

AGENDA



For a meeting of the
RESOURCES POLICY DEVELOPMENT GROUP
to be held on
THURSDAY, 26 JANUARY 2017
at
2.00 PM
in
WITHAM ROOM - COUNCIL OFFICES, ST. PETER'S HILL, GRANTHAM. NG31 6PZ
Beverly Agass, Chief Executive

Group Members:	Councillor Michael Cook (Chairman), Councillor Damian Evans, Councillor Mike Exton, Councillor Graham Jeal, Councillor Matthew Lee (Vice-Chairman), Councillor Charmaine Morgan, Councillor Adam Stokes, Councillor Brian Sumner and Councillor Paul Wood
Executive Member(s):	Councillor Bob Adams, Executive Member Growth Councillor Terl Bryant, Executive Member Finance & IT Councillor Mrs Frances Cartwright, Executive Member Governance Councillor Linda Wootten, Executive Member Housing
Support Officer:	Anita Eckersley Tel: 01476 40 65 17 E-mail: a.eckersley@southkesteven.gov.uk

Members of the Group are invited to attend the above meeting to consider the items of business listed below.

1. COMMENTS FROM MEMBERS OF THE PUBLIC

To receive comments or views from members of the public at the Group's discretion.

2. MEMBERSHIP

The Group to be notified of any substitute members.

3. APOLOGIES

4. DISCLOSURE OF INTERESTS

Members are asked to disclose any interests in matters for consideration at the meeting.

5. ACTION NOTES FROM THE MEETING HELD ON 8 NOVEMBER 2016

(Enclosure)

6. UPDATES FROM PREVIOUS MEETING

7. FEEDBACK FROM THE EXECUTIVE

8. CORPORATE ENFORCEMENT POLICY

Report LDS198 of the Business Manager – Legal & Democratic Services

(Enclosure)

9. SOUTH KESTEVEN DISTRICT COUNCIL CIVIL ENFORCEMENT OFF STREET PARKING PLACES ORDER 2017

Report LDS199 of the Business Manager – Legal & Democratic Services

(Enclosure)

10. FINANCIAL REPORT FOR 2016/17- QUARTER 2 FORECAST MONITORING INFORMATION

Report CFM397 of the Corporate Finance Manager

(Enclosure)

11. ASSET STRATEGY- VISION AND ASSET CHALLENGE

Report RIM365 of the Executive Manager – Property

(Enclosure)

12. PENSIONS POLICY STATEMENT

Report COM003 of the Executive Manager – Commercial

(Enclosure)

13. WORK PROGRAMME

To consider the future Work Programme

- Local Pay

(Enclosure)

14. REPORTS FROM WORKING GROUPS

15. ANY OTHER BUSINESS, WHICH THE CHAIRMAN, BY REASONS OF SPECIAL CIRCUMSTANCES, DECIDES IS URGENT

MEETING OF THE RESOURCES POLICY DEVELOPMENT GROUP

TUESDAY, 8 NOVEMBER 2016 2.00 PM



GROUP MEMBERS PRESENT

Councillor George Chivers
Councillor Michael Cook (Chairman)
Councillor Graham Jeal
Councillor Matthew Lee (Vice-Chairman)

Councillor Adam Stokes
Councillor Brian Sumner
Councillor Paul Wood

EXECUTIVE MEMBER

NONE

OFFICERS

Strategic Director Corporate (Daren Turner)
Community Engagement & Policy Development Officer (Carol Drury)
Strategic Director Environment & Property (Tracey Blackwell)
Executive Manager Environment (Ian Yates)
Corporate Finance Manager (Richard Wyles)
Business Manager Venues & Facilities (Paul Stokes)
Financial Accountant Team Leader (Amy Oliver)
Executive Manager Commercial (Judith Davids)
Business Manager Building Control (Heather Jones)
Admin Assistant Democratic Services (Anita Eckersley)

30. MEMBERSHIP

The PDG was notified that Councillor George Chivers would be substituting for Councillor Mike Exton for this meeting only.

31. APOLOGIES

Apologies for absence were received from Councillors Evans, Exton and Morgan.

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32. DISCLOSURE OF INTERESTS

No interests were disclosed.

33. ACTION NOTES FROM THE MEETING HELD ON 15 SEPTEMBER 2016

The action notes from the meeting held on 15 September 2016 were noted.

34. UPDATES FROM PREVIOUS MEETING

A Member queried whether the information noted as an action point under action note 26 regarding the Financial Report 2016/17 Quarter had been emailed to Members. It was confirmed no information had been received by Members and the Strategic Director would follow this up.

Action Point:

The Strategic Director, Commercial noted he would ensure that Members were emailed an overview of the impact of the introductory reduction in rental income in Broad Street, Stamford and how this would be offset in future years of the lease.

35. FEEDBACK FROM THE EXECUTIVE

The Strategic Director, Commercial noted that the Medium Term Financial Strategy (MTFS) would be on the November Council Agenda. He thanked the Members of the PDG for the work undertaken during the review of the Medium Term Financial Strategy (MTFS).

36. ELECTED MEMBER DEVELOPMENT PROGRAMME

The Community Engagement and Policy Development Officer presented report number LDS188 on the Elected Member Development Programme. The purpose of the report was to provide the PDG with a review of the Member training that had been delivered since the 2015 election to the Council. The report included details of attendance and Member's feedback.

Feedback from the previous term of office had highlighted that some Members had felt bombarded with information during the induction process which followed the election. As a result of this the training programme developed to follow the 2015 election was streamlined and a calendar of core and skills training had been provided over two phases lasting throughout 2015 and into the spring/summer of 2016. An overview of the training events offered to Members during induction and the first two phases was provided.

Training for Members who had been appointed to Development Control, Licensing and Governance and Audit was mandatory. The three mandatory

training events initially provided ensured that Members were appropriately trained and able to participate in the Committees they had been appointed to. Additional one-to-one training had also been provided for Members appointed to committees during the year. Training opportunities within the Member development programme were both generic and topic specific and were open to all Members. A number of non-committee Members had participated in mandatory training sessions which meant there was a pool of potential substitutes or future committee members. It was noted that attendance figures relating to mandatory sessions had highlighted that not all Members of the three committees had attended training during this term of office.

After the first year of training, Members had been invited to complete an on-line survey regarding the experience of the training offered. A paper copy of the survey had been provided for Members unable to access the survey on line. Members had been asked to provide information about the events they had attended and highlight any suggestions or opportunities for further training they felt would be helpful to them. A total of 26 Members had completed the survey with an average of 16 providing a response to every question and an overview of the responses to the survey was explained.

As a result of the responses to the survey and based on the original training plan, a new draft programme of events had been developed. Members comments and views were being sought on the draft training and development plan for winter/spring 2016/17. The programme would be delivered through a mixture of internal and external trainers.

Members commented on the structure of the recent Member training; whether more emphasis could be placed on mandatory training; whether officers received training on how to present reports at committee; whether Members could be provided with up to date staff lists / information on a regular basis and whether there would be further training on scrap metal licensing for the Licensing Committee. Further discussion took place on the timing and location of training sessions.

Members were reminded that mandatory training could only be provided for Members assigned to the Development Control, Licensing and the Governance and Audit committees. Members attendance at all other training was voluntary. It was noted that the survey had asked the question about timing of training and morning sessions appeared to be the most popular. Where possible training sessions had been arranged for morning, afternoon and evening. Any sessions listed in Appendix A as cancelled were due solely to a lack of bookings for these sessions and all related to events planned for evenings.

Any training requests received would be considered but it was noted that training for a group of Members would be more cost effective than for individuals.

Action points:

Scrap Metal Licensing Training to be added to the draft 2016/17 plan.

Members to forward suggestions or requests for relevant training directly to the Community Engagement and Policy Development Officer.

37. FRAMEWORK FOR ASSESSING TRADING OPPORTUNITIES

The Executive Manager, Environment presented report number ENV647 regarding a framework for Assessing Trading Opportunities and further developing the overall guiding principles of when it would or would not be appropriate for the Council to enter the market to trade. He noted that this was an initial discussion document that had been prepared in response to a requirement for a framework to be developed on how to assess, determine and decide trading opportunities which could include the introduction of new chargeable services delivered directly by the Council.

Members were reminded of the Council's agreement to establish a Local Authority Controlled Company (LACC) that would create opportunities to deliver the Council's aims and ambitions outside local government operating arrangements which could possibly create, over time, an entity to deliver financial benefits back to the Council. Reference was made to the draft Business Plan for the LACC and how it sets out a range of strategic aims as well as the intended approach to business development. Such as seeking to balance commercial returns with positive community and economic outcomes, whilst looking for opportunities to enter the market where an existing market may have failed.

When deciding whether it would be appropriate for the Council to enter a market, a wide range of issues and factors would need to be considered. Such as whether it would conflict with the Council's aims and objectives even if it was a profitable option; high levels of risk associated with market entry due to prohibitive costs; the possibilities of improving or initiating agreements with other businesses already established in the market place in order to work in a collaborative manner and provide solutions for the market.

A framework could comprise of three broad headings that categorised the factors that would need to be considered when establishing a decision whether or not to enter a market. Under each heading key trigger questions would be a checklist for the outcomes of the main aims or objectives.

- **“Delivers benefit from entering a Market”** suggested questions were:
 - Can we enter the market and gain a share with little or no risk?
 - Would involvement improve the offer if there was market failure?
 - Would an existing profitable market be upset if the company got involved?

- Could we act as a catalyst for creating a new service/market?
- **“Delivers value or improved outcomes for our communities”**
suggested questions were:
 - Would it deliver outcomes that supported the council’s priorities?
 - Would it fit within the councils values / would it be ethical?*
 - Would it drive positive outcomes or improve efficiencies?
- **“Contributes to the wider resources and or financial benefits”**
suggested questions were:
 - Would it help cost recovery*
 - Would it contribute to fixed costs and maximise existing resources and assets?
 - Would it enable new skills to be secured?
 - Was the cost of market entry prohibitive?*

The process of how to score the results of the outcomes from the proposed criterion would also require careful consideration but would need to be kept simple and proportionate. Whether answers to the questions clearly enabled involvement or whether a blend of the results would be a better way to determine the outcome would need to be decided. It was suggested that a blend of criterion might be the better way to establish a decision.

The following processes were suggested for evaluating decisions:

- (a) A detailed set of guidance notes with examples could be produced in order to place a score on each element. There would be relative weightings involved with specific scores for each component / element of the assessment. This would result in an overall score, or
- (b) To allow a subjective decision to be made based on the objective analysis of each criterion. A documented narrative would be required for each element and then a judgement made based on the evidence that all the relative factors had been taken into account. The analysis and recommendation would be put forward for a final decision.

It was suggested that (b) should be the initial route taken.

Members discussed:

- The types of business the LACC might be involved with and several suggestions were considered;
- How competitive the LACC would be and whether it would be in competition with other business;
- As the initial focus of the LACC was to support the housing rental sector, would the company be in a position to look at further opportunities without over stretching it’s resources;
- Would the company be employing staff directly or transferring staff;

- That the assessment should be “less not more” to allow flexibility;
- Whether the framework should be more “opportunity based”;
- Would the company be better placed working with partnerships that were already established and already working with the Council;
- Who would be responsible for and manage the evaluations of any opportunities;
- Members felt that the questions mentioned under the categories reflected an appropriate approach. It was also felt that the question “Can we enter the market and gain a share with little or no risk?” was also a showstopper question along with the other questions asterisked above and in the report.

The Strategic Director Environment & Property reiterated that the paper was a discussion document only to enable a conversation around how to create a framework for assessing and deciding what opportunities would be appropriate for the Council to consider. The LACC would set out its approach through its business plan. She explained the governance arrangements and noted that the Shareholder Committee would be the body to monitor and oversee the delivery of the business plan by LACC. The make up of Members on the Shareholder Committee was politically balanced. The Directors of LACC would initially be officers of the Council appointed by the Shareholder Committee but there would be opportunities to appoint external directors with appropriate experience to the LACC depending on the type of activity going forward.

The Corporate Finance Manager explained that a Business Plan containing cash flow forecasts and other financial details would be developed for the LACC. Any opportunities would need to fit within this and would be dealt with through the Shareholder Committee. The Shareholder Committee would monitor the outcomes delivered by the LACC. The Resources PDG would not have a role of monitoring the LACC. The LACC would have to be at arms length of the Council as it would be a commercial entity with commercial characteristics and therefore would need to be separate from the Council’s decision making processes.

Action point:

The Executive Manager, Environment would take on board the comments made by the PDG in the development of any further assessments.

38. COUNCIL TAX BASE 2017/18

The Corporate Finance Manager presented report number CFM394 regarding setting the Council Tax for the forthcoming financial year which formed a key part of the Council’s funding stream to meet service delivery requirements in 2017/18. The setting of a realistic collection rate for Council Tax in 2017/18 was an essential element of the overall budget strategy. It was anticipated that a collection rate of 98.80% would be achieved this year and would form the basis of the collection rate for the forthcoming year.

Members were reminded of the requirements of the Local Government Finance Act 1992 amended by s84 of the Local Government Act 2003 which allowed each local authority to make its own arrangements for adopting the Council Tax Base. The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012 (SI 2012:2914) provided amended statutory guidance to incorporate changes following the introduction of the Local Council Tax Support Scheme (LCTSS).

In determining the Council Tax Base for 2017/18, a number of factors had to be taken into consideration;

- The calculation of the Tax Base for parish purposes which was based on the number of properties and the discounts and exemptions applicable as prescribed by legislation.
- Adjustments for the reductions in the Tax Base as a result of the Local Council Tax Support Scheme (LCTSS).

The proposed 2017/18 Tax Base for South Kesteven would be an increase of 1.06% on 2016/17 Band D equivalents. Total Band D Equivalent properties including the changes for Local Council Tax Support Scheme (LCTSS) Scheme would be 46,119 which would be an increase of 1.5%.

In respect of Government funding for parishes the Local Council Tax Support Scheme (LCTSS) reduced the Tax Base which impacted on income for the local Parish and Town Council's and the ability to raise their own precepts which would be lower based. The Government through revenue grant allocation had provided a level of funding to support the shortfall at parish level. Due to there being no mechanism in place to make payments directly to Parish or Town Councils, the Council had created a method to allocate the parish element of the grant.

Based on the methodology agreed by the Executive the forecast parish element of the LCTSS grant to be distributed from the overall grant would be reduced by incremental amounts between 2016/17 and 2019/20. For 2017/18 the allocation would be reduced by £28,604 to £43,110. The impact would differ for each parish depending on the growth in their respective tax base and changes in Council Tax support claimants.

Parishes had been notified of the changes to their grants and were reviewing their options to meet any shortfalls either by increasing their precept, reducing expenditure or a combination of both.

Members queried whether the 1.06% increase was a flat rate across all the parishes and whether all parishes would receive the same amount. It was noted that the 1.06% was an average across all parishes because each parish varied. Grantham for instance has had a higher percentage of growth than other areas.

Recommendation:

The PDG recommends to the Executive the approval of:

- a) The adjusted Council Tax Base for 2017/18 to be set at 46,119.4 Band D equivalent properties.**
- b) The adjusted Council Tax Base for each parish as set out in Appendix A**
- c) The distribution of the Local Council Tax Support Scheme (LCTSS) grant for 2017/18.**

39. FEES AND CHARGES

The Corporate Finance Manager presented report number CFM393 on the draft fees and charges proposals for 2017/18. The main focus of the report was around discretionary charges. Members were informed of the wide range of services provided by the Council for which it was able to make a charge, either under statutory powers (set by the Government) or discretionary (set by the Council).

The majority of Statutory Charges were set nationally which meant local authorities had little or no opportunity to control them. The income received from these charges was important as it contributed to the overall financial position of the Authority. Income would not increase in line with other fees and charges set by the Council. Statutory or other areas established by local bye-law with a discretionary element to the charges were included under Statutory Charges.

Local authorities made their own decisions when setting the level of Discretionary Charges. When setting these fees and charges, the Council's approach had to be clear and in line with the principle established in the recently updated Medium Term Financial Strategy (MTFS) and should be reviewed annually with any changes having due regard to priority outcomes.

The setting of fees and charges was a fundamental element of the Council's businesslike approach to deliver the Medium Term Financial Strategy (MTFS) and Corporate Plan. The Council was establishing a strong commercial value using comprehensive market knowledge when setting fees and charges. The move toward more outcomes based budgeting would target resources and see greater investment in strategic priorities. Business areas generating income would allow greater reinvestment, the potential to self finance and contribute to fixed costs.

The Resources PDG was being asked to consider the draft fees and charges proposals for 2017/18 and make specific recommendations to the Executive. They were also being asked to consider whether a fundamental review of all

discretionary fees and charges in accordance with the Medium Term Financial Strategy (MTFS) principle should be included in their work programme.

The proposals for 2017/18 included some changes but the suggested approach moving forward was to provide the PDG with more detailed information that would enable discretionary fees and charges to be considered within the overall context of the agreed principle. The proposed methodology required a varied range of information that would not always be available or held in a consistent format. Consideration of competition, market segmentation and potential limitations of contributions to fixed costs would also need to be taken into consideration. Fees and charges could be used strategically to encourage change and help deliver against corporate priorities.

Areas suggested for initial focus in the Resources PDG work plan were reviews into car parks, bus stations, Markets, Arts Centres & the Corn Exchange using the following criterion:

- The relative contribution towards the priorities of the council
- The basis on which fees should be set – consideration given to whether the fees should be set at a cost recovery level or a subsidy level
- Benchmarking information, where possible, of similar charges for the district and comparable authorities/service providers

The methodology would be applied on a phased basis to all discretionary fees and charges that fell within this proposed approach. A brief narrative had been provided that explained some of the wider considerations and implications of approaching fee setting from a broader perspective.

It was proposed that the fees remained at the 2016/17 levels for 2017/18 but by applying the methodology it would allow the Council in future years to:

- Undertake benchmarking with other local authorities and comparable service providers
- Clearly ascertain the right level of subsidy for the area under review
- Demonstrate the link between the charge and the cost of providing the service
- Identify the contribution made to assist the Council in achieving its corporate priorities through linkages to key strategies such as the Economic Development Strategy

The Executive Manager, Environment referred to page 28 of the document regarding Neighbourhoods – He explained how the newly formed Neighbourhoods team was more vigorous in its approach to neighbourhood issues such as littering, fly tipping, street scene and enforcement issues. This had resulted in a number of fixed penalty notices being issued. The PDG was asked to consider the proposed fees and the early payment discount.

An overview of options that were felt could address behaviours and attitudes in fly tipping and littering in some areas was provided but it was emphasised that a realistic and proportionate approach would be required. New fixed penalty notices could be issued but consideration had to be given to whether it was appropriate or practicable to issue a £400 not discounted notice for fly tipping offences across the board or whether a £200 discounted fixed notice if paid within 10 days would be more appropriate. Issues around bad habits and behaviours to fly tipping meant that some offenders would end up being prosecuted should there be repeat offending.

It also had to be emphasised that issuing fixed penalty notices would not be used as a form of Revenue but would be used as one of the means of addressing behaviours and attitudes to fly tipping and littering.

Members sought clarification on:

- What happened to offenders who did not pay and would the cost of chasing any debt be taken into account;
- How would repeat offenders be dealt with;
- Whether CCJs would be a better, quicker and easier option;
- Concern was raised about the impact of neighbouring authorities closing tips and fly tipping increasing in outlying areas.

It was noted that fixed penalty notices had to be proportionate but there were hidden costs in recovering an outstanding debt. The fixed penalty notice option and figures quoted were taken from Government Guidance.

Recommendation:

The PDG recommend to Executive that the £200 discounted Fixed Penalty Charge be implemented but this would need to be monitored and reviewed in respect of cost implications regarding recovering any outstanding debt.

MOT Testing – No increase was proposed on MOT testing based on the Vehicle and Operator Standards Agency (VOSA) recommended fees.

The Business Manager, Venues & Facilities Management was invited to provide a commentary on the various elements of Fees and Charges that fell under his remit.

Car Parking – Current tariffs had remained the same since 2010 creating relatively stable usage. Town centre parking was a major component of a viable town economy and tariffs used as a traffic management tool. Classification of car parks had remained unchanged and the approach of cheaper out of town parking and higher charges for short stay parking would be maintained.

Discussion took place around the impact of tariffs on the economic viability of towns and the control and influencing of parking behaviours and patterns; the impact of larger stores having free car parking and the administration charges when paying by phone.

Action point:

The Business Manager, Venues & Facilities Management, to clarify for Members the administration charges when paying by phone.

Bus Station Departure Charges – The Council provided bus stations in Grantham, Stamford and Bourne and had in the past sought to recover the operational costs of each station from the departure charges that were levied on bus operators that used them. Initial benchmarking had confirmed that current charges were relatively high and that each bus station varied in the facilities provided.

Discussion took place around the subsidies for each bus station.

Markets – Weekly markets offered a key economic viability for each of the market towns and attracted visitors from outside the district though the economic performance of some markets had declined in recent years. A number of initiatives to stimulate and promote them had been used such as farmers markets, French markets and more recently a beach theme at Grantham during a weekend in the summer. Stall letting charges had been increased with inflation to keep pace with annual cost increases but evidence suggested that annual fee increases could actually be harming the viability of some markets rather than increasing annual revenue.

Discussion took place on the range of tariffs for the markets; why some markets had higher tariffs; the popularity of each market; the level of subsidy for each market and the land holder rates charged particularly for the Grantham Market.

Cycle Centre – No increase was proposed. An alternative charging structure would be required after the introduction of the wider St Peters Hill Development.

Leisure Centres – Leisure Centre fees and charges were set by the contractors.

Discussion was around footfall at each leisure centre; who drove the policy on supply and demand; the cost of maintenance and replacement of the floodlights at the SKDC Sports Stadium and whether there was an allocated cost to replace the flood lights at the stadium;

Councillor Paul Woods left the meeting at 15.40.

Arts Centres & Corn Exchange – The arts venues at Grantham and Stamford offered a wide and diverse range of activities and attracted several sources of income. The fees published related predominantly to hire charges for weddings, conferences and commercial hire.

Discussion too place on the subsidies for each of the arts centres. More detailed information would be provided for the review.

Green Waste & Domestic Refuse – Current charges for domestic refuse were in line with neighbouring authorities. It was felt that an increase in the charges could lead to a reluctance to use the service and potentially increase fly tipping. Green waste charges for 2017/18 would remain the same following a review of 2016/17 charges.

Grantham Cemetery – A Member requested that consideration be given to looking at the charges for interment for people residing outside the Grantham boundary and that consideration is also given to changing the language under item 2 on page 30 of the report.

Recommendation:

The PDG recommend that the Executive approve the fees and charges for 2017/18 as outlined in the reports, and

That the PDG includes in their work programme a fundamental review of all discretionary fees and charges in accordance with the Medium Term Financial Strategy principle.

40. REVIEW OF CHARGES SCHEME FOR BUILDING CONTROL

The Executive Manager Commercial explained that East Midlands Building Consultancy (EMBC) was a shared services partnership formed in July 2014 between South Kesteven District Council and Rushcliffe Borough Council to deliver the building control services. Newark and Sherwood District Council joined on 1 April 2016. South Kesteven District Council was the host Council.

As the Building Control service was in direct competition to the market of Approved Inspectors, it was important that their fees and charges remained commercially viable and that the service had the flexibility to respond and adjust their fees in response to changing market conditions. There were also stringent regulations stipulating that the service should not make an excessive profit or loss. For these reasons the paper was being tabled for separate immediate approval of the changes and also requesting delegated officer authority to adjust fees and charges mid-year as required going forwards.

The Business Manager, Building Control presented report number COM002 on proposed changes to charges following a review of fees and charges for the East Midlands Building Consultancy (EMBC) Building Control Partnership.

The Building (Local Authority Charges) Regulations 2010 stated that, taking one financial year with another, the income derived by the authority from performing chargeable functions as near as possible equated to the costs incurred by the authority in performing chargeable functions. Building Control had very specific regulations and could not make a profit or a loss.

A stringent review of the existing scheme of fees and charges for the building control service had recently been undertaken by the Business Manager for EMBC. The proposed increase in fees had been discussed and agreed, in principle, at the EMBC Partnership Board on 9 September 2016. Although both partner authorities had officer delegated decisions to approve these changes, it was recognised that this would be subject to South Kesteven District Council's own internal approval mechanisms as the host authority.

Subject to approval, the amended charges would take effect from 1 February 2017, the Building (Local Authority Charges) Regulations 2010 ("the Regulations") required a Council to publish the fact they had made, replaced or amended a charging scheme with their area at least 7 days beforehand and to provide details including the date it would take effect. The charging scheme would be made available for inspection by any member of the public free of charge.

The PDG were advised of the current position and all proposed changes, omissions and increases to a variety of elements and provided with an overview of the reasoning behind the changes. These changes were detailed in the report and appendices.

Members commented that they were happy to see some omissions as well as an introduction of new fees that had not previously been implemented and queried whether the partners of the EMBC would accept the new charges.

The Executive Manager Commercial confirmed that the EMBC were supportive of the changes.

RECOMMENDATION:

The Resources PDG recommends to the Executive that:

- a) The amendments to existing Fees and Charges and the additional charges identified in the attached report and in Appendix 2 for EMBC be introduced and;**
- b) The Strategic Director Corporate in consultation with the Executive Member for Resources and ICT be given delegated powers to approve subsequent changes to the charges in Building Control.**

41. WORK PROGRAMME

Members of the PDG noted the contents of the work programme and agreed that a fundamental review of all discretionary fees and charges in accordance with the Medium Term Financial Strategy principle be included in their work programme.

42. CLOSE OF MEETING

The meeting closed at 16.00.

REPORT TO RESOURCES P.D.G.

REPORT OF: Business Manager – Legal & Democratic Services

REPORT NO: LDS198

DATE: 26 January 2017

TITLE:	Corporate Enforcement Policy	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Non-Key decision	
EXECUTIVE MEMBER: NAME AND DESIGNATION:	Councillor Frances Cartwright – Executive Member for Governance	
CONTACT OFFICER:	John Armstrong j.armstrong@southkesteven.gov.uk ; 01476406103	
INITIAL IMPACT ANALYSIS: Equality and Diversity	Carried out and Referred to in paragraph (7) below To be considered	Full impact assessment Required:
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council’s website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	<ul style="list-style-type: none"> • Current track changed Corporate Enforcement Policy and those policies subject to change. • The new Environmental Services Enforcement Policy 	

1. RECOMMENDATION

1.1 That the PDG consider the draft revised Corporate Enforcement Policy (“CEP”) and associated service Enforcement Policies attached as an appendix to this report and make recommendation to the Executive Member for Governance to approve the adoption of the draft policies.

2. PURPOSE OF THE REPORT

2.1 The purpose of this report is to make Members aware of the content of the revised draft Corporate Enforcement Policy and to make recommendations to the Executive Member for Governance.

3. DETAILS OF REPORT

3.1 The purpose of the CEP is to have and maintain a single over-arching policy that encompasses the key factors and principles common to all aspects of enforcement undertaken by the Council.

3.2 The intention was and remains to commit the Council to good enforcement practice and maintain a framework by which we will ensure a fair and consistent approach to the way that enforcement activities are undertaken. Fair and effective enforcement is essential to protect economic interests, public health and safety and the environment. The CEP is supported by a suite of service specific policy documents that set out in greater detail the enforcement practice in relation to particular service areas.

3.3 Individual service areas have updated their service specific policies. These have been further reviewed to ensure consistency across all services and with the CEP. All the individual service enforcement policies make reference to the CEP. This cross reference is further enforced with web links to all the relevant policies, regulations and procedures in each policy to ensure that each individual service policy will only be implemented in accordance with the principles set out in the CEP.

3.4 The service specific policies cover the areas of:

- Development Management
- Building Control
- Environmental Services
- Debt and recovery
- Waste and Recycling

3.5 Following the review of these policies and reflecting the organisational structure changes in relation to the Neighbourhood team, and changes of remit within the wider Environmental Services Team it was considered appropriate to have one service specific enforcement policy that covers Environmental Services and Waste and Recycling. This change is reflected in the attached Environmental Services Enforcement Policy.

3.6 The change control document at the head of the CEP sets out all other changes, where there are any, within both the CEP and the service specific enforcement policies.

3.7 Tracked changed versions of the policies that have been subject to change are attached along with the new Environmental Services Enforcement Policy.

4. OTHER OPTIONS CONSIDERED

4.1 A failure to have in place an up-to-date Corporate Enforcement Policy could result in some inconsistency of approach across the Council resulting in a greater likelihood of challenge to enforcement decisions.

5. RESOURCE IMPLICATIONS

The provision of the policy will be met from existing resource.

6. RISK AND MITIGATION

Risk has been considered as part of this report and any specific high risks are included in the table below:

Category Risk	Action / Controls
No high risks are considered at this stage of the policy fromation	

7. ISSUES ARISING FROM IMPACT ANALYSIS

The Corporate Enforcement Policy should include a clear Equality Statement to ensure all enforcement activity is undertaken fairly and without discrimination on any grounds.

8. CRIME AND DISORDER IMPLICATIONS

The provision of a robust policy will ensure that enforcement prevents the continuation of potential criminal activity

9. COMMENTS OF FINANCIAL SERVICES

There no direct financial implications arising from this report. All enforcement policies across the Council have been reviewed to ensure there is consistency with respect to the collection and enforcement activities.

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

The Legislative and Regulatory Reform Act 2006, requires that the Council has regard to the Principles of Good Regulation when exercising certain specified regulatory functions set out in the documents appended to this report.

The current review and updates it Corporate Enforcement Policy so it can demonstrate compliance with obligations imposed on it by the Regulatory Reform Act 2006, and the statutory guidance including the Regulators Compliance Code.

11. COMMENTS OF OTHER RELEVANT SERVICES

12. APPENDICES: The draft Corporate Enfocement Policy and service enforcement policies.



Development Management Enforcement Policy

OCTOBER 2014
November 2016



your council working for you

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INTRODUCTION

The Development Management section is responsible for the discharge of duties under the Planning Acts, including:

- Implementation of forward plans
- Regulation of use of land in the public interest
- Determination of planning applications
- Formal enforcement of breaches of planning control

Effective enforcement of planning controls is necessary to deliver high quality, sustainable development and to protect the integrity of the planning system. Ensuring that development proceeds in accordance with approved plans or permitted development rights is necessary to maintain this integrity.

An effective system of control requires strong powers of sanction against those who transgress regulatory provisions. The Town & Country Planning Act 1990 (www.legislation.gov.uk) contains extensive enforcement powers. However, enforcement action is a discretionary activity and will be invoked only where it is expedient to do so having regard to national and local policy and other material considerations and proves absolutely necessary after all other avenues have been explored. Any action considered must also be in accordance with the Council's Corporate Enforcement Policy.

<http://www.southkesteven.gov.uk/index.aspx?articleid=8678>

AIMS AND OBJECTIVES

The aim of the Council's Development Management Enforcement Policy is to ensure effective compliance with planning and other associated legislation, which itself is aimed at regulating the development and use of land in the public interest. Development should conform to the provisions of the South Kesteven Local Plan¹ and the National Planning Policy Framework (NPPF). The Council shall seek to ensure by education, promotion, monitoring, negotiation, formal action and, where expedient, necessary and appropriate, legal measures, that the quality, character and appearance of the built and natural environment is protected and enhanced.

In the exercise of its enforcement powers, the Council's objectives are to and as set out in the Council's Corporate Enforcement Policy:

¹ The Local Plan is comprised of the Core Strategy and other development plan documents (DPD) such as the emerging Grantham Area Action Plan and the district-wide Sites and Allocations Policies DPD.

- Strike an appropriate balance between the planning and development needs and the demands of the population, and the need, through regulatory control, to protect and enhance the environment and regulate the development and use of land in the public interest.
- Apply appropriate and proportionate remedies and wherever possible, without recourse to formal legal action wherever breaches of planning control do occur.
- Promote the need to protect and enhance the built and natural environment and the need to conform to regulatory controls.
- Allow acceptable development to take place.

DEVELOPMENT MANAGEMENT ENFORCEMENT POLICY

This policy document sets out the basic approach and principles to be followed by the Council in the discharge of its enforcement functions. In its preparation, account has been taken of procedural and policy advice as contained in the National Planning Policy Framework -

www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

and Planning Practice Guidance on Ensuring Effective Enforcement - <http://planningguidance.planningportal.gov.uk/blog/guidance/ensuring-effective-enforcement/>

This policy is intended to provide clear guidance to users of the planning system: members of the public, local businesses, elected members and service providers, about enforcement controls. It explains the powers available to the Council to remedy breaches of planning control, and the steps involved in seeking to secure a satisfactory outcome to complaints lodged.

Allied to the policy, and observing the key principles of the policy, working procedures have been developed relating to the most frequently occurring areas of enforcement activity. By the nature of the work involved however, these procedures cannot cover every eventuality. In the absence of a defined procedure, the Council will discharge its enforcement activities in accordance with the general principles of this policy.

This policy shall be monitored and evaluated periodically to ensure that it is relevant and applicable to the needs of the organisation and its customers, and to ensure it is implemented in a fair and consistent manner.

BREACHES OF PLANNING CONTROL

A breach of planning control may include the following:

- Building works that do not have planning permission
- Failing to comply with any condition or limitation, such as Section 106 Agreement, subject to which planning permission has been granted.
- Unauthorised changes of use
- Unauthorised works to Listed Buildings

- Demolition work within conservation areas
- Works to a protected tree or tree in a conservation area
- Displaying adverts without consent
- Neglecting land or property to the extent that it causes harm to local amenity
- High hedge disputes
- Removal of hedgerows

In the vast majority of cases, it is not an offence to carry out development without first obtaining planning permission or other consents. Only certain works constitute an immediate offence, carrying the risk of criminal sanctions. These include:

- Works to a Listed Building
- Works to protected trees or trees within a conservation area
- Removal of most hedgerows other than those in urban areas or on or within residential curtilages
- The display of adverts

There are certain issues that the Council cannot take into account when assessing an alleged breach because they are not planning matters. These may include:

- Loss of value to property
- Competition with other business
- Trespass or boundary disputes
- Private disputes
- Breaches of a covenant
- Party Wall disputes

The list of above matters is not exhaustive. However, those mentioned are likely to be private civil matters in which the Council has no legal right of intervention.

EXPEDIENCY

The carrying out of works or development without the prior approval of the Council may be unauthorised and action may be taken against the person causing the breach and persons having an interest in the land. However, such action will only be considered when it is expedient to do so.

The expediency of enforcement action is a key concept to the application of this policy and the work of the officers in Development Management. It will not normally be expedient to take enforcement action where a breach of planning control occurs but where there is;

- (i) no significant conflict with national or local policy; or
- (ii) a reasonable prospect that planning permission might be granted, subject to conditions; or

- (iii) no significant or immediate harm to the amenity or safety of residents or to the environment or other interests of acknowledged importance.

In considering any enforcement action, the decisive issue for the Council is if the breach of control would unacceptably affect public amenity or the existing use of land and buildings meriting protection in the public interest. Enforcement action should always be commensurate with the breach of planning control to which it relates.

Council Officers will consider whether it is expedient to take formal enforcement action on a case by case basis, by considering the merits of the specific development against current planning policy and guidance, having regard to any other material planning considerations and the Council's Corporate Enforcement Policy.

REPORTING ALLEGED BREACHES OF PLANNING CONTROL

Enforcement enquiries are received in relation to suspected breaches of planning legislation. The Council finds, in over 50% of cases, that there is no breach of planning control.

The majority of enquiries received are made by members of the public where they believe planning controls are being breached.

Other planning enforcement matters may be identified by Council officers during the course of their normal operations. These matters will be treated in the same way as if they had been made by a member of the public.

The Council may also monitor conditions imposed on permissions for some large or contentious development sites to ensure that relevant conditions are discharged at the appropriate times.

Planning Obligations such as Agreements made under Section 106 of the Town and Country Planning Act 1990 will be monitored to ensure the timely payment of developer contributions and accurate allocation of funds to relevant schemes.

Enquiries about an alleged breach of planning control can be submitted to The Council in person, by telephone, letter, e-mail, fax or using the enquiry forms on our website (www.southkesteven.gov.uk).

The Council will not normally act upon anonymous enquiries other than in circumstances where there may be an immediate criminal offence, a threat to public safety or a clear, credible threat to the proper planning of the area. Any investigations into anonymous enquiries in these circumstances will be at the discretion of The Council. This is to protect against malicious and vexatious complaints.

The Council will not reveal the identity of an informant to an alleged offender. We may be asked to reveal the identity of an informant, but we will always apply the rights of the individual in accordance with The Data Protection Act 1998 and any other appropriate legislation.

Anybody who has a legitimate concern but wishes to keep their identity confidential to Council Officers may enlist the services of their local councillor to make a complaint on their behalf.

The Council also requires some contact details from a complainant so that they may be kept informed of the progress of the investigation and approached for further information should this prove necessary.

RESPONDING TO ENQUIRIES

When an enquiry is received, details of the alleged breach will be registered.

This registered information will contain full details of the allegation and the particulars of the complainant and defendant. It will also be used to keep up to date records of investigations on an ongoing basis. Throughout the course of an enforcement investigation detailed records of the complaint, and any investigations, actions and outcomes will be maintained.

The Council will provide an acknowledgement of an enquiry providing contact details of the investigating officer **within 3 working days** of the complaint being received.

The site will be inspected **within 10 working days** of the enquiry being received.

PROCEDURES FOR DEALING WITH BREACHES OF PLANNING CONTROL

If a breach of planning control is identified as a result of the initial investigations, the most appropriate course of action to achieve a satisfactory outcome will depend on the severity and seriousness of the breach.

The Planning Acts grant rights of entry onto land to authorised planning personnel, for the purposes of investigating an alleged breach of planning control. Wilful obstruction of this right of entry is an offence and we can seek a warrant may be sought authorising entry.

After the first site visit, an initial assessment will be conducted to prioritise cases. The Council will respond to enquiries according to a priority system to manage enforcement proactively according to the needs of the District and in the public interest. The priority system is based on a number of criteria that will result in cases being High, Medium or Low priority as set out in the table below.

Type of Breach	High	Medium	Low
Adverts		Unacceptable traffic / amenity issues	Acceptable, no material harm or adverse impact
Breach of Conditions	Unacceptable harm caused	Technical matter, work would be agreed	
Change of Use	Unacceptable harm caused	Harm can be resolved – use of equipment / operating hours	No material harm or adverse impact
Listed Buildings	Works fronting street/conservation area	Internal works and works not visible from main road	Acceptable, material harm or adverse impact
Operational Development	Unacceptable harm caused	Acceptable with conditions / amendments	Acceptable, no material harm or adverse impact
Trees and Hedges	TPO trees felled / works	Works to hedgerows	
Untidy Land		Adverse impact / materials	Overgrown land or vegetation.

The enquirer will be informed of the outcome of these initial investigations **within 10 working days** of the site visit. Should the investigation prove inconclusive, an update of the situation will be provided. Thereafter, the onus will be placed on the enquirer to contact the enforcement officer for updates of any ongoing investigations. If the investigation reveals that there is no breach of planning control, the case will be closed and the complainant informed of the conclusion.

In investigating any alleged breach of planning control, the Enforcement team may consult other Council departments and Agencies where it is felt they may have an interest in the allegation. Such departments may include:

- Building Control
- Environmental Health
- Housing Services
- Lincolnshire County Council (www.lincolnshire.gov.uk)
- Highway’s Agency (www.highways.gov.uk)
- Environment Agency (www.environment-agency.gov.uk)

These departments/agencies may have powers to deal with the matter which may prove more effectively deal with the harm than planning controls. In such cases, the Enforcement team will liaise with these departments/agencies to agree the most suitable course of action.

Planning Permission likely to be granted**a) Medium / High Priority Cases:**

Following a full investigation of the case, where it is felt that the breach of planning control might reasonably be granted planning permission subject to conditions, the person causing the breach will be invited to submit a retrospective planning application for determination.

Upon receipt of any application, it will be published in accordance with the Council's Code of Practice, and third parties invited to comment.

The application will be decided in line with the Council's normal procedures for dealing with planning applications.

If the person causing the breach fails to submit a valid planning application, the matter will be carefully assessed on the basis of national and local planning policies and against any other material considerations with a view to decide whether any further formal action is expedient. This decision will be made in line with the Council's scheme of delegated authority, which is part of the Council's Constitution.

b) Low Priority Cases:

These cases will be carefully assessed on the basis of national and local planning policies and against any other material considerations with a view to decide whether any formal action is expedient. It is usually not appropriate to invite a retrospective application or take formal enforcement action against minor or technical breaches of control which cause no material harm or adverse impact to amenity in the locality of the site.

Planning Permission unlikely to be granted

Where the works or development are unacceptable in planning terms, and unlikely to be capable of being rendered acceptable through a grant of planning permission with conditions or limitations, the person causing the breach will be advised of the unacceptability of the works carried out and advised to cease operations, and to restore the buildings or land to their pre-existing state.

Whilst the person causing the breach usually has the right to submit a retrospective planning application, they will be advised that any such application would not be likely to be supported by Council officers.

The person causing such a breach will be advised that continuing to build/operate is at their own risk, subject to any future formal enforcement action and in cases of severe harm, they may be asked to cease operations immediately. They will be advised that failure to respond within a defined time period (which will reflect the nature of the breach), may result in authority being sought to take formal enforcement action.

The decision on the form and type of enforcement action will be taken in accordance with the scheme of delegated authority as set out in the Council's Constitution.

ENFORCEMENT ACTION

Where it becomes apparent that a person causing a breach of planning control is unwilling to comply, either with Officer's suggestions of a voluntary solution or with the terms of an existing permission or to cease an unauthorised use or building works, the Council will consider the initiation of formal measures to secure compliance.

The Council has a number of formal options available to assist in resolving a breach of planning control. Not all options will be suitable in each case, and any option used will be dependent on the facts on the case.

Any Formal Notice issued which appears on the Land Charges Register will be available to members of the public to view, either at the Council's Offices, or on the Council's website.

Summary of some key powers available to officers:

Requisitions for information

Officers may require certain pieces of information from owners/developers in order to issue formal notices or further an investigation. Notices to request such information may be issued in the form of:

- Planning Contravention Notice
- Notice under Section 330 of the Town and Country Planning Act 1990
- Notice under Section 16 of the Local Government (Miscellaneous Provisions Act 1976 (as amended)

It is an offence not to respond to any such notice within a prescribed timescale and offenders may be prosecuted for failure to do so.

A Planning Contravention Notice will appear on any search of the property and may affect any sale or mortgage.

Enforcement Notice

The Enforcement Notice is the main device available to the Council and sets out the nature of the alleged breach, the steps required for compliance and the timescale allowed to comply. Such a notice may be served when the Council are satisfied that there has been a breach of planning control and that it is expedient to take action.

The recipient(s) of an Enforcement Notice have a right of appeal against the notice on a number of grounds. Any appeal is determined by the Planning Inspectorate. Any appeal suspends the effect of a notice until the appeal is determined. If the recipient(s) lodge an appeal, we will communicate with all appropriate third parties and neighbours of the appeal and how they can make representations to the Planning Inspectorate.

Ultimately the failure to comply with the steps required by an effective Enforcement Notice is a criminal offence and currently attracts a maximum fine on conviction of £20,000.

Breach of Condition Notice

A Breach of Condition Notice (BCN) can be served on a developer or occupier when they do not comply with planning conditions imposed on a planning permission.

There is no right of appeal to the Secretary of State against a BCN. An appeal must be pursued through the courts

It is a criminal offence to fail to comply with a BCN within the period for compliance specified.

Listed Building Enforcement Notice

This is similar to an Enforcement Notice in terms of procedures to be followed. It may be issued where works affecting the character of a listed building are being, or have been, carried out in the absence of listed building consent.

The notice can specify steps to be taken to restore the building to its former state, to alleviate the effect of the unauthorised work, or to bring the building to the state that it would have been in had any listed building consent been fully complied with.

An appeal against a Listed Building Enforcement Notice suspends the notice until the outcome of the appeal.

Again, failure to comply with the steps of a notice is a criminal offence. It should be noted that unauthorised works to a listed building are themselves a criminal offence.

Stop Notice

A Stop Notice is served either with or after an Enforcement Notice if it is considered that continuing with unauthorised operations will cause irreparable and immediate significant harm. The scale of harm must be significant to warrant recourse to such a notice.

The Stop Notice continues to take effect even if an appeal is lodged against the Enforcement Notice.

There is no right of appeal and failure to comply with the notice is a criminal offence. There are compensation liabilities on the Council if the Enforcement Notice is quashed.

Temporary Stop Notice

This notice can be served if we consider it is necessary to restrict unauthorised activity or development immediately to safeguard the amenity of the area and prevent further irreparable harm. However, the harm caused by the unauthorised development must be severe, to warrant recourse to service of such a notice because there can be compensation awarded where the Council is found to have been unreasonable in issuing such a notice.

The Temporary Stop Notice differs from the normal Stop Notice powers as it is immediate and does not have to be accompanied by an Enforcement Notice. The notice has effect for up to 28 days while considering whether further enforcement action is necessary.

There is no right of appeal to the Secretary of State but a judicial review can challenge the validity and propriety of the decision.

Injunction

The Council can apply to the County Court or High Court for an injunction to cease an actual or imminent breach of planning control.

Clear and robust evidence of the potential significant harm arising from the actual or imminent use must be provided when seeking an injunction for an imminent breach. An injunction will normally need to demonstrate harm to a key policy consideration.

Injunctions may be considered as a supplement to other statutory powers, particularly where an immediate response is required.

Failure to comply with an injunction can lead to an unlimited fine and/or imprisonment.

Section 215 Notice

This notice can be served on the owner and occupier of the land if the Council considers that harm to the amenity of part of its administrative area is adversely affected by the condition of the land.

The notice specifies steps to remedy the condition of the land but it cannot take effect until 28 days after it is issued.

Then the notice must give a compliance period for when the works specified in the notice should be complied with.

Prosecution

Action to prosecute offenders may be taken where it is in the public interest to do so and other powers cannot resolve the matter more effectively. Examples of where this course of action may be considered are when:

- a notice is not complied with in the given timescales
- irreparable damage is caused to a listed building or protected tree
- there are repeated breaches of advertisement regulations or fly-posting

All investigations into alleged breaches of legislation where prosecution is to be considered will follow best professional practice as set out in the Council's overarching policy. Investigations must also follow the requirements of the Police and Criminal Evidence Act (PACE) 1984, Criminal Procedure and Investigations Act (CPIA) 1996, the Regulation of Investigatory Powers Act (RIPA) 2000 and the Human Rights Act 1998.

Formal Caution

The Local Planning Authority may consider Formal Cautions as an alternative to prosecution. Examples of where they may be appropriate are:

- To deal quickly and simply with less serious offences;
- To divert less serious cases away from the court process;
- To deter repeat offences.

Before a Caution is administered the officer will ensure:

- There is evidence of the offender's guilt sufficient to sustain a prosecution;
- The offender admits the offence;
- The offender understands the nature of the Formal Caution and agrees to be cautioned for the offence.

Default Powers

In the event of a defendant not complying with the terms of a formal notice, the Council has 'default' powers to enter land and carry out the necessary works.

The Council may also recover their reasonable expenses from the then owner of the Enforcement Notice Land.

Expenses incurred become a legal charge on the land until such time as the expenses are recovered. This charge is binding on successive owners of the notice land.

OTHER POWERS

The Council has various other powers at its disposal to deal with breaches of planning control that are not covered by the provisions of the notices or actions detailed above. Some of these powers are detailed below.

Unauthorised Advertisements

The display of advertisements is controlled under The Town and Country Planning (Control of Advertisements) Regulations 2007.

Advertising rules are complex and seek to control amongst other things: the height, size and illumination of the advertisements. However, the content of an advert that does have consent (either granted by the Council, or with Deemed Consent under the Advertisement Regulations) is not something that Planning Controls can be used to take action over.

It is an offence to display an advertisement without the consent required and it is open to the Council to pursue prosecution in the Magistrates Court for an offence under the Advertisement Regulations. The maximum fine on conviction for the display of unauthorised advertisements is currently £2,500 with additional fines on conviction for continuing offences.

Where advertisements are displayed on the highway or walls and other enclosures bounding the highway, the Council can take direct action. Normally, a minimum of two days is given to remove an unauthorised advertisement or it will be removed and destroyed.

Fly-posting

Fly-posting is the display of any advertisement or other promotional material without permission, on buildings, posts, poles, litter bins and elsewhere in public places.

Fly-posting without a permit is illegal under the Highways Act 1980, the Town and Country Planning Act 1990, the Anti-Social Behaviour Act 2003 and the Clean Neighbourhoods and Environment Act 2005.

Offenders may be pursued under the provisions for unauthorised advertising in The Town and Country Planning (Control of Advertisements) Regulations 2007 (Please see **Advertisements** above), or referred to other agencies.

Officers will maintain a database of Fly-Posting incidences that are reported. Warnings, highlighting the relevant legislation, will be sent to the person/persons responsible for the display of the advert and further action escalated against repeat offenders as appropriate. Repeat offenders may be issued with a Formal Caution or prosecuted under the Advertisement Regulations 2007.

Works to Protected Trees

Under the Town and Country Planning legislation the local planning authority may protect important trees in the district by making Tree Preservation Orders.

Any unauthorised works to such protected trees is a criminal offence. Trees in Conservation Areas are also afforded a degree of protection under the planning legislation. Unauthorised work to and/or removal of trees in a Conservation Area also constitutes a criminal offence.

The Council has powers to prosecute offenders and/or require replacement trees to be provided. In circumstances where it is a first offence, the Council may offer the defendant a caution and ask for a contribution towards their costs instead of a formal prosecution. If there is a repeat offence, the caution will be presented to the courts in any subsequent prosecution.

Removal of Hedgerows

Certain hedgerows, usually those outside of built up areas and not forming residential boundaries are afforded protection under the Hedgerow Regulations (1997).

Removal of protected hedgerows without consent is an offence. The Council has powers to prosecute offenders and/or require replacement hedges to be provided.

Monitoring of Planning Obligations

Planning Agreements provided under Section 106 of the Town and Country Planning Act 1990 are agreements made between the Local Planning Authority and a developer. Unilateral undertakings are made by the developer. Both aim to make proposed development acceptable and accord with planning policies. Such obligations may restrict development or use of land, may require certain operations to be carried out, or may require payments to be made to the Authority.

The Council monitors these planning obligations to ensure that operations are carried out and payments made in accordance with the terms of each agreement.

Requirements to comply with planning obligations run with the land so if the terms of an obligation are not complied with, enforcement action may be taken against persons acquiring an interest in the land.

Should there be a breach of a formal obligation there are three methods of enforcement open to the Council. The Council may:

- Apply to the County Court or High Court for an Injunction. The Council must prepare a high level of evidence to convince a judge that an injunction is necessary. Failure to comply with an injunction can lead to an unlimited fine and/or imprisonment.
- Enter the land to complete works and may recover costs where certain operations or works have not been carried out, but must give at least 21 days notice of our intention.
- Place a charge on the land in order to assist the Council in proceedings to recover costs incurred.

High Hedge Disputes

The Council has powers under Part 8 of the Anti-social Behaviour Act 2003 to deal with complaints about high hedges. The legislation enables the owner or occupier of a domestic property affected by a high hedge to make a complaint to the Council provided that:

- the hedge concerned is a line of two or more predominantly evergreen or semi-evergreen trees or shrubs
- the hedge is 2 metres or more high
- the hedge is forming a barrier to light or access to their home or garden
- attempts have been made to amicably resolve the problem with the owner of the hedge.

The Council's role is not to mediate or negotiate between the complainant and the hedge owner, but to adjudicate on whether the hedge is adversely affecting the complainant's reasonable enjoyment of his property.

If the circumstances justify it, the Council will issue a remedial notice to the hedge owner setting out what the hedge owner must do to remedy the problem. The notice may specify future work on the hedge to ensure that it is maintained at a reasonable height.

The Act allows for an appeal to the Secretary of State against the issue or withdrawal of a remedial notice.

The Council will charge a non-returnable fee of £360 for this service, payable on submission of a complaint.

CONTACTS AND FURTHER INFORMATION

Planning Enforcement Team

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Development Management
St Peters Hill
Grantham
Lincolnshire
NG31 6PZ

Phone: 01476 406080

Fax No: 01476 406000

E-mail: planningenforcement@southkesteven.gov.uk

Website: www.southkesteven.gov.uk

Department for Communities and Local Government

(The Government Department with overall responsibility for planning)

Eland House
Bressenden Place
London, SW1E 5DU
www.dclg.gov.uk

National Planning Aid Unit (Royal Town Planning Institute)

Unit 419, The Custard Factory,
Gibb Street,
Birmingham
B9 4AA
www.planningaid.rtpi.org.uk

Planning Inspectorate

Room 301 Kite Wing,
Temple Quay House,
2 The Square,
Temple Quay,
Bristol, BS1 6PN.
www.planning-inspectorate.gov.uk/pins/index.htm

Planning Portal (www.planningportal.gov.uk)

The Government's online planning resource where you can learn about the planning system and research the latest government policy.

National Guidelines (www.legislation.gov.uk)

- The Town & Country Planning Act 1990
- The Town and Country Planning (General Permitted Development [Order](#)) ([England](#)) [Order 20151995](#) (As Amended)
- The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990
- The Town and Country Planning (Control of Advertisements) Regulations 2007
- The Enforcement Concordat published by the Cabinet Office 1998
- The Regulators' Code of Compliance published by the Department for Business Enterprise and Regulatory Reform 2008
- The Regulation of Investigatory Powers Act 2000
- The Anti Social Behaviour Act 2003
- [Anti-social Behaviour, Crime and Policing Act 2014](#)
- Police and Criminal Evidence Act 1984
- Criminal Procedure and Investigations Act 1996
- The Human Rights Act 1998
- The Hedgerow Regulations 1997
- National Planning Policy Framework 2012
- National Planning [Practice](#) Guidance ~~2014~~

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www.southkesteven.gov.uk**

Environmental Services Enforcement Policy

This document explains what you can expect of the Council's Environmental Services in respect of our approach to dealing with non-compliance. It must be read in conjunction with the Council's Corporate Enforcement Policy which sets out our commitment to the Principles of Good Enforcement and the Regulators' Code.

<http://www.southkesteven.gov.uk/index.aspx?articleid=8678>

1.0 Regulated Areas

Environmental Services make a fundamental contribution to the maintenance and improvement of public health, wellbeing and quality of life within South Kesteven. The services within the scope of this policy include:

Environmental Protection	Environmental Crime
Health and Safety at Work	Private Sector Housing
Public Health	Infectious Diseases
Smoke Free	Food Safety
Noise and Nuisance	Antisocial Behaviour

2.0 General Principles

2.1 This policy guides all officers involved in investigation, enforcement action and recommending or deciding upon the commencement of legal proceedings within the scope of Environmental Services.

2.2 We will have regard to the Regulators' Code and in particular we will:

- Carry out our activities in a way that supports those we regulate to comply and grow
- Provide simple and straightforward ways to engage with those who we regulate and to hear their views
- Base our regulatory activities on risk
- Share information about compliance and risk
- Provide clear information, guidance and advice to those we regulate to help them meet their responsibilities
- Ensure our approach to regulatory compliance is transparent

2.3 Whilst the general principles outlined in this policy will apply in all cases, each case will be considered on its own merits before a decision is reached. Where we decide that a provision in the Regulators' Code is either not relevant or is outweighed by another provision, this will be properly reasoned, based on material evidence and documented.

3.0 Inspections and Visits

- 3.1 Inspections or visits will not take place without a reason. They may be undertaken in response to a complaint; in accordance with risk based programmes; in accordance with statutory requirements or on receipt of relevant intelligence.
- 3.2 Where complaints are being investigated, notice of inspections / visits will not normally be given unless we are required to do so by legislation.
- 3.3 In accordance with the Food Standards Agency Food Law Code of Practice most food hygiene inspections will be carried out unannounced during normal hours of operation of the business. In some circumstances, however, appointments to undertake an inspection have to be made.
- 3.4 On occasion, if admission has been refused, premises are unoccupied or prior warning of entry is likely to defeat the purpose of the entry, we may apply to a Justice of the Peace for a Warrant to enter premises, by force if necessary.

4.0 Liaison with other Enforcement Agencies and Regulatory Bodies

- 4.1 Where appropriate, enforcement activities within Environmental Services will be co-ordinated with other regulatory bodies and enforcement bodies to maximise effectiveness
- 4.2 Environmental Services will share intelligence relating to wider regulatory matters with other regulatory bodies and enforcement agencies, including (but not limited to):
 - a) Government Agencies (e.g. Health and Safety Executive, Environment Agency, UK Visas and Immigration, HM Revenue and Customs, Public Health England, DVLA etc)
 - b) Police Forces
 - c) Fire Authorities
 - d) Statutory undertakers
 - e) Other Local Authorities
- 4.3 The Primary Authority Scheme was established by the Regulatory Enforcement and Sanctions Act 2008 (as amended). Officers will liaise with Primary Authorities when applicable e.g. before taking enforcement action. We will comply with the requirements of this Act when we are considering taking enforcement action against any business or organisation that has a primary authority, and will have regard to any guidance issued by the Secretary of State in relation to Primary Authority.

- 4.4 Where there has been a work-related death at a premise where the local authority is the enforcing authority, we will work with other regulators involved in the investigation to consider any health and safety offences as effectively and efficiently as possible. This will be undertaken in accordance with the Work-related Deaths Protocol for the Police, Crown Prosecution Service, Local Authorities, and the Health and Safety Executive.
- 4.5 We will have regard to the Health and Safety Executive Enforcement Management Model (EMM) and associated guidance when considering enforcement decisions relating to health and Safety at Work.
- 4.6 Where there are shared enforcement responsibilities, for example in relation to flytipping offences where both local authorities and the Environment Agency may take enforcement action, we will have regard to any agreed procedures or protocols which exist with other enforcement agencies.

5.0 Enforcement Options

- 5.1 We recognise that most individuals and businesses wish to comply with the law, and we will seek to assist them in doing so without imposing unnecessary regulatory burdens. However, where it becomes necessary to take enforcement action we will do so. The level of action varies from no action to court proceedings.
- 5.2 The full range of enforcement options is detailed in the Council's Corporate Enforcement Policy.
- 5.3 Decisions about any prosecution proceedings will involve consultation between the Investigating Officer; Team Leader; Business Manager and Legal Services.

6.0 Power to Charge for Enforcement

- 6.1 Where legislation allows, we will make reasonable charges as we consider appropriate as a means of recovering expenses associated with the service of enforcement notices e.g. under Section 49 of the Housing Act 2004. Charges will be published in accordance with the Council's Fees and Charges scheme.

7.0 Fixed Penalty Notices

- 7.1 Fixed penalty Notices (FPN) may be issued by authorised officers for certain offences, giving the offender the opportunity to discharge liability by payment of a specified amount within a specified time period.
- 7.2 Where the council has discretion to set the amount of the fixed penalty this will be detailed in the Council's Fees and Charges scheme, otherwise the fixed penalty amount will be as determined in relevant legislation. Where a fixed penalty amount is reduced for early payment this will also be detailed in the Council's Fees and Charges scheme.
- 7.3 If a FPN remains unpaid after the expiry of the specified payment period the case will be referred to be considered for prosecution.

7.4 FPNs will only be issued where there is sufficient evidence to prosecute. Normally, offences resulting in an FPN will be witnessed directly by the officer. However, we may consider it appropriate to issue an FPN to an offender based on other direct evidence or reliable witness testimony. FPNs may be issued either “on the spot” or by post.

7.5 Officers will have regard to the Department for Environment Food & Rural Affairs (DEFRA) guidance “Fixed penalty notices: issuing and enforcement by councils”
<https://www.gov.uk/guidance/fixed-penalty-notices-issuing-and-enforcement-by-councils>

7.6 Payment of FPNs by instalments will not be accepted.

8.0 Monitoring and Review

8.1 This policy will be reviewed in line with the Council’s Corporate Enforcement Policy.

South Kesteven District Council

Corporate Enforcement Policy

Document Location

This document will be held on the internal ICT server.

Revision History

Date of this revision: 30th November 2016

Date of Next revision: November 2020

Revision date	Previous revision date	Summary of Changes	Changes marked
	March 2016	Original document created	
30.11.2016	March 2014	<ul style="list-style-type: none"> • Overarching Corporate Enforcement Policy <p>Paragraph 1.2.2 (ii) insert updated link for the Regulatory Compliance Code</p> <p>Paragraph 1.2.9 deleted as repeated at paragraph 1.2.2</p> <p>Paragraph 1.12.5 inserted updated link to Home Office Guidance (Circular 30/2005)</p> <p>Paragraphs 1.12.7 & 1.1.3.1 Change title of officer from Head of Service to Executive Manager to reflect organisational structure changes</p> <p>Paragraph 1.15.1 insert link to the Council fair Collection & Debt recover Policy.</p> <p>Paragraph 1.17.4 insert link to the Council's Gambling Act 2014 – Statement of Principles & Statement of Licensing Policy</p> <p>Paragraph 1.8.1 Insert link to Lincolnshire Anti Social Behaviour Partnership Strategy</p> <p>Paragraph 8.2 remove reference to anti-social behaviour and insert Neighbourhoods to reflect organisational structure changes</p> <p>Paragraph 9.3 Change to the monitoring and review to link with changes in law and organisational changes with a substantive review changed from annually to four yearly.</p>	

		<ul style="list-style-type: none"> • Development Management Enforcement Policy <p>Changes under the heading National Guidelines at page 18 to reflect changes and the introduction of new legislation:</p> <ul style="list-style-type: none"> • Amend at the 2nd bullet point The Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended) from the Town and Country Planning (General Permitted Development) Order 1995 • Insert at the 9th bullet point Anti-social Behaviour, Crime and Policing Act 2014 • Environmental Services Enforcement Policy <p>This has been re-written to reflect the organisational change.</p>	

Approvals

This document requires the following approvals.

Name	Title	Date of Issue	Version
Councillor Paul Carpenter	Portfolio Holder for Governance and Communication	10 th March 2014	V1
Councillor Francis Cartwright	Executive Member for Governance		V2

Distribution

This document has been distributed to:

Name	Title	Date of Issue	Version
	Business Managers		
	Executive Managers		
	Strategic Directors		
	Chief Executive		
	Executive		
	Communities PDG		

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1.1 Commitment to Principles of Good Enforcement

1.1.1 This policy covers the enforcement activities across all of the Council's Regulatory Services and sets out what regulated businesses and individuals can expect from the Council in terms of regulation. The policy is targeted only at cases where action is needed, and is based on the guiding principles of consistency, transparency, proportionality, accountability. Its purpose is to secure compliance with the law whilst minimising the burden on individuals, businesses and the Council itself. The policy will not affect the discretion of the Council to take legal proceedings where it is considered to be in the public interest. Enforcement actions will be carried out in compliance with the relevant legislation. This includes ensuring that, in compliance with the Public Sector Equality Duty, no individual will be discriminated against on the grounds of age, race, religion or belief, gender, sexual orientation, pregnancy and maternity, marriage and civil partnership.

1.1.2 We recognise that most individuals and businesses want to comply with the law and we will, therefore, take care to help them meet their legal obligations. Where a breach is so severe that an immediate response is required, or the circumstances of the case require it, the Council can decide to depart from all or some of the principles set out in this policy. Where such a decision is made, it will be properly reasoned, based on material evidence and documented appropriately.

1.1.3 We believe that prevention is better than cure, so our role involves working with businesses, especially small and medium sized, to help them keep to the law. We also believe in taking the same approach when dealing with people who live in and visit the district.

1.2 Enforcement Options

1.2.1 We recognise the importance of achieving and maintaining consistency in our approach to enforcement. We also recognise that in many cases the decision to enforce is discretionary and that any enforcement action taken must be

proportionate to the risks posed, and to the seriousness of any breach of the law.

1.2.2 All enforcement activities, including investigations and formal actions, will be conducted in accordance with:

- i. the statutory powers of the officer dealing with the matter;
- ii. all other relevant legislation including the Enforcement Concordat - <http://webarchive.nationalarchives.gov.uk/+http://www.berr.gov.uk/files/file10150.pdf>

Regulators'	Compliance	Code	-
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https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300126/14-705-regulators-code.pdf <http://www.bis.gov.uk/files/file45019.pdf>, Health and Safety Executive (HAS) www.hse.gov.uk, the Food Standards Agency (FSA www.food.gov.uk), Police and Criminal Evidence Act 1984, the Criminal Procedure and Investigations Act 1996, the Human Rights Act 1998, the Regulation of Investigatory Powers Act 2000 and the Criminal Justice and Police Act 2001 www.legislation.gov.uk;
- iii. any formal procedures and codes of practice made under the above legislation, in so far as they relate to our enforcement powers and responsibilities.

1.2.3 'Enforcement' includes any action taken by officers aimed at ensuring that individuals or businesses comply with the law. The term is not limited to formal enforcement action (such as prosecution or issue of notices) but does include the inspection of premises for the purpose of checking compliance with regulations and the provision of advice to aid compliance.

1.2.4 Officers will be properly trained in how to take enforcement action and systems are in place to ensure that they keep their skills and knowledge up to date. If we do any work outside normal office hours, the principles of this policy will still apply.

1.2.5 We will generally take a staged approach to enforcement providing individuals and businesses with the opportunity to discuss and remedy problems before we take action. However, we may however, deviate from this staged approach if immediate action is required or previous warnings have been ignored.

1.2.6 Suspected offenders may be offered the opportunity to give an explanation of the circumstances surrounding the commission of any alleged offence. Also provided for by the legislation, suspected offenders will also be given the

chance to put forward any statutory defences, including any “due diligence” precautions that may have been taken to prevent such an incident occurring. Officers will record this explanation at a formal interview, which will take the form of a question and answer discussion. This interview will be conducted under the rules of the Police and Criminal Evidence Act 1984 (PACE) and will be written down or recorded as appropriate. Suspected offenders will be invited to seek legal advice prior to such an interview, and given the opportunity to be accompanied by a legal representative at the interview itself.

1.2.7 Prior to considering action, as far as the law allows, we will take account of the circumstances of the case and the attitude of those subject to regulation. We will take particular care to work with small businesses and with voluntary and community organisations, so that they can meet their legal obligations without unnecessary expense wherever possible.

1.2.8 Where we consider that formal action is necessary each case will be considered on its own merits subject to the general over-riding principles that apply to the way each case must be approached. These principles are set out in this document and in the Regulators’ Compliance Code.

~~1.2.9 For more information about the Regulators’ Compliance Code www.bis.gov.uk and the Enforcement Concordat visit: www.berr.gov.uk~~

1.2.9 When deciding whether a caution or a prosecution is the appropriate course of action, we will take in to account (among other factors) the Code for Crown Prosecutors.

1.2.10 In assessing what enforcement action is necessary and proportionate, consideration will be given to:

- * The seriousness of compliance failure;
- * The business’s past performance and its current practice;
- * The risks being controlled;
- * Legal, official or professional guidance received from third parties.

1.2.11 Having considered the enforcement criteria the options available to us include:

- i. No action.
- ii. Informal action and advice.
- iii. Fixed Penalty Notices.
- iv. Formal notice.

Comment [j1]: Comment duplication with 1.2.2

- v. Forfeiture proceedings.
- vi. Administrative penalties.
- vii. Seizure of goods/equipment.
- viii. Injunctive actions.
- ix. Refusal/revocation of a licence.
- x. Simple caution.
- xi. Prosecution.
- xii. Demand for Payment
- xiii. Work in default (We may take any action needed and recharge the costs to the offender)
- xiv. Prohibition/Stop Notices and Injunctions
- xv. Proceeds of Crime applications.

1.3. No Action

1.3.1 In certain circumstances, contraventions of the law may not warrant any action. This may be because the cost of compliance to the offender outweighs the detrimental impact of the contravention, or the cost of the required enforcement action to the Council outweighs the detrimental impact of the contravention on the community.

1.4. Informal Action and Advice

1.4.1 For minor breaches of the law we may give verbal or written advice. In such cases we will clearly identify any contraventions of the law and give advice on how to put them right. This advice will include a timeframe for compliance.

1.4.2 We will also advise offenders of any relevant 'good practice'. Where good practice advice is issued we will make clear what needs to be done to remedy any breach of law and what is advice only.

1.4.3 We will make offenders aware that failure to comply with any information, action or advice given could result in an escalation of enforcement action.

1.4.4 We may take informal action when;

- * the act or omission is not serious enough to warrant formal action;
- * from the individual's or businesses past history we can reasonably expect that informal action will achieve compliance;

- * we have high confidence in an individual or business proprietor;
- * the consequences of non-compliance will not pose a significant risk to public health, public safety or the environment.

1.5. Forfeiture Proceedings

1.5.1 This procedure may be used in conjunction with seizure and/or prosecution. This course of action should be used where there is a need to dispose of goods in order to prevent them re-entering the market place or to avoid a further problem. In appropriate circumstances, we will make an application for forfeiture to the Magistrates Courts.

1.6. Administrative Penalties

- 1.6.1 Administrative penalties may be used where an allegation of Housing/Council Tax Benefit fraud has been investigated and officers are satisfied that an offence has been committed. When considering whether this is an appropriate course of action (as opposed to prosecution), the officer will take in to account the severity of the offence and the other factors of the case.
- 1.6.2 If the offender does not accept the offer of an administrative penalty, or it is refused after its initial acceptance, the case will generally be prepared for prosecution. In all cases the Council will pursue full repayment of any benefit which has been unlawfully received by the offender, and which remains recoverable.

1.7. Seizure

1.7.1 Certain legislation enables authorised officers to seize goods, equipment or documents for example unsafe food, sound equipment or any items that may be required as evidence for possible future court proceedings. An appropriate receipt will be given for any goods taken.

1.8. Injunctive Actions

1.8.1 Injunctive action may be used where offenders are repeatedly found guilty of similar offences or where it is considered the most appropriate course of enforcement i.e. to deal with dangerous circumstances, significant consumer detriment or serious anti social behaviour problems.

1.9. Fixed Penalty Notices

1.9.1 Where legislation permits an offence to be dealt with by way of a Fixed Penalty Notice (FPN), we may choose to administer an FPN on a first occasion, without issuing a warning.

1.10. Penalty Charge Notices

1.10.1 Penalty Charge Notices (PCN) are prescribed by certain legislation as a method of enforcement by which the offender pays an amount of money to the enforcer in recognition of the breach. Once issued the PCN takes the form of a civil debt and failure to pay the PCN will result in the offender being pursued in the County Court for non-payment. A PCN does not create a criminal record and we may chose to issue a PCN without first issuing a warning.

1.11. Formal Notice

1.11.1 Certain legislation allows notices to be served requiring offenders to take specific actions or cease certain activities. Notices may require activities to cease immediately if they relate to health, safety, environmental damage or nuisance. In other circumstances, the time permitted to remedy the breach will be reasonable and will take into account the seriousness of the contravention and the implications of the non-compliance.

1.11.2 All notices issued will include details of any applicable appeals procedures.

1.12. Simple Caution

1.12.1 Where appropriate, a caution may be issued as an alternative to prosecution.

1.12.2 A caution will be issued to:

- * deal quickly and simply with less serious offences
- * divert less serious offences away from the courts
- * reduce the chance of repeat offences

1.12.3 For a Simple Caution to be issued a number of criteria must be satisfied:

- i. Sufficient evidence must be available to prove the case.
- ii The offender must admit the offence.
- iii It must be in the public interest to use a Simple Caution.

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- iv The offender must be 18 years or over.
- v The offender should not have received a simple caution for a similar offence within the last 2 years.

1.12.4 A simple caution will not be considered in the case of a second or subsequent offence.

1.12.5 For details on the Home Office Guidance (Circular 30/2005) visit:

<http://webarchive.nationalarchives.gov.uk/20130125102358/http://www.homeoffice.gov.uk/about-us/corporate-publications-strategy/home-office-circulars/circulars-2005/030-2005>

<http://www.homeoffice.gov.uk>

Comment [j2]: Revised

1.12.6 If the offender commits a further offence, the caution may influence our decision to prosecute. If during the time the caution is in force the offender pleads guilty to, or is found guilty of, committing another offence anywhere in England and Wales, the caution may be cited in court, and this may influence the sentence that the court imposes.

1.12.7 Simple Cautions are administered and issued by the relevant Executive Manager Head of Service

1.13. Prosecution

1.13.1 We recognise that the decision to prosecute is significant and could have far reaching consequences for the suspected offender. In all cases, the final decision rests with the Executive Manager Corporate, Head Responsible for of Legal and Democratic Services, is responsible for making the final decision when deciding about whether to prosecute after consultation with the relevant Executive Manager Head of Service and/or Strategic Director

1.13.2 The criteria for the issue of proceedings are;

- i. the alleged offence involves a deliberate breach of the law with the result that public health, safety or well being is, or has been, put at risk, or there has been irreversible damage;
- ii there has been a reckless disregard for the environment;
- iii where someone has died as a result of the law being broken;
- iv where someone has failed to pay a Fixed Penalty Notice;
- v where officers have been intentionally obstructed while carrying out their duties;

- vi the alleged offence involves deception which may or may not result in a loss or potential loss of public funds;
- vii a serious potential risk has been identified which the suspected offender has not rectified despite having been given a reasonable opportunity to comply with the law;
- viii the alleged offence involves a failure to comply in full, or in part, with the requirements of a statutory notice;
- ix there is a history of similar offences;
- x the alleged offence is considered to be anti-social behaviour or causes public alarm, and it is desirable to reassure the public and deter other potential offenders;
- xi a prosecution is in the public interest, there is realistic prospect of conviction and sufficient evidence to support proceedings.

1.13.3 We will consider all material evidence and information before deciding upon a prosecution in order to make a consistent, fair and objective decision.

1.14 Work in Default

1.14.1 In place or as well as prosecutions we have certain powers to carry out work in default (we may carry out any action necessary and recharge the costs to the offender). We will only use these powers after a notice to carry out work has ended. We will claim back all our charges either through the courts or as a land charge on the property

1.15 Demand for Payment

1.15.1 The Council's Fair Collection and Debt Recovery Policy <http://www.southkesteven.gov.uk/CHttpHandler.ashx?id=14633&p=0> -sets out a method of collecting money owed to the Council in a fair and efficient manner. The Council will ensure early contact is made to minimise large debts accumulating and ensure the debtor does not suffer from unnecessary hardship

1.16. Prohibition/ Stop Notices and Injunctions

1.16.1 Where an offender is required to take immediate action, it may be necessary for a statutory notice to be served. These include Prohibition Notices, Planning Enforcement Notices, Closing Orders, Stop Notices or Injunctions, and can be issued in one or more of the following circumstances;

- i. there is an imminent risk of injury to health or safety;
- ii. there is serious hazard to residential premises;
- iii. there is an imminent risk of serious environmental pollution;
- iv. the consequences of not taking immediate and decisive action, to protect the public, would be unacceptable;
- v. where an unauthorised development is unacceptable and is causing serious harm to public amenity near to the site, or where there has been breach of a condition notice;
- vi. where unauthorised development is unacceptable, and continuing work is or may cause irreversible damage, and remedial action is not a satisfactory option;
- vii. the guidance criteria on when prohibition may be appropriate are met;
- viii. we have no confidence in the integrity of an unprompted offer by a proprietor to close premises voluntarily, or stop using any equipment, process or treatment associated with the imminent risk;
- ix. a proprietor is unwilling to confirm in writing his/her unprompted offer of a voluntary prohibition;
- x. where it would be the most effective remedy available.

1.16.2 We will make offenders aware of any right of appeal they may have against any action we have taken. The act of serving a prohibition/stop notice or injunction does not prevent us from deciding to prosecute depending on the seriousness of the circumstances that led to the serving of that notice.

1.17 Licensing and Registration – Breaking Conditions

1.17.1 We issue Licences and approval for a variety of activities such as hackney carriages, caravan sits, food premises, selling alcohol and providing entertainment, horse riding, animal boarding kennels and catteries, houses in multiple occupation etc. we will usually specific conditions which control how facilities at the premises are managed and provided.

1.17.2 If there has been a relatively minor incident where licence conditions have been broken and the duty holder is willing to take the necessary action to have things right, we will usually give a verbal or written warning first. If there are serious failures to meet the licence conditions or if the informal approach failed to make the necessary improvements we will present a formal report to the relevant Council Committee or panel and make representations as to whether or not a licence will be granted, renewed or withdrawn. The duty holder will be entitled to make a statement to support their case.

1.17.3 If there is a serious incident where licensing or registration conditions have been broken, we will consider it in line with the conditions relating to prosecutions and if appropriate, start legal proceedings. In some cases, we may need to suspend a licence or approval until the relevant Committee or panel can consider the matter.

1.17.4 There are a number of separate Policies relating to Licensing, for example, Gambling Act 2014 Statement of Principles, Statement of Licensing Policy <http://www.southkesteven.gov.uk/index.aspx?articleid=8552>

etc.

1.18 Anti Social Behaviour

1.18.1 We will only consider taking action against those who commit anti social behaviour in line with the [Lincolnshire Anti Social Behaviour Partnership Strategy](http://www.southkesteven.gov.uk/index.aspx?articleid=8355) <http://www.southkesteven.gov.uk/index.aspx?articleid=8355>

~~Anti Social Behaviour Enforcement Policy and Tenancy Services Anti Social Behaviour Strategy.~~

2. Officers Powers of entry and obstruction

2.1 Enforcement officers have a wide variety of duties and have to act as investigators. This is supported by strong powers of entry, seizure and inspection contained in various statutes. If individuals or businesses obstruct officers or refuse to provide information, they could be subject to criminal

sanctions. Officers use these powers at their discretion with the support of the Council who will uphold them.

- 2.2 Officers will use their powers of entry only when necessary, but usually to carry out an inspection of premises or in the process of an investigation. The Council will always support officers who act in good faith. This includes prosecuting those individuals who obstruct or assault officers during investigations or inspections.
- 2.3 If the legislation allows, officers may examine premises and articles, remove articles, label samples, request information, issue enforcement notices and may in some instances be accompanied by other persons. In appropriate cases a warrant from a Magistrate may be obtained to obtain entry to premises.
- 2.4 An officer must be able to explain the legal basis for any action and justify all separate actions used.

3. Appointment of Officers and Identification

- 3.1 All officers are trained and authorised to act under relevant legislation enforced or administered by the service in which they are employed. Their authorisation will follow the scheme of delegations procedure adopted by the Council.
- 3.2 All officers are issued with an identification card bearing their photograph. This identification must also be produced on request

4. Liaison With Other Regulatory Bodies and Enforcement Agencies

- 4.1 Where appropriate, enforcement activities within all regulatory services will be coordinated with other regulatory bodies and enforcement agencies to maximise the effectiveness of any enforcement.
- 4.2 Where an enforcement matter affects a wide geographical area beyond the boundaries of the district, or involves enforcement by one or more other local authorities or organisations, the relevant authorities and organisations will be informed as soon as possible and all enforcement activity coordinated with them.

4.3 Regulatory Services will share information relating to wider regulatory matters with other regulatory bodies and enforcement agencies. Examples include:

- i Government Agencies;*
- ii. Health and Safety Executive*
- iii Police Forces;*
- iv. Fire Authorities;*
- v. Statutory undertakers;*
- vi. Other Local Authorities.*

4.4 Confidentiality, data protection and information sharing are covered in detail in separate Council policies and all information shared will be in accordance with the principles of data protection and freedom of information legislation.

5. Openness and Transparency

5.1 We will provide information and any advice on the legislation we enforce in plain language and will be open and transparent in our actions.

5.2 We believe that it is in the interests of everyone, including ourselves, to get things 'right first time'. As a result we ensure that our enforcement role involves us actively working with all those subject to regulation, especially small and medium sized businesses, to advise on and assist with compliance.

5.3 We will provide a courteous and efficient service. Our staff will identify themselves by name and carry proof of their identity. We will provide a contact point and telephone number for further dealings with us and we will encourage businesses and others to seek advice or information from us.

5.4 All requests for service, including applications for approval of establishments, licences, registrations, etc, will be dealt with efficiently and promptly. We will ensure that, wherever practicable, our enforcement services are effectively co-ordinated to minimise unnecessary overlaps and time delays.

6. Complaints About Our Service

6.1 We will provide well-publicised, effective and timely complaints procedures, which are easily accessible to businesses, the public, employees and consumer groups. In cases where disputes cannot be resolved, any right of complaint or appeal will be explained, with details of the process and the likely time-scales involved.

7. Publication

7.1 Following adoption of this policy it will be made available to all interested parties, including businesses and consumers. It will be published on the Council's website and will be made available in printed form.

8. Responsibilities

8.1 Each manager of a regulatory service covered by this Policy will be responsible for its effective implementation throughout the enforcement activities of their team. Each officer within these teams will be responsible for applying it in relation to any enforcement activity covered by this policy.

8.2 The following services will apply this Policy and principals to their individual Service policy

1. Environmental Health and Private Sector Housing

2. Neighbourhoods

3. Development Management Planning

4. Building Control

5. Waste and Recycling Services

6. Finance

7. Tenancy Services

9. Review

9.1 This Policy has been drawn up with full regard to the requirements of the

Enforcement Concordat -

<http://webarchive.nationalarchives.gov.uk/+/http://www.berr.gov.uk/files/file10150.pdf>), Regulators' Compliance Code -

<http://www.bis.gov.uk/files/file45019.pdf>

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300126/14-705-regulators-code.pdf, statutory obligations, national standards

and codes of practice and benchmarked against best practice elsewhere.

9.2 We recognise the potential burdens on business and individuals who have to comply with regulation and we will promote more efficient approaches to regulatory inspection and enforcement without compromising regulatory

standards or outcomes. We will endeavour to form partnerships with local businesses, and will consult them about the contents of this policy and any significant changes that may arise from time to time.

- 9.3 We will make arrangements to monitor and review this Policy and make organisation structure and legislative changes as and when required ~~on an annual and do a substantive review on a four yearly basis basis~~ to ensure that it is used fairly and consistently.

REPORT TO RESOURCES P.D.G.

REPORT OF: BUSINESS MANAGER LEGAL AND DEMOCRATIC SERVICES

REPORT NO: LDS199

DATE: 26 January 2017

TITLE:	South Kesteven District Council Civil Enforcement Off-Street Parking Places Order 2017	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	STATUTORY ORDER – any changes to the Order, following consultation will be considered by full Council	
EXECUTIVE MEMBER: NAME AND DESIGNATION:	Councillor Mrs Frances Cartwright: Executive Member Governance Councillor Mr Bob Adams: Executive Member Growth	
CONTACT OFFICER:	Paul Stokes Business Manager Venues and Facilities p.stokes@southkesteven.gov.uk Shelley Hardy Legal and Democratic Services s.hardy@southkesteven.gov.uk telephone number 01476 406080	
INITIAL IMPACT ANALYSIS:	Carried out and Referred to in paragraph (7) below	Full impact assessment Required: <i>n/a</i>
Equality and Diversity	See paragraph 7	
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	Existing car parking order http://www.southkesteven.gov.uk/CHttpHandler.ashx?id=19592&p=0 Road Traffic Regulation Act 1984 http://www.legislation.gov.uk/all?title=road%20traffic%20regulation%20act%201984 Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996. http://www.legislation.gov.uk/uksi/1996/2489/regulation/1/made	

1. RECOMMENDATION

- 1.1 That Resources PDG consider the draft South Kesteven District Council Civil Enforcement Off-Street Parking Places Order 2017 (“new Parking Order”) attached to this report and make a recommendation to the Executive that the Council go out to consultation in accordance with the relevant Regulations.

2. PURPOSE OF THE REPORT

- 2.1 The purpose of the report is to provide Resources PDG with an opportunity to gain an understanding of the proposed New Parking Order (see Appendix 1 for a copy of the new Parking Order) and to provide feedback before recommending to the Executive that the Council goes out to consultation on the proposed new Parking Order.

3. DETAILS OF REPORT

- 3.1 The proposed new Parking Order amends the existing Parking Order; South Kesteven District Council Civil Enforcement Off-Street Parking Places Order 2012 (“Existing Parking Order”). The amendments are identifiable in red on the tracked changed document at Appendix 2 to this report.
- 3.2 The rationale for seeking to introduce a new parking order is:
 - i) To include a further area of land edged red on the attached plan (see last page of Appendix 1) known as land off St. Catherine’s Road situated at the rear of Welham Street Car Park. The area of land is currently subject to vehicles parking in a dangerous manner, which includes parking on the footpath that is hazardous and dangerous to pedestrians and other road users. The New Parking Order will allow for a maximum of two disabled parking spaces for disabled drivers to park their automobile or an invalid carriage on this land free of charge, provided that they display their disabled clock and badge in a conspicuous place in their vehicle and adhere to all other provisions of the New Parking Order,
 - ii) The introduction of the new order is also seen as an opportunity, to include the Cashless Parking Prepayment scheme that was previously introduced. Whilst this is not necessary for enforcement purposes, it is a means of ensuring clarity and to remove any doubt around those circumstances where enforcement action may be taken.
- 3.3 The Road Traffic Regulation Act 1984 gives Local Authorities power to provide parking places and regulate the use of the parking place by way of a Parking Order providing that consultation is carried out with the statutory bodies (Freight Transport Association, the Road Haulage Association, the Chief Officer of Police and the local Highway Authority – Lincolnshire County Council) and the general public. The consultation must be in accordance with Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996.

The consultation consists of writing too and sending a copy of the New Parking Order to those statutory bodies and publishing, at least once, a notice of the proposals in a local newspaper circulating in the area to which the Order relates. Also, a notice is to be placed in the affected areas. The same notice and a copy of the New Parking Order must also be made available for inspection at the Council's Customer Service Area.

4. OTHER OPTIONS CONSIDERED

The Council having recognised a hazard related to pedestrian safety and the safety of other road users on land off St. Catherine's Road, Grantham at the rear of Welham Street car park, due to unregulated car parking believe it is appropriate and necessary to proceed with the introduction of regulation. In order to regulate users of the above-mentioned land, the Council must adopt a Parking Order in accordance with the legislation.

5. RESOURCE IMPLICATIONS

Other than the cost of publishing the notice of proposals for consultation, the introduction of this Parking Order should be met within the existing budget.

6. RISK AND MITIGATION

Risk has been considered as part of this report and any specific high risks are included in the table below:

Category Risk	Action / Controls
To enable enforcement action to be taken against drivers of vehicles who park in a hazardous manner to the detriment of pedestrians and other road users.	Introduction of the new Car Parking Order.

7. ISSUES ARISING FROM IMPACT ANALYSIS

To be carried out on 16.1.17 results to follow

8. CRIME AND DISORDER IMPLICATIONS

Parking in off street parking places can be regulated by Order to prevent misuse. Crime and disorder implications increase if an Order is not made and car parking cannot be regulated.

9. COMMENTS OF FINANCIAL SERVICES

There are no direct financial implications in respect of the proposed orders.

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

Any Order regulating parking must be implemented in accordance with the provisions of the Road Traffic Regulation Act 1984, which includes consultation with the regulatory statutory bodies and members of the public. The process for introducing a new order is contained in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.

11. COMMENTS OF OTHER RELEVANT SERVICES

There are no comments from other services.

12. APPENDICES:

- Appendix 1: New Parking Order (i.e. the proposed South Kesteven District Council Civil Enforcement Off-Street Parking Places Order 2017)
- Appendix 2: Existing Parking Order, proposed amendments shown in red
- Appendix 3: Stage 1 equality analysis

SOUTH KESTEVEN DISTRICT COUNCIL
CIVIL ENFORCEMENT OFF- STREET PARKING PLACES
ORDER 2017

South Kesteven District Council (“the Council”) in exercise of its powers under Section 35 and Schedule 9 of the Road Traffic Regulation Act 1984 as amended (“the 1984 Act”) and the Traffic Management Act 2004 (“the 2004 Act”) and of all other enabling powers and with the consent of the Lincolnshire County Council given under Section 39(3) of the 1984 Act and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the 1984 Act and in compliance with regulations made under the Act make the following Order:-

PART I – GENERAL

1. This Order is made on the ** and will come into effect on the and may be cited as the South Kesteven District Council Civil Enforcement Off-Street Parking Places Order 2017.
2. The South Kesteven District Council Civil Enforcement Off-Street Parking Places Order 2012 and all subsequent variations or amendments are revoked by this Order.
3. (1) Any reference in this Order to a numbered Article is a reference to the Article bearing that number in this Order and any reference in this Order to “the Schedule” is a reference to the Schedule to this Order.

(2) In this Order – except where the context otherwise requires – the following expressions shall have the meanings respectively assigned to them:-

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“Cashless Parking”, means a cashless prepayment made via a telephone, smartphone, computer or other method, allowing a vehicle to park for a period of time. When that time runs out the vehicle is required to leave the Parking Place;

“charging hours” – means any period specified in column 5 of Part I of the Schedule on any day prescribed in column 4 of Part I of the Schedule as a day when charges are payable.

“civil enforcement officer” – means the officer appointed by or on behalf of the Council to supervise the parking places.

“Council” – means South Kesteven District Council situated at St. Peter’s Hill Grantham Lincolnshire NG31 6PZ.

“disabled person’s badge” – has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 and shall include a badge issued under regulations having effect in Scotland or Wales under s21 of the Chronically Sick and Disabled Persons Act 1970.

“disabled person’s vehicle” – means a vehicle driven by a disabled person, or used at the time of parking for the carriage of a disabled person as defined in the above Regulations.

“driver” – means the person driving the vehicle at the time it was left in the parking place.

“owner” – means the person by whom the vehicle is kept and for the purposes of this Order it shall be presumed that the owner was the person in whose name the vehicle was at the relevant time registered under the provisions of the Vehicle Excise and Registration Act 1994 and “registered keeper” shall be construed accordingly.

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“motorcycle” – means a solo motorcycle only and excludes any motorcycle which has a side car or trailer or which has more than two wheels.

“parking bay” – means the area of a parking place which is provided for the leaving of the vehicle and indicated by markings on the surface of the parking place.

“parking place” – means any area of land specified in column 1 of Part I and Part II of the Schedule provided by the Council in pursuance of Section 32 (1) of the 1984 Act for use as a parking place.

“parking ticket meter” and “ticket issuing machine” – means such apparatus or device as may from time to time be provided by the Council and situated in the parking place for the purpose of Article 5 of this Order.

“Pass” means a voucher issued by the Council on such terms and conditions as it shall be decided, permitting a Driver to leave a vehicle in a Parking Place without the purchase and display of a Pay and Display Ticket, Resident Car Park Permit, Season Ticket or Cashless payment. A Pass may include a Council Member Pass and a Council Staff Pass;

“Pay and Display Ticket” means a ticket issued by a Parking Ticket Machine indicating the payment of the charge, the date on which the ticket is valid and the time that paid for parking runs out when the vehicle is required to leave the Parking Place;

“Penalty Charge” has the same meaning as in Section 92 of the 2004 Act; The penalty charge shall be set at Band 2 as set out in

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Section 1 of the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007;

“Penalty Charge Notice” means a notification of a Penalty Charge pursuant to the provisions of Section 78 of the 2004 Act and the Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

“Relevant Position” means

(a) In respect of a Disabled Person’s Badge

- (i) The Badge is shown inside the windscreen on the dashboard or fascia of the vehicle, or
- (ii) where the vehicle is not fitted with a dashboard, fascia or windscreen, the Badge is shown in a conspicuous position on the vehicle

and in each case so that the date of expiry, the name of the issuing authority and the serial number are clearly visible and able to be read easily from outside the vehicle, and

(b) in respect of Pass, Pay and Display Ticket, Season Ticket,

- (i) The Pass, Pay and Display Ticket, Season Ticket, is shown inside the windscreen, or
- (ii) In the case where of a vehicle is not fitted with a dashboard, the Pass, Pay and Display Ticket, or Season Ticket must be displayed in a conspicuous position on or in the vehicle,

and in each case so that the front face and all of the information including any expiry time and date, any date of validity and any reference number is able to be read easily from outside the vehicle;

“Restricted Area”, in respect of a Parking Place means any area other than a Parking Bay and where parking is not permitted;

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“Season Ticket” means a ticket purchased from the Council and issued subject to the Council’s terms and conditions, valid for the period specified on the ticket and in the Parking Place(s) specified on the ticket;

“vehicle” means any motorcar, motorcycle or other mechanically propelled automobile.

- (3) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

PART II – USE OF PARKING PLACES

Use of land and parking places

4. (1) (i) Each area of land specified by name in column 1 of Part I and Part II of the Schedule to this Order may only be used subject to the following provisions of this Order as a parking place for such class or classes of vehicles in such positions on such days and during such hours as are specified in relation to that area in Part I and Part II of the Schedule.
- (2) (i) Where in Part I and Part II of the Schedule a parking place is described as available for vehicles of a specified class or in a specified position the driver of a vehicle shall not permit it to wait in that parking place unless it is of the class and in the position so specified.
- (ii) Where within a parking place there is a sign or surface marking which indicates that a parking bay is available only for a disabled persons vehicle the driver of a vehicle shall not permit it to wait in that parking bay unless it is a disabled persons vehicle displaying a disabled persons badge.
- (iii) Where within a parking place there is a surface marking of lines or hatching or some other marking indicating that waiting or parking is not permitted within or over such lines

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hatching or other marking the driver of a vehicle shall not permit it to wait or be parked on such markings but must ensure that it is left wholly within a parking bay and parked between the lines so as not to obstruct access to and egress from the parking place or any part thereof for other users or to obstruct the free movement of vehicles using other parking bays within the parking place.

- (3) Insofar as a vehicle is left in a parking place during the charging hours the driver thereof shall pay such charge or charges as are specified in the following provisions of this Order.

Amount of initial charge at parking places

5. (1) This article applies to the parking places specified by name in column 1 of Part I of the Schedule.
- (2) The initial charge for a vehicle parking in a parking place during the charging hours shall, subject as hereinafter provided, be in accordance with the Scale of Charges specified in column 7 of Part I of the Schedule.

Payment

6. The Driver of a vehicle using a Parking Place shall, upon parking the Vehicle in the Parking Place, make payment of a charge either by:
- (i) purchasing a Pay and Display Ticket; or
 - (ii) making a Cashless Parking prepayment at the level of the charge for the period required in accordance with the scale of charges specified in Part I of the Schedule, or otherwise varied by an Order or a Notice of Variation.

Means of payment

7. The charge referred to in Article 5 shall be payable either by:

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- (i) the insertion of an appropriate coin, coins, banknotes or by means of a credit/debit card, making up the amount of the charge payable to the Parking Ticket Machine situated in that Parking Place, or by payment to a person nominated by the Council, or other approved method of payment.
 - (ii) a cashless prepayment made via a telephone, smartphone, computer or other method, allowing a vehicle to park for a period of time.
8. The owner of a vehicle may on application to the Council purchase a Season Ticket in respect of that vehicle for a charge ascertained by reference to the said Scale of Charges and that season ticket shall be valid in such parking places and at such times as may be determined by the Council during the period for which it is issued. The Council reserves the right to suspend the issue of Season Tickets without notice.
9. The Council may, at its discretion, issue a parking permit or pass to the driver of a vehicle and that parking permit shall be valid in such parking places and at such times as may be determined by the Council.
10. The driver of a vehicle shall attach or cause to be attached any ticket or tickets issued on payment of the initial charge referred to in this Article or any Season Ticket or Pass issued under this Article in the Relevant Position at all times when the vehicle is parked in a parking place.

Validity of Pay and Display Tickets

11. A Pay and Display Ticket is not transferable from one vehicle to another.
12. A Pay and Display Ticket is valid only in the Parking Place in which it was issued. This is defined by the reference code and/or location of the Parking Ticket Machine in that Parking Place, printed on the Pay and Display Ticket.

Expiry of parking period

13. The parking period expires where:
 - (i) a Pay and Display Ticket is purchased and the time indicated on the hand held computer is later than the expiry time and date indicated on the Pay and Display Ticket displayed on a vehicle; or
 - (ii) a Cashless Parking Prepayment is made and the time indicated on the hand held computer or other device is later than the expiry time and date of the electronic record of that transaction.

14. The vehicle shall be removed from the Parking Place by the end of the parking period.

No Ticket displayed

15. Where neither a Pay and Display Ticket or Pass is displayed on a vehicle in the Relevant Position and in accordance with the provisions of Article 6, nor can it be determined that a Cashless Parking prepayment has been made, it shall be deemed that the charge has not been paid.

16. If at the time when a vehicle is left in a Parking Place and on the nearest Parking Ticket Machine in that Parking Place there is a notice placed by any person duly authorised by the Council, indicating that the Parking Ticket Machine is out of order, or the Parking Ticket Machine displays “not in use” or a Pay and Display Ticket cannot be obtained from that Parking Ticket Machine for any reason, then a Pay and Display Ticket shall be obtained from another Parking Ticket Machine located within the car park (where provided).

17. A vehicle may not be left in a Parking Place if neither a valid Pay and Display Ticket has been obtained and displayed, or a Cashless Parking prepayment made.

Indication by parking ticket meter

18. (1) Payment of the initial charge for a vehicle left in a Parking Place shall be indicated by the issue of a ticket or tickets indicating that the charge has been paid on the day on which the vehicle is so left in respect of an initial period being of not more than the unexpired period of the charging hours on the day of payment.
- (2) Any ticket of the type referred to in this Article shall be exhibited in the Relevant Position.
- (3) Any ticket issued by a Parking Ticket Meter shall be presumed unless the contrary is proved to have been issued on the date shown thereon and when the clock on the said parking ticket meter indicated the time to be that shown on the said ticket.
- (4) No person shall exhibit on a vehicle left in a parking place during the charging hours any ticket or tickets issued by a parking ticket meter relating to that parking place other than the ticket or tickets issued by a parking ticket meter upon payment of the initial charge in respect of that vehicle.
- (5) Any person who interferes with a Parking Ticket Machine or operates or attempts to operate it by the insertion of objects other than undamaged and unaltered coins of legal tender, shall be liable to prosecution.

Amount of Penalty Charge at Parking Places

19. (1) If a vehicle is left in a parking place during the charging hours for a longer period than that period for which payment was made, the amount shown in Part III of the Schedule (which amount is hereinafter referred to as the "Penalty Charge") shall be payable by the driver of that vehicle in accordance with Part III of the Schedule and Article 21.

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(2) If a vehicle is left in a parking place during the charging hours either:-

- (i) without having paid the initial charge, or
- (ii) without a valid parking ticket season ticket or parking permit being displayed

the amount shown in Part III of the Schedule (which amount is referred to as the "Penalty Charge") shall be payable by the driver of that vehicle in accordance with Part III of the Schedule and Article 21.

(3) If a vehicle is left in a parking place during the charging hours and fails to comply with this Order the amount shown in Part III of the Schedule (which amount is referred to as the "Penalty Charge") shall be payable by the driver of that vehicle in accordance with that Part of the Schedule and Article 21.

(4) In the case of a vehicle in respect of which an Penalty Charge may have been incurred, it shall be the duty of a Civil Enforcement Officer to attach to the vehicle in a conspicuous position or, where the driver is present, to hand to the driver, or the Council to post to the Owner the Penalty Charge Notice which shall include the following particulars and which particulars are required by the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (or any subsequent amendments):-

- (a) the date on which the notice is served;
- (b) the name and address of the Council;
- (c) the registration mark of the vehicle or, where the vehicle is being used under a trade licence, the number of the trade plate carried by the vehicle;

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- (d) the date and time at which the alleged contravention occurred;
- (e) the grounds on which the civil enforcement officer serving the notice believes that a Penalty Charge is payable;
- (f) the amount of the Penalty Charge;
- (g) that the Penalty Charge must be paid not later than the last day of the period of 28 (twenty eight) days beginning with the date on which the Penalty Charge Notice was served;
- (h) that if the Penalty Charge is paid not later than the last day of the period of 14 (fourteen) days beginning with the date on which the notice is served the Penalty Charge will be reduced by the amount of any applicable discount;
- (i) the manner in which the Penalty Charge must be paid; and
- (j) that if the Penalty Charge is not paid before the end of the period of 28 (twenty eight) days referred to in (g) above a notice to the owner may be served by the Council on the owner of the vehicle.

Restriction on removal of notices

20. When a Penalty Charge Notice has been attached to a vehicle in accordance with any of the foregoing provisions of this Order no person other than a person authorised by the Council or the driver or a person authorised by the driver shall remove the Notice from the vehicle.

Manner of payment of Penalty Charge

21. (1) The Penalty Charge shall be paid to the Council in accordance with the instructions indicated on the Penalty Charge Notice either by cheque, which shall be delivered or sent by post to the address indicated on the Penalty Charge Notice, by debit or credit card (except Electron and American Express) on the 24 hour telephone payment line; 0845 234 0038 or by any other acceptable means

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which is agreed by the Council and the person or persons paying the Penalty Charge.

- (2) The Penalty Charge must be paid to the Council before the end of twenty eight days beginning with the date of the Penalty Charge Notice.
- (3) If the Penalty Charge is paid to the Council before the end of a period of fourteen days beginning with the date of the Penalty Charge Notice the amount of the Penalty Charge shall be reduced in accordance with the Part III of the Schedule of this Order which is pursuant to the Traffic Management Act 2004.
- (4) For the purposes of this Article the Penalty Charge shall be taken to be paid when it is received at the office at the address indicated on the Penalty Charge Notice and if the end of the period of twenty eight days specified in paragraph (2) above or the end of the fourteen days specified in paragraph (3) above falls upon a day the Council office is closed, the period within which the payment of the Penalty Charge shall be made shall be extended until the time at which the Council office closes on the next full day on which that office is open. If full payment is not received within 28 (twenty eight) days of issue, the registered keeper or the person that the Council believes to be the owner of the vehicle will receive a Notice to Owner.
- (5) At this stage, the registered owner/keeper of the vehicle can submit a formal representation objecting to the issue of the Penalty Charge Notice. Vehicle keeper information will be requested from the DVLA.
- (6) In the event that the formal representation is rejected, the registered owner/keeper can submit an appeal to the Traffic Penalty Tribunal. They are an independent body and will consider the registered owner/keeper's comments and those offered by the Council. A final decision will be reached.
- (7) If no payment is received within twenty eight days of the date of service of the Notice to Owner, a Charge Certificate will be issued and the outstanding amount is increased by 50%.
- (8) Continued non payment will result in the debt being registered at the County Court and an Order for Recovery will be sent to the owner. At

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this stage, the outstanding amount has increased by £7.00 and a period of 21 (twenty one) days are allowed for payment or for a witness statement to be submitted.

- (9) Failure to pay the outstanding amount will result in the outstanding amount being referred to a bailiff to recover the monies.

Miscellaneous

22. The driver of a vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking place, and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place.
23. (1) No person shall use a vehicle, while it is in a parking place, in connection with the sale of any article to persons or the sale of that vehicle or offering or advertising that vehicle for sale to persons in or near the parking place or in connection with the selling or offering or advertising for hire of his skill or service.
- (2) No person shall use any part of a parking place or any vehicle left in a parking place:
- (a) for sleeping or camping or cooking; or
 - (b) For the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place.
24. The driver of a vehicle using a parking place shall not sound any horn or other similar instrument except when about to change the position of the vehicle in or to depart from the parking place.
25. No person shall in a parking place wantonly shout or otherwise make a loud noise to the disturbance or annoyance of users of the parking place or residents of premises in the neighbourhood.

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26. No person shall in a parking place use any threatening, abusive or insulting language, gesture or conduct with intent to put any person in fear or so as to occasion a breach of the peace and whereby a breach of the peace is likely to be occasioned.

27. Where in a parking place signs are erected or surface markings are laid for the purpose of:-

- (a) indicating the entrance to or exit from the parking place, or
- (b) indicating that a vehicle using the parking place shall proceed in a specified direction within the parking place;

no person shall drive or permit to be driven any vehicle (i) so that it enters the parking place otherwise than by an entrance, or leaves the parking place otherwise than by an exit, so indicated, or (ii) in a direction other than so specified.

28. No person shall, except with the permission of a person authorised by the Council in that behalf, drive or permit to be driven any vehicle in a parking place or any part of any car park to which this Order relates for any purpose other than the purpose of leaving that vehicle in the parking place in accordance with the provisions of this Order or for the purpose of departing from the parking place.

29. No person shall permit the vehicle to remain continuously in a parking place specified in Part II of the Schedule for a period of more than forty eight (48) hours without express written permission of the Council.

30. Caravans shall not be permitted to wait in any parking place at any time without the express written permission of the Council.

31. Heavy goods vehicles shall not be permitted to wait in any parking place unless that parking place is of that specified class at any time without the express written permission of the Council.

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32. Trailers that are not attached to a vehicle shall not be permitted to wait in any parking place at any time without the express written permission of the Council.
33. In a parking place no person shall:-
- (a) erect or permit to be erected any tent, booth, stand, building or other structure without the written consent of the Council.
 - (b) light or cause or permit to be lit any fire.
 - (c) drive a vehicle above the speed of 10mph (ten miles per hour) or for driving around such parking place unnecessarily for driving recklessly erratically dangerously or for any game or sport involving motor vehicles or motor sport rally or motor trial.
 - (d) place a skip or similar storage receptacles or for the storing of goods rubbish or waste of any description howsoever short or long the period without the express written permission of the Council.
 - (e) commit any criminal offence.
34. Save as provided in Article 35 of this Order, no person shall cause or permit any vehicle to wait at any time on any carriageway giving access to or egress from a parking place.
35. Nothing in Article 34 of this Order shall prevent a person from causing or permitting a vehicle to wait on any such carriageway as is mentioned therein for as long as may be necessary:-
- (a) if the vehicle is waiting, owing to the driving being prevented from proceeding by circumstances beyond his control or such waiting as is necessary to prevent an accident;
 - (b) if the vehicle is a fire engine or ambulance or any vehicle in the service of the local authority or police force being used in either case in pursuance of statutory powers or duties.

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36. Any vehicle using or remaining in the parking place shall be at the owner's or driver's risk and the Council, or its agents, officers or employees shall not be liable for loss or damage to it or its contents or accessories howsoever arising.
37. The Council may at its complete discretion and without prior notice having been given, suspend the use of any parking place covered by this Order.

PART III – EXEMPTION

38. (1) The driver of a disabled persons vehicle which displays in the Relevant Position a disabled person's badge shall be exempt from any limitation of time and from any payment specified in Articles 5 to 10. A driver who is neither disabled nor carrying a disabled person at the time of parking is not exempt from the provisions of Articles 4, 5, and 6
- (2) For the purpose of this Order a vehicle shall be regarded as displaying a disabled person's badge in the relevant position when:–
 - (i) in the case of a vehicle fitted with a front windscreen, the badge is exhibited thereon with the obverse side facing forwards on the near side of and immediately behind the windscreen, and
 - (ii) in the case of a vehicle not fitted with a front windscreen, the badge is exhibited in a conspicuous position on the front or nearside of the vehicle.

PART III – REMOVAL OF VEHICLE FROM PARKING PLACE

39. (1) If a vehicle is left in a parking place in a position other than in accordance with the provisions of Article 4, a person authorised by the Council may alter or cause to be altered the position of the vehicle so that its position is in accordance with the said provisions.
- (2) If a vehicle is left in a parking place in contravention of any of the provisions of this Order a person authorised by the Council may remove the vehicle from that parking place or arrange for such removal and storage of the vehicle.
- (3) For the purpose of meeting the requirements of any emergency, a person authorised by the Council or a police constable in uniform may alter or cause to be altered the position of a vehicle in a parking place or remove or arrange for the removal and storage of a vehicle from a parking place.
- (4) If a vehicle is removed and stored as mentioned in (2) and (3) above the Council shall serve upon the owner of the vehicle a notice stating that their vehicle has been removed and inform them of where it is being stored. Also the notice will stipulate the charges incurred in accordance with the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 (and any subsequent amendments) which are set out in Part III of the Schedule.
- (5) The Council may for the purpose of altering or causing to be altered the position of any such vehicle or for the purpose of removing or arranging removal of such vehicle gain access by the use of reasonable force if necessary to such vehicle.
- (6) Any person altering, or causing the alteration of, the position of a vehicle by virtue of paragraph (1) of this Article, or removing, or causing the removal of, a vehicle by virtue of paragraph (2) or (3) of this Article, may do so by towing or driving the vehicle or in such other manner as he may think reasonably necessary to enable the position of the vehicle to be altered or the vehicle to be removed.

- (7) Any person removing or arranging for the removal of a vehicle by virtue of paragraph (2) or (3) of this Article shall make such arrangements as he considers reasonably necessary for the safety of the vehicle in the place to which it is removed and stored.
- (8) The Council or other person shall not be liable for any cost claim demand or liability arising from the exercise of their powers under this Article.

PART V – DISPOSAL OF VEHICLES ABANDONED IN A PARKING PLACE

- 40. The Council may as respects a vehicle which has been, or could at any time be, removed from a parking place in pursuance of Article 39 of this Order, if it appears to them to have been abandoned, sell or otherwise dispose of the vehicle. Provided that the power of disposal conferred by this Article shall not be exercisable in the case of a vehicle unless there have been taken by the Council such of the following steps as are applicable to the vehicle and there has elapsed a period of six weeks beginning with the taking of the first of those steps.
- 41. (1) Subject to the provisions of Article 47 of this Order, where a vehicle carries a registration mark issued under the Vehicle Excise and Registration Act 1994 the Council shall apply in writing to the Driver and Vehicle Licensing Agency enquiring who it appears may be the owner of the vehicle and the address of that person.
 - (2) Where the Council act under this Article the first step for the purposes of the last and next succeeding Article shall be taken to be the sending of the notice mentioned in Article 42.
- 42. The Council shall, where they are by virtue of the last preceding Article aware of the name and address of a person who it appears may be the owner of the vehicle, send a notice to that person at that address stating that it is the intention of the Council to sell or otherwise dispose of the vehicle (which shall be sufficiently described in the notice) on or after a

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specified date (which shall not be less than two weeks from the date of the notice and in any event not earlier than 6 (six) weeks from the date of the first step taken by the Council under this part of this Order) unless it is in the meantime removed by or on behalf of that person from such place as is specified by the Council in the said notice, or from such place as may be subsequently notified in writing by the Council to that person.

43. If any person to whom a notice is sent in accordance with the last preceding Article informs the Council of the name and address of some other person whom he alleges may be the owner of the vehicle a notice stating the particulars mentioned in the last preceding Article shall be sent to that other person and to any further person who the Council may in consequence of the sending of the notice to the said other person be led to believe may be the owner of the vehicle.
44. Subject to the provisions of Article 48 of this Order, where a vehicle does not carry a registration mark issued under the Vehicle Excise and Registration Act 1994, the first step to be taken by the Council shall be to apply in writing to the Chief Officer of the Police in whose area the parking place is from which the vehicle has been, or could at any time be, removed in pursuance of this Order inquiring who that officer considers is the owner of the vehicle and the address of that person.
45. If, after steps have been taken under the foregoing provisions of this Part of this Order, a vehicle is not claimed, the Council shall make further enquiries (if any) as they consider reasonable as to who may be the owner of the vehicle and the address of that person.
46. Where by virtue of Article 44 or 45 of this Order, the Council are informed of the name and address of a person who it is considered may be the owner of the vehicle, Articles 42 and 43 of this Order as respects the sending of notices shall apply in relation to that person at that address as they apply in relation to the person mentioned in the said Article 42.

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47. Nothing in the foregoing provisions of this part of this Order shall require the Council to take any such steps as are therein mentioned for the purpose of inquiring who is the owner of a vehicle to which Article 40 of this Order applies, if they have found a person who satisfies them that he is in fact the owner of that vehicle and they have sent him at his address a notice containing the particulars specified in Article 42 of this Order.
48. Upon the sale of a vehicle by the Council, the Council shall apply the proceeds of sale in or towards the satisfaction of any costs incurred by them in connection with the disposal thereof and of any charge or payment to which they are entitled as regards the vehicle under Section 102 of the 1984 Act.
49. In the event of any such costs incurred by them in connection with the disposal of the vehicle not being satisfied by virtue of the last preceding Article, the Council may recoup those costs so far as not satisfied from the person who was the last owner of the vehicle before it was removed from the parking place in pursuance of Article 39 of this Order, if that person was sent by the Council a notice under the foregoing provisions of this part of this Order stating the particulars mentioned in Article 42 of this Order.
50. Any sum received by the Council on a sale of the vehicle, after deducting any sum applied there out by virtue of Article 48 of this Order, shall be payable within a period of 1 (one) year from the date of the sale of the vehicle to any person whom, but for such sale the vehicle would have belonged, and insofar as any such sums are not claimed within the said period they shall be paid into the general fund of the Council.
51. If the owner of a vehicle which has been or which could at any time have been removed from a parking place in pursuance of Article 40 of this Order, reclaims the vehicle before the Council sells or otherwise disposes of it as provided for by Article 40 of this Order then the Council shall be entitled to recover from such owner any charge or payment to which they are entitled as regards the vehicle under Section 102 of the 1984 Act.

Appendix 1 - New Parking Order (28.12.16)

52. Where under the foregoing provisions of this Part of this Order a notice is required to be, or may be, sent to a person the notice shall be sent by registered post or by the recorded delivery service.

Executed as a Deed by SOUTH)

KESTEVEN DISTRICT COUNCIL)

having caused its common seal)

to be affixed hereto)

In the presence of)

SOUTH KESTEVEN DISTRICT COUNCIL
CIVIL ENFORCEMENT OFF- STREET PARKING PLACES
ORDER ~~2012~~2017

South Kesteven District Council (“the Council”) in exercise of its powers under Section 35 and Schedule 9 of the Road Traffic Regulation Act 1984 as amended (“the 1984 Act”) and the Traffic Management Act 2004 (“the 2004 Act”) and of all other enabling powers and with the consent of the Lincolnshire County Council given under Section 39(3) of the 1984 Act and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the 1984 Act and in compliance with regulations made under the Act make the following Order:-

PART I – GENERAL

1. This Order is made on the ~~13th September 2012~~^{**} and will come into effect on the ~~3rd December 2012~~ and may be cited as the South Kesteven District Council Civil Enforcement Off-Street Parking Places Order ~~2012~~2017.
2. The South Kesteven District Council Civil Enforcement Off-Street Parking Places Order 2012 and all subsequent variations or amendments are revoked by this Order.
3. (1) Any reference in this Order to a numbered Article is a reference to the Article bearing that number in this Order and any reference in this Order to “the Schedule” is a reference to the Schedule to this Order.

(2) In this Order – except where the context otherwise requires – the following expressions shall have the meanings respectively assigned to them:-

Appendix 2: Existing Parking Order, proposed amendments shown in red (28.12.16)

“Cashless Parking”, means a cashless prepayment made via a telephone, smartphone, computer or other method, allowing a vehicle to park for a period of time. When that time runs out the vehicle is required to leave the Parking Place;

“charging hours” – means any period specified in column 5 of Part I of the Schedule on any day prescribed in column 4 of Part I of the Schedule as a day when charges are payable.

“civil enforcement officer” – means the officer appointed by or on behalf of the Council to supervise the parking places.

“Council” – means South Kesteven District Council situated at St. Peter’s Hill Grantham Lincolnshire NG31 6PZ.

“disabled person’s badge” – has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 and shall include a badge issued under regulations having effect in Scotland or Wales under s21 of the Chronically Sick and Disabled Persons Act 1970.

“disabled person’s vehicle” – means a vehicle driven by a disabled person, or used at the time of parking for the carriage of a disabled person as defined in the above Regulations.

“driver” – means the person driving the vehicle at the time it was left in the parking place.

“owner” – means the person by whom the vehicle is kept and for the purposes of this Order it shall be presumed that the owner was the person in whose name the vehicle was at the relevant time registered under the provisions of the Vehicle Excise and

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Registration Act 1994 and “registered keeper” shall be construed accordingly.

“motorcycle” – means a solo motorcycle only and excludes any motorcycle which has a side car or trailer or which has more than two wheels.

“parking bay” – means the area of a parking place which is provided for the leaving of the vehicle and indicated by markings on the surface of the parking place.

“parking place” – means any area of land specified in column 1 of Part I and Part II of the Schedule provided by the Council in pursuance of Section 32 (1) of the 1984 Act for use as a parking place.

“parking ticket meter” and “ticket issuing machine” – means such apparatus or device as may from time to time be provided by the Council and situated in the parking place for the purpose of Article 5 of this Order.

“Pass” means a voucher issued by the Council on such terms and conditions as it shall be decided, permitting a Driver to leave a vehicle in a Parking Place without the purchase and display of a Pay and Display Ticket, Resident Car Park Permit, Season Ticket or Cashless payment. A Pass may include a Council Member Pass and a Council Staff Pass;

“Pay and Display Ticket” means a ticket issued by a Parking Ticket Machine indicating the payment of the charge, the date on which the ticket is valid and the time that paid for parking runs out when the vehicle is required to leave the Parking Place;

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“Penalty Charge” has the same meaning as in Section 92 of the 2004 Act; The penalty charge shall be set at Band 2 as set out in Section 1 of the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007;

“Penalty Charge Notice” means a notification of a Penalty Charge pursuant to the provisions of Section 78 of the 2004 Act and the Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

“Relevant Position” means

- (a) In respect of a Disabled Person’s Badge
- (i) The Badge is shown inside the windscreen on the dashboard or fascia of the vehicle, or
 - (ii) where the vehicle is not fitted with a dashboard, fascia or windscreen, the Badge is shown in a conspicuous position on the vehicle

and in each case so that the date of expiry, the name of the issuing authority and the serial number are clearly visible and able to be read easily from outside the vehicle, and

- (b) in respect of Pass, Pay and Display Ticket, Season Ticket,
- (i) The Pass, Pay and Display Ticket, Season Ticket, is shown inside the windscreen, or
 - (ii) In the case where of a vehicle is not fitted with a dashboard, the Pass, Pay and Display Ticket, or Season Ticket must be displayed in a conspicuous position on or in the vehicle

and in each case so that the front face and all of the information including any expiry time and date, any date of validity and any reference number is able to be read easily from outside the vehicle;

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“Restricted Area”, in respect of a Parking Place means any area other than a Parking Bay and where parking is not permitted;

“Season Ticket” means a ticket purchased from the Council and issued subject to the Council’s terms and conditions, valid for the period specified on the ticket and in the Parking Place(s) specified on the ticket;

“vehicle” means any motorcar, motorcycle or other mechanically propelled automobile.

- (3) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

PART II – USE OF PARKING PLACES

Use of land and parking places

4. (1) (i) Each area of land specified by name in column 1 of Part I and Part II of the Schedule to this Order may only be used subject to the following provisions of this Order as a parking place for such class or classes of vehicles in such positions on such days and during such hours as are specified in relation to that area in Part I of the Schedule.
- (2) (i) Where in Part I and Part II of the Schedule a parking place is described as available for vehicles of a specified class or in a specified position the driver of a vehicle shall not permit it to wait in that parking place unless it is of the class and in the position so specified.
- (ii) Where within a parking place there is a sign or surface marking which indicates that a parking bay is available

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only for a disabled persons vehicle the driver of a vehicle shall not permit it to wait in that parking bay unless it is a disabled persons vehicle displaying a disabled persons badge.

(iii) Where within a parking place there is a surface marking of lines or hatching or some other marking indicating that waiting or parking is not permitted within or over such lines hatching or other marking the driver of a vehicle shall not permit it to wait or be parked on such markings but must ensure that it is left wholly within a parking bay and parked between the lines so as not to obstruct access to and egress from the parking place or any part thereof for other users or to obstruct the free movement of vehicles using other parking bays within the parking place.

(3) Insofar as a vehicle is left in a parking place during the charging hours the driver thereof shall pay such charge or charges as are specified in the following provisions of this Order.

Amount of initial charge at parking places

5. (1) This article applies to the parking places specified by name in column 1 of Part I of the Schedule.

(2) The initial charge for a vehicle parking in a parking place during the charging hours shall, subject as hereinafter provided, be in accordance with the Scale of Charges specified in column 7 of Part I of the Schedule.

(3) ~~The initial charge referred to in the last preceding paragraph shall be payable at the time of arrival of the vehicle in the parking place by the insertion into the parking ticket meter relating to the parking~~

Appendix 2: Existing Parking Order, proposed amendments shown in red (28.12.16)

~~place of a coin or coins amounting to the value of the initial charge.~~

~~(4) The owner of a vehicle may on application to the Council purchase a season ticket in respect of that vehicle for a charge ascertained by reference to the said Scale of Charges and that season ticket shall be valid in such parking places and at such times as may be determined by the Council during the period for which it is issued. The Council reserves the right to suspend the issue of season tickets without notice.~~

~~(5) The Council may, at its discretion, issue a parking permit to the driver of a vehicle and that parking permit shall be valid in such parking places and at such times as may be determined by the Council.~~

~~(6) The driver of a vehicle shall attach or cause to be attached any ticket or tickets issued on payment of the initial charge referred to in this Article or any season ticket or parking permit issued under this Article in a conspicuous position on the vehicle in respect of which issued and shall cause the said ticket or tickets, season ticket or parking permit to be exhibited in that position at all times when the vehicle is parked in a parking place.~~

Payment

6. The Driver of a vehicle using a Parking Place shall, upon parking the Vehicle in the Parking Place, make payment of a charge either by:

- (i) purchasing a Pay and Display Ticket; or
- (ii) making a Cashless Parking prepayment at the level of the charge for the period required in accordance with the scale of charges specified in Part I of the Schedule, or otherwise varied by an Order or a Notice of Variation.

Means of payment

7. The charge referred to in Article 5 shall be payable either by:

(i) the insertion of an appropriate coin, coins, banknotes or by means of a credit/debit card, making up the amount of the charge payable to the Parking Ticket Machine situated in that Parking Place, or by payment to a person nominated by the Council, or other approved method of payment.

(ii) a cashless prepayment made via a telephone, smartphone, computer or other method, allowing a vehicle to park for a period of time.

8. The owner of a vehicle may on application to the Council purchase a Season Ticket in respect of that vehicle for a charge ascertained by reference to the said Scale of Charges and that season ticket shall be valid in such parking places and at such times as may be determined by the Council during the period for which it is issued. The Council reserves the right to suspend the issue of Season Tickets without notice.

9. The Council may, at its discretion, issue a parking permit or pass to the driver of a vehicle and that parking permit shall be valid in such parking places and at such times as may be determined by the Council.

10. The driver of a vehicle shall attach or cause to be attached any ticket or tickets issued on payment of the initial charge referred to in this Article or any Season Ticket or Pass issued under this Article in the Relevant Position at all times when the vehicle is parked in a parking place.

Validity of Pay and Display Tickets

11. A Pay and Display Ticket is not transferable from one vehicle to another.

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12. A Pay and Display Ticket is valid only in the Parking Place in which it was issued. This is defined by the reference code and/or location of the Parking Ticket Machine in that Parking Place, printed on the Pay and Display Ticket.

Expiry of parking period

13. The parking period expires where:

- (i) a Pay and Display Ticket is purchased and the time indicated on the Hand Held Computer is later than the expiry time and date indicated on the Pay and Display Ticket displayed on a vehicle; or
- (ii) a Cashless Parking prepayment is made and the time indicated on the Hand Held Computer or other device is later than the expiry time and date of the electronic record of that transaction.

14. The vehicle shall be removed from the Parking Place by the end of the parking period.

No Ticket displayed

15. Where neither a Pay and Display Ticket or Pass is displayed on a vehicle in the Relevant Position and in accordance with the provisions of Article 16, nor can it be determined that a Cashless Parking prepayment has been made, it shall be deemed that the charge has not been paid.

16. If at the time when a vehicle is left in a Parking Place and on the nearest Parking Ticket Machine in that Parking Place there is a notice placed by any person duly authorised by the Council, indicating that the Parking Ticket Machine is out of order, or the Parking Ticket Machine displays “not in use” or a Pay and Display Ticket cannot be obtained from that Parking Ticket Machine for any reason, then a Pay and Display Ticket

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shall be obtained from another Parking Ticket Machine located within the car park (where provided).

17. A vehicle may not be left in a Parking Place if neither a valid Pay and Display Ticket has been obtained and displayed, or a Cashless Parking prepayment made.

Indication by parking ticket meter

186. (1) Payment of the initial charge for a vehicle left in a parking place shall be indicated by the issue of a ticket or tickets indicating that the charge has been paid on the day on which the vehicle is so left in respect of an initial period being of not more than the unexpired period of the charging hours on the day of payment.
- (2) Any ticket of the type referred to in this Article shall be exhibited in the ~~manner specified in Article 5(6) of this Order.~~ Relevant Position
- (3) Any ticket issued by a parking ticket meter shall be presumed unless the contrary is proved to have been issued on the date shown thereon and when the clock on the said parking ticket meter indicated the time to be that shown on the said ticket.
- (4) No person shall exhibit on a vehicle left in a parking place during the charging hours any ticket or tickets issued by a parking ticket meter relating to that parking place other than the ticket or tickets issued by a parking ticket meter upon payment of the initial charge in respect of that vehicle.

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- (5) Any person who interferes with a Parking Ticket Machine or operates or attempts to operate it by the insertion of objects other than undamaged and unaltered coins of legal tender, shall be liable to prosecution.

Amount of Penalty Charge at Parking Places

197. (1) If a vehicle is left in a parking place during the charging hours for a longer period than that period for which payment was made, the amount shown in Part III of the Schedule (which amount is hereinafter referred to as the “Penalty Charge”) shall be payable by the driver of that vehicle in accordance with Part III of the Schedule and Article 9-21.

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(2) If a vehicle is left in a parking place during the charging hours either:-

- (i) without having paid the initial charge, or
- (ii) without a valid parking ticket season ticket or parking permit being displayed

the amount shown in Part III of the Schedule (which amount is referred to as the "Penalty Charge") shall be payable by the driver of that vehicle in accordance with Part III of the Schedule and Article 219.

(3) If a vehicle is left in a parking place during the charging hours and fails to comply with ~~Articles 4 (2) and 10 to 25 of~~ this Order the amount shown in Part III of the Schedule (which amount is referred to as the "Penalty Charge") shall be payable by the driver of that vehicle in accordance with that Part III of the Part of the Schedule and Article 219.

(4) In the case of a vehicle in respect of which an Penalty Charge may have been incurred, it shall be the duty of a Civil Enforcement Officer to attach to the vehicle in a conspicuous position or, where the driver is present, to hand to the driver, or the Council to post to the Owner the Penalty Charge Notice which shall include the following particulars and which particulars are required by the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (or any subsequent amendments):-

- (a) the date on which the notice is served;
- (b) the name and address of the Council;

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- (c) the registration mark of the vehicle or, where the vehicle is being used under a trade licence, the number of the trade plate carried by the vehicle;
- (d) the date and time at which the alleged contravention occurred;
- (e) the grounds on which the civil enforcement officer serving the notice believes that a Penalty Charge is payable;
- (f) the amount of the Penalty Charge;
- (g) that the Penalty Charge must be paid not later than the last day of the period of 28 (twenty eight) days beginning with the date on which the Penalty Charge Notice was served;
- (h) that if the Penalty Charge is paid not later than the last day of the period of 14 (fourteen) days beginning with the date on which the notice is served the Penalty Charge will be reduced by the amount of any applicable discount;
- (i) the manner in which the Penalty Charge must be paid; and
- (j) that if the Penalty Charge is not paid before the end of the period of 28 (twenty eight) days referred to in (g) above a notice to the owner may be served by the Council on the owner of the vehicle.

Restriction on removal of notices

208. When a Penalty Charge Notice has been attached to a vehicle in accordance with any of the foregoing provisions of this Order no person other than a person authorised by the Council or the driver or a person authorised by the driver shall remove the Notice from the vehicle.

Manner of payment of Penalty Charge

219. (1) The Penalty Charge shall be paid to the Council in accordance with the instructions indicated on the Penalty Charge Notice either by cheque, which shall be delivered or sent by post to the address indicated on the Penalty Charge Notice, by debit or credit card (except Electron and American Express) on the 24 hour telephone payment line; 0845 234 0038 or by any other acceptable means which is agreed by the Council and the person or persons paying the Penalty Charge.
- (2) The Penalty Charge must be paid to the Council before the end of twenty eight days beginning with the date of the Penalty Charge Notice.
- (3) If the Penalty Charge is paid to the Council before the end of a period of fourteen days beginning with the date of the Penalty Charge Notice the amount of the Penalty Charge shall be reduced in accordance with the Part III of the Schedule of this Order which is pursuant to the Traffic Management Act 2004.
- (4) For the purposes of this Article the Penalty Charge shall be taken to be paid when it is received at the office at the address indicated on the Penalty Charge Notice and if the end of the period of twenty eight days specified in paragraph (2) above or the end of the fourteen days specified in paragraph (3) above falls upon a day the Council office is closed, the period within which the payment of the Penalty Charge shall be made shall be extended until the time at which the Council

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office closes on the next full day on which that office is open. If full payment is not received within 28 (twenty eight) days of issue, the registered keeper or the person that the Council believes to be the owner of the vehicle will receive a Notice to Owner.

- (5) At this stage, the registered owner/keeper of the vehicle can submit a formal representation objecting to the issue of the Penalty Charge Notice. Vehicle keeper information will be requested from the DVLA.
- (6) In the event that the formal representation is rejected, the registered owner/keeper can submit an appeal to the Traffic Penalty Tribunal. They are an independent body and will consider the registered owner/keeper's comments and those offered by the Council. A final decision will be reached.
- (7) If no payment is received within twenty eight days of the date of service of the Notice to Owner, a Charge Certificate will be issued and the outstanding amount is increased by 50%.
- (8) Continued non payment will result in the debt being registered at the County Court and an Order for Recovery will be sent to the owner. At this stage, the outstanding amount has increased by £7.00 and a period of 21 (twenty one) ~~days~~days are allowed for payment or for a witness statement to be submitted.
- (9) Failure to pay the outstanding amount will result in the outstanding amount being referred to a bailiff to recover the monies.

Miscellaneous

4022. The driver of a vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking place, and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place.

4123. (1) No person shall use a vehicle, while it is in a parking place, in connection with the sale of any article to persons or the sale of that vehicle or offering or advertising that vehicle for sale to

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persons in or near the parking place or in connection with the selling or offering or advertising for hire of his skill or service.

- (2) No person shall use any part of a parking place or any vehicle left in a parking place:
- (a) for sleeping or camping or cooking; or
 - (b) For the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place.

4224. The driver of a vehicle using a parking place shall not sound any horn or other similar instrument except when about to change the position of the vehicle in or to depart from the parking place.

2543. No person shall in a parking place wantonly shout or otherwise make a loud noise to the disturbance or annoyance of users of the parking place or residents of premises in the neighbourhood.

2644. No person shall in a parking place use any threatening, abusive or insulting language, gesture or conduct with intent to put any person in fear or so as to occasion a breach of the peace and whereby a breach of the peace is likely to be occasioned.

2745. Where in a parking place signs are erected or surface markings are laid for the purpose of:-

- (a) indicating the entrance to or exit from the parking place, or
- (b) indicating that a vehicle using the parking place shall proceed in a specified direction within the parking place;

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no person shall drive or permit to be driven any vehicle (i) so that it enters the parking place otherwise than by an entrance, or leaves the parking place otherwise than by an exit, so indicated, or (ii) in a direction other than so specified.

~~1628~~. No person shall, except with the permission of a person authorised by the Council in that behalf, drive or permit to be driven any vehicle in a parking place or any part of any car park to which this Order relates for any purpose other than the purpose of leaving that vehicle in the parking place in accordance with the provisions of this Order or for the purpose of departing from the parking place.

~~1297~~. No person shall permit the vehicle to remain continuously in a parking place specified in Part II of the Schedule for a period of more than forty eight (48) hours without express written permission of the Council.

~~1830~~. Caravans shall not be permitted to wait in any parking place at any time without the express written permission of the Council.

~~1931~~. Heavy goods vehicles shall not be permitted to wait in any parking place unless that parking place is of that specified class at any time without the express written permission of the Council.

~~2032~~. Trailers that are not attached to a vehicle shall not be permitted to wait in any parking place at any time without the express written permission of the Council.

~~2133~~. In a parking place no person shall:-

- (a) erect or permit to be erected any tent, booth, stand, building or other structure without the written consent of the Council.
- (b) light or cause or permit to be lit any fire.

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- (c) drive a vehicle above the speed of 10mph (ten miles per hour) or for driving around such parking place unnecessarily for driving recklessly erratically dangerously or for any game or sport involving motor vehicles or motor sport rally or motor trial.
- (d) place a skip or similar storage receptacles or for the storing of goods rubbish or waste of any description howsoever short or long the period without the express written permission of the Council.
- (e) commit any criminal offence.

2234. Save as provided in Article ~~23~~35 of this Order, no person shall cause or permit any vehicle to wait at any time on any carriageway giving access to or egress from a parking place.

2335. Nothing in Article ~~22~~34 of this Order shall prevent a person from causing or permitting a vehicle to wait on any such carriageway as is mentioned therein for as long as may be necessary:-

- (a) if the vehicle is waiting, owing to the driving being prevented from proceeding by circumstances beyond his control or such waiting as is necessary to prevent an accident;
- (b) if the vehicle is a fire engine or ambulance or any vehicle in the service of the local authority or police force being used in either case in pursuance of statutory powers or duties.

2436. Any vehicle using or remaining in the parking place shall be at the owner's or driver's risk and the Council, or its agents, officers or employees shall not be liable for loss or damage to it or its contents or accessories howsoever arising.

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2537. The Council may at its complete discretion and without prior notice having been given, suspend the use of any parking place covered by this Order.

PART III – EXEMPTION

2638. (1) The driver of a disabled persons vehicle which displays in the relevant position a disabled person's badge shall be exempt from any limitation of time ~~specified in Article 4~~ and from any payment specified in Articles 5 ~~and 6~~ to 10. A driver who is neither disabled nor carrying a disabled person at the time of parking is not exempt from the provisions of Articles ~~4, 5, and 5 to 10~~ 6.

(2) For the purpose of this Order a vehicle shall be regarded as displaying a disabled person's badge in the ~~R~~relevant ~~P~~position when:–

- (i) in the case of a vehicle fitted with a front windscreen, the badge is exhibited thereon with the obverse side facing forwards on the near side of and immediately behind the windscreen, and
- (ii) in the case of a vehicle not fitted with a front windscreen, the badge is exhibited in a conspicuous position on the front or nearside of the vehicle.

PART III – REMOVAL OF VEHICLE FROM PARKING PLACE

2397. (1) If a vehicle is left in a parking place in a position other than in accordance with the provisions of Article 4, a person authorised by the Council may alter or cause to be altered the position of the vehicle so that its position is in accordance with the said provisions.
- (2) If a vehicle is left in a parking place in contravention of any of the provisions of this Order a person authorised by the Council may remove the vehicle from that parking place or arrange for such removal and storage of the vehicle.
- (3) For the purpose of meeting the requirements of any emergency, a person authorised by the Council or a police constable in uniform may alter or cause to be altered the position of a vehicle in a parking place or remove or arrange for the removal and storage of a vehicle from a parking place.
- (4) If a vehicle is removed and stored as mentioned in (2) and (3) above the Council shall serve upon the owner of the vehicle a notice stating that their vehicle has been removed and inform them of where it is being stored. Also the notice will stipulate the charges incurred in accordance with the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 (and any subsequent amendments) which are set out in Part III of the Schedule.

- (5) The Council may for the purpose of altering or causing to be altered the position of any such vehicle or for the purpose of removing or arranging removal of such vehicle gain access by the use of reasonable force if necessary to such vehicle.
- (6) Any person altering, or causing the alteration of, the position of a vehicle by virtue of paragraph (1) of this Article, or removing, or causing the removal of, a vehicle by virtue of paragraph (2) or (3) of this Article, may do so by towing or driving the vehicle or in such other manner as he may think reasonably necessary to enable the position of the vehicle to be altered or the vehicle to be removed.
- (7) Any person removing or arranging for the removal of a vehicle by virtue of paragraph (2) or (3) of this Article shall make such arrangements as he considers reasonably necessary for the safety of the vehicle in the place to which it is removed and stored.
- (8) The Council or other person shall not be liable for any cost claim demand or liability arising from the exercise of their powers under this Article.

PART V – DISPOSAL OF VEHICLES ABANDONED IN A PARKING PLACE

4028. The Council may as respects a vehicle which has been, or could at any time be, removed from a parking place in pursuance of Article 3927 of this Order, if it appears to them to have been abandoned, sell or otherwise dispose of the vehicle. Provided that the power of disposal conferred by this Article shall not be exercisable in the case of a vehicle unless there have been taken by the Council such of the following steps as are applicable to the vehicle and there has elapsed a period of six weeks beginning with the taking of the first of those steps.

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4129. (1) Subject to the provisions of Article ~~3475~~ of this Order, where a vehicle carries a registration mark issued under the Vehicle Excise and Registration Act 1994 the Council shall apply in writing to the Driver and Vehicle Licensing Agency enquiring who it appears may be the owner of the vehicle and the address of that person.

(2) Where the Council act under this Article the first step for the purposes of the last and next succeeding Article shall be taken to be the sending of the notice mentioned in Article ~~4230~~.

4320. The Council shall, where they are by virtue of the last preceding Article aware of the name and address of a person who it appears may be the owner of the vehicle, send a notice to that person at that address stating that it is the intention of the Council to sell or otherwise dispose of the vehicle (which shall be sufficiently described in the notice) on or after a specified date (which shall not be less than two weeks from the date of the notice and in any event not earlier than 6 (six) weeks from the date of the first step taken by the Council under this part of this Order) unless it is in the meantime removed by or on behalf of that person from such place as is specified by the Council in the said notice, or from such place as may be subsequently notified in writing by the Council to that person.

4334. If any person to whom a notice is sent in accordance with the last preceding Article informs the Council of the name and address of some other person whom he alleges may be the owner of the vehicle a notice stating the particulars mentioned in the last preceding Article shall be sent to that other person and to any further person who the Council may in consequence of the sending of the notice to the said other person be led to believe may be the owner of the vehicle.

4432. Subject to the provisions of Article ~~4836~~ of this Order, where a vehicle does not carry a registration mark issued under the Vehicle Excise

Appendix 2: Existing Parking Order, proposed amendments shown in red (28.12.16)

and Registration Act 1994, the first step to be taken by the Council shall be to apply in writing to the Chief Officer of the Police in whose area the parking place is from which the vehicle has been, or could at any time be, removed in pursuance of this Order inquiring who that officer considers is the owner of the vehicle and the address of that person.

4533. If, after steps have been taken under the foregoing provisions of this Part of this Order, a vehicle is not claimed, the Council shall make further enquiries (if any) as they consider reasonable as to who may be the owner of the vehicle and the address of that person.

4634. Where by virtue of Article ~~32-44~~ or 4533 of this Order, the Council are informed of the name and address of a person who it is considered may be the owner of the vehicle, Articles ~~30-42~~ and 434 of this Order as respects the sending of notices shall apply in relation to that person at that address as they apply in relation to the person mentioned in the said Article ~~3042~~.

4735. Nothing in the foregoing provisions of this part of this Order shall require the Council to take any such steps as are therein mentioned for the purpose of inquiring who is the owner of a vehicle to which Article ~~28~~ 40 of this Order applies, if they have found a person who satisfies them that he is in fact the owner of that vehicle and they have sent him at his address a notice containing the particulars specified in Article ~~30-42~~ of this Order.

4836. Upon the sale of a vehicle by the Council, the Council shall apply the proceeds of sale in or towards the satisfaction of any costs incurred by them in connection with the disposal thereof and of any charge or payment to which they are entitled as regards the vehicle under Section 102 of the 1984 Act.

Appendix 2: Existing Parking Order, proposed amendments shown in red
(28.12.16)

4937. In the event of any such costs incurred by them in connection with the disposal of the vehicle not being satisfied by virtue of the last preceding Article, the Council may recoup those costs so far as not satisfied from the person who was the last owner of the vehicle before it was removed from the parking place in pursuance of Article 2739 of this Order, if that person was sent by the Council a notice under the foregoing provisions of this part of this Order stating the particulars mentioned in Article 3042 of this Order.

3850. Any sum received by the Council on a sale of the vehicle, after deducting any sum applied there out by virtue of Article 3648 of this Order, shall be payable within a period of 1 (one) year from the date of the sale of the vehicle to any person whom, but for such sale the vehicle would have belonged, and insofar as any such sums are not claimed within the said period they shall be paid into the general fund of the Council.

3951. If the owner of a vehicle which has been or which could at any time have been removed from a parking place in pursuance of Article 2840 of this Order, reclaims the vehicle before the Council sells or otherwise disposes of it as provided for by Article 2840 of this Order then the Council shall be entitled to recover from such owner any charge or payment to which they are entitled as regards the vehicle under Section 102 of the 1984 Act.

4052. Where under the foregoing provisions of this Part of this Order a notice is required to be, or may be, sent to a person the notice shall be sent by registered post or by the recorded delivery service.

Executed as a Deed by SOUTH)
KESTEVEN DISTRICT COUNCIL)
having caused its common seal)
to be affixed hereto)

Appendix 2: Existing Parking Order, proposed amendments shown in red
(28.12.16)

In the presence of)

South Kesteven District Council Civil Enforcement Off-Street Parking Places Order 2017

SCHEDULE – PART I

NAME OF PARKING PLACE	POSITION IN WHICH VEHICLES MAY WAIT	CLASSES OF VEHICLES	DAYS OF OPERATION OF PARKING PLACES	HOURS OF OPERATION OF PARKING PLACE	MAXIMUM PERIOD FOR WHICH VEHICLES MAY WAIT	SCALE OF CHARGES
(1)	(2)	(3)	(4)	(5)	(6)	(7)
North Street Car Park Stamford	Wholly within a parking bay	Any of the following having a height of less than 6'6" :- (i) Motor cars within the provisions of Section 136(2)(a) of the Act (ii) Motor cycles as defined in Section 136(4) of the Act (iii) Motor vehicles constructed or adapted for use for the conveyance of goods or burden, the unladen weight of which does not exceed 1½ tonnes (iv) Invalid carriages	Monday to Saturday Inclusive	8.00 a.m. – 6.00 p.m.	10 hours	Up to 30 mins - £0.50 0 - 1 hour - £0.80 0 – 2 hours - £1.30 0 – 3 hours - £1.80 0 – 4 hours - £3.00 Over 4 hours - £4.00
Bath Row Car Park Stamford (including the river front parking)	“	“	“	“	“	“
St. Leonards Street Car Park, Stamford	“	“	“	“	“	“
Scotgate Car Park Stamford	“	“	“	“	“	“

NAME OF PARKING PLACE	POSITION IN WHICH VEHICLES MAY WAIT	CLASSES OF VEHICLES	DAYS OF OPERATION OF PARKING PLACES	HOURS OF OPERATION OF PARKING PLACE	MAXIMUM PERIOD FOR WHICH VEHICLES MAY WAIT	SCALE OF CHARGES
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Wharf Road Car Park Stamford	Wholly within a parking bay	Any of the following having a height of less than 6'6":- (i) Motor cars within the provisions of Section 136(2)(a) of the Act (ii) Motor cycles as defined in Section 136(4) of the Act (iii) Motor vehicles constructed or adapted for use for the conveyance of goods or burden, the unladen weight of which does not exceed 1½ tonnes (iv) Invalid carriages	Monday to Saturday Inclusive	8.00 a.m. – 6.00 p.m.	10 hours	Up to 3 hours - £1.80 Up to 4 hours - £2.50 ALL DAY - £3.00
Cattle Market Car Park Stamford	“	“	“	“	“	“
Cattle Market Car Park Stamford	Within one or more parking bays	Coaches	Every Day	24 hours	24 hours	£10.00 per 24 hours or part thereof

NAME OF PARKING PLACE	POSITION IN WHICH VEHICLES MAY WAIT	CLASSES OF VEHICLES	DAYS OF OPERATION OF PARKING PLACES	HOURS OF OPERATION OF PARKING PLACE	MAXIMUM PERIOD FOR WHICH VEHICLES MAY WAIT	SCALE OF CHARGES
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Welham Street Car Park Grantham Levels 1 and 2	Wholly within a parking bay	Any of the following having a height of less than 6'6":- (i) Motor cars within the provisions of Section 136(2)(a) of the Act (ii) Motor cycles as defined in Section 136(4) of the Act (iii) Motor vehicles constructed or adapted for use for the conveyance of goods or burden, the unladen weight of which does not exceed 1½ tonnes (iv) Invalid carriages	Monday to Saturday inclusive	8.00 a.m. – 6.00 p.m.	10 hours	Up to 30 mins - £0.50 0 - 1 hour - £0.80 0 – 2 hours - £1.30 0 – 3 hours - £1.80 0 – 4 hours - £3.00 Over 4 hours - £4.00
Welham Street Car Park Grantham Levels 3,4,5, and 6	“	“	“	“	“	Up to 3 hours - £1.80 Up to 4 hours - £2.50 ALL DAY - £3.00

NAME OF PARKING PLACE	POSITION IN WHICH VEHICLES MAY WAIT	CLASSES OF VEHICLES	DAYS OF OPERATION OF PARKING PLACES	HOURS OF OPERATION OF PARKING PLACE	MAXIMUM PERIOD FOR WHICH VEHICLES MAY WAIT	SCALE OF CHARGES
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Conduit Lane Car Park Grantham	Wholly within a parking bay	Any of the following having a height of less than 6'6" :- (i) Motor cars within the provisions of Section 136(2)(a) of the Act (ii) Motor cycles as defined in Section 136(4) of the Act (iii) Motor vehicles constructed or adapted for use for the conveyance of goods or burden, the unladen weight of which does not exceed 1½ tonnes (iv) Invalid carriages	Monday to Saturday Inclusive	8.00 a.m. – 6.00 p.m.	10 hours	Up to 3 hours - £1.80 Up to 4 hours - £2.50 ALL DAY - £3.00
Guildhall Street Car Park (Greenwoods Row), Grantham	"	"	"	"	"	Up to 30 mins - £0.50 0 - 1 hour - £0.80 0 – 2 hours - £1.30 0 – 3 hours - £1.80 0 – 4 hours - £3.00 Over 4 hours - £4.00
Watergate Car Park Grantham	"	"	"	"	"	"

NAME OF PARKING PLACE	POSITION IN WHICH VEHICLES MAY WAIT	CLASSES OF VEHICLES	DAYS OF OPERATION OF PARKING PLACES	HOURS OF OPERATION OF PARKING PLACE	MAXIMUM PERIOD FOR WHICH VEHICLES MAY WAIT	SCALE OF CHARGES
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Council Offices Car Park St Catherine's Road Grantham	Wholly within a parking bay	Any of the following having a height of less than 6'6":- (i) Motor cars within the provisions of Section 136(2)(a) of the Act (ii) Motor cycles as defined in Section 136(4) of the Act (iii) Motor vehicles constructed or adapted for use for the conveyance of goods or burden, the unladen weight of which does not exceed 1½ tonnes (iv) Invalid carriages	Saturdays Only	8.00 a.m. – 6.00 p.m.	10 hours	Up to 30 mins - £0.50 0 - 1 hour - £0.80 0 – 2 hours - £1.30 0 – 3 hours - £1.80 0 – 4 hours - £3.00 Over 4 hours - £4.00
Wharf Road Multi Storey Car Park Grantham	“	“	Monday to Saturday Inclusive	“	“	Up to 30 mins - £0.50 0 - 1 hour - £0.80 0 – 2 hours - £1.30 0 – 3 hours - £1.80 0 – 4 hours - £6.00 Over 4 hours - £8.00

SCHEDULE – PART II
(NON PAY AND DISPLAY CAR PARKS / “FREE TO PARK” CAR PARKS)

NAME OF PARKING PLACE	POSITION IN WHICH VEHICLES MAY WAIT	CLASSES OF VEHICLES	DAYS OF OPERATION OF PARKING PLACES
Wyndham Park Hill Avenue Grantham (PLAN A)	Wholly within a parking bay	Any of the following having a height of less than 6'6":- (i) Motor cars within the provisions of Section 136(2)(a) of the Act (ii) Motor cycles as defined in Section 136(4) of the Act (iii) Motor vehicles constructed or adapted for use for the conveyance of goods or burden, the unladen weight of which does not exceed 1½ tonnes (iv) Invalid carriages	Monday to Sunday Inclusive
Dysart Park Bridge End Road Grantham (PLAN B)	Wholly within a parking bay	Any of the following having a height of less than 6'6":- (i) Motor cars within the provisions of Section 136(2)(a) of the Act (ii) Motor cycles as defined in Section 136(4) of the Act (iii) Motor vehicles constructed or adapted for use for the conveyance of goods or burden, the unladen weight of which does not exceed 1½ tonnes (iv) Invalid carriages	Monday to Sunday Inclusive
Trent Road adjacent to the Rose and Castle Public House Grantham (PLAN C)	Wholly within a parking bay	Any of the following having a height of less than 6'6":- (i) Motor cars within the provisions of Section 136(2)(a) of the Act (ii) Motor cycles as defined in Section 136(4) of the Act (iii) Motor vehicles constructed or adapted for use for the conveyance of goods or burden, the unladen weight of which does not exceed 1½ tonnes (iv) Invalid carriages	Monday to Sunday Inclusive

NAME OF PARKING PLACE	POSITION IN WHICH VEHICLES MAY WAIT	CLASSES OF VEHICLES	DAYS OF OPERATION OF PARKING PLACES
The Meres Leisure Centre and Sports Stadium on Trent Road Grantham (PLAN D)	Wholly within a parking bay	Any of the following having a height of less than 6'6":- (i) Motor cars within the provisions of Section 136(2)(a) of the Act (ii) Motor cycles as defined in Section 136(4) of the Act (iii) Motor vehicles constructed or adapted for use for the conveyance of goods or burden, the unladen weight of which does not exceed 1½ tonnes (iv) Invalid carriages	Monday to Sunday Inclusive
Arnoldfield Gonerby Hill Foot Grantham Lincolnshire (PLAN E)	Wholly within a parking bay	Any of the following having a height of less than 6'6":- (i) Motor cars within the provisions of Section 136(2)(a) of the Act (ii) Motor cycles as defined in Section 136(4) of the Act (iii) Motor vehicles constructed or adapted for use for the conveyance of goods or burden, the unladen weight of which does not exceed 1½ tonnes (iv) Invalid carriages	Monday to Sunday Inclusive
Land off St. Catherine's Road Grantham Lincolnshire/to the rear of Welham Street Car Park (PLAN F)	Waiting is prohibited at all times, with the exception for invalid carriages or vehicles displaying a valid disabled clock and badge	(iv) Invalid carriages	Monday to Sunday Inclusive

SCHEDULE

PART III

£70.00 (£35.00 where paid within 14 days; £105 if paid after service of charge certificate)

1. Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited
2. Parked in a restricted area in a car park
3. Parked in a disabled person's parking space without clearly displaying a valid disabled person's badge
4. Parked in a car park or area not designated for that class of vehicle
5. Parked causing an obstruction

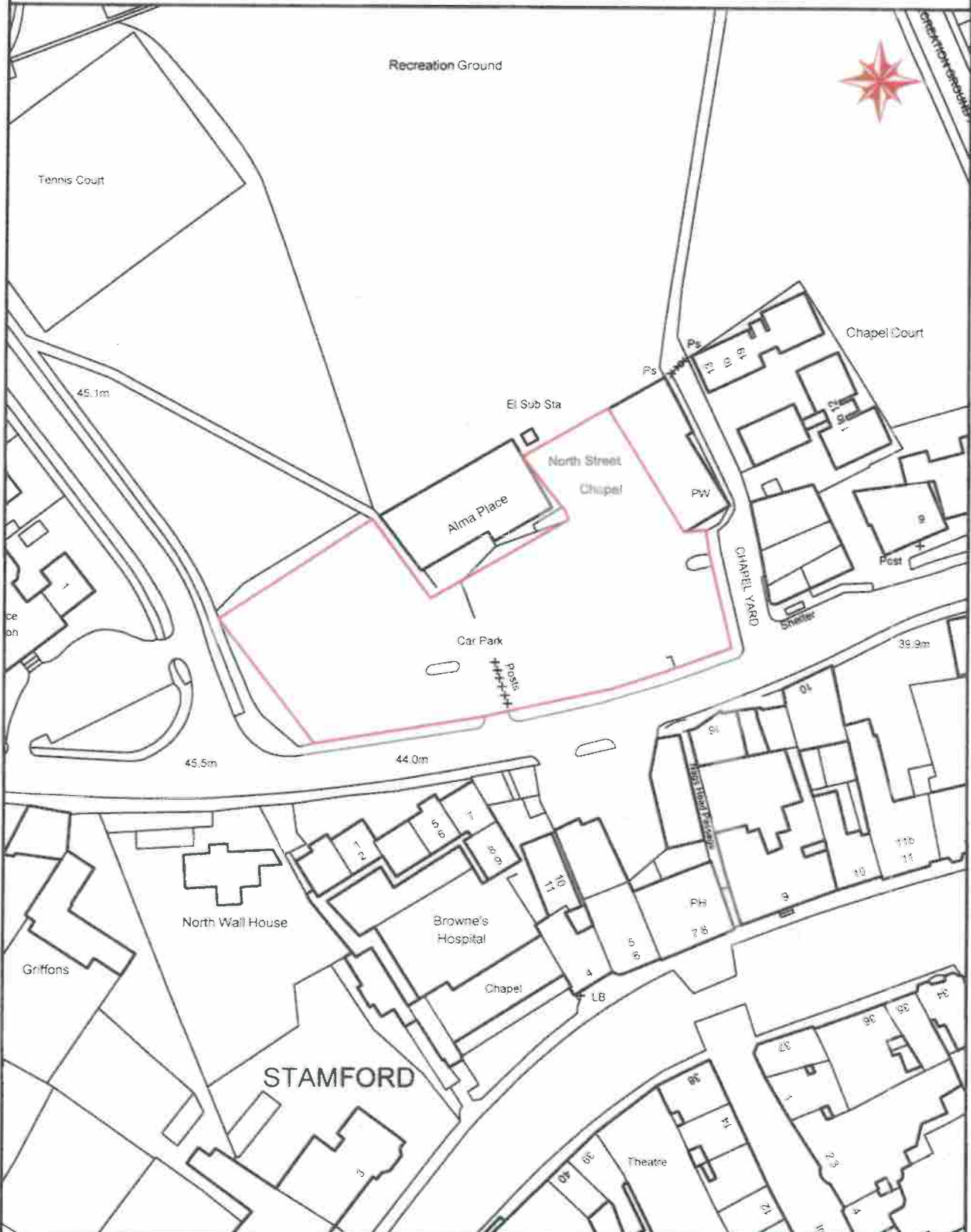
£50.00 (£25.00 where paid within 14 days; £75 if paid after service of charge certificate)


1. For parking without displaying a valid parking ticket; that is without paying to park, or parking after expiry of paid time and for parking without clearly displaying of disabled parking clock or any other parking ticket
2. Parking beyond the bay markings
3. Parking for a purpose other than that permitted
4. Parking with the engine running

CHARGES FOR THE REMOVAL STORAGE AND DISPOSAL OF VEHICLES

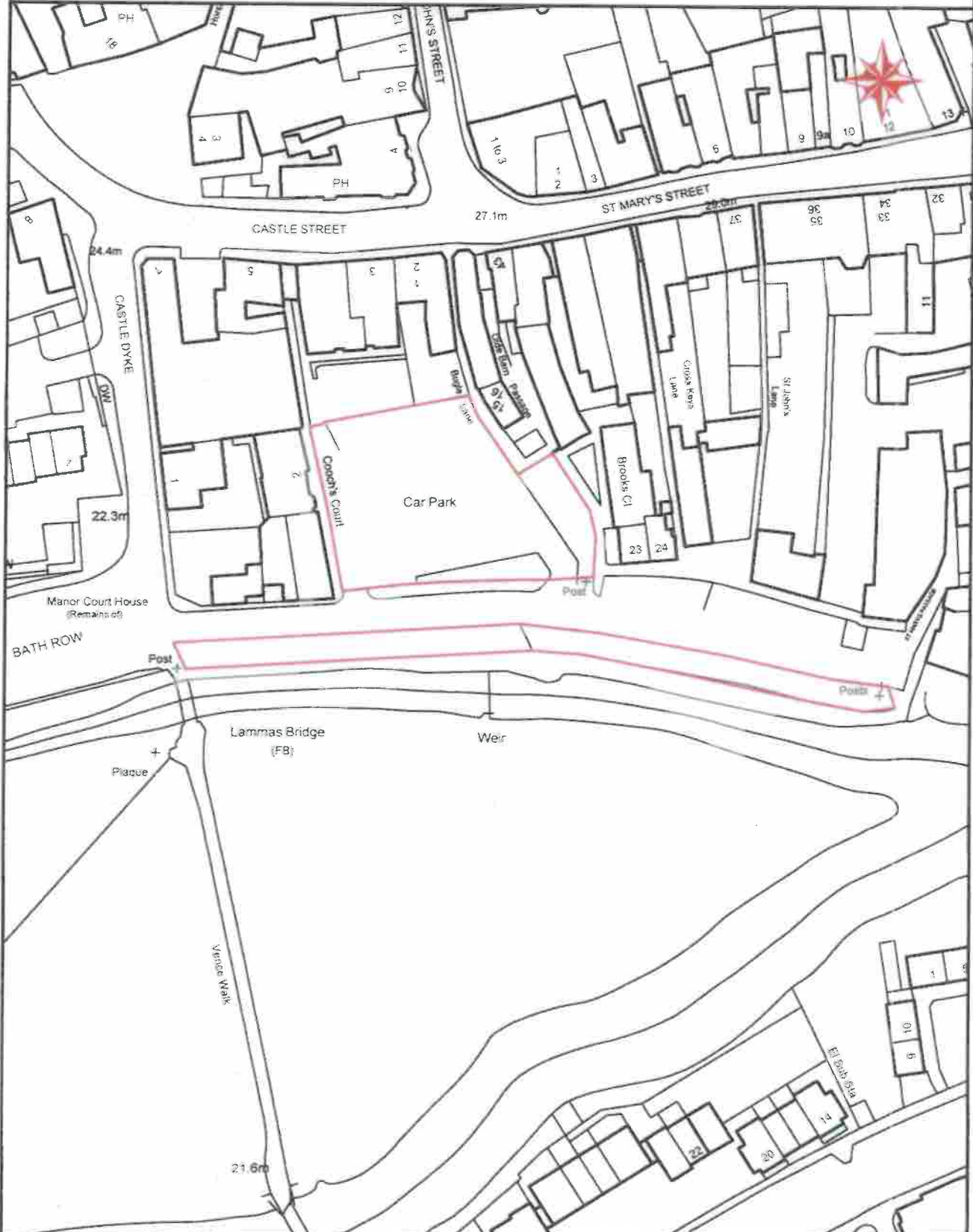
1. Removal - £105.00
2. Storage - £12.00 per day
3. Disposal - £50.00

NORTH STREET STAMFORD



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BATH ROW STAMFORD



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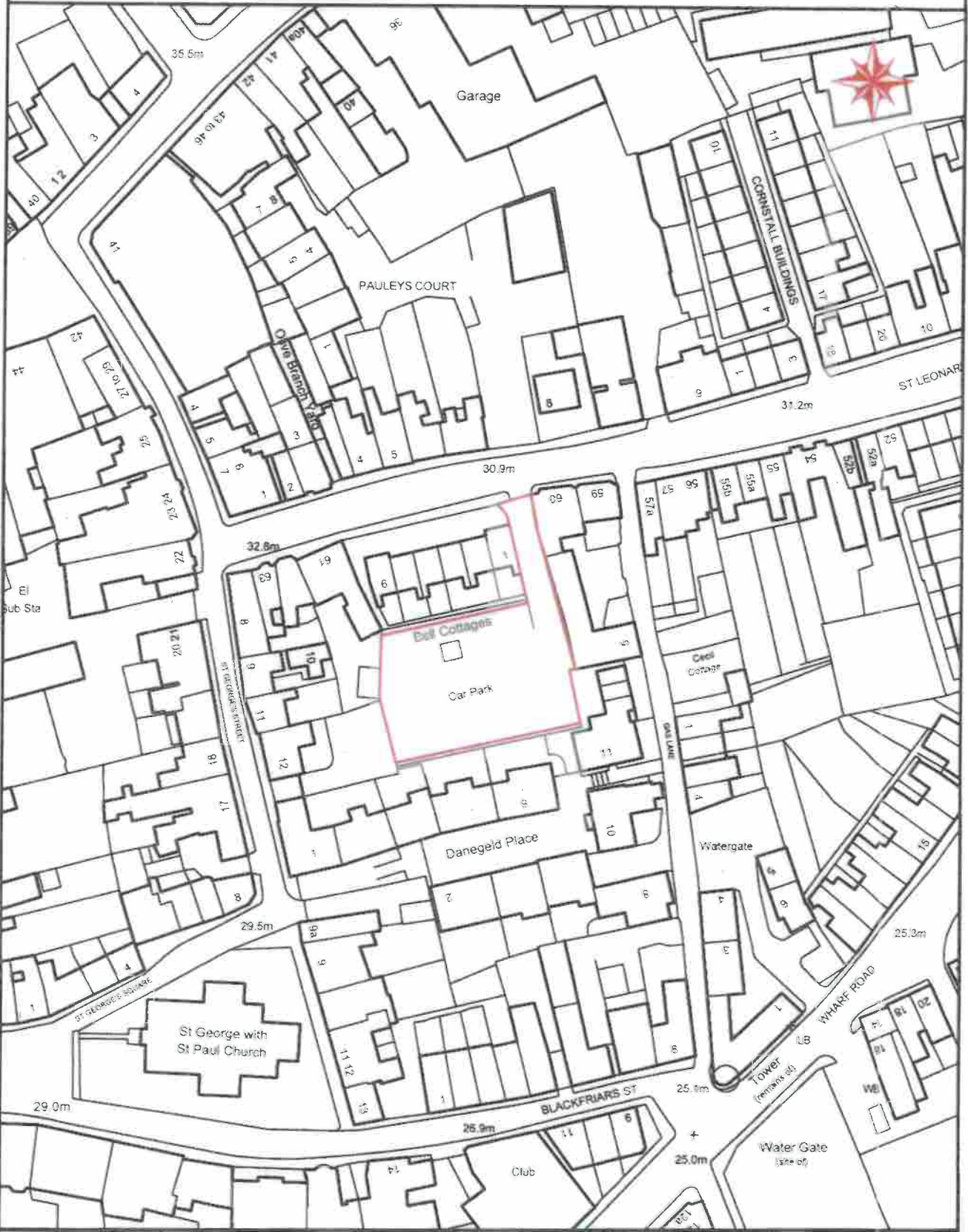
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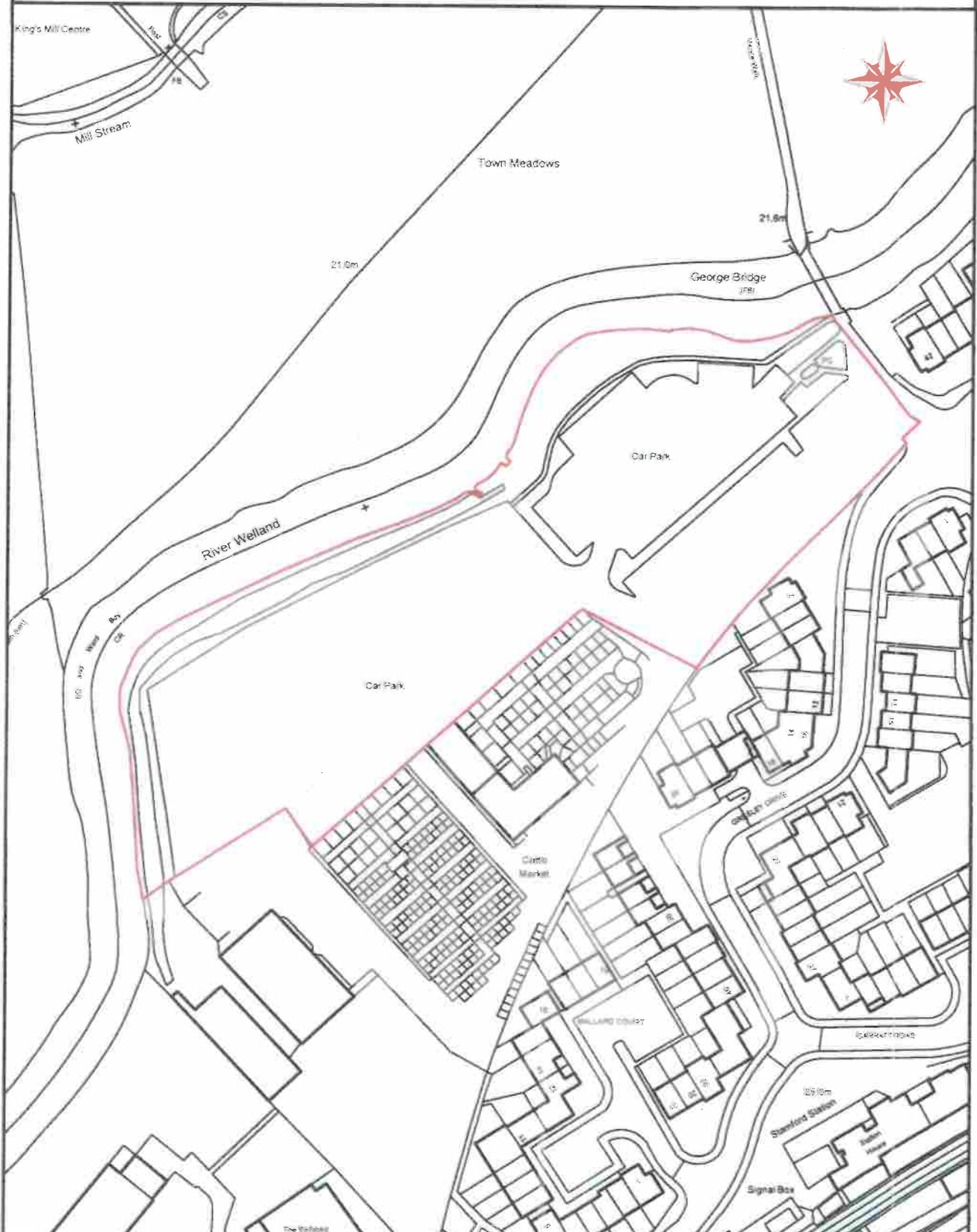
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SCOTGATE STAMFORD



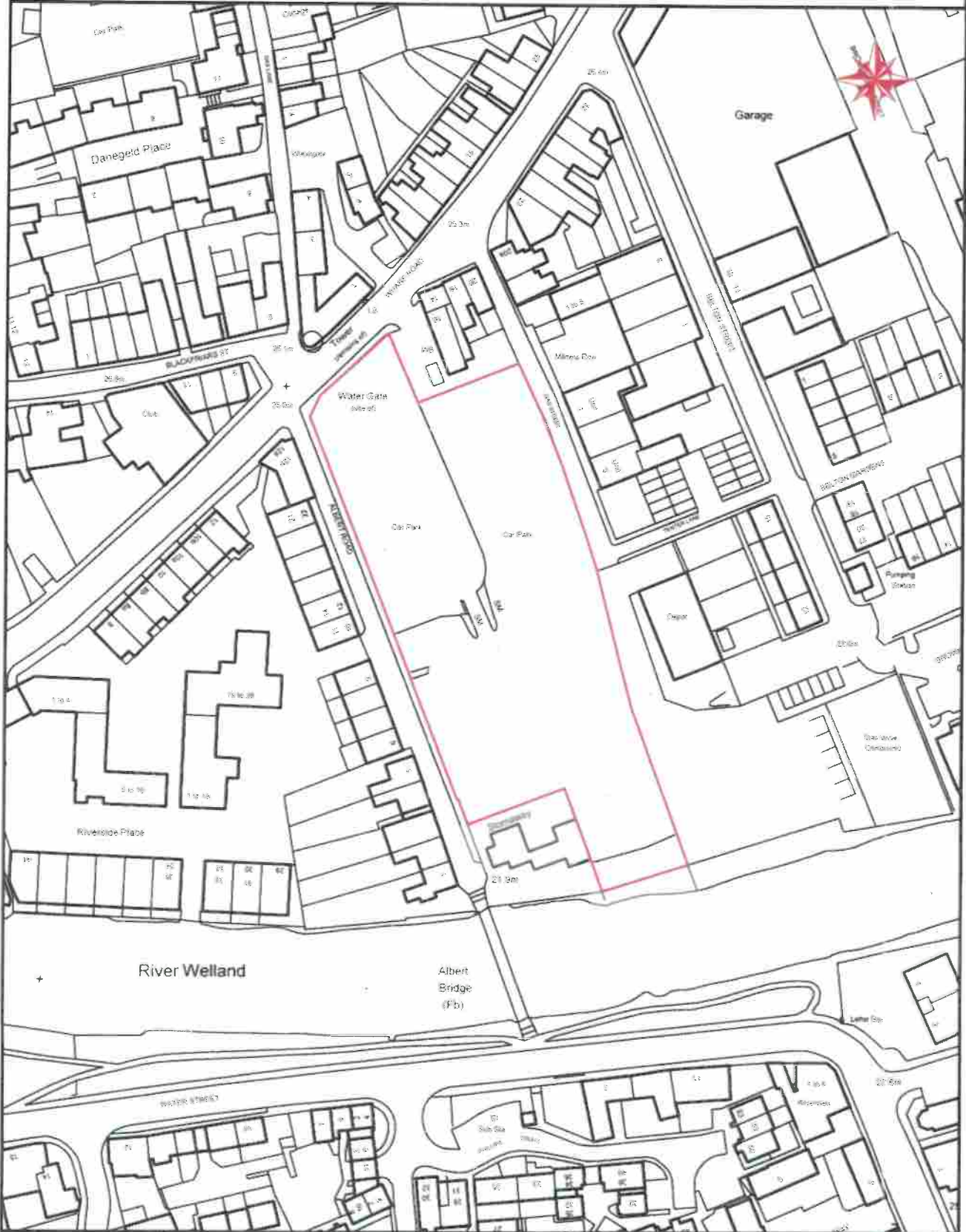
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CATTLE MARKET STAMFORD



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WHARF ROAD STAMFORD



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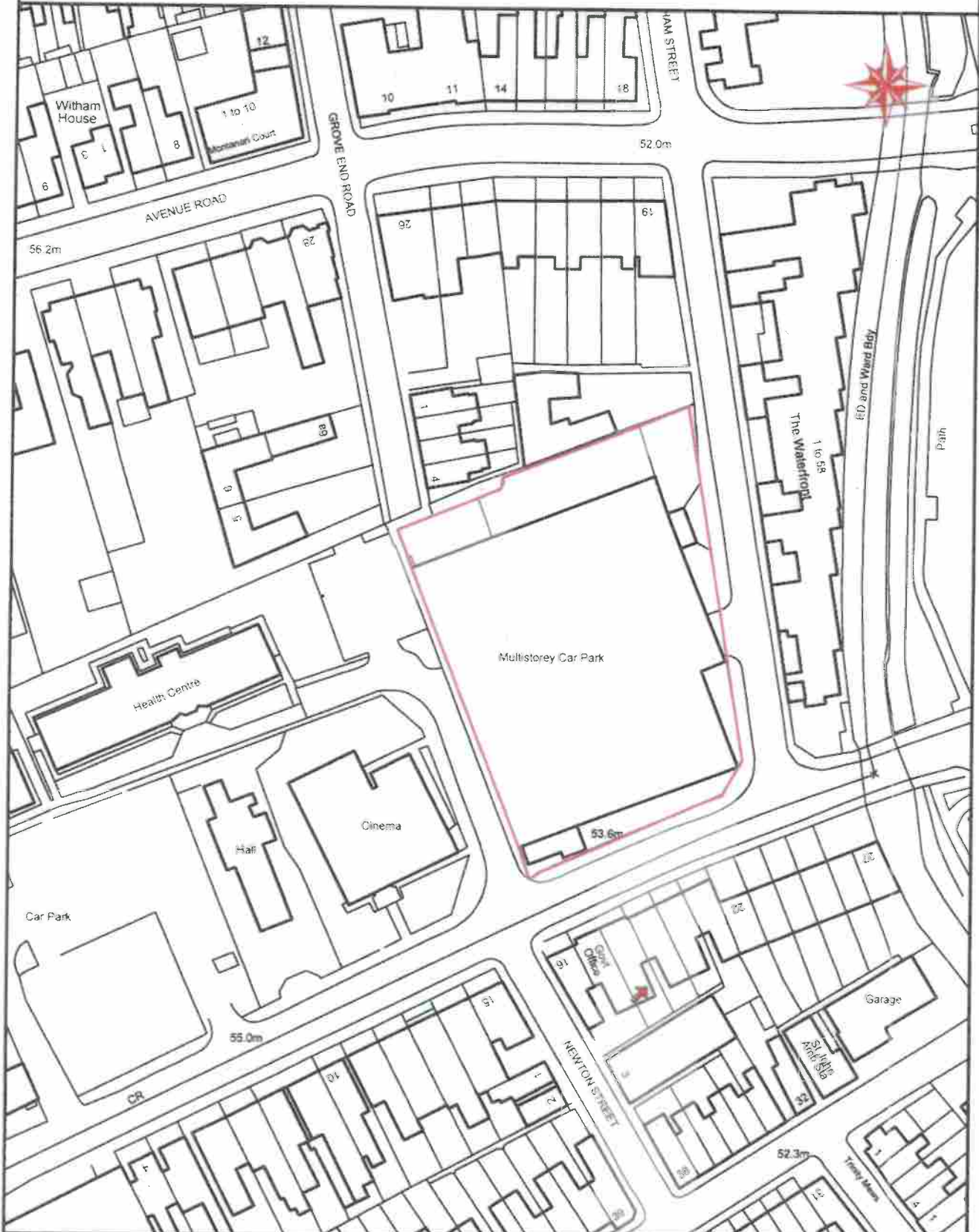
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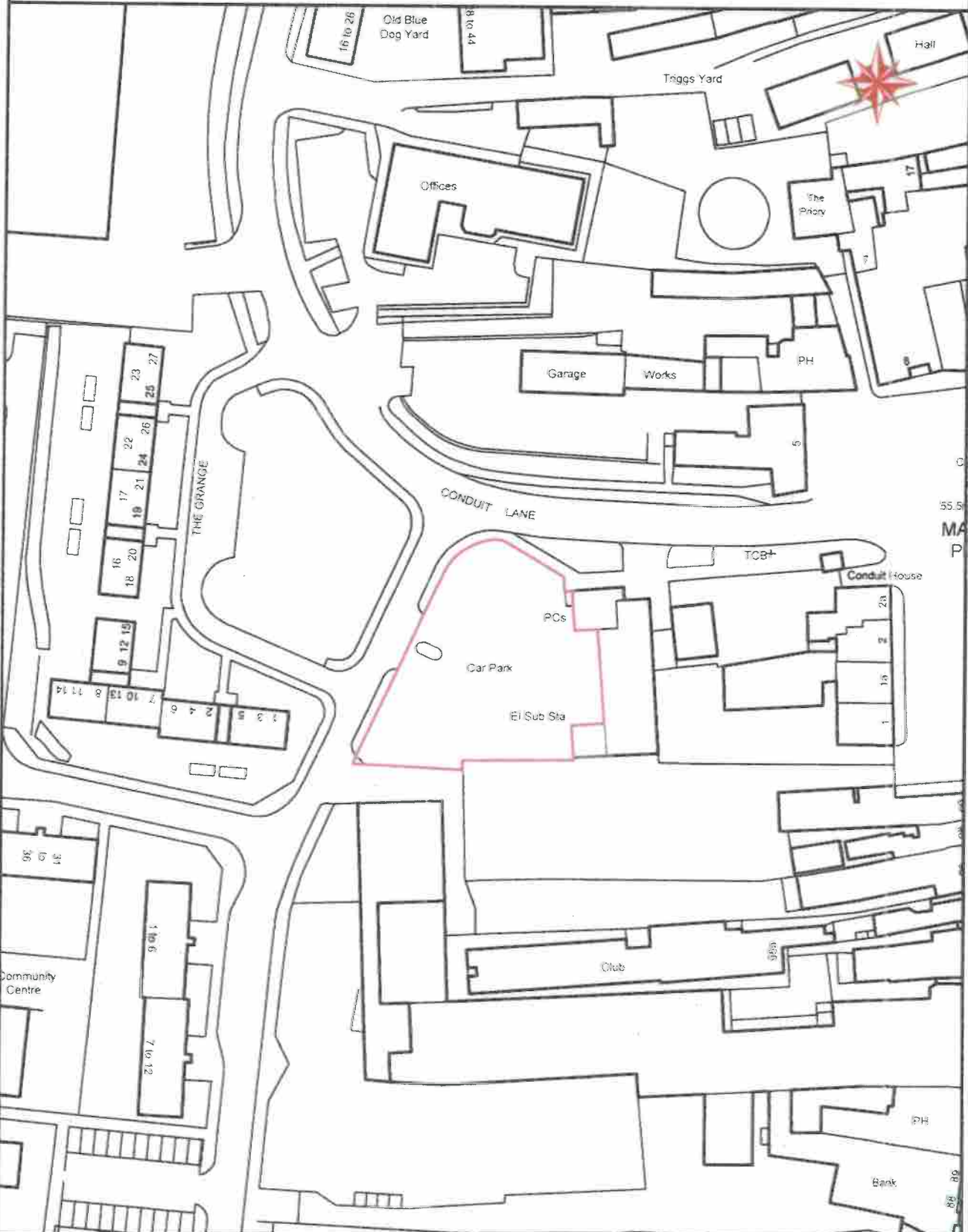
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WELHAM STREET GRANTHAM



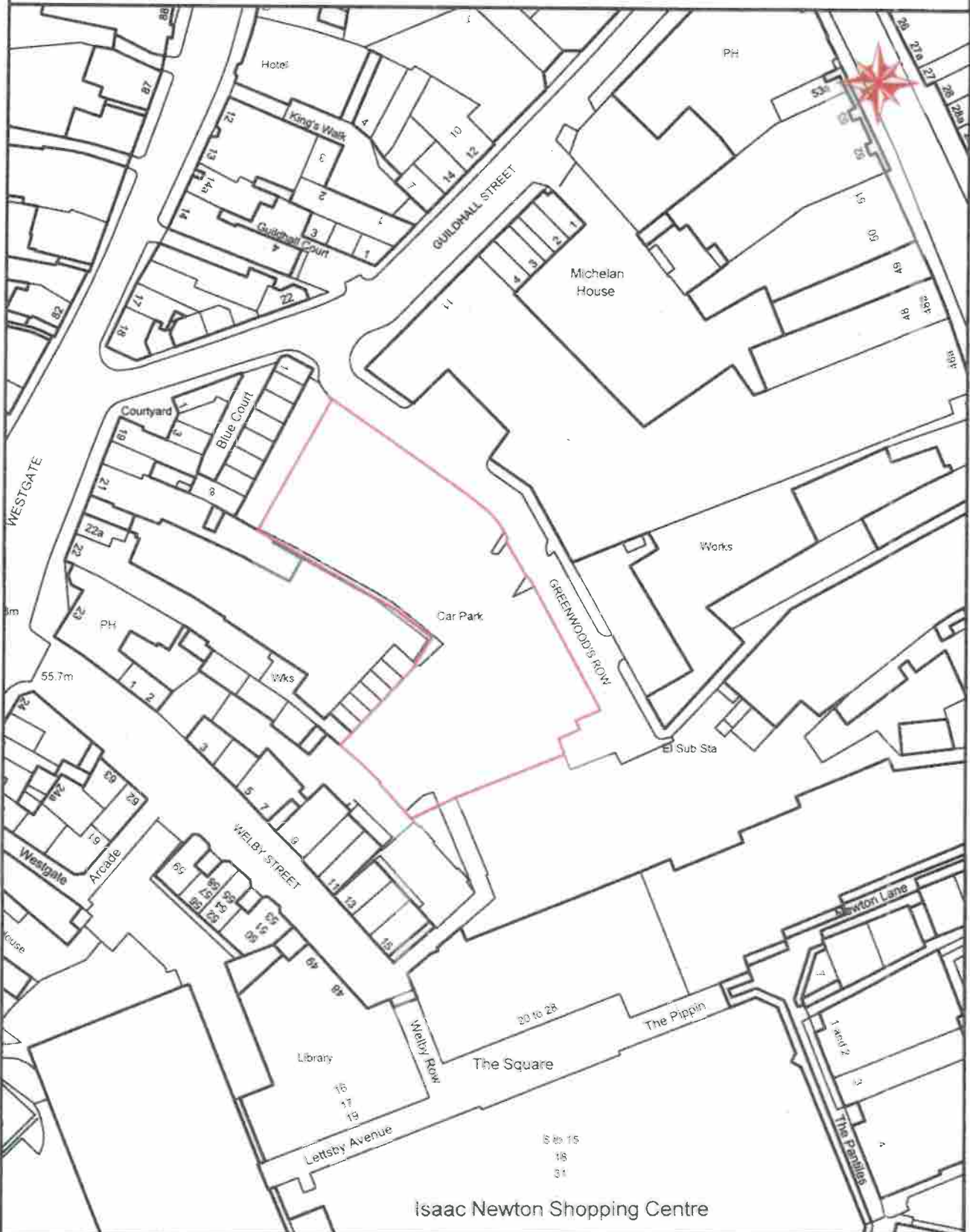
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CONDUIT LANE GRANTHAM



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GUILDHALL STREET (GREENWOODS ROW) GRANTHAM




Isaac Newton Shopping Centre

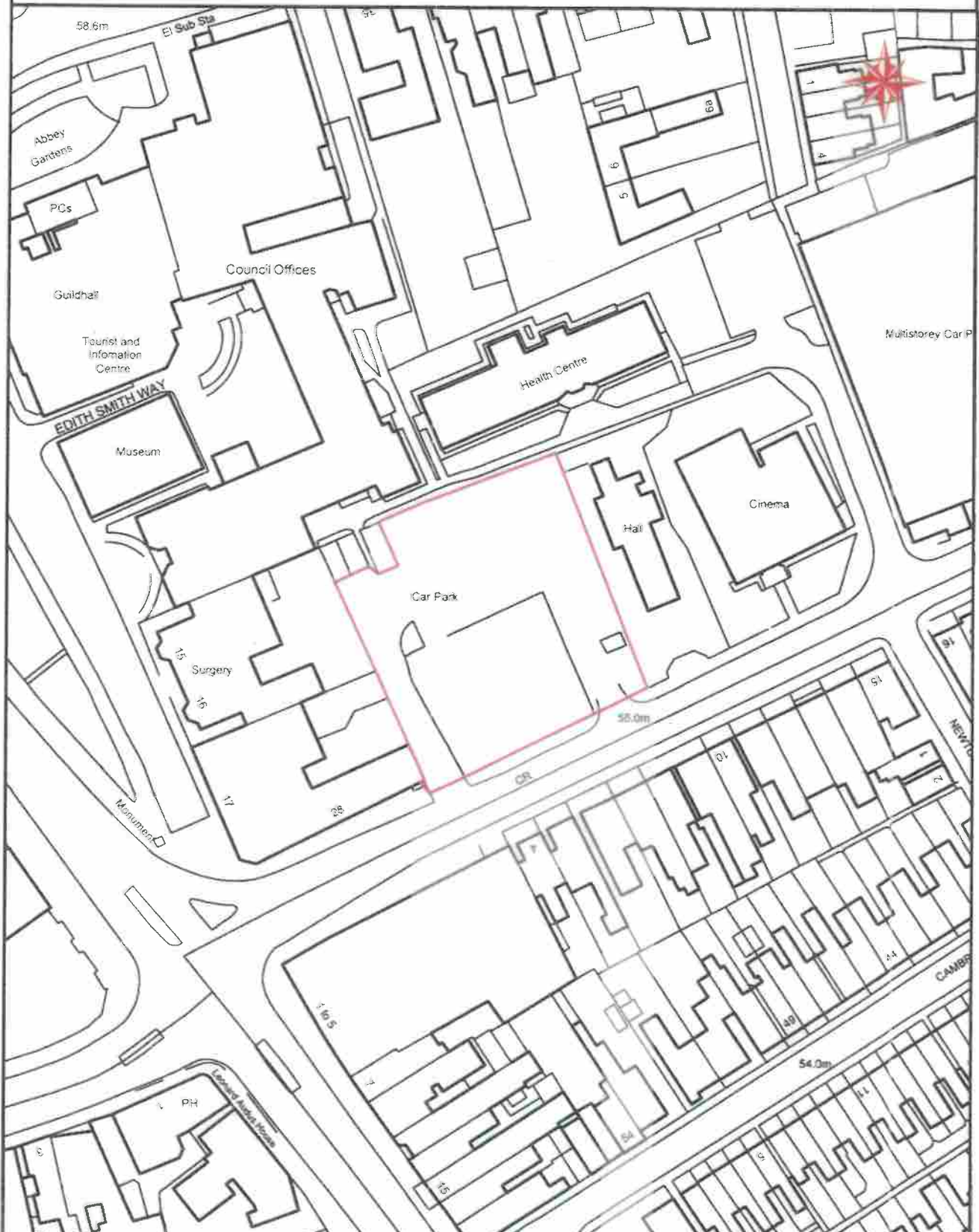
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WATERGATE GRANTHAM



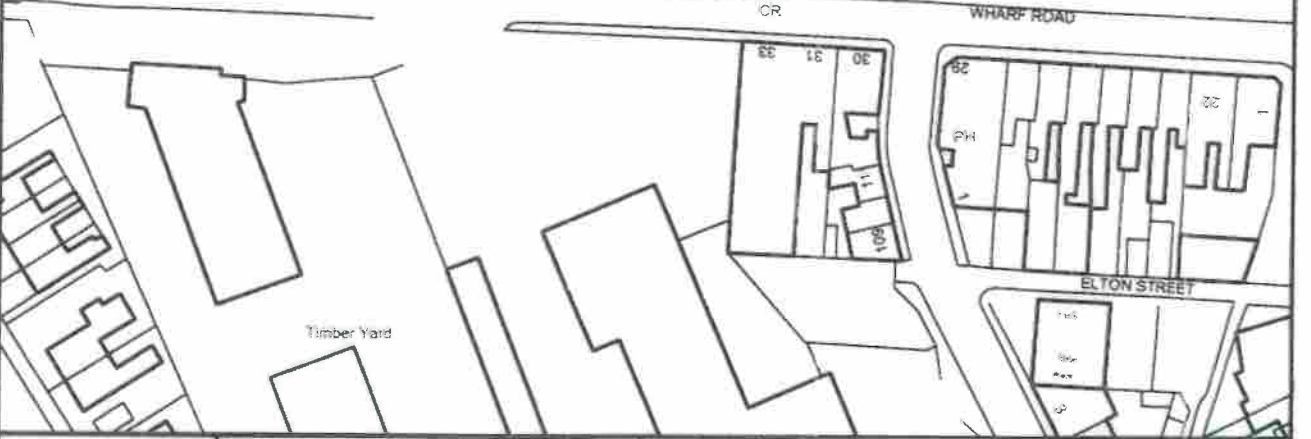
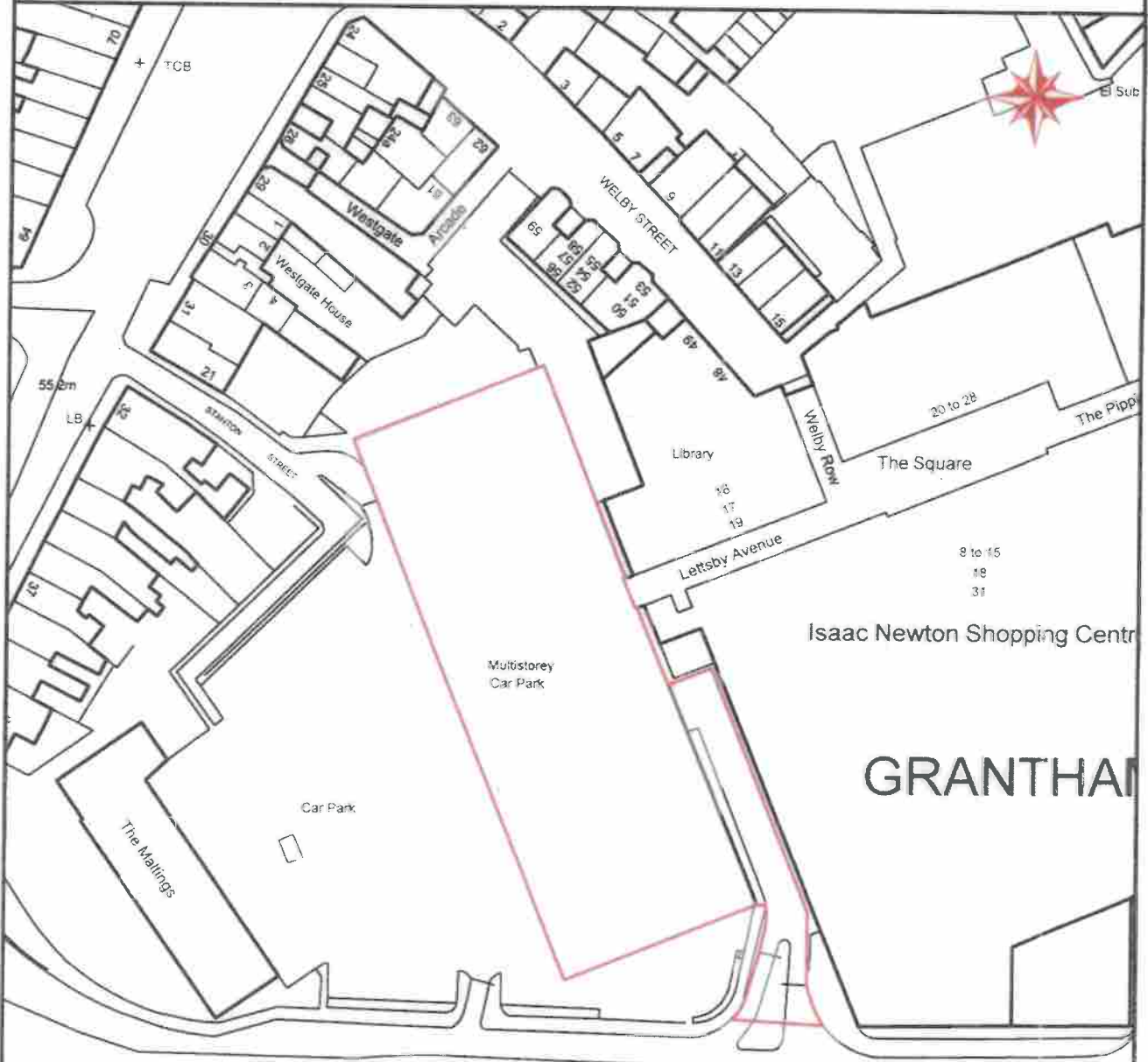
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ST. CATHERINES ROAD GRANTHAM



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WHARF ROAD GRANTHAM

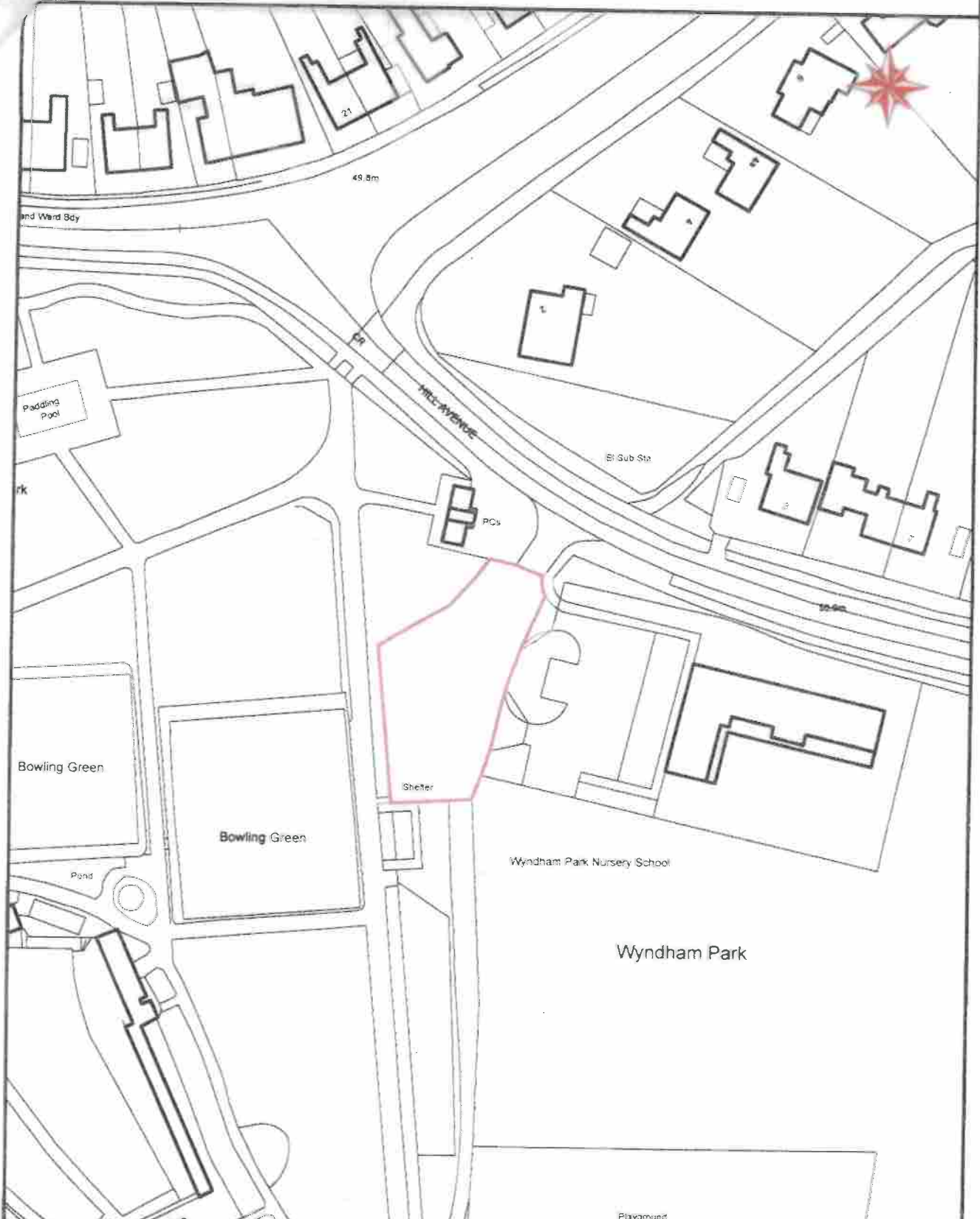


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PLAN A



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PLAN B



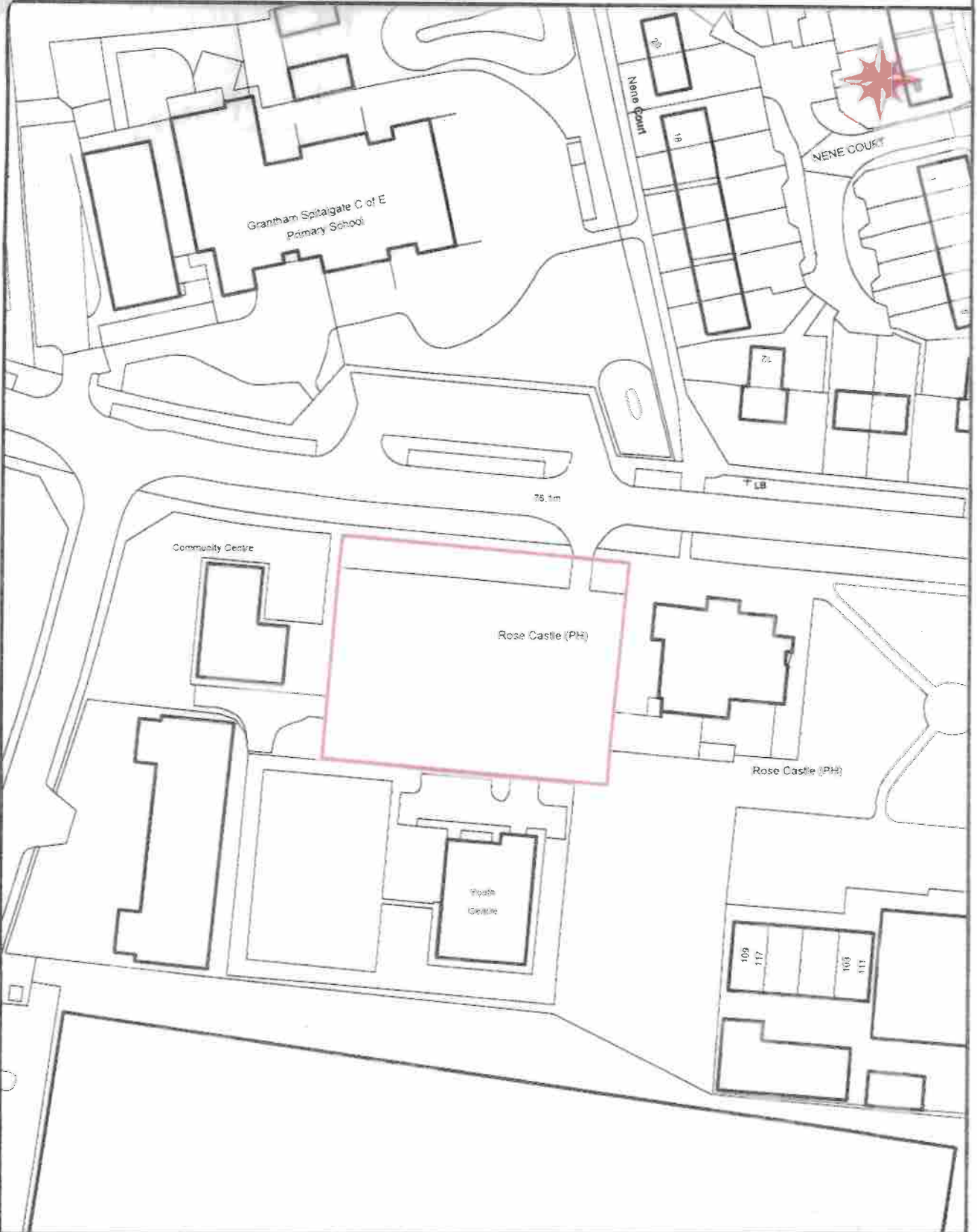
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PLAN C



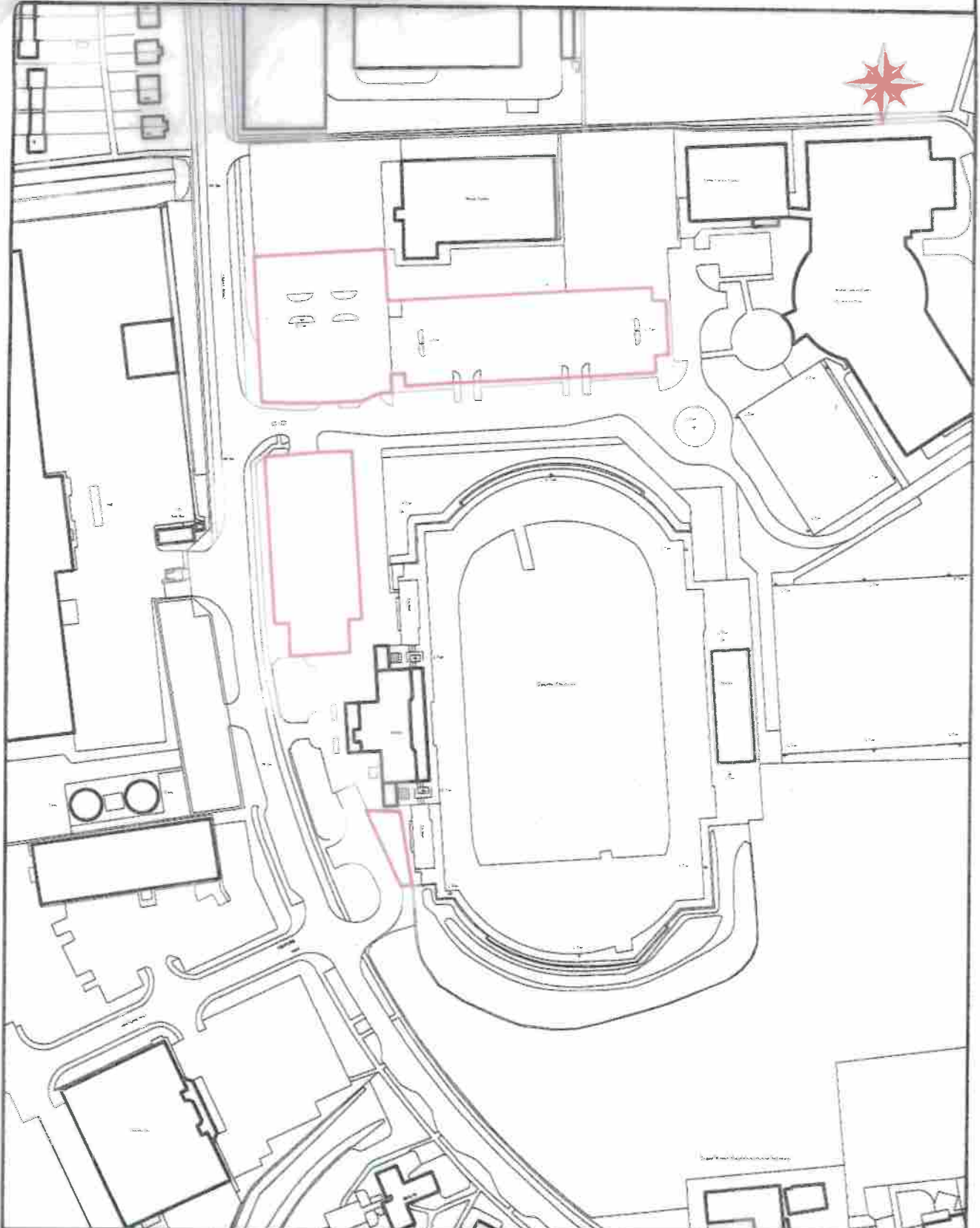
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Plan D



Details

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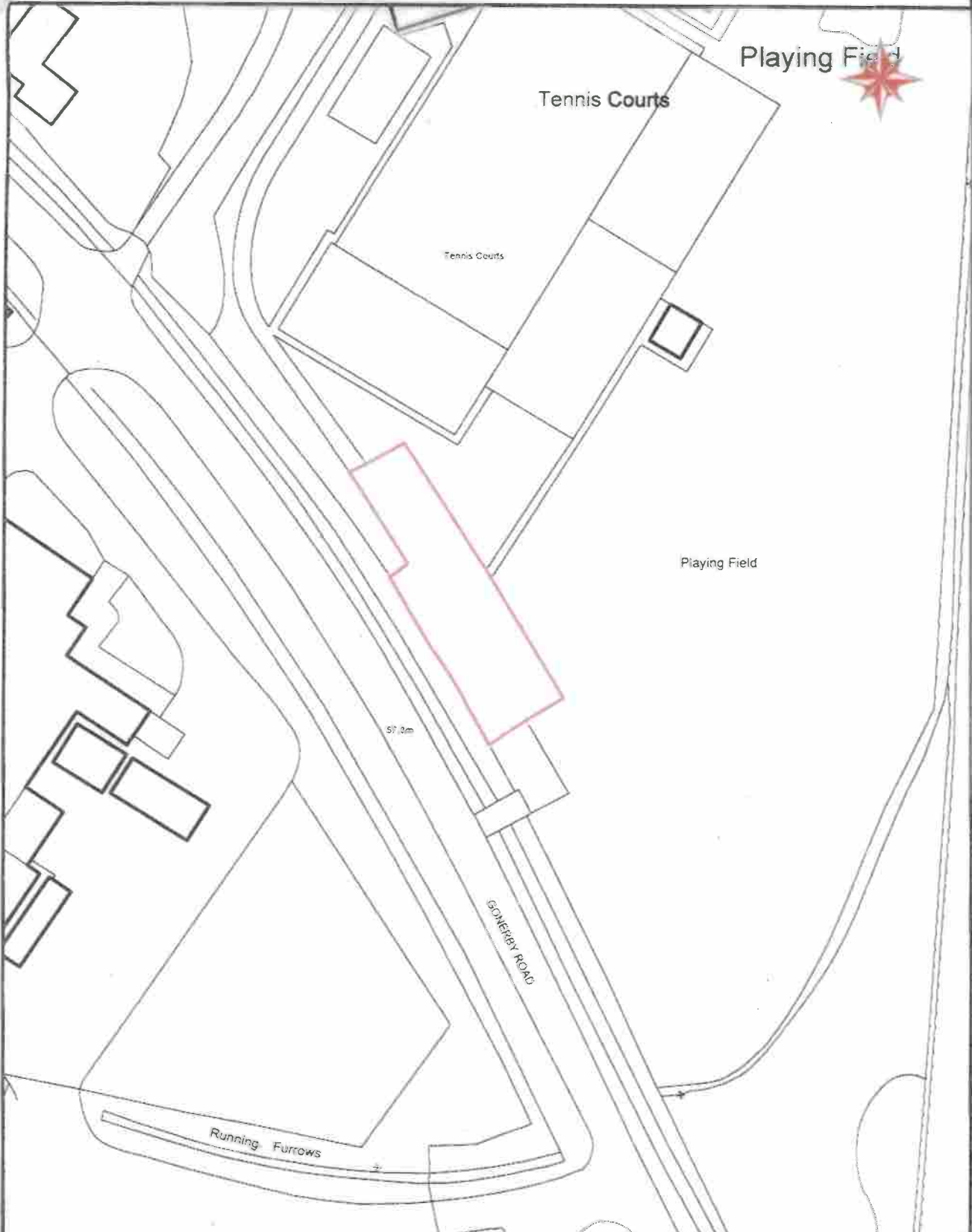
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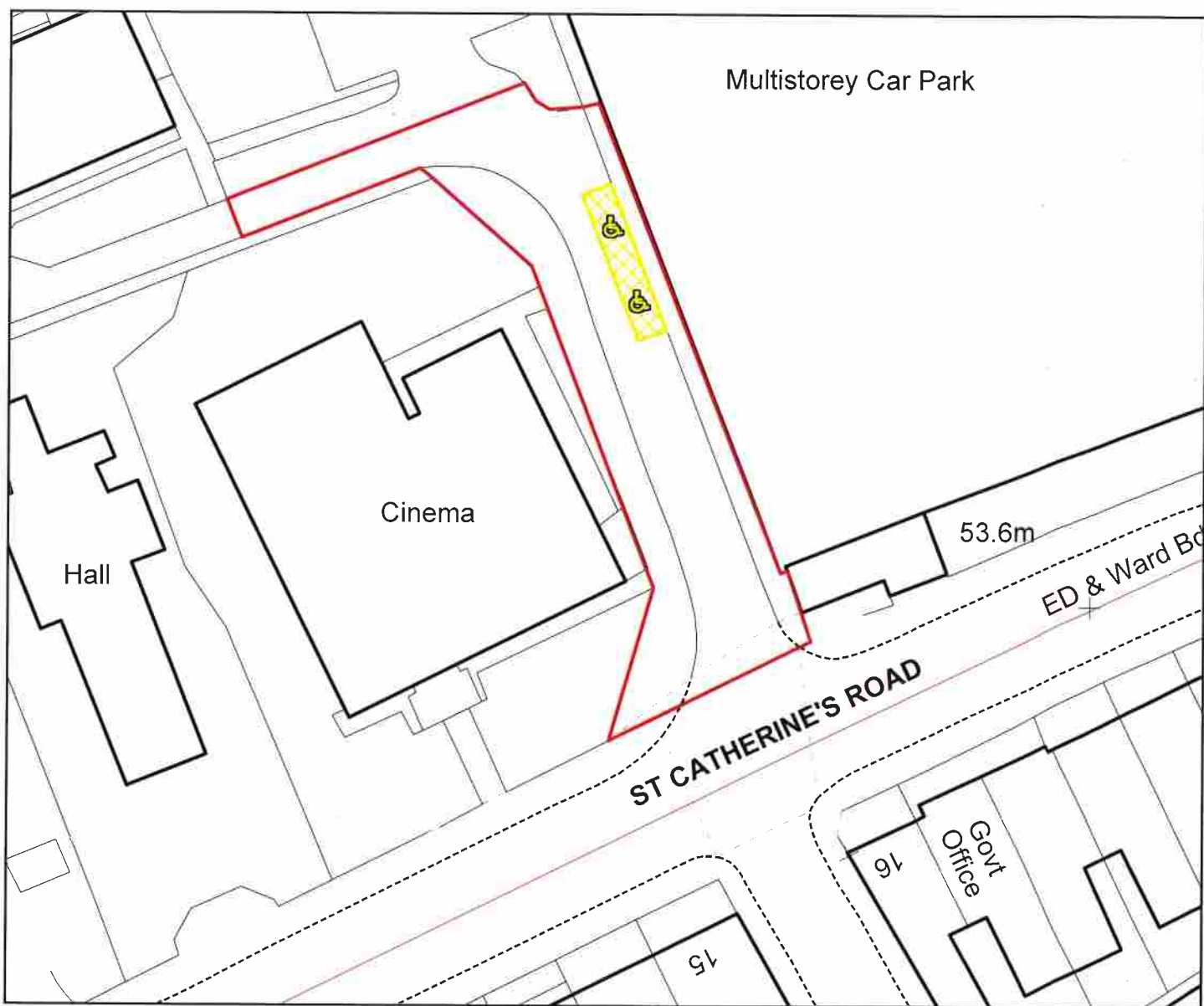
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Plan E



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PLAN F.





South Kesteven District Council

Equality Impact (Initial Analysis)

Civil Enforcement Off-Street Parking Places Order 2017

Service Area:	Lead officer: John Armstrong	Date of Meeting
Legal and Democratic Services	Assessors: John Armstrong Shelley Hardy	16/01/17
	Neutral Assessor: Carol Drury	

1. Name and description of policy/service/function/strategy

South Kesteven District Council Civil Enforcement Off-Street Parking Places Order 2017. An amendment to the existing Car Parking Order to include land behind Welham Street Car Park to ensure safe on street parking

Is this a new or existing policy? Existing

2. Complete the table below, considering whether the proposed policy/service/function/strategy could have any potential positive, or negative impacts on groups from any of the protected characteristics (or diversity strands) listed, using demographic data, user surveys, local consultations evaluation forms, comments and complaints etc.

Equality Group	Does this policy/service/function/strategy have a positive or negative impact on any of the equality groups? Please state which for each group	Please describe why the impact is positive or negative. If you consider this policy etc is not relevant to a specific characteristic please explain why
Age	Neutral	Age is not a determinant in the introduction of this Order, persons with vehicles licensed to drive on the highway can access the Council's parking facilities
Disability	Positive	In the development of this extension to the civil enforcement car parking order two additional parking spaces have been provided for blue badge holders. Drivers who do not hold a blue badge who park within the designated spaces could be issued with a Penalty Charge Notice
Race	Neutral	Race is not a determinant in the introduction of this Order, persons with vehicles licensed to drive on the highway can access the Council's parking facilities
Gender Reassignment	Neutral	Gender reassignment is not a determinant in the introduction of this Order, persons with vehicles licensed to drive on the highway can access the Council's parking facilities

Religion or Belief	Neutral	Religion or belief is not a determinant in the introduction of this Order, persons with vehicles licensed to drive on the highway can access the Council's parking facilities
Sex	Neutral	Sex is not a determinant in the introduction of this Order, persons with vehicles licensed to drive on the highway can access the Council's parking facilities
Sexual Orientation	Neutral	Sexual Orientation is not a determinant in the introduction of this Order, persons with vehicles licensed to drive on the highway can access the Council's parking facilities
Pregnancy and Maternity	Neutral	Pregnancy or maternity are not a determinant in the introduction of this Order, persons with vehicles licensed to drive on the highway can access the Council's parking facilities
Marriage and Civil Partnership	Neutral	Marriage and civil partnership are not a determinant in the introduction of this Order, persons with vehicles licensed to drive on the highway can access the Council's parking facilities
Carers	Neutral	Carers are not a determinant in the introduction of this Order, persons with vehicles licensed to drive on the highway can access the Council's parking facilities
Other Groups (e.g. those from deprived (IMD*) communities; those from rural communities, those with an offending past) *(IMD = Indices of multiple deprivation)		

General comments	The introduction of this amendment allows for users of the car park facilities to purchase the parking ticket using the cashless parking prepayment scheme (pay by phone), Parking for blue badge holders remains free in both the Council's pay and display car parks and the road to which this amendment applies.
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3. What equality data/information did you use to inform the outcomes of the proposed policy/service/function/strategy? (Note any relevant consultation who took part and key findings)

The reason for the amendment to the Parking Order is the safety of pedestrians and other road users. Drivers are parking in a very hazardous manner and in order to improve public safety it is felt necessary to introduce the amendment to the Order.

If there are any gaps in the consultation/monitoring data, how will this be addressed?

Stakeholder consultation will take place and the order will be considered by the Resources Policy Development Group. Any significant findings of the consultation will be fed into the Order

4. Outcomes of analysis and recommendations (please note you will be required to provide evidence to support the recommendations made): Please check one of the options.

a)	No major change needed: equality analysis has not identified any potential for discrimination or for negative impact and all opportunities to promote equality have been taken	<input checked="" type="checkbox"/>
<i>If you have checked option a) you can now send this form to the Lead Officer and your Neutral Assessor for sign off</i>		
b)	Adjust the proposal to remove barriers identified by equality analysis or to better promote equality.	<input type="checkbox"/>
<i>If you have checked option b) you will need to answer questions b.1 and b.2</i>		
c)	Adverse impact but continue	<input type="checkbox"/>
<i>If you have checked option c) you will need to answer questions c.1</i>		

d	Stop and remove the policy/function/service/strategy as equality analysis has shown actual or potential unlawful	<input type="checkbox"/>
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b.1 In brief, what changes are you planning to make to your proposed policy/service/function/strategy to minimise or eliminate the negative equality impacts?

b.2 Please provide details of whom you will consult on the proposed changes and if you do not plan to consult, please provide the rationale behind that decision.

If you have checked option b) you will need to complete a Stage 2 equality analysis

c.1 Please provide an explanation in the box below that clearly sets out your justification for continuing with the proposed policy/function/service/strategy.

If you have checked option c) you will need to complete a Stage 2 equality analysis. You should consider in stage 2 whether there are sufficient plans to reduce the negative impact and/or plans to monitor the actual impact.

Signed (Lead Officer):
(Name and title)

John Armstrong
Business Manager Legal and Democratic

Date completed:

16/01/17

Signed (Neutral Assessor):
(Name and title)

Carol Drury
Community Engagement and Policy Development Officer

Date signed off:

16/01/17

REPORT TO RESOURCES PDG

REPORT OF: CORPORATE FINANCE MANAGER

REPORT NO: CFM397

DATE: 26th January 2017

TITLE:	Financial Report for 2016/17– Qtr 2 Forecast Monitoring Information	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	None	
EXECUTIVE MEMBER: NAME AND DESIGNATION:	Councillor Terl Bryant Executive Member Finance and IT Councillor Linda Wootten Executive Member Housing	
CONTACT OFFICER:	Richard Wyles- Corporate Finance Manager Tel: 01476 406210 Email: r.wyles@southkesteven.gov.uk	
INITIAL IMPACT ANALYSIS:	Carried out and Referred to in paragraph (7) below:	Full impact assessment Required:
Equality and Diversity	N/A	No
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	CFM381 – Qtr 1 Forecast Monitoring Information CFM377 – April & May Monitoring Information CFM358 – Determination of Budget 2016/17 The above reports can be located by putting the reference number in the search section of the committee website via the link below: http://moderngov.southkesteven.gov.uk/ieDocSearch.aspx?bcr=1	

1. RECOMMENDATION

- 1.1 Members are asked to review the comments and figures contained in this report and identify any variances that require further action.

2. PURPOSE OF THE REPORT

2.1 In order to ensure effective budget management it is important that the members are updated with budget monitoring information and are kept informed of the financial position. The report provides a summary of the forecast outturn position as at the end of Quarter 2 against annual budget for 2016/17 for the following areas:

- General Fund Revenue Budget
- Housing Revenue Account Budget
- Capital Programmes – General Fund and HRA

2.2 Forecast outturn work is undertaken on a quarterly basis by the business areas in order to anticipate the outturn position. This process enables options to be considered in respect of the spending proposals for the remainder of the year or alternatively it is used to identify emerging financial issues that can then be investigated and mitigating actions put in place.

3 DETAILS OF REPORT

General Fund Revenue Budget

3.1 The budget requirement for 2016/17 was set at £12.403m. The budget is adjusted in year to allow for budget virements, creation of set-asides and centralisation of key budget headings. The updated position is outlined in the table below in the 'Adjusted Budget' column.

3.2 The forecast outturn for 31st March 2017 as at quarter 2 shows projections of a £181K variance at 'net cost of services'. The information is summarised by priority area in Table A and Graph A below.

TABLE A – GENERAL FUND REVENUE POSITION				
Budget Area	Annual Budget £'000	Adjusted Budget (i) £'000	Forecast Outturn £'000	Forecast Variance £'000
Growth	523	445	500	55
Environment	6,379	6,366	6,246	(120)
Culture	2,885	2,826	3,035	209
Housing	1,088	992	962	(30)
Corporate	4,551	4,797	4,502	(295)
Net Cost of Services	15,426	15,426	15,245	(181)
Reserves & Grants	(553)	(553)	(634)	(81)
Interest Payable & Receivable	(173)	(173)	(167)	6
Capital Charges	(2,869)	(2,869)	(2,869)	0
Revenue Contribution to Capital (ii)	500	500	500	0

Allocation of Parish Grants	72	72	72	0
Total	12,403	12,403	12,147	(256)

(i) *Adjusted budgets are amended throughout the course of the financial year due to the centralisation of budgets, budget virements and for set-asides agreed at year end.*

3.3 The main factors impacting on the forecast variance position are outlined in Table B below.

	TABLE B – GENERAL FUND VARIANCE ANALYSIS	Forecast Variance £'000	Total £'000
	Annual Budget 2016/17		12,403
Priority	<u>Budget Pressures</u>		
Culture	Bourne Core Area – Non domestic rates are payable for 3 vacant retail units.	25	
Culture	Leisure Centres – Profiling of the capital repayment for the gym investment at the Meres Leisure Centre has been revised and will therefore be recoverable in future years.	15	
Culture	Property Investment Strategy – Due to the current lack of commercial investment opportunities that meet the Councils requirements, it is not anticipated that any investment property income will be received in 2016/17.	200	
Growth	Planning Policy – Government grants in respect of designation receipts have been currently deferred. Receipts will therefore not be available in 2016/17. This has been reassessed and budgeted for in future years.	20	
Growth	Grantham Market – A reduction of traders for both stalls and pitches of 4 per week continues for the second quarter resulting in a forecast income reduction. This will continue to be monitored during the year.	15	
Growth	Car Parks – A temporary contract change in enforcement arrangements and supervisory costs has resulted in a forecast over spend pending completion of a tendering exercise by Procurement Lincolnshire	25	
Growth	Planning – Potential consultancy costs required upon receipt of a major planning application resulting in increased expenditure**	60	
	Total Pressures		360
Priority	<u>Savings & Efficiencies</u>		
Environment	Fuel – There has been no increase to the fuel duty during the year which is resulting in a forecast saving of (£60K).	(60)	

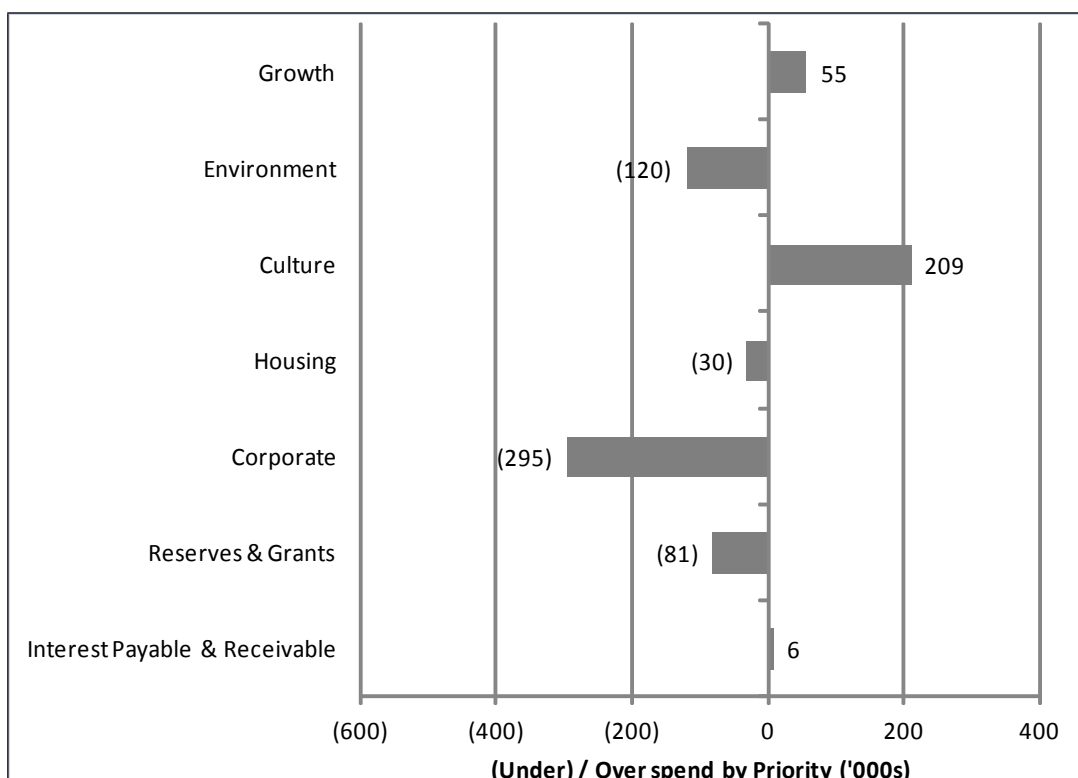
Housing	Homelessness – Preventative measures are being undertaken which is reducing the need for emergency accommodation.	(16)	
Corporate Environment Housing	Employee Expenses – The budgeted variance with respect to vacant positions in service areas has been forecast as at the end of Quarter 2 at (£262K). This is against the workforce efficiency target of (£360K)	(262)	
Corporate	Empty Homes – This review has been undertaken utilising internal resources rather than procuring external support	(30)	
Corporate	ICT – There has been a reduction in the agency requirements covering employees on secondment of (£45K)*	(45)	
Corporate	Community Fund – Based on the current level of applications, the projected level of funding required for 2016/17 may be reduced.	(50)	
	<u>Additional Income</u>		
Growth	Car Parks – There is an overall increase in income following an improvement in ticket sales resulting in a forecast increase of (£40K). Due to the revised approach to the St Peter’s Hill development, additional income is forecast for St Catherine’s Road car park (£5K).	(45)	
Growth Corporate	Other Income – External support is being provided to other local authorities including leisure centre inspections, conservation and planning policy which is forecast to achieve additional income of (£53K).	(53)	
Environment	Green Waste Collection –Additional income is being forecast following a review of the collection fee, with 26,179 households renewing their subscription and 1,122 new households joining the service.	(80)	
Culture	Arts Centres – Advertising sponsorships have been received for both locations in year.	(16)	
	Total Savings		(657)
	Other Items		41
	Forecast Outturn		12,147

**These are funded by reserves so the reserve will be topped up.*

***This is a potential pressure depending on matters arising from the application.*

- 3.4 Reserves & Grants – Forecast variances are adjusted to match variances within the priority headings.
- 3.5 The following graph illustrates by priority area the Quarter 2 forecast variance position. Under spends are shown to the left of the centre line, over spends are shown to the right.

Graph A: General Fund Revenue Budget – Quarter 2 Forecast Variance



- 3.6 Further detail on the general fund significant income streams can be found in Table C below;

TABLE C – GENERAL FUND SIGNIFICANT INCOME STREAMS			
Significant Income Stream	Annual Budget	Forecast Outturn	Forecast Variance
	£'000	£'000	£'000
Land Charges	(230)	(232)	(2)
Development Management	(892)	(892)	0
Guildhall Arts Centre	(279)	(288)	(9)
Stamford Arts Centre	(738)	(750)	(12)
Bourne Market	(21)	(21)	0
Grantham Market	(78)	(63)	15
Stamford Market	(168)	(168)	0
Grantham Car Parks	(516)	(521)	(5)

Stamford Car Parks	(695)	(738)	(43)
Investment Property Income	(200)	0	200
Licensing	(287)	(282)	5
Commercial Waste Income	(35)	(35)	0
Green Waste Collection	(870)	(950)	(80)
TOTAL	(5,009)	(4,940)	69

The projected variance of £181K will be utilised to support funding of the Council's priorities either by increasing the revenue contribution to the capital expenditure or providing set-asides reserves to fund specific projects. This will be assessed and considered in conjunction with the year end outturn for 2016/17.

Housing Revenue Account Budget

- 3.7 The original budget for 2016/17 was set at a surplus for the year of £7.917M. The budget is adjusted in year to allow for budget virements, creation of set-asides and centralisation of key budget headings. The updated position is outlined in the table below in the 'Adjusted Budget' column.
- 3.8 The forecast outturn position as at 30th September 2016 shows projections of a net surplus of £8.335M. The information is summarised in Table D and Graph B below.

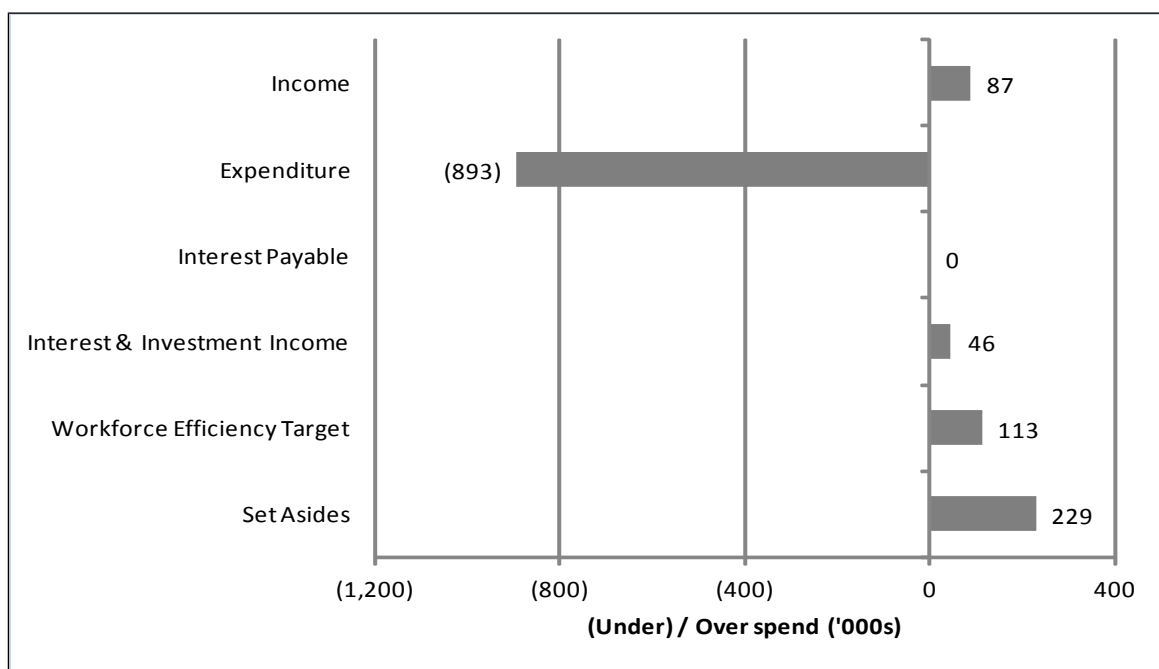
TABLE D – HOUSING REVENUE ACCOUNT POSITION				
Description	Annual Budget £'000	Adjusted Budget £'000	Forecast Outturn £'000	Forecast Variance £'000
Income	(26,167)	(26,167)	(26,080)	87
Expenditure	15,378	15,864	14,971	(893)
Interest Payable & Similar Charges	3,089	3,089	3,089	0
Interest & Investment Income	(217)	(217)	(171)	46
Workforce Efficiency Target	0	(113)	0	113
Set - Asides	0	(373)	(144)	229
Deficit/ (Surplus)	(7,917)	(7,917)	(8,335)	(418)

- 3.9 The main factors impacting on the forecast variance position are outlined in Table E below.

TABLE E – HRA VARIANCE ANALYSIS
Income
<p>Dwelling Rents - £55K uncollectable rental income has been written off so far this year with a forecast of £200K to be written off by March 2017. The forecast rental reduction has been offset against increased rental income due to a lower void rate (now 1%) (£131K)</p>
Expenditure
<p>Employee Expenses - There are continuing vacancies in Property Development following a staffing restructure and savings within Repairs resulting in a forecast under spend of (£144K). This will be offset against the workforce efficiency target.</p> <p>Structural improvements – These are reactive and the forecast has been reduced (£40K) in line with current demand</p> <p>Sound insulation – The set aside (£103K) is not required as expenditure in 2016/17 can be contained within this year’s annual budget. There is also a forecast saving of (£31K) on the budget this year due to a limited number of properties becoming void to enable work to proceed.</p> <p>Disability Discrimination Act Work – There is a forecast saving of (30K) due to limited works arising from DDA surveys.</p> <p>Annual Service Of Fire Alarms – There is a saving of (27K) as cost of this is met from within the communal facilities. This budget has been removed from 2017/18.</p> <p>Smoke Heat & Co Detectors - The set aside (£126K) is not required as expenditure in 2016/17 can be contained within this year’s annual budget.</p> <p>Painting – There is a forecast under spend of (£70K) due to delays in the contractor starting on site.</p> <p>Disabled adaptations – The forecast has been reduced (£200K) in line with current levels of demand for this service.</p>

3.10 The following graph illustrates the Quarter 2 forecast variance position.

Graph B: Housing Revenue Account Budget – Quarter 2 Forecast Variance



Capital Programmes

3.11 The capital programmes include a number of significant capital projects for 2016/17. The original budget for General Fund Capital Programme was set at £11.802M and the HRA Investment Programme was set at £9.700M. The original budget remains unchanged.

3.12 The financial position as at 30th September 2016 shows a forecast variance of (£9.566M) on the General Fund Programme and (£2.251M) on the HRA Investment Programme. The information is summarised in Table F and Graph C below;

TABLE F – CAPITAL PROGRAMMES				
Programme	Annual Budget £'000	Adjusted Budget* £'000	Forecast Outturn £'000	Forecast Variance £'000
General Fund	11,418	11,802	2,236	(9,566)
HRA Investment	9,257	9,700	7,449	(2,251)
Total	20,675	21,502	9,685	(11,817)

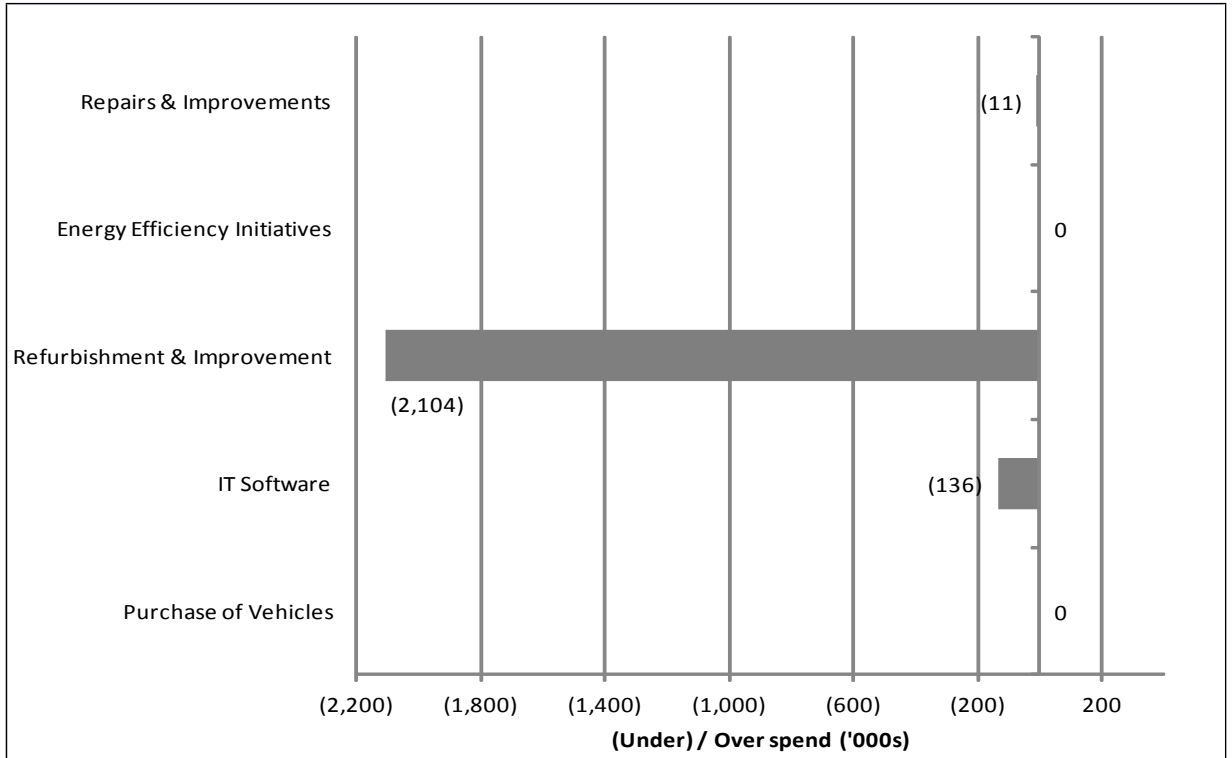
*Annual Budget has been adjusted for approved slippage from 2015-16.

- 3.13 The main factors impacting on the Quarter 2 forecast variance position are outlined in Table G below. These areas represent the key headings and are not intended to balance to the overall forecast variance shown in Table F due to a number of small variances across schemes which are not materially significant.

TABLE G – CAPITAL - KEY FORECAST VARIANCE INFORMATION
GENERAL FUND
<p>Growth - St. Peter's Hill Development - Due to further specialist advice being taken and a revised approach being identified as part of an over-arching ambition of creating a highly attractive sub regional leisure destination and cultural offer to Grantham this project has been delayed (£4.529M).</p> <p>Property Investment Strategy – There is a forecast slippage of (£5M) due to the current lack of commercial investment opportunities that meet the Councils requirements.</p>
HOUSING INVESTMENT PROGRAMME
<p>IT Software - Repairs vehicles management system is no longer being purchased as the units are now being rented (£50K). The Customer Relationship Management system expenditure profile has changed over stages 1 & 2 resulting in a saving to the HRA (£86K).</p> <p>Refurbishment & Improvement - Stock Growth & Acquisitions. There is a forecast under spend in year based on current known estimated buy backs, conversions & land purchases (£1.404M).</p> <p>New Build Properties – There is proposed slippage of £700K due to delays in starts on site.</p>

3.14 The following graph illustrates the Quarter 2 forecast variance position for the Housing Investment programme.

Graph C: Housing Investment Programme – Quarter 2 Forecast Variance



4. OTHER OPTIONS CONSIDERED

None applicable

5. RESOURCE IMPLICATIONS

None applicable

6. RISK AND MITIGATION

None applicable

7. ISSUES ARISING FROM EQUALITY IMPACT ANALYSIS

None applicable

8. CRIME AND DISORDER IMPLICATIONS

None applicable

9. COMMENTS OF FINANCIAL SERVICES

Financial considerations are included in the report.

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

As part of good governance it is important members are kept updated in respect of the financial position of the Council expenditure during the course of the year.

11. COMMENTS OF OTHER RELEVANT SERVICES

None applicable

12. APPENDICES:

None

REPORT TO RESOURCES P.D.G.

REPORT OF: Executive Manager Property

REPORT NO: RIM 365

DATE: 26 January 2017

TITLE:	Asset Strategy- Vision and Asset Challenge	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:		
EXECUTIVE MEMBER: NAME AND DESIGNATION:	Councillor Terl Bryant: Executive Member Resources	
CONTACT OFFICER:	Neil Cucksey Executive Manager Property n.cucksey@southkesteven.gov.uk telephone number 01476 40 62 24 Steve Udberg Interim Lead Officer Assets Management s.udberg@southkesteven.gov.uk	
INITIAL IMPACT ANALYSIS: Equality and Diversity	Carried out and Referred to in paragraph (7) below See paragraph 7	Full impact assessment Required: <i>n/a</i>
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS		

1. RECOMMENDATION

- 1.1 The PDG Members are asked to note the contents of this report and are requested to provide feedback and views on an Asset Vision, and on asset challenge in terms of the scoring methodology and matrix.

2. PURPOSE OF THE REPORT

- 2.1 The current adopted Property Asset Strategy covers the period expiring 2017. The current Vision Statement is particularly focused on operational assets. With the new Corporate Plan commencing 2016, and the current Property Asset Strategy expiring 2017, this provides an opportunity to formulate a new Vision which reflects our current objectives and wider ambitions for the future.
- 2.2 A fundamental and important part of proactive strategic asset management is to embed a formal asset challenge process and to deliver on the process. Alongside the Vision, the asset challenge process is a crucially important part of any asset strategy, and the PDG Members are requested to review and inform it at this early stage to assist in its development.

3. DETAILS OF REPORT

3.1 BACKGROUND

- 3.1.1 The Council's Corporate Plan 2016 – 2020 highlights being "Open for business" and "Commercially and customer focused" these outcomes are also key to the future asset strategy and focusing a vision for the property assets going forward.

The focus for the Council is also on;

- Growth plans
- Fit for the Future programme to enable the Council to be self financing by 2019
- Establishment of the Local Authority Controlled Company and provision of more housing
- Create vibrant communities where people want to live, work, invest
- Invest in commercial property assets
- Evaluate space availability in existing Council buildings and land assets to ensure maximum utilisation

3.2 THE EXISTING ASSET PORTFOLIO

- 3.2.1 The existing general fund asset portfolio comprises two basic types of property assets. These are the tenanted properties portfolio, and the operational properties portfolio.

- 3.2.2 The tenanted portfolio is further divided between the community portfolio, the commercial portfolio, and the investment portfolio.
- 3.2.3 The operational portfolio can be further divided between core properties (accommodating direct delivery of services) and non – core properties (deliver corporate objectives other than direct services).
- 3.2.4 Why is this important? It is important because the reason why we hold the asset and its strategic purpose influences and determines the way the asset should be managed, in order to achieve the desired outcomes.
- 3.2.5 The tenanted portfolio assets have a particular strategic function, and the operational portfolio assets have a different function.
- 3.2.6 The community portfolio includes for example community centres, sports clubs, scout huts and other third sector tenants. The function and desired outcomes from these assets are related to supporting the community.
- 3.2.7 The commercial portfolio includes the Council’s industrial units. The purpose of the industrial units is to support the Councils economic development objectives.
- 3.2.8 The investment portfolio includes those properties held for investment purposes to provide income and capital growth.
- 3.2.9 The operational property portfolio includes for example Council offices, depots, market stores, car parks, public conveniences. The purpose of the operational properties is to provide cost effective, sustainable space which supports delivery of services.
- 3.2.10 Different parts of the asset portfolio have different uses and functions which influence and determine the way that each should be managed to achieve the desired outcomes. Also, and most importantly, it influences the formulation and definition of a vision for the asset portfolio as a whole.
- 3.2.11 Asset Plans for these different parts of the asset portfolio are being formulated. The plans have been informed by, and based on, CIPFA and RICS best practice guidelines.

4.0 **THE EXISTING ASSET MANAGEMENT VISION**

- 4.1 The current adopted SKDC Property Asset Strategy covers the period expiring 2017.

The Vision Statement is

“By 2015 SKDC will have developed with its partners and other like minded public sector organisations opportunities to rationalise or share property assets to provide a cost effective and sustainable public estate to serve the locality and meet customer demand whilst reducing reliance on council tax and government grant and will have implemented the opportunities that arise”.

4.2 The current Vision Statement is particularly focused on operational assets with the new Corporate Plan commencing 2016, and the current adopted Property Asset Strategy expiring 2017, there is an opportunity to formulate a new Vision which reflects our current objectives and wider ambitions for the future.

4.3 **VISIONING FOR THE FUTURE**

4.3.1 The purpose of this Report is to inform a debate about the asset vision for the revised Property Asset Strategy, post 2017, which will set a direction and context to ongoing work in formulating the Strategy.

4.3.2 It is anticipated that the revised Vision will be incorporated in the strategy setting out the principles adopted, and that there will be an Asset Management Plan setting out how property asset management is delivered, and an action plan providing clear and measurable actions that will be implemented over the short term of say 3 years.

4.2.3 Formulating the Vision and what goes into it, is subjective and based on opinion and views. There are a number of possible key strands which could be considered appropriate. These are put forward as suggestions to the Group, although Members may consider there are others, and the suggestions are put forward to assist the Group in shaping the Vision.

4.2.4 It is firstly suggested that the Vision should do three things, these being to provide the long term strategic vision, to deliver corporate objectives, and to set direction for the asset portfolio.

An example:

The Council will own, occupy or use properties that empowers excellent performance in the delivery of its services and Corporate Plan themes on behalf of its residents, businesses and visitors.

4.2.5 Other possible strands to include in a vision statement are;

- Use of assets to drive economic growth
- Facilitate housing development
- To drive greater value from the tenanted non residential portfolio to help support front line service and assist financial independence
- To support leisure arts and culture
- To support community well being and health
- To support regeneration
- To create the right environment for transformational new ways of working

4.2.6 The Group may like to consider whether a broader vision is appropriate or whether a more detailed version is required. A broader vision will enable more flexibility in the future. A more detailed vision will provide more certainty.

A broader and more detailed example is given below;

To own and manage assets effectively to support the Council in delivering its strategic priorities and service needs including reviewing and rationalising the Councils property portfolio so as to maximise receipts and minimise property costs; to ensure that the assets that are retained for service delivery are well maintained, accessible, safe and fit for purpose; and to use the assets to assist regeneration and economic development, growth and good housing in the District, and to support health, well being and community outcomes.

The Council has the right accommodation in the right place at the right time and is affordable to meet its needs that support service delivery, to own investment assets that financially support service delivery, and to own assets that will deliver other Corporate Plan themes, in the most efficient way possible for the benefit of residents and businesses in the District.

4.2.7 The PDG Members are asked to consider the above and to confirm views on the Vision to be recommended to the Executive for adoption in the Asset Strategy. The vision is a statement of where we want to get to. In considering what should go into the vision, the PDG Members may wish to discuss the following;

- a) Detailed or broader vision?
- b) Generic (ie applicable to all types of assets) or specific (parts of Vision apply to different asset uses)?
- c) Should the Vision include actions?
- d) Who are the beneficiaries of the Vision (eg residents; businesses), is it important to state this?
- e) What is the main focus of the Vision (eg empower the Council to perform excellently in delivering services)?
- f) What is the desired nuance in the main focus (eg perform excellently compared to meet needs that support service delivery)?
- g) What other factors or components does the Group consider important to incorporate into the Vision?

5.0 ASSET CHALLENGE

5.1 The challenge takes place on all assets including operational properties and investment properties held in the portfolio, and can be applied to new investment opportunities to decide on relative attractiveness to add to and improve the overall performance of the portfolio.

5.2 The opportunity is to re-balance the asset portfolio through disposals of under-performing assets and investment into more prime assets generating a more healthy return to support service delivery. There is also an opportunity to move from the historic legacy of current property holdings and to transform and modernise the asset portfolio. An ongoing initiative of disposals resulting from active strategic asset management and combined with reinvestment is an important component in improving the asset performance, balance, and growth and sustainability of income moving forward.

5.3 An asset scoring matrix has been designed to assess performance of properties. The matrix is an important part of the Disposal Strategy which will be brought to the Group for future consideration as part of the overall Asset Management Plan.

5.4 **ASSET SCORING**

5.4.1 We are proposing to adopt a scoring mechanism to assess each asset in relation to key factors and criteria for performance. The advantages of scoring are greater transparency and consistency for comparison, and increased objectivity and clarity.

5.4.2 Inevitably with a scoring mechanism, debate can be had regarding the design of the scoring and feedback is welcomed regarding the proposed design of the scoring to ensure the mechanism to be adopted reflects the Councils requirements.

5.4.3 The proposed asset scoring methodology for discussion is as follows;

The indicators for measuring investment properties will broadly follow the adopted criteria for buying new investment properties as set out in the Council’s Asset Investment Strategy.

5.4.4. Assets will be assessed on two pass or fail indicators. All assets achieving both indicators will be considered fit for purpose and therefore should be retained.

<u>Investment indicator</u>	<u>Basis</u>
<u>Measure</u>	
Net initial yield	Current rent as %age of capital value
Pass/ fail	
Investment score	Total weighted score based on investment Criteria - Greater or equal to a score of 140

Net initial yield - this measures whether the asset is generating income to a satisfactory level of return. The net initial yield is expected to achieve 7% or above.

Investment score – this will be calculated by assessing a number of criteria to arrive at a weighted score indicating the overall level of investment performance for each asset.

5.4.5. The investment criteria and their basis and weighting factor is as follows;
Performance criteria basis of score (between 0 and 4) weighting

Location/ income growth potential	strength of location	10
Tenant strength	strength of covenant	9
Tenure	extent of legal ownership	8
Lot size	capital / book value	7
Remaining lease length	no. of years left on lease	5
Repairing terms	Council level of maintenance responsibility	2

5.4.6 The asset will be assessed under each criterion and scored between 0 and 4, and the score will be multiplied by the weighting to deliver an overall score. The total maximum score possible is **164**.

5.4.7 If an asset shows 85% of the total maximum score possible of 164 (ie a score of 140), then the asset will be judged as being fit for purpose and therefore should be retained. A score of 85% is considered as being the baseline and that future use and management of the strategy should be reviewed.

5.4.8 In respect of the initial scoring of the assets, the decision on the 85% level will be subject to the results of testing and possible refinement.

In respect of future scoring of assets, it is anticipated that the 85% level will be incrementally increased over time as the portfolio is transformed following disposals, which will result in driving further increased performance going forward.

5.4.9 For the initial scoring based on the 85% level, assets therefore showing a score of 140 or less will be judged as assets in the disposal category.

5.4.10 The investment performance criteria is shown below.

Performance criteria Scoring matrix

		SCORE	4	3	2	1	0
CRITERIA	WEIGHTING FACTOR		Excellent	Good	Acceptable	Marginal	Unacceptable
Location	10		Prime	Sub prime	Secondary	Sub secondary	Tertiary
Tenancy strength	9		Single tenant with strong financial covenant	Single tenant with good financial covenant	Multiple tenants with strong financial covenant	Multiple tenants with good financial covenant	Tenants with poor financial covenant
Tenure	8		Freehold	Lease 125 years plus	Lease between 50 and 125 years	Lease between 20 and 50 years	Lease less than 20 years
Lot size	7		Between £1m and £2.5m	Between £0.75m & £1.0m or £2.5m & £3.0m	Between £0.5m & £0.75m or £3.0m & £4.75m	Between £0.25m & £0.5m or £4.75m & £5.25m	Less than £0.25m or more than £5.25m
Remaining lease length	5		Longer than 10 years	Between 7 and 10 years	Between 4 and 7 years	Between 2 and 4 years	Less than 2 years; vacant
Repairing terms	2		FRI	Internal repairing - 100% recoverable	Internal repairing-part recoverable	Internal repairing-non recoverable	Landlord

Note: Some testing of the proposed scoring mechanism has been undertaken. Initial results have been as follows;

Closed public toilets	score 52
Commercial, Grantham	score 89
Industrial Unit, Bourne	score 105
Commercial unit Stamford (HRA)	score 77
Commercial unit Stamford (HRA)	score 87
Commercial unit Stamford (HRA)	score 87

5.4.11 If all, or a large number of the assets can be scored in this way, a ranked list can be produced showing performance and fitness for purpose. The assets with particularly low scores can be considered for short or medium term disposal. The ranked list can be used to formulate a disposal programme to transform the portfolio over time.

5.4.12 At this initial point three phases are considered as being possible to transform the portfolio. Also, consideration needs to be given to market conditions in terms of phasing and potential yields achievable through reinvestment.

5.4.13 However before disposals are agreed it is important to understand if an alternate use or further investment in the asset would give a better outcome for the Council. A score below 140 should therefore be a trigger for a wider review of those assets before considering them for disposal.

5.4.14 Worked examples of the scoring matrix are included in Appendix A.

5.4.15 Members views are sought on the asset scoring methodology.

4. OTHER OPTIONS CONSIDERED

CIPFA and RICS best practise guidance has been reviewed and used to inform the work on asset management.

5. RESOURCE IMPLICATIONS

None as a result of this report. Arrangements are in place with an appointed commercial agent to obtain specific market and valuation advice in addition to commissioning reports from the District Valuation Office.

6. RISK AND MITIGATION

Risk has been considered as part of this report and any specific high risks are included in the table below:

Category Risk	Action / Controls

7. ISSUES ARISING FROM IMPACT ANALYSIS

None as a result of this report

8. CRIME AND DISORDER IMPLICATIONS

None as a result of this report

9. COMMENTS OF FINANCIAL SERVICES

It is important the Council actively reviews and invests in its asset base in order to ensure it is continuing to support the Council's ambitions and deliver value for money. It is equally important to identify disposal opportunities in order that the capital receipts can be utilised to fund future capital expenditure.

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

The power available to local authorities to dispose of assets is detailed at s.123 of the Local Government Act 1972 and the relevant disposal consents

11. COMMENTS OF OTHER RELEVANT SERVICES

There are no comments from other services.

12. APPENDICES:

Appendix 1a and 1b: Two worked examples of Asset Scoring – Highest and lowest.

APPENDIX 1a

ASSET : Industrial unit

Investment performance criteria

SCORING SHEET

		SCORE	4	3	2	1	0	Factor times score
CRITERIA	WEIGHTING FACTOR		Excellent	Good	Acceptable	Marginal	Unacceptable	
Location	10	4	Prime	Sub prime	Secondary	Sub secondary	Tertiary	40
Tenancy strength	9	4	Single tenant with strong financial covenant	Single tenant with good financial covenant	Multiple tenants with strong financial covenant	Multiple tenants with good financial covenant	Tenants with poor financial covenant	36
Tenure	8	4	Freehold	Lease 125 years plus	Lease between 50 and 125 years	Lease between 20 and 50 years	Lease less than 20 years	32
Lot size	7	2	Between £1m and £2.5m	Between £0.75m & £1.0m or £2.5m & £3.0m	Between £0.5m & £0.75m or £3.0m & £4.75m	Between £0.25m & £0.5m or £4.75m & £5.25m	Less than £0.25m or more than £5.25m	14
Remaining lease length	5	3	Longer than 10 years	Between 7 and 10 years	Between 4 and 7 years	Between 2 and 4 years	Less than 2 years; vacant	15
Repairing terms	2	4	FRI	Internal repairing - 100% recoverable	Internal repairing- part recoverable	Internal repairing- non recoverable	Landlord	8
								145

APPENDIX 1b

ASSET : Closed public conveniences

Investment performance criteria

SCORING SHEET

		SCORE	4	3	2	1	0	Factor times score
CRITERIA	WEIGHTING FACTOR		Excellent	Good	Acceptable	Marginal	Unacceptable	
Location	10	2	Prime	Sub prime	Secondary	Sub secondary	Tertiary	20
Tenancy strength	9	0	Single tenant with strong financial covenant	Single tenant with good financial covenant	Multiple tenants with strong financial covenant	Multiple tenants with good financial covenant	Tenants with poor financial covenant	0
Tenure	8	4	Freehold	Lease 125 years plus	Lease between 50 and 125 years	Lease between 20 and 50 years	Lease less than 20 years	32
Lot size	7	0	Between £1m and £2.5m	Between £0.75m & £1.0m or £2.5m & £3.0m	Between £0.5m & £0.75m or £3.0m & £4.75m	Between £0.25m & £0.5m or £4.75m & £5.25m	Less than £0.25m or more than £5.25m	0
Remaining lease length	5	0	Longer than 10 years	Between 7 and 10 years	Between 4 and 7 years	Between 2 and 4 years	Less than 2 years; vacant	0
Repairing terms	2	0	FRI	Internal repairing - 100% recoverable	Internal repairing- part recoverable	Internal repairing- non recoverable	Landlord	0
								52

REPORT TO RESOURCES PDG

REPORT OF: Executive Manager - Commercial

REPORT NO: COM003

DATE: 26th January 2017

TITLE:	Pensions Policy Statement 2017	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	To note the proposed updates to the Council's Pension Policy Statement.	
EXECUTIVE MEMBER: NAME AND DESIGNATION:	Cllr Frances Cartwright Executive Member for Governance	
CONTACT OFFICER:	Judith Davids –Executive Manager Commercial Telephone : 01476 406344 Email: j.davids@southkesteven.gov.uk	
INITIAL IMPACT ANALYSIS: Equality and Diversity	Carried out and Referred to in paragraph (7) below	Full impact assessment Required: No
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	<p>The Council's Pensions Policy 2014 http://moderngovsvr/mgConvert2PDF.aspx?ID=12545</p> <p>The LGPS 2014 website www.LGPS2014.org</p> <p>Additional Pension Policy Statements Officer Decision 17th September 2013 ..\\Pension Administrators templates Aug 2013\\SKDC Pension additional statements signed October 2013.pdf</p> <p>Statutory Instrument 2013 No. 2356 dated 19th September 2013 http://www.lgpsregs.org/images/SI/2014regsSept2013</p> <p>HR Guidance updated 13th December 2013 http://www.lgpsregs.org/images/Versions/HRv2.0</p>	

1. RECOMMENDATIONS

- 1.1 That the Resources PDG note the required updates to the Council's Pensions Policy Statement.

2. PURPOSE OF THE REPORT

- 2.1 There is a requirement on employers to formulate, publish and keep under review a policy statement in relation to the exercise of a number of discretions under the Local Government Pension Scheme (LGPS).
- 2.2 The ability to exercise discretions within a Pension Policy provides a flexibility that could aid in the recruitment, reward and retention of staff.
- 2.3 Any discretion adopted would need to be considered in line with the principles detailed within the policy, and each case would be considered on its own merits to determine whether the discretion would be exercised or not.
- 2.4 It is essential to update the Council's Pension Policy Statement to ensure ongoing compliance in the light of guidance received from the Council's pension scheme administrators, West Yorkshire Pension Fund (WYPF).

3. DETAILS OF REPORT

- 3.1 Section 5 of the Council's Pensions Policy Statement includes a number of discretionary statements that require the Council to explicitly state their position. Advice from WYPF has been taken into account as part of the review to ensure that the Council's policy position is clear and robust. WYPF have advised that the following are specific mandatory discretions that the Council must include:
- Switching on the 85 Rule – *Regulation 1(1)(c)*
 - Early Payment of Deferred Pensions for members who left before 1st April 2014 – *Regulation 30(2) and 30(5) of the LGPS Benefits Regulations 2007 & Regulation 31(2) & Regulation 31(5) of the LGPS Regulations 1997*
 - Early Payment of Deferred Pensions for members who left before 1st April 2014 and have ceased to be entitled to a tier 3 ill health benefit – *Regulation 30A(3) and 30A(5) of the LGPS Benefits Regulations 2007*
- 3.2 The Local Government Pension Scheme (LGPS) Regulations specify that employers are required to make and publish a clear policy statement on how they will exercise these discretions. Hence the need to update the Council's existing policy document, and to expand upon some of the existing discretions.
- 3.3 In order to comply with all the above mandatory requirements the existing Pensions Policy Statement 2014 has been amended under Section 5 'Discretions'. More specifically the amended discretions can be found within the draft Pensions Policy Statement 2017 (attached to this report) as follows:
- Paragraph 5.2 Regulation 16 Shared cost Additional Pension Contributions
 - Paragraph 5.6 Regulation 30 (6) & 32 (4) Flexible Retirement
 - Paragraph 5.7 Regulation 30 (8) Actuarial Reductions
 - Paragraph 5.8 Regulation 31 Award of Additional Pension
 - Paragraph 5.16 Switching on the 85 Rule – *Regulation 1(1)(c)*

- Paragraph 5.17 Early Payment of Deferred Pensions (i.e. those that left the scheme before 2014)
- Paragraph 5.18 Early Payment of Deferred Pensions for members who have ceased to be entitled to a tier 3 ill health benefit(i.e. those that left the scheme before 2014)

3.4 All discretions will continue to be exercised on a case by case basis taking account of business needs, in accordance with the Principles of the Pensions Policy Statement found within section 4 (page 2) of the attached draft Statement.

3.5 Further to this, external legal advice received states that the employer should set out the criteria upon which the discretions will be based; the Pensions Policy Statement does not have to include details of the criteria but it is recommended that a separate procedure is formulated so that the employer and employee both know what is expected. A separate supporting procedure outlining the criteria that will be applied has therefore been developed to support, and give transparency to this process.

3.6 A further change has been made to the Pensions Policy Statement at paragraphs 4.3 and 6.6.1 to remove the guideline of a specific percentage reduction in hours for flexible retirement. This will further serve to ensure that we do not fetter the Council's discretion, as requests for flexible retirement should be approached on the basis of the overall business case. The authority has an accompanying flexible retirement procedure document that is used to guide managers through the process. The guideline percentage forms part of this guidance document which allows for a reduction in overall employment costs, not simply the contracted hours.

4. OTHER OPTIONS CONSIDERED

4.1 No other options have been considered as the proposed updates to the Council's Pensions Policy Statement are required by the LGPS Regulations.

5. RESOURCE IMPLICATIONS

5.1 N/A.

6. RISK AND MITIGATION

6.1 By adopting the proposed amendments the Council will be fully compliant with LGPS regulations.

7. ISSUES ARISING FROM IMPACT ANALYSIS

7.1 The proposal has no issues arising from impact analysis.

8. CRIME AND DISORDER IMPLICATIONS

8.1 The proposal has no implications for crime and disorder.

9. COMMENTS OF FINANCIAL SERVICES

- 9.1 Potential financial impacts will be taken on a case by case basis with a full financial appraisal being completed.

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

- 10.1 In circumstances where a local authority seeks to fetter a discretion by reducing the scope or removing its application altogether, it may give rise to a challenge by way of judicial review on the ground of illegality. Where a local authority is afforded discretion it must seek to apply it consistently.
- 10.2 The Council's Constitution (Article 16, Page 146, paragraph 17) states that the decision making body in respect of "The approval of key people and organisational development strategies and policies that have significant financial implications e.g. remuneration/pay, pensions, redundancy", is the Executive and, the function has been delegated to the Executive Member with responsibility for people and organisational development.

11. COMMENTS OF OTHER RELEVANT SERVICES

- 11.1 No further comments.

12. APPENDICES:

Appendix 1 – Draft Pensions Policy Statement 2017

Appendix 2 – Comparison of discretions within the 2014 and 2017 Pension Policy Statements

PENSIONS POLICY STATEMENT

2017



DECEMBER 2016

1. Introduction

1.1. The Council's pension policy complies with the regulations relating to the Local Government Pension Scheme 2014. It defines the employer discretions in the regulations and clarifies the councils approach to the different retirement options.

2. Scope

2.1. The policy applies to all members of staff who are eligible to be members of the local government pension scheme, as defined in the regulations.

2.2. Currently they are employees with a contract of employment of over 3 month's duration and who are under 75 years of age.

3. Objectives

3.1. This policy clarifies the Council's position on the discretions it can exercise in accordance with the Local Government Pension Scheme 2014 regulations and guidance how they apply to different retirement options.

3.2. It also provides clear guiding principles to assist decision making given that the consideration of an employee's retirement, in a range of circumstances, will be considered on its own merits on a case by case basis, and taking account of business needs.

4. Principles

4.1. The Council will treat each individual retirement case and decision on its merits.

4.2. Decisions relating to retirement will be made taking into account the business case and business implications, the financial implications, employment law considerations, the regulations and the legality of each case. It may also take into account long term savings, affordability, skills, skills retention and impact on service delivery.

4.3. The definition of business efficiency shall include, but not be limited to financial savings and / or quality improvements judged on a case by case basis. As a general principle the Council requires a reduction in working hours or a significant reduction in grade for an efficiency to be considered material in flexible retirement requests.

South Kesteven District Council



4.4. Each decision will be made free from discrimination on the grounds of any protected characteristic - age, disability, gender reassignment, marriage or civil partnership, pregnancy & maternity, race, religion and belief, sex, sexual orientation or any other personal criteria.

4.5. The Council's decisions relating to retirement and the release of a pension will be in line with the current pension regulations. These regulations may be updated from time to time and the Council's policy is to default to the regulations if the policy is not explicit on any current or future regulation.

4.6. Decisions relating to retirement for any current employee will be based on the regulations in place at the time of the decision and will incorporate any relevant transitional arrangements that are put in place in relation to the pre 2008 scheme and the new look 2008 – 2013 scheme.

4.7. Decisions relating to the release of deferred benefits to former employees will refer to the relevant pension policies applicable to their pre 2014 service. In all such cases, the decision as to the release of deferred benefits will be on a case by case basis and will take into account the criteria detailed in the principles, particularly principle 2. Guidance may be sought from the pension administrators as required.

4.8. The Council will apply the nationally determined employee contribution rates and bands. These are subject to an annual review and may be varied.

4.9. Employees who are members of the pension scheme are only entitled to receive pension benefits if they have 2 years or more service. If an employee leaves within 2 years of the start of their employment, they will get their contributions refunded if they are not moving onto another local government post.

4.10. Compassionate grounds are defined as: situations of severe personal distress resulting from non financial circumstances affecting the individual or close family member (e.g. partner/spouse/child/parent) leading to unavoidable financial hardship.

4.11. The Council will pay the rate of contributions determined in the regulations for employees whose pay is reduced through ill health or during authorised unpaid leave, including child related leave.



4.13. The Council will apply the relevant transitional arrangements for the LGPS 2014 and for pre 2014 service, the relevant rule of 85 protections in line with the regulations and discretion 5.15.

Pension Arrangements

The Council, as the scheme employer will exercise its discretions under the regulations as detailed in Appendix 1.

The council recognises that there are a number of retirement options and its approach is detailed in Appendix 2.

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5. Discretions

Within the regulations there are a number of discretionary statements that require the Council to explicitly state their position. The discretions detailed below relate to the current LGPS 2014 regulations and guidance. They also reflect discretions approved by the Council for the previous pension scheme policies. These should be read alongside the principles in section 4 and the pensions options in Appendix 2.

5.1 Regulation 9. Contributions.

5.1.1. The Council will use the contribution rate defined in the regulations and apply it to staff who are members of the pension scheme in accordance with their pensionable pay.

5.1.2. Where an employee has variable pensionable pay throughout the year, the Council will determine the contribution rate based on the total pensionable pay of the previous year and guidance from the relevant line manager and will regularly review the contribution rate to ensure the correct rate is being applied.

5.1.3. Where an employee changes their employment within the Council and there is a material change to their pensionable pay during a year (working hours and / or grade), the Council will change the employee's contribution rate when the material change takes effect.

5.2 Regulation 16 Shared cost Additional Pension Contributions (APC's) (2) (e), (4) (d)

5.2.1 The Council does not consider contribution towards additional pension contributions to be an essential part of its employment strategy. However, the Council will consider applications made under these specific provisions having regard to the Council's general policy from time to time, on the pay policy statement and the particular circumstances surrounding each case.

It is likely that decisions will be made on the merits of each case having particular regard to factors such as:

- the Council's ability to meet the cost of granting such a request
- the operating requirements of the organisation existing, and reasonably foreseeable at the time of the request and/or
- the member's personal circumstances.

5.3 Regulation 17 Shared Cost Additional Voluntary Contributions (AVC's)

5.3.1. The Council will not adopt the discretion to contribute to shared cost AVC's.

5.4 Regulation 19 Death in Service Payment of Contributions

5.4.1. The Council may, under regulation 19 (2) direct the payment of the whole or part of the late employees contributions to the pension scheme to them (their estate), their spouse, civil partner, cohabiting partner or any of their dependents.

5.5. Regulation 22 Aggregation of benefits

5.5.1. The Council will adopt the 12 month deadline in line with regulation 22 (7) (b) and 22 (8) (b) on the cessation of a concurrent employment and when a deferred member of the pension scheme becomes an active member of the pension scheme and wishes to aggregate their benefits.

5.6 Regulation 30 (6) & 32 (4) Flexible retirement

5.6.1. The Council will consider applications made under this Regulation having regard to the particular circumstances surrounding each case. Decisions will be made on the merits of each case having particular regard to:

- the Council's ability to meet the cost of granting such a request
- the potential for financial savings to be delivered over time
- the operating requirements of the organisation existing, and reasonably foreseeable at the time of the request
- the need to retain key skills/expertise
- the potential impact on the delivery of key projects or initiatives
- the member's personal circumstances.

5.6.2. The payment of flexible retirement pension scheme benefits will become payable on the date of the reduction in hours &/or grade in line with Regulation 32 (4).

5.7 Regulation 30 (8) Actuarial Reductions.

5.7.1. The Council will consider applications made under this Regulation having regard to the particular circumstances surrounding each case. Decisions will be made on the merits of each case having particular regard to:

- the Council's ability to meet the cost of granting such a request
- the potential for financial savings to be delivered over time
- the potential impact on the delivery of key projects or initiatives
- the member's personal circumstances.

5.7.2 Applications for the payment of unreduced benefits for service before 1 April 2014 on the grounds of compassion will be granted if:

- in the Council's sole opinion, the special extenuating circumstances surrounding the application, along with the supporting evidence provided justify approval and
- the Council can meet the cost of granting such a request.

5.8 Regulation 31 Award of Additional Pension

5.8.1. The Council will consider applications made under this *Regulation* having regard to the particular circumstances surrounding each case. Decisions will be made on the merits of each case having particular regard to the following:

- the member's personal circumstances
- the interests of the Council
- the additional contributions due to the Fund by the Council in respect of the exercise of this discretion
- any potential benefits or savings to the Council arising from the exercise of this discretion
- other options that are, from time to time, available under the Council's severance arrangements
- the funding position of the Council within the Fund
- the ability of the Council to meet the cost of granting such an award.

5.9 Regulation 36 (1) Ill health retirement benefits

5.9.1. The Council will reach a decision regarding the early payment of pension benefits and the tier payable after it has received the certificate and information provided by the Independent Registered Medical Practitioner.

5.10 Regulation 37 Arrangements regarding Tier 3 ill health benefits

5.10.1 When an employee has received tier 3 ill health benefits and is able to resume employment, it is for the Council to decide whether that employment is "gainful employment" and is likely to continue for at least 12 months. If so, the Council must authorise the cessation of tier 3 ill health benefit payments in line with regulation 37 (3) and 37 (4). It will consider each case on a case by case basis taking into account the regulations, guidance, the principles and the known facts.

5.10.2. Where an employee has been in receipt of tier 3 benefits the Council will ask for a review by an independent registered medical practitioner and may, based on the certification and information provided, decide to continue the tier 3 benefits up to the maximum of 3 years payable, award a tier 2 ill health pension release or cease the payment of benefits.

5.10.3. In the event that a tier 3 pension is in payment to a former employee or within 3 years of the cessation of such payments, the former employee can request a review of their ill health retirement benefits and the council may decide to award a release of pension benefits at tier 2 following review by an independent registered medical practitioner. The council's decision will be based on the certification and information provided in line with regulation 37 (10), the principles and known facts.

5.11. Regulation 38 Ill health retirement – deferred members and deferred pensioner members

5.11.1. Written requests for early release of pension benefits from deferred pension scheme members or deferred pensioner members may be considered by the Council in line with regulation 38.

5.11.2. These requests will be subject to referral to an Independent registered medical practitioner and the Council will reach a decision based on their certification, the information provided and the principles.

5.12 Regulation 74 (1) Appointment of Adjudicator

5.12.1. The Council will designate its Strategic Director – Environment & Property, currently Tracey Blackwell, as its adjudicator for appeals against retirement decisions. The Council reserves the right to nominate another Director or senior manager to act as adjudicator to cover for absence and to ensure fair consideration of any appeal.

5.13. Regulation 85 Deduction and recovery of member contributions

5.13.1 The Council will adopt the discretion to deduct and recover from an employee's pay any contributions payable by the pension scheme member under the regulations.

5.14 Regulation 91(1) Forfeiture of pension rights after conviction for employment related offences

5.14.1 The Council will adopt the discretion to apply to the Secretary of State for a forfeiture certificate if an employee who is a member of the pension scheme is convicted of a relevant offence committed during their employment and for which they left their employment.

5.14.2. This discretion will be exercised in line with the regulations. In such circumstances the Council will adopt those discretions detailed in regulation 91 (7), 93(1), 93(2) to mitigate any loss subject to the protection of guaranteed minimum pension rights detailed on regulation 95.

5.15 LGPS (Transitional Provisions, Savings and Amendment) Regulations 2013 85 year rule benefits and voluntary retirements between the ages of 55 and 60

5.15.1 The Council will not adopt the discretion to apply the 85 year rule to the pre 1st. April 2014 benefits of a scheme member wishing to voluntarily draw benefits on or after age 55 – and before the age of 60.

5.15.2 The Council may adopt the discretion to apply the 85 year rule to the pre 1st. April 2014 benefits of a scheme member wishing to retire on compassionate grounds. Consideration of such cases will be on a case by case basis taking into account the principles detailed in section 4 of the policy.

5.16 Switching on the 85 rule – Regulation 1(1)(c) of the LGPS Transitional Regulations 2014

5.16.1 The Council will consider applications made under this Regulation having regard to the particular circumstances surrounding each case. Decisions will be made on the merits of each case having particular regard to:

- the Council's ability to meet the cost of granting such a request
- the potential for financial savings to be delivered over time
- the potential impact on the delivery of key projects or initiatives
- the member's personal circumstances.

5.17 Early Payment of Deferred Pensions for members who left before 1st April 2014 - Regulation 30(2) and 30(5) of the LGPS Benefits Regulations 2007 & Regulation 31(2) and Regulation 31(5) of the LGPS Regulations 1997

5.17.1 The Council will consider applications made under this Regulation having regard to the particular circumstances surrounding each case. Decisions will be made on the merits of each case having particular regard to:

- the Council's ability to meet the cost of granting such a request
- the member's personal circumstances.

Applications for the payment of unreduced benefits on the grounds of compassion will be granted if:

- in the Council's sole opinion, the special extenuating circumstances surrounding the application, along with the supporting evidence provided justify approval and
- the Council can meet the cost of granting such a request.

5.18 Early Payment of Deferred Pensions for members who left before 1st April 2014 and have ceased to be entitled to a tier 3 ill health benefit - Regulation 30A(3) and 30A(5) of the LGPS Benefits Regulations 2007.

5.18.1 The Council will consider applications made under this Regulation having regard to the particular circumstances surrounding each case. Decisions will be made on the merits of each case having particular regard to:

- the Council's ability to meet the cost of granting such a request
- the member's personal circumstances.

Applications for the payment of unreduced benefits on the grounds of compassion will be granted if:

- in the Council's sole opinion, the special extenuating circumstances surrounding the application, along with the supporting evidence provided justify approval and
- the Council can meet the cost of granting such a request.

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Appendix 2

6 PENSION OPTIONS

6.1. Retirement at Normal Pension Age

6.1.1. The LGPS 2014 defines the normal pension age for each member as equal to their state pension age, subject to a minimum age of 65. At the employees normal pension age their pension benefits are paid unreduced and will be based on their Career Average Re-valued contributions in their pension account for service after 01.04.2014.

6.1.2. The accrual rate for contributions after this date is currently 1/49th. of pensionable pay and the Council will pay employee contributions and employer contributions to the pension scheme administrators in line with the regulations and the triennial reviews.

6.1.3. All pension contributions paid into the local government pension scheme before 01.04.2014 are fully protected in line with the transitional arrangements.

6.2 Late Retirement

6.2.1. Employees who are members of the pension scheme who work beyond their normal pension age will receive enhanced benefits in line with the Government Actuaries Department guidance and the regulations.

6.3 Retirement below normal pension age

6.3.1. The LGPS 2014 regulation 30 (5) permits current employees to choose to take their retirement pensions from age 55. This election is **without** employer consent and is subject to an actuarial reduction.

6.3.2. The actuarial reduction will be in line with the Government Actuaries Department guidance. In such cases of voluntary retirement between the ages of 55 – 60, the Rule of 85 protections does not apply in line with the discretion 5.15.

6.3.3. This option is available to current employees who are suffering from ill health and who do not qualify for medical certification (incapacity).

6.4. Retirement on the grounds of redundancy.

6.4.1. Where an employee aged 55 or over is dismissed or their employment terminated by mutual consent on the grounds of redundancy, they are entitled to receive immediate payment of their pension and it is not subject to an actuarial adjustment. The actuarial strain continues to be taken by the Council as the employer.

6.4.2. If the employee has been paying additional pension contributions, those additional pension contributions are subject to actuarial reductions in line with the regulation 30 (7) and any further guidance.

6.5. Retirement on the grounds of business efficiency – employer consent

6.5.1. Where an employee aged 55 or over is dismissed or their employment terminated by mutual consent on the grounds of business efficiency, (employer consent retirement) they may be entitled to receive immediate payment of their pension and it is not subject to an actuarial adjustment. The actuarial strain continues to be taken by the Council as the employer in line with regulation 30 (7) (b).

6.5.2. If the employee has been paying additional pension contributions, those additional pension contributions are subject to actuarial reductions in line with the regulation 30 (7) (a) and any further guidance.

6.5.3. The Council has defined business efficiency in its principles (4.2 and 4.3) and will consider each case on a case by case basis in line with the principles.

6.6 Flexible retirement

6.6.1. The Council has adopted the discretion to allow flexible retirements and will consider requests from employees on a case by case basis, taking account of business needs, in line with the principles. Requests for flexible retirement must result in a material efficiency, which is defined in principle 4. 2, namely:

The definition of efficiency shall include, but not be limited to financial savings and / or quality improvements judged on a case by case basis. As a general principle the Council requires a reduction in working hours or a significant reduction in grade for an efficiency to be considered material in flexible retirement requests.

6.7 Ill health retirement

6.7.1. The Council will approve the release of pension benefits on the termination of employment when an employee has meets the following 2 conditions:

1. That the member is, as a result of ill health or infirmity of mind or body, **permanently incapable** of discharging efficiently the duties of the employment the member was engaged in and
2. The member, as a result of ill health or infirmity of mind and body is **not immediately capable** of undertaking gainful employment.

6.7.2 There are currently 3 tiers of ill health retirement benefits that depend on the prognosis for future employment.

- The entitlement to **Tier 1** benefits occur when the employee is unlikely to be capable of undertaking gainful employment before normal pension age. Assumed pensionable pay up to normal pension age for that individual would be applied to their pension account so that the employee's benefits are what they would have got had they continued at work until their normal pension age.
- The entitlement to **Tier 2** benefits occur when the employee is unlikely to be able to undertake any gainful employment within 3 years of leaving their employment but is likely to be able to undertake gainful employment before reaching normal pension age. A 25% enhancement to their pension would be applied as per the regulations.
- The entitlement to **Tier 3** benefits occurs when the employee is likely to be capable of undertaking gainful employment within 3 years of leaving the Council. Tier 3 benefits are payable for a maximum of 3 years based on actual contributions to the end of the individuals employment with the Council. Tier 3 pensions are not enhanced. The Council will arrange a review of a tier 3 ill health retirement after 18 months and as required on a case by case basis.

6.7.3. The Council will determine the tier of ill health pension release based on the certification of a suitably qualified independent registered medical practitioner (IRMP) in line with the regulations and guidance and the principles.

6.7.4 Former employees who are deferred members of the pension scheme may request a release of their pension on ill health grounds at any age and the Council will reach a decision based on the certification of a suitably qualified Independent registered medical practitioner (IRMP) in line with the regulations and guidance and the principles in the same way as it does for current employees.

6.8 Retirement on Compassionate Grounds

6.8.1 The council will consider retirements on compassionate grounds as an employer consent decision on a case by case basis, taking account of business needs in line with the principles, especially 4.11.

6.8.2. The decision as to whether to waive any actuarial reductions or rule of 85 protections is a discretion of the council and will be considered on a case by case basis in line with the principles.

6.8.3. The council may require reports from a suitably qualified independent registered medical practitioner (IRMP) or other professional to inform their decision.

6.9 Temporary Reduction in contributions – the 50/50 option

6.9.1. The 50/50 option is designed to be a short term temporary arrangement during times of hardship, and allows employees to give written notice to pay half the contributions and accrue pension benefits at half the normal rate.

6.9.2. The Council will provide information to an employee in such circumstances so that they understand the impact on their benefits.

6.9.3. The council will pay contributions at the 100% rate in line with the regulations.

6.10 Deferred Members.

6.10.1. Former employees may request the early release of their pension benefits from age 55.

6.10.2 If their employment ceased after 1st April 2014, when the Local Government Pension Scheme 2014 was in place, this may be considered in line with Regulation 30(5). Such requests do not need the consent of the employer as in such cases the benefits are subject to an actuarial reduction in line with the government actuaries' department guidelines.

6.10.3. If their employment ceased before the Local Government Pension scheme 2014 was introduced, they will have their requests considered under the policies and regulations in place when their employment with South Kesteven District Council ceased.

6.10.14. These arrangements may be subject to changes in the transitional arrangements and the Council will default to the transitional arrangements in place at the time any decisions have to be made.

Links to other policies & guidance

The Councils Pension policy 2007

<http://moderngovsvr/mgConvert2PDF.aspx?ID=4522>

The Councils new look pension scheme approved by Council 3rd March 2008

<http://moderngovsvr/mgConvert2PDF.aspx?ID=5171>

Additional Pension Policy Statements Officer decision 17th September 2013

<..\Pension Administrators templates Aug 2013\SKDC Pension additional statements signed October 2013.pdf>

Statutory Instrument 2013 No. 2356 dated 19th September 2013

<http://www.lgpsregs.org/images/SI/2014regsSept2013>

<http://www.lgpsregs.org/index.php/the-regulations/timeline-regulations-2014>

Information about the new local government pension scheme 2014

www.LGPS2014.org

HR guidance updated 13th December 2013

<http://www.lgpsregs.org/images/Versions/HRv2.0>

APPENDIX 2 - Comparison of Pension Policy Discretions

2014 Pension Policy Statement	2017 Pension Policy Statement
Shared Cost Additional Pension Contributions	
<p>5.2.1 The Council will not adopt the discretion to fund whole or in part the additional pension contribution whether paid as a regular contribution or as a lump sum.</p>	<p>5.2.1 The Council does not consider contribution towards additional pension contributions to be an essential part of its employment strategy. However, the Council will consider applications made under these specific provisions having regard to the Council's general policy from time to time, on the employee pay strategy and the particular circumstances surrounding each case.</p> <p>It is likely that decisions will be made on the merits of each case having particular regard to factors such as:</p> <ul style="list-style-type: none"> • the Council's ability to meet the cost of granting such a request • the operating requirements of the organisation existing, and reasonably foreseeable at the time of the request and/or • the member's personal circumstances.
Flexible Retirement	
<p>5.6.1. The Council will adopt this discretion and may give consent to flexible retirement and the release of pension benefits.</p> <p>5.6.2. Each case will be treated on its merits following the consideration of the principles, especially in relation to efficiency.</p> <p>5.6.3. The payment of flexible retirement pension scheme benefits will become payable on the date of the reduction in hours &/or grade in line with Regulation 32 (4).</p>	<p>5.6.1. The Council will consider applications made under this Regulation having regard to the particular circumstances surrounding each case. Decisions will be made on the merits of each case having particular regard to:</p> <ul style="list-style-type: none"> • the Council's ability to meet the cost of granting such a request • the potential for financial savings to be delivered over time • the operating requirements of the organisation existing, and reasonably foreseeable at the time of the request • the potential impact on the delivery of key projects or initiatives • the member's personal circumstances. <p>5.6.2. The payment of flexible retirement pension scheme benefits will become payable on the date of the reduction in hours &/or grade in line with Regulation 32 (4).</p>

Waiving Actuarial Reductions	
<p>5.7.1. The Council will adopt the discretion to waive, in whole or in part, the actuarial adjustment on early releases in pensions and flexible retirements.</p> <p>5.7.2. The exercise of this discretion will be considered on a case by case basis and will take into account the principles.</p> <p>5.7.3. The waiving of actuarial adjustments may be specifically applied to cases which are being considered as an employer consent on compassionate grounds in line with the definition in Principle 4.11.</p>	<p>5.7.1. The Council will consider applications made under this Regulation having regard to the particular circumstances surrounding each case. Decisions will be made on the merits of each case having particular regard to:</p> <ul style="list-style-type: none">• the Council's ability to meet the cost of granting such a request• the potential for financial savings to be delivered over time• the potential impact on the delivery of key projects or initiatives• the member's personal circumstances. <p>5.7.2 Applications for the payment of unreduced benefits for service before 1 April 2014 on the grounds of compassion will be granted if:</p> <ul style="list-style-type: none">• in the Council's sole opinion, the special extenuating circumstances surrounding the application, along with the supporting evidence provided justify approval and• the Council can meet the cost of granting such a request.

Awarding Additional Pension

5.8.1. The Council does not adopt the discretion to award additional pension (up to the additional pension limit defined in the regulations, currently £6500) to employees in the pension scheme or to staff who are dismissed on the grounds of redundancy, business efficiency or terminated on the grounds of mutual consent on the grounds of business efficiency.

5.8.1. The Council will consider applications made under this Regulation having regard to the particular circumstances surrounding each case. Decisions will be made on the merits of each case having particular regard to the following:

- the member's personal circumstances
- the interests of the Council
- the additional contributions due to the Fund by the Council in respect of the exercise of this discretion
- any potential benefits or savings to the Council arising from the exercise of this discretion
- other options that are, from time to time, available under the Council's severance arrangements
- the funding position of the Council within the Fund
- the ability of the Council to meet the cost of granting such an award.

Switching on the 85 rule

5.16.1 The Council will consider applications made under this Regulation having regard to the particular circumstances surrounding each case. Decisions will be made on the merits of each case having particular regard to:

- the Council's ability to meet the cost of granting such a request
- the potential for financial savings to be delivered over time
- the potential impact on the delivery of key projects or initiatives
- the member's personal circumstances.

Early Payment of Deferred Pensions for members who left before 1st April 2014

5.17.1 The Council will consider applications made under this Regulation having regard to the particular circumstances surrounding each case. Decisions will be made on the merits of each case having particular regard to:

- the Council's ability to meet the cost of granting such a request
- the member's personal circumstances.

Applications for the payment of unreduced benefits on the grounds of compassion will be granted if:

- in the Council's sole opinion, the special extenuating circumstances surrounding the application, along with the supporting evidence provided justify approval and
- the Council can meet the cost of granting such a request.

Early Payment of Deferred Pensions for members who left before 1st April 2014 and have ceased to be entitled to Tier 3 ill health benefit

5.18.1 The Council will consider applications made under this Regulation having regard to the particular circumstances surrounding each case. Decisions will be made on the merits of each case having particular regard to:

- the Council's ability to meet the cost of granting such a request
- the member's personal circumstances.

Applications for the payment of unreduced benefits on the grounds of compassion will be granted if:

- in the Council's sole opinion, the special extenuating circumstances surrounding the application, along with the supporting evidence provided justify approval and
- the Council can meet the cost of granting such a request.

RESOURCES PDG WORK PLAN TIMETABLE

Resources PDG			
PDG	Subject	Detail	Outcome sought
Resources	Review of business rates reliefs	Consideration of a local business rates relief policy to support the development of local businesses	Flexible policy to encourage businesses to locate and prosper in the district
Resources	Local Council Tax Support Scheme	Local council tax support scheme review including technical changes COMPLETE – pending council decision as part of budget-setting	Review current scheme and viability of scheme with current level of funding including review of technical changes to ensure outcomes are being met
Resources	Medium Term Financial Strategy	Refresh and re write Including Business Rates (discretions etc) Fees and charges Future budget assumptions COMPLETE – pending council decision	New structure to reflect new environment. Better reflects new way of working more likely to support delivery of the corporate plan.
Resources	General Fund Asset Management Strategy	Review of asset management strategy including asset utilisation and maximising the commercial opportunities for the asset holding In progress (January 2017)	Refreshed asset management strategy and delivery plans which optimise return on investment and contribute to the delivery of Council priorities.
Resources	Budget assumptions, review of budget cycle and fees and charges review	PDG will review the key budgetary assumptions underpinning the budget cycle	Provide the supporting framework for Executive to agree budget proposals for 17/18 The PDG would like to look at detailed work on markets and use of car park charges to influence behaviour
Resources	Review of all Discretionary Fees and Charges	PDG will review of Discretionary Fees and Charges	To undertake a fundamental review of all discretionary fees and charges in accordance with the Medium Term Financial Strategy principle.

Resources PDG

PDG	Subject	Detail	Outcome sought
Resources	Drainage Board Services	<ul style="list-style-type: none"> • Understanding of structure of IDB's • Impact on LA of levies • Future influence through board members <p>COMPLETE</p>	Seek to foster better understanding in member cohort of cost of IDB's their structure and our influence. Could lead to policy objective of change across Lincs or even nationally.
Resources	Delivering Differently	May - March	Understanding of the tender process and supplier evaluation/selection
Resources	Building Control Provision	Sept - March	Understanding of options for delivery of shared service
Resources	Fit for the Future	Projects and proposals	To ensure that this Council is well placed to deal with its future challenges.
Resources	Implementation of priority-based budgeting	To be in place by March 2017	To understand the progress that is being made as the organisation moves to priority-based budgeting to help influence considerations related to the Council's budget