT a new licence
- applications to TRANSFER or AMEND an existing licence
- Annual licence fees for administering and monitoring existing site licences.

This policy details the fees to be charged for all of these licensing functions.

The fee levels have been calculated based on the estimated average time and costs involved in undertaking the activities involved. (Appendix 1 details what the council can consider in calculating the fee levels)

The fee rates set out in this policy cover the period from adoption until 31st March 2019.

3. Application for a new site licence

All sites require a site licence to operate (subject to exemptions in the CSCDA60); failure to apply for licence is an offence under Section 1(2) of CSCDA60.

The council may only issue a licence for a site with a valid and correct planning permission for the use.

Any application made before the planning status has been awarded must be processed within 6 weeks of the planning decision.

Sites which already have the correct planning permission in place must be processed within 2 months of the licence application.

The fee for a new site licence is currently **£260.57 fixed cost plus £6.50 per pitch** to reflect the variation in the cost of processing the application according to the size of the site.

4. Transfer / amendment of existing site licence

Where a licence holder wishes to transfer the licence an application must be made to the council, for which a fee is payable. The fee must accompany the application to transfer the licence.

Similarly where a site owner requests an amendment to site licence conditions, the council can charge a fee for this function.

Applications can be made by licence holders to vary or cancel conditions; the fee is payable at the application stage.

If the council deem it necessary to alter conditions, there will be no fee payable.

The fee for an application for transfer or amendment of up to two site licence conditions is currently **£104.90**.

Where significant amendments to the site licence conditions are requested this is likely to involve a site visit so the fee for this licensing activity will increase to **£181.65**.

5. Annual fees for Existing Site Licences

All relevant protected sites must pay an annual fee to the council (subject to any exemptions stated in this policy). The fee is due on 1st April each year and annually thereafter.

The annual fee covers the costs associated with administration, an annual site inspection to ensure compliance with the site licence conditions and a revisit to ensure compliance with any outstanding

works required. If there is still a breach in site licence condition at the point of the revisit further charges may be payable to cover the cost of any enforcement action which may be taken.

(See *Enforcement costs – section 6*)

The fee is currently **£7.97 per pitch** and is calculated on a price per unit based on the total estimated cost to the council of carrying out its annual licensing function for all sites in the Borough. The unit cost is multiplied by the actual number of units on each site to provide the annual fee payable.

The DCLG guidance for fee setting offers a variety of suggested options for local authorities in calculating the annual fee:

- Option 1 – fee per pitch (A fee based on the total cost to the local authority carrying out its annual licensing function for all sites, divided by the total number of units over all the sites which will give a price per unit)
- Option 2 – fee based on site size bandings
- Option 3 – fee based on a risk rating that takes into account the size of a site; the level of compliance on a site and confidence in management

Option 1 has been adopted as it is considered to offer the most transparency and fairness to both residents and site owners.

Initial charges have been based on average estimates. Fees will be assessed each year to determine accuracy as part of the Council's annual fees and charges setting process.

Conditions

The conditions on the existing site licence will remain the same until the Council deem they are out-dated or incorrect and then a review will take place or unless an application is made to amend conditions on the licence by the site owner.

Sites exempted from Annual Licensing fees

- Sites that are not relevant protected sites
- Sites with 3 units or less
- Sites for the Site owner and their family (does not include sites that are run for financial gain)

These categories of site are exempt from the annual licensing fee as the council do not intend to carry out annual inspections of these sites, however, any complaints would be dealt with as appropriate.

Charging Arrangements

For the purpose of this policy the period covered by the annual fee will be 1st April to 31st March each financial year.

The fee will be charged to the site owner / licence holder and invoices will be sent at the start of the financial year with payment due within 30 days. (Legislation allows the licence holder to pass on the annual fee cost to the resident's pitch fee)

Where a new site licence is issued part way through the year, the annual fee will also be due in the same year and an invoice will be sent after the licence has been granted for the pro-rata amount.

Where an amended licence is issued part way through the year (which included either additional units or a reduction in units), the change in annual fee would be calculated on a pro-rata basis for the remainder of the year and difference in fee would be adjusted against the following years annual fee.

In the event an annual fee is not paid within the terms of the invoice, the council may apply to the First Tier Tribunal (Property Chamber) for an order requiring the licence holder to pay the amount due.

6. Enforcement costs

Where there has been a breach in a site licence condition which comes to the attention of the council we may serve a compliance notice.

The CSCDA60 details the elements which a local authority may include when imposing a charge for enforcement action. These include the time involved in deciding to serve and prepare the notice. A detailed breakdown of the relevant expenses would be provided with the compliance notice. Charges would be based on an hourly rate in addition to any other costs incurred for example legal costs.

Hourly rate for enforcement costs = £33.38

Charges for enforcement costs cannot be passed onto the residents pitch fee.

If any works in the compliance notice are not carried out, the licence holder commits an offence and the local authority may consider taking legal proceedings. Any costs associated with this process would be at the discretion of the court.

If a prosecution was successfully taken, the council would have the power to carry out the works in default of the licence holder.

7. Fees for depositing Site Rules

Site Rules are different to the site licence conditions and are put in place by the owner of a site to ensure acceptable standards are maintained, which will be of benefit to occupiers or will promote and maintain community cohesion on the site.

The MHA13 changes the way site rules must be agreed between both parties. The council must keep an up to date register of site rules on relevant protected sites and publish the register on-line.

Before publishing the site rules the council will ensure the rules deposited have been made in accordance with the statutory procedure – a fee can be charged for this function.

Any site rules deposited with the local authority for the first time or applications to vary or delete existing site rules must be accompanied by the appropriate fee.

The fee is the same for either a first deposit or for a subsequent variation or deletion. This is because the process will be very similar for all three types of deposits.

The fee is currently **£81.14** and reflects the fixed costs for this function.

8. Publishing and revising the fee policy

This fees policy will be published on the South Ribble Borough Council website at: www.southribble.gov.uk.

The fees detailed in this policy have been determined based on experience of dealing with site licensing historically with consideration of the changes the new Act has introduced.

Some of the processes are new (for example the depositing of site rules) and therefore estimates have been made as to the cost of providing these services. In addition, at the time of producing this policy some elements of the licensing regime are still awaiting further regulation by government which may impact on the processes and the time involved and may therefore result in a revision to the proposed charges.

This policy will be revised no later than 31 March 2019.

APPENDIX

Appendix 1 - Elements included in fee setting

The DCLG guidance sets out the activities that the council can include when calculating its annual fee, these include:

- letter writing/ telephone calls etc. to make appointments and requesting any documents or other information from the site owner or from any third party in connection with the licensing process;
- handling enquiries and complaints;
- updating hard files/ computer systems;
- updating the EU Directive website if appropriate;
- processing the licensing fee;
- time for reviewing necessary documents and certificates;
- downloading photographs;
- preparing reports on contraventions;
- review by manager or lawyers
- review any consultation responses from third parties;
- carrying out any risk assessment process considered necessary
- A pre- programmed full site inspection;
- A follow – up inspection to check compliance following programmed inspection

APPENDIX 2 – List of current Mobile Home Sites with South Ribble

- Carrwood Park, Oakland Glen, Walton-le-Dale PR5 (**80 plots**)
- Croft Park, Wigan Road, Leyland PR25 (**Approx. 50 plots**)
- Penwortham Residential Park, Off Stricklands Lane, Penwortham PR1 (**78 plots**)

TOTAL – 208 plots

APPENDIX 3

Section 1 – Applications for Grant of a New Licence

In order to set fees for these applications, we can take into account the following matters on which costs are incurred. This charge will be in addition to the annual fee.

Initial Licence Fee Time Calculation	Time (minutes)
Enquiry received and service request entered on Lalpac and allocated. (admin)	10
Obtain planning documents and liaise with Planning. Make new site licence file. (officer)	30
Send out site application form with covering letter. (admin)	10
Contact applicant and make appt to carry out initial site inspection (officer)	10
Travel Time. (officer)	30
Carry out initial site inspection. (officer)	60
Check application valid e.g. all compulsory questions completed and correct fee included. Carry out Land Registry Search to verify applicant is owner of land. (officer)	30
Examine electrical certificate and any other documentation submitted with licence for validity. (officer)	20
Prepare draft site licence and send to applicant with covering letter. (officer)	60
Discuss with applicant proposed site licence conditions. (officer)	60
Site licence to be checked and signed by Exec Manager. (Manager)	30
Send out site licence to applicant with covering letter. (officer)	10
Scan documents and update public register. (officer)	20
Upon occupation of site contact site owner to make appointment for licensing inspection. (officer)	10
Carry out full site inspection. Make note of any breaches of site licence conditions/ works required. (officer)	60
Travel time. (officer)	30
Record visit and details on Lalpac. (officer)	20
TOTAL FIXED TIME (minutes)	500
Additional inspection time for all pitches in addition over and above the first. (Full inspection) (officer)	10
VARIABLE TIME (minutes per pitch)	10

Fee estimation

20 mins admin - @ £26.35 per hour = £8.78

30 mins manager - @ £43.08 per hour = £12.92

450 mins officer - @ £30.70 per hour = £138.15

Total fee = £260.57 (plus £6.50 per additional unit on site)

Section 2 - Applications for Amendment or Transfer of a licence

Amendment or Transfer Fee Time Calculation	Time (minutes)
Enquiry received and service request entered on Lalpac and allocated. (admin)	10
Send out site application form with covering letter. (admin)	10
Upon receipt of application form, scan, enter on Lalpac. Generate acknowledgement letter and send to applicant. (admin)	30
Check application valid e.g. all compulsory questions completed and correct fee included. Carry out LRS to confirm applicant is new owner of the site. (officer)	30
Amend site licence. (officer)	60
Amended site licence to be checked signed by EM. (manager)	30
Look up records of outstanding historic breaches, outstanding notices etc. (officer)	10
Send amended site licence to site owner with covering letter. (officer)	10
Amend public register. (officer)	10
TOTAL FIXED TIME (minutes)	200

Fee estimation

50 mins Admin@ £26.35 per hour = £21.96

120 mins Officer@ £30.70 per hour = £61.40

30 mins Manager @ £43.08 per hour = £21.54

Total fee = £104.90

Additional site visit for amendments

150 mins Officer @ £30.70 per hour (+above fee)

Total fee= £181.65

Section 3 – Annual Fee setting template

$$[(A + B \times C) / 60] \times D / B$$

A = Fixed admin time (minutes) for all units – this also includes inspection of the one pitch at each unit

B = Number of pitches.

C = Time taken to inspect additional units (minutes) – estimated as 10 mins.

D = Officer hourly rate (Ave hourly rate for Manager / Officer / Admin = £33.38)

Annual licence admin/monitoring time calculation – cost A	Time (minutes)
Put on service request, letter to site owner. (Admin)	10
Liaison with Site owner. (Officer)	15
Records check on Lalpac and anite / Site file. (Officer)	15
Travel to site. (Officer)	30
Inspection common parts and one unit. (Officer)	60
Record details of inspection. (Officer)	30
Follow up letter and phone call. (Officer)	30
Annual fee processing. (Admin)	20
Revisit travel. (Officer)	30
Revisit and subsequent admin. (Officer)	60
TOTAL MINUTES FOR THE COST OF ONE SITE	300

Average annual fee taken over **208 pitches on 3 sites** in the Borough

$$[(900 + (208 \times 10)) / 60] \times 33.38 / 208 = £7.97 \text{ per pitch}$$

Section 4 – Site rules deposit fees

Site rules deposit fee calculation	Time (minutes)
Application for site rules deposit received and service request entered on Lalpac and allocated. (admin)	10
Check application valid and site rules have been made in accordance with statute, consultation carried out, no banned rules, and no appeals to first tier tribunal outstanding. (officer)	120
Amend public register and deposit rules on website. (officer)	30
TOTAL FIXED TIME (minutes)	160

Fee estimation

10 mins Admin-@ £26.35 per hour

150 mins Officer@ £30.70 per hour

Total fee = £81.14

REPORT TO	ON
GENERAL LICENSING COMMITTEE	20 FEBRUARY 2018

September 2017



TITLE	REPORT OF
RESIDENTIAL CARAVAN SITES – PROPOSED ADOPTION OF: (1) MODEL STANDARDS 2008; (2) DRAFT MOBILE HOME FEE POLICY; AND (3) ASSOCIATED DOCUMENTATION	PETER HAYWOOD

Is this report confidential?	No
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1. PURPOSE OF THE REPORT

Taking into account (i) the Equalities Impact Assessment (attached as Appendix 5) and (ii) the outcome of the consultation exercise undertaken in December 2017 / January 2018 (summarised throughout sections 9 and 10 below), this report invites members to consider recommending the formal adoption of:

- the Model Standards 2008 (Appendix 1); and
- the draft Mobile Homes Fee Policy (Appendix 2); and
- associated documentation (Appendices 3 and 4).

2. RECOMMENDATIONS

Members are requested to:

- 2.1 with regard to the 3 current holders of site licences within the Borough, note the limited progress made by officers with regard to the voluntary adoption of the Model Standards 2008 and the further correspondence to be initiated (section 8 below);
- 2.2 with regard to future applications for a site licence, consider whether to forward this report to the meeting of full Council on 21 March 2018 with a recommendation for formal adoption of the Model Standards 2008 (attached as Appendix 1) and a draft application form (Appendix 4);
- 2.3 with regard to both the existing holders of and future applicants for a site licence, forward this report to the meeting of full Council on 21 March 2018 with a recommendation for formal adoption of the draft Mobile Homes Fee Policy (attached as Appendix 2) and the associated methodology for determination of fees (Appendix 3); and
- 2.4 note the comparative data for fees charged by other licensing authorities set out in section 12 below.

3. EXECUTIVE SUMMARY

- 3.1 This report relates to two associated matters relating to the licensing of residential mobile home sites.
- 3.2 The first such matter is the proposed adoption of the Model Standards 2008 (these being standard conditions developed by central government). If adopted by the Council, the Model

Standards would apply automatically to any new site licence granted by this authority. The report sets out the outcomes of a consultation exercise authorised by the General Licensing Committee at its November 2017 meeting. The Model Standards, however, cannot be applied retrospectively to the 3 sites currently licensed by South Ribble Borough Council – the report updates members on correspondence sent to each of the site owners which seeks to open discussions on the voluntary adoption of the 2008 Standards by the site owners.

- 3.3 The second aspect of the report relates to the proposed adoption of a Fee Policy which would enable the Council to charge fees for site licences and associated activity. The report sets out a methodology used to calculate the proposed fees; the relevant fees in question; and the outcomes of the consultation exercise again authorised at the General Licensing Committee in November 2017. The report provides comparative data previously requested by members on fees levied by other licensing authorities, and sets out the steps taken (at members' request at the January meeting) to promote the meeting and accommodate a potentially larger audience.

4. CORPORATE PRIORITIES

The report relates to the following corporate priorities

Clean, green and safe	X	Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire		Efficient, effective and exceptional council	X

5. INTRODUCTION

- 5.1 Members of the General Licensing Committee will recall that, at their meeting in November 2017, they received a report relating to the licensing of residential mobile home sites. The report detailed the proposed adoption of the Model Standards 2008 and a draft Fee Policy which would enable the Council to charge for certain activities relating to the licensing of such sites.
- 5.2 Members agreed that a consultation exercise should be undertaken with a view to the potential adoption of both the Model Standards 2008 and the draft Fee Policy. The purpose of this report is to update members on the outcomes of the consultation exercise which has subsequently taken place.

6. OUTLINE OF CONSULTATION EXERCISE

- 6.1 In relation to both the Model Standards 2008 and the draft Fee Policy, the following methodology was adopted for the consultation exercise:

- the consultation period was agreed as 18 December 2017 to 5pm on Sunday 28 January 2018. This was to give adequate time to encompass the Christmas and New Year holidays;
- the landing pages for the consultation exercise were drawn up and placed on the Council's website;
- an advisory letter was sent to each of the 3 currently-licensed site operators on 12 December 2017 informing them of the forthcoming exercise; and
- a similar letter was also hand-delivered by Licensing staff to all residents of the licensed sites on 18 December 2017.

6.2 A log was devised on which all consultation responses were recorded. To assist members in their deliberations, the consultation responses received for both Model Standards and the draft Fee Policy are summarised after the relevant sections of the report below.

7. BACKGROUND – MODEL STANDARDS 2008

- 7.1 The Council has responsibility for the licensing of residential mobile home sites, including the application and enforcement of appropriate conditions. This arises from the Caravan Sites and Control of Development Act 1960 ("the 1960 Act").
- 7.2 The Government produces occasional guidance on conditions to be applied to caravan sites. The most recent guidance for residential sites was produced in 2008, although this guidance does not appear to have been formally adopted by the Council.
- 7.3 The aim of licence conditions is to promote the safety and welfare of the residents. The specific purposes for which conditions can be applied are set out in Section 5 of the 1960 Act.
- 7.4 The currently-licensed residential sites in the borough are:

Site:	No of residential plots	Date that site licence issued:
Carwood Park Oakland Glen Walton-le-Dale PR5	80	13.5.03
Croft Park Wigan Road Leyland PR25	Approx. 50	23.1.17
Penwortham Residential Park off Stricklands Lane Penwortham PR1	78	5.11.02
Total:	208	

- 7.5 The Model Standards 2008 for Caravan Sites in England (Appendix 1) replaces the previous 1989 version and incorporates a number of new requirements, particularly in relation to maintenance of sites and flood protection measures. In addition, other recommended standard conditions have been modified. Significantly, the latest guidance also takes into account the effect of the Regulatory Reform (Fire Safety) Order 2005. For the avoidance of doubt, the guidance does not apply to sites which are used for holiday and/or touring caravans or for traveller sites.

8. CURRENT POSITION – EXISTING HOLDERS OF SITE LICENCES

- 8.1 Given that two of the three licences currently issued by the authority pre-date the 2008 Model Standards, and the model conditions attached to the third site licence (Croft Park, issued after 2008) do not appear to match the 2008 requirements, it is appropriate for the Council to seek to apply the 2008 Model Standards to existing licences. For existing sites, the 2008 Model Standards cannot be applied retrospectively; they can only be applied through a process of negotiation with the licence holder, where the local authority can justify the reason for applying the new Standards and demonstrate the benefits that this will achieve (taking into account the interests of both the residents and the site owner).

- 8.2 Consequently, a letter was sent to each of the three current holders of a site licence to inform them of the Council's proposed adoption of the Model Standards 2008, and to ask them to consider their voluntary adoption. This letter was sent on 19 December 2017 and asked the licence holders to make contact with a view to discussion taking place.
- 8.3 At the time of writing this report, only the owners of Carrwood Park had responded to this letter. In their response they confirmed their willingness to adopt the Model Standards 2008, but only from the current point in time onwards (ie not with regard to mobile homes already in situ on their site). No response from any other site owners has been received.
- 8.4 It is therefore proposed to send a follow-up letter to the 2 sites which have not yet responded to the letter of 19 December, with a further invitation to commence dialogue in the near future. The outcome of this correspondence will be reported to a future meeting of the committee.

9. OUTCOME OF CONSULTATION – ADOPTION OF MODEL STANDARDS 2008

- 9.1 If adopted, the Model Standards 2008 would automatically apply to any site which in the Borough is the subject of an application for a site licence.
- 9.2 In the course of the consultation exercise on the proposed introduction of the Model Standards 2008 (carried out in accordance with the methodology in section 5 above), the following responses were received:

Source	Comments	Council response
Resident (15.1.18)	Wanted explanation of what proposals meant	Provided explanation
Site owner (22.1.18)	Wanted to see letter sent to residents	Provided
	Has there been discussion with the residents' association	Yes

10. DRAFT FEE POLICY - CHANGES TO LEGAL REGIME AND PROPOSED FEES

- 10.1 As stated above, South Ribble Borough Council has traditionally granted caravan site licences under the 1960 Act referred to above. However, the 1960 Act was amended by the Mobile Homes Act 2013 ("the 2013 Act"), and new legislative changes came into effect from 1 April 2014. The aim of the new legal regime was to provide greater protection to occupiers of residential park homes and caravans, as the existing legislation had not been updated for more than 50 years.
- 10.2 The 3 sites currently licensed by this authority (and any similar sites which are the subject of a future licence application) fall within the terms of the legislation and will therefore be subject to the fee-charging regime.
- 10.3 Where a local authority decides to charge fees, these must be published in its Fees Policy document. Fees must be transparent and reasonable. A copy of the Council's draft Fees Policy is attached to this report as Appendix 2. Also attached as Appendix 3 is a document setting out the calculations which underpin the proposed level of fee to be charged if the Fee Policy is adopted. For ease of reference, the proposed fees are set out in the following sections of the report, along with a summary of any relevant consultation responses. In addition, a summary of general comments made is given below:

Source	Comments	Council response
Representative of site residents (27.12.17)	<p>Any fees levied by the Council on the site owner will undoubtedly be passed on in full to the residents, which will be in addition to their monthly rent and subject to an increase in line with RPI. The residents base this belief on the fact that the Act (and its predecessor) allows site owners to extract a commission of UP TO 10% on the sale of any park home, and not one site owner in the country extracts a penny less than 10%.</p>	Noted
	<p>If the site owners are not responsive to the councils requests necessitating in increased visits and extra vigilance then a further charge could be imposed. Will this also be passed onto the residents?</p>	Confirmed belief that it could.
	<p>The introduction of this regime will not be beneficial for the residents as the Council will not be able to spend much time on enforcement for the fees charged. We have unfortunately in the past felt a little like a convenient ping pong ball between SRBC and the site owners.</p>	Noted
	<p>The pitch rent fees we all pay are becoming a significant burden to lots of residents and seem to be creeping up in ever increasing increments each year and all subject to RPI which is currently running at 4%, all this is in addition to the normal council tax paid to SRBC,The result of this is that being park home owners is becoming a very expensive way to live on our limited retirement income</p>	Noted
Resident (15.1.18)	Wanted to understand what the letter dated 18.12.17 meant in practice	Advised

10.4 Applications to grant a new licence

10.4.1 All sites (subject to exemptions contained within legislation) require a licence to operate a residential park home site. Failure to make an application for a site licence is a criminal offence under Section 1(2) of the 1960 Act. Section 3(2A) of the 1960 Act as amended allows the local authority to require a fee to accompany applications for licences, and this should accompany any new application. The Council may only issue a licence for a site with a valid and correct planning permission for the use of the land as a residential park home site. Any application made before the planning status must be processed within 6 weeks of the planning decision. Sites which already have the correct planning permission in place must be processed within 2 months of the receipt of the site licence application.

Proposed new licence application fee of £261 (rounded up, plus £6.50 per additional unit on site)

Consultation responses:

None

10.5 Applications to transfer or amend an existing licence

10.5.1 Where an existing licence holder or new site owner wishes to transfer or amend an existing licence, an application must be made to the Council, for which a fee is payable. Section 10(1A) of the 1960 Act (as amended) allows the Council to charge a fee for this function.

Proposed fee for transferring / amending a licence £105 (rounded up)

Consultation responses:

- Site owner 22.1.18 – if a site is sold prior to adoption of Fee Policy, would a fee be payable? (Advised no).

10.5.2 Where significant amendments to the site licence conditions are requested, and this is likely to involve a site visit, the fee for this licensing activity will increase accordingly.

Proposed fee for transferring / amending a licence with site visit required £182 (rounded up)

Consultation responses:

None

10.6 Annual licence fees for administering and monitoring existing site licences

10.6.1 All ‘relevant protected sites’ must pay an annual fee to the Council (subject to any exemptions). The annual fee covers the costs associated with an annual site inspection to ensure compliance with site licence conditions and a follow up visit to ensure compliance with any formal schedule of works. If there is still a breach in site licence conditions at the point of the follow up visit, further charges may be payable to cover the costs of any enforcement action which may be taken.

10.6.2 The proposed fee is calculated on a price per unit based on the total estimated cost to the Council of carrying out its annual licensing function for all ‘relevant protected sites’ in the Borough. The unit cost is multiplied by the actual number of each unit on each site to provide the annual fee payable.

Proposed annual Fee – number of pitches x £8 per pitch (rounded up)

Consultation responses:

- Site owner (22.1.18) – is the proposed fee of £8 final or an estimate? (Advised - firm figure)
- Site owner (22.1.18) – when would inspection regime (and therefore the date when invoices would be sent to sites) be likely to commence? (Advised – after any adoption by full Council).

10.7 Recovery of compliance costs

10.7.1 In the event of a complaint made against a “relevant protected site”, or a finding of non-compliance with a licence condition discovered on inspection under section 10.6 above, officers will work with the site owner to resolve any matters of concern. However, where a local authority considers that a park owner is failing or has failed to comply with a site licence condition it has the option to serve a statutory Compliance Notice on the park owner listing the steps that need to be taken, within a specified time period, to comply with the requirements of the site licence. The Compliance Notice must specify to the park owner:

- (a) the site licence condition and how the park owner has failed to comply;
- (b) the steps that need to be taken to ensure compliance;
- (c) the time period allowed to carry out those steps to ensure compliance; and
- (d) the right the owner has to appeal the Notice.

10.7.2 A site owner on whom a Compliance Notice is served may appeal to the First Tier Tribunal (Property Chamber) within 21 days of service of the notice. For example, the site owner may consider that the notice has been served on the wrong person; that the works specified are unnecessary or excessive; or that the time period allowed is unreasonable.

10.7.3 The tribunal may quash the Notice; vary it; or endorse it. If the Compliance Notice remains valid after an appeal, it becomes a criminal offence if it is not complied with. The penalty for a contravention, following a successful prosecution, is a level 5 fine.

Proposed hourly rate at which enforcement costs may be recovered - £34 (rounded up)

Consultation responses:

See general comments in section 10.3 above.

10.8 Site Rules

10.8.1 Site Rules are different to the site licence conditions and are put in place by the owner of the site to ensure that (a) acceptable standards are maintained for the benefit of residents and (b) to promote and maintain community cohesion on the site. The 2013 Act changes the way in which the Site Rules must be agreed between the site owner and residents.

10.8.2 The 2013 Act requires that the operators of relevant protected sites deposit their Site Rules with the local authority. The Council is then required to keep a public register of Site Rules and publish this online.

10.8.3 The legislation allows the Council to charge a fee for depositing, amending, or deleting Site Rules. Before publishing the Site Rules the Council will ensure the rules deposited have been made in accordance with the Statutory Procedure.

Proposed fee to deposit, amend or delete (and then publishing) site rules £82 (rounded up)

Consultation responses:

- Site owner (22.1.18) – if site rules have already been deposited, would a fee now be payable? (Advised no).

11 DRAFT FEES POLICY – ADDITIONAL COMMENTS

11.1 The fee rates set out in the draft Policy attached as Appendix 2 are intended to cover the period from adoption to 31st March 2019. It is proposed that the fee levels will be revisited on a 12 monthly basis thereafter to ensure their continued accuracy.

11.2 A copy of the proforma to be completed when applying for a new site licence under the 2013 Act is attached as Appendix 4.

11.3 An Equality Impact Assessment has been compiled and is attached as Appendix 5.

12. DRAFT FEES POLICY – COMPARISON WITH OTHER LOCAL AUTHORITIES

12.1 At their meeting in November 2017 members of the Committee requested data enabling them to make a comparison of the fees proposed by this authority as opposed to fees charged by others. Accordingly, the following table has been compiled:

	SRBC (proposed)	Fylde	Cheshire East	Craven	Eden
Annual fee	£8 per pitch	£250 + £5 per pitch	£154-£494*	£0-£483*	£9 per pitch
New application fee	£261 + £6.50 per pitch	£320	£154-£494*	£171-654*	£412 (0-5 pitches) plus £80 per additional 10 pitches or part thereof
Transfer fee	£105	£190	£72	£250	£260
Simple licence amendment	£105	£375	£72		£196
Detailed licence amendment	£182		£261		
Deposit of site rules	£82	£80	£20	£50	£80

*dependant on pitch numbers

12.2 The above figures show a wide variation in the range of charges levied. However, this may not be surprising given that fees are calculated on a cost-neutral basis with varying degrees of officer / management time devoted by individual authorities.

13. STEPS REQUESTED AT JANUARY MEETING

13.1 Members will recall that, at their meeting on 23 January 2018, they asked for certain measures to be taken in advance of the February meeting. These included:

- promoting the meeting at which the outcome of the consultation would be considered ; and
- holding the meeting on 20 February in a room with a bigger capacity in case members of the public were to be accommodated.

13.2 As a result, the following measures have been taken:

- the venue has been moved to the larger Shield Room in the Civic Centre;
- social media has been used to promote the event;
- a poster has been produced for on-site display; and
- an advisory letter has been sent to the site owners; residents (including site representatives) who have responded to the consultation; and site managers.

14. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

14.1 Comments of the Statutory Finance Officer

There are no financial implications arising from the recommendations in this report, however if a fees policy is adopted this will generate additional income to the Council.

14.2 Comments of the Monitoring Officer

The Legal implications can be found in the body of the report.

If the 2008 Model Standards and the Fees Policy for Mobile Homes are to be utilised, then will have to be adopted at a meeting of Council.

Other implications:	
► Risk	Failure to formally adopt the 2008 Model Standards would prevent these standards being applied to future applicants for site licence. Should the Council decide that it wishes to charge fees under the Mobile Homes Act 2013, a Fees Policy must be adopted.
► Equality & Diversity	None
► HR & Organisational Development	None
► Property & Asset Management	None
► ICT / Technology	None

15. BACKGROUND DOCUMENTS (or there are no background papers to this report)

- Appendix 1 – 2008 Model Standards
- Appendix 2 - SRBC Mobile Homes Fees Policy (draft)
- Appendix 3 – SRBC fees working out document (draft)
- Appendix 4 – SRBC Mobiles Homes Application form (draft)
- Appendix 5 – Equality Impact Assessment

SMT Member's Name – Peter Haywood

Job Title – Revenues Manager

Report Author:	Telephone:	Date:
Peter Haywood	01772 625575	6 February 2018

Caravan Sites & Control of Development Act 1960
Application / Variation Form for a Site Licence

1. Brief Site Details

Full Name of Site:		
Full Postal Address of Site:	Postcode:	
Contact Details:	Landline	
	Mobile	
	Fax	
	Email	

2. Applicant(s) Details

Full Name:	Mr / Mrs / Miss / Ms / Other (please state).....	
Full Home Address:	Postcode:	
Contact Details:	Landline	
	Mobile	
	Fax	
	Email	

3. Is the Applicant the:

Freeholder	<input type="checkbox"/>	Tenant	<input type="checkbox"/>
Leaseholder	<input type="checkbox"/>	Other.....	<input type="checkbox"/>

If applicant is the leaseholder of a tenant, please give details of the agreement:

4. Existing licence conditions:

Type of Unit	Please tick below as appropriate	Number
Permanent residential		Caravans
Static Holiday		Caravans
Holiday Chalets		Chalets
Touring Holiday		Units
Opening Season:		
Static Sites		To
Touring Sites		To

5. Proposed Application to alter Licence Conditions:

Type of Unit	Please tick below as appropriate	Number
Permanent residential		Caravans
Static Holiday		Caravans
Holiday Chalets		Chalets
Touring Holiday		Units
Opening Season:		
Static Sites		To
Touring Sites		To

6. Does the Site have Planning permission?

Yes

No

Applied for if so, what date?

If Yes, please give relevant permissions and references:

7. How is drinking water provided?

Mains supply to unit Units

Standpipes Units

8. How are toilets and wash hand basins provided?

Communal toilet blocks Units

Units have their own facilities Units

9. How are showers provided?

Communal shower blocks Units
Units have their own showers Units

10. Type of foul drainage?

Mains drainage Units
Cesspool or cesspit Units

11. How is kitchen waste water disposed of?

Units have their own sinks connected to foul drainage Units
Communal washing up sinks / waste water disposal points connected to foul drainage Units
No waste water disposal Units
Other (*please give details*) Units

12. How is surface water drainage provided?

13. How is refuse stored on the site?

Individual bins at each unit Units
Communal wheeled bins or skips Units
Communal bin store Units

14. Do units use liquefied petroleum gas (LPG) cylinders?

Yes
No

15. Is there a LPG storage area on the site?

Yes
No

16. Has the applicant held a Site Licence which has been revoked at any time in the last three years?

Yes

No

17. Was the site in use as a Caravan site?

On 9th March 1960

On 29th March 1960

At any other time since 9th March 1958

If so, when:

18. Address for correspondence?

Caravan site

Applicants address

Other (please state below)

Full Name:	Mr / Mrs / Miss / Ms / Other (please state).....	
Full Home Address:		
Postcode:		
Contact Details:	Landline	
	Mobile	
	Fax	
	Email	

19. Documents to send with this application form

On a scale of 1:500 layout plan of site including:

1. Site Boundaries
2. Position & numbering of Touring / Holiday caravans and Residential Park Homes
3. Roads & footpaths
4. Toilet blocks, stores and other buildings
5. Water supplies
6. Recreational spaces
7. Fire points
8. Parking spaces
9. Foul and surface water drainage

20. Declaration

I do hereby certify, that to the best of my knowledge and belief, the above particulars are correct.

Signed	
Print Name	
Designation	
Date	

Please send this completed application form along with the relevant fee and any relevant documentation to:

**South Ribble Borough Council
Licensing Section
Civic Centre
West Paddock
Leyland
PR25 1DH**

APPLICATION FEES

Type of Application	Amount
Applications for Grant of a New Licence Initial Application fee (per additional unit on site)	£260.57 (plus £6.50 per additional unit on site)
Amendment or Transfer of a licence Application fee (Additional site visit for amendments)	£104.90 (£181.65 total sum inclusive of above fee)
Annual Fee Per pitch	£7.97 per pitch
Site Rules Deposit Fee	£81.14

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Equality Impact Assessment

Introduction

An Equality Impact Assessment (EIA) is required to ensure that equality is placed at the centre of policy development and review, as well as service delivery. The purpose of this EIA is to systematically analyse the likely impact of a service, policy or proposals on different community groups, and how the needs of such groups have been taken into account in developing those proposals.

The EIA can anticipate and recommend ways to avoid any discriminatory or negative consequences for a particular group, on the grounds of any protected characteristic. It provides the opportunity to demonstrate the potential benefits for equality target groups arising from a proposed policy or project.

The need for an EIA stems from the general duty placed on public authorities to eliminate unlawful discrimination in carrying out functions, and promote equality of opportunity. This is outlined in the Equality Act 2010, with specific public sector duties in place from April 2011.

1. Name of Policy or Service (existing or proposed)	
Draft Mobile Homes Fee Policy	
2. Responsible Manager	
Peter Haywood	
3. Date EIA completed	Review date
29 September 2017	
4. Description and aims of policy / service (including relevance to equalities)	
<p>The government has introduced the Mobile Homes Act 2013, which changes the legislative arrangements relating to licensing of caravan sites (where they meet the definition of a “relevant protected site”). The 2013 Act enables local authorities to charge a fee for a variety of functions including (i) granting a new site licence; (ii) transferring or amending an existing licence; renewing a previously-granted licence on an annual basis; and retaining / publishing Site Rules.</p>	
5. Who are the stakeholders?	
<p>Council officers All Councillors including in particular the members of the Council’s General Licensing Committee Owners of caravan sites which meet the definition of a relevant protected site Residents who occupy a pitch on the above sites</p>	

6. What outcomes do we want to achieve?

Introduction of a fee-charging regime relating to relevant protected sites

7. How will performance be measured?

Whether a fee-charging regime is introduced

Number of licences granted / transferred / amended / renewed

Number of Site Rules deposited and published

Number of inspections (and subsequent enforcement work) carried out

8. Brief summary of research and background data

There are an estimated 208 pitches spread over 3 relevant protected sites in the Borough.

The 2011 Census confirms that the overall population of South Ribble is 109057. It is not known how many of these are resident on relevant protected sites.

It is suspected (though not backed up by any known data) that many residents on relevant protected sites will be elderly and/or in lower income groups.

There is no designated site for travellers in the Borough at the time of writing.

9. Methods and outcome of consultation

A consultation exercise has previously been undertaken in 2015, although the Policy was not subsequently introduced. No consultation responses were received.

The proposed consultation methodology is outlined in the accompanying committee report as follows:

- a) details of the consultation exercise will appear on the Council's website;
- b) all current owners of relevant protected site will be written to and advised of a formal 28 day consultation period, along with the ways in which any feedback may be submitted; and
- c) letters will be hand delivered to all residents of relevant protected sites.

10. Results of initial screening

The following questions have been considered in order to evaluate the various equality groups:-

Age – Is there any concern that these proposals could cause differential impact on the grounds of age?

It is anticipated that many residents of relevant protected sites will be elderly. The legislation permits site owners to pass on the cost of any licence fee to residents, meaning that elderly people could be disproportionately affected. However, it is considered that the cost to residents will not be excessive; if the cost of a site licence is c£300, and there are 70 pitches per site (208 pitches over 3 sites), then the cost which is passed on per pitch should not exceed £4.30.

Disability – Is there any concern that these proposals could cause differential impact on the grounds of disability?

grounds of disability? Disability is recognised under the Equality Act as ‘a physical or mental impairment which has a substantial and long term effect on a person’s ability to carry out normal day to day activities.’

There is no evidence to suggest that there is a disproportionate percentage of residents of relevant protected sites who are disabled. However, the comments re “Age” above also apply.

Gender Reassignment – *Is there any concern that these proposals could cause differential impact on the grounds of gender reassignment? The Equality Act recognises this where a person is proposing to undergo, is undergoing, or has undergone a process (or part of a process) for changing sex.*

N/a

Marriage / Civil Partnership – *Is there any concern that these proposals could cause differential impact on the grounds of marriage or civil partnership? Under the Equality Act, no such protection exists for single or unmarried people.*

N/a

Pregnancy / Maternity – *Is there any concern that these proposals could cause differential impact on the grounds of pregnancy or maternity?*

N/a

Race – *Is there any concern that these proposals could cause differential impact on the grounds of race? Race is recognised under the Equality Act as a person’s skin colour, nationality or ethnic origin.*

There is no information available on the balance of ethnic minority groups in relation to the residents of relevant protected sites.

Sex – *Is there any concern that these proposals could cause differential impact on the grounds of gender? Including men, women and transgender people.*

There is no information available on the gender balance of residents of relevant protected sites.

Sexual Orientation – *Is there any concern that these proposals could cause differential impact on the grounds of sexuality? Including heterosexual, gay, lesbian and bisexual people.*

There is no information on the prevalence of particular sexual orientation in relation to residents of relevant protected sites.

Religion or belief – Is there any concern that these proposals could cause differential impact on the grounds of religion or faith? All faiths recognised in the European Convention of Human Rights are included.

N/a

A commentary has been provided for each policy where appropriate – see Appendix A

11. Links with the Council’s Safeguarding Policy (please outline any implications and actions that need to be taken)

Inspections of sites by enforcement staff may provide valuable intelligence which can be used in support of the Council’s Safeguarding Policy.

12. Decisions and / or recommendations (including supporting rationale)

Members are asked to consider whether they wish to ask officers to explore implementation of the proposed Fees Policy.

13. Is an Equality Action Plan required?

No – see commentary in Appendix A below

Appendix A – Results of initial screening

Policy / service	Protected Characteristics										Commentary
	Age	Disability	Gender reassignment	Marriage / civil p'ship	Pregnancy / maternity	Race	Religion or belief	Sex	Sexual Orientation		
Introduction of proposed Fees Policy for Mobile Homes	P	O	O	O	O	O	O	O	O		There is no definitive evidence to suggest that the impact of the proposed Fee Policy would be disproportionate. .

Symbol	Impact
+	Positive
O	Neutral / Negligible
-	Negative
P	Potential issue

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Agenda Item 18

This Motion is proposed by Councillor Paul Wharton and seconded by Councillor Claire Hamilton.

Reducing single use plastic (SUP) use in the Borough of South Ribble

"Recent research shows, eight million metric tonnes of plastic ends up in the world's oceans each year, endangering marine life. There is also a growing understanding of the risks posed to human health by toxic chemicals present in plastics.

Six months after the introduction of the 5p bag charge, use of single-use plastics bags had already dropped by 85%. 300 million tons of plastic are produced around the globe each year. Of this, 50% is for disposable applications such as packaging.

The Government has announced a consultation into a possible tax on single use plastics, but this Council believes that we should eliminate their use as soon as possible.

Council therefore resolves to:

- Develop a robust strategy to make South Ribble Council a 'single-use plastic free' authority by the end of 2019 including an end to the purchase and procurement of SUPs through the Council's supply chain;
- End the provision of SUP products such as cups and cutlery in council buildings;
- Investigate the possibility of requiring pop up food and drink vendors at Council run events to avoid SUPs as a condition of contract
- Work with tenants and operators in commercial properties owned by South Ribble Borough Council to encourage the phasing out of SUP cups, bottles, cutlery and straws;
- Encourage the Borough's businesses, organisations and residents to go 'single- use plastic free' working with best practice partners to explore the creation of a 'plastic free network,' that could provide business support, practical guidelines and advice to help local businesses transition from SUPs to sustainable alternatives."

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Agenda Item 19

This Motion is proposed by Councillor Alan Ogilvie and seconded by Councillor Caroline Moon.

"Count Them In

As this Council's Armed Forces Champion, I would like to highlight and recommend to you a campaign being run by the Royal British Legion and ask the Council to consider supporting it.

The Count Them In campaign aims to have new questions added to the 2021 census in order to improve understanding of the Armed Forces Community, which includes serving personnel, veterans and their families.

It is estimated that there are currently between 6.5 and 6.7 million members of the Armed Forces community living in the UK, representing about a tenth of the population. However, little is currently known about the exact numbers, location and needs of this significant group. Including new questions on the next census would provide public bodies, local authorities, and charities with valuable information to ensure they are able to deliver the best services they can for our Armed Forces community.

I believe that anyone serving or who has served in HM Forces deserves support and understanding and any initiative which helps deliver this is vital. Having data from the census would enable Councils and their partners to identify and plan services effectively.

I hope that all members across the Council agree with me that this is a laudable campaign.

Council therefore resolves that

The Royal British Legion be informed that this Council confirms its support for the Count Them In campaign and that new questions should be added to the 2021 Census to improve the understanding of the Armed Forces Community."

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Agenda Item 21

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

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