

**BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK**

**CABINET SCRUTINY COMMITTEE**

**Minutes of a Meeting of the Cabinet Scrutiny Committee  
held on Wednesday 17<sup>th</sup> April 2013 at 6pm  
in the Committee Suite, King's Court, Chapel Street, King's Lynn.**

**PRESENT:**

Councillors C Joyce (Chairman)  
B Ayres, J Collop, A Lovett, G McGuiness (substitute)  
G Sandell and D Tyler (substitute)

**Other Members Present:**

Councillor A Beales, Portfolio Holder for Regeneration  
Councillor A Lawrence, Portfolio Holder for Community  
Councillor B Long, Deputy Leader and Portfolio Holder for Environment  
Councillor Mrs Nockolds, Portfolio Holder for Health and Wellbeing  
Councillor D Pope, Portfolio Holder for Assets

**By Invitation:** (Item CSC127: Pinch Point Funding Application)

Mr R Archer, representing Norfolk Cycling Charity (CTC Local Campaign Representative)

David Cumming, Norfolk County Council, Principal Infrastructure and Economic Growth Planning Officer

**Officers:**

Chris Bamfield, Executive Director  
Dale Gagen, Corporate Project Officer  
Debbie Gates, Executive Director  
Ray Harding, Chief Executive

Apologies for absence were received from Councillors N Daubney, T Manley, M Tilbury and A Tyler.

CSC119: **APPOINTMENT OF VICE CHAIRMAN**

**AGREED:** That Councillor J Collop be appointed as Vice-Chairman for the meeting.

CSC120: **MINUTES**

The minutes of the meeting held on 20<sup>th</sup> March 2013 were agreed as a correct record and signed by the Chairman.

CSC121: **URGENT BUSINESS UNDER STANDING ORDER 7**

There was no urgent business to report.

CSC122: **DECLARATIONS OF INTEREST**

Councillor Mrs E Nockolds declared a pecuniary interest in Item CSC128 and left the meeting after consideration of Item CSC127: Pinch Point Funding Application.

CSC123: **MEMBERS PRESENT PURSUANT TO STANDING ORDER 34**

Councillor J Loveless for Item CSC127: Pinch Point Funding Application

CSC124: **CHAIRMAN'S CORRESPONDENCE**

The Chairman had no correspondence to report.

CSC125: **RESPONSE TO PREVIOUS COMMITTEE RECOMMENDATIONS**

There were no previous Committee recommendations.

CSC126: **MATTERS CALLED-IN PURSUANT TO STANDING ORDER 12**

There were no matters called-in pursuant to Standing Order 12.

CSC127: **PINCH POINT FUNDING APPLICATION**

The Chairman questioned Mr Archer as to whether in his opinion, accident statistics indicated that most fatal and serious injuries to cyclists occurred at junctions. Mr Archer explained that one of the main reasons for opening the existing route was to provide a safe route to school for pupils at Gaywood Park (now King's Lynn Academy) and KES High Schools. It was extremely well used by pupils of these schools, as well as by children and young people accessing the facilities at Lynnsport. He stated that he did have concerns over the safety for cyclists with the proposed new cycle route particularly as it would cross the new road at least twice. Mr Archer referred to the map (displayed via powerpoint) which outlined an alternative route via Hamburg Way and the disused bus route into Reid Way and suggested that this would provide the same benefits without seriously affecting the safety of users on the Sandringham Cycle Path. He also made reference to the Council's Core Strategy (2011), Policy CS11 which stated that priority would be given to; providing integrated and safe routes for pedestrians and cyclists and dealing with transport issues in new developments. It also stated that development proposals should demonstrate that they reduced the need to travel, promote sustainable forms of transport appropriate to their particular location and related to the uses and users of the development. In order of preference this should be walking, cycling, public transport and private car. Development proposals which are likely to have significant transport implications would need to be accompanied by a transport assessment and travel plan to show how car

based travel could be minimised. He raised the point as to why the Council was not in fact following their policy with regard to the proposed development.

In response, Councillor Beales, Portfolio Holder for Regeneration stated that the paramount consideration with regard to the development was the safety of cyclists. As part of the proposals, cyclists had and would continue to be consulted should the application prove to be successful. The Council was demonstrating a strong financial and policy commitment to cycling within the scheme.

With regard to a query raised as to what exactly constituted a sustrans crossing, David Cumming explained that it was basically a flat crossing which gave priority to cyclists. He stated that any bids for support from the available pinch point funding needed to be submitted by mid-February which had given limited time to prepare the submission in any great detail. It was recognised that there were a number of issues that needed to be addressed and consultation would take part with appropriate stakeholders, including cyclists to ensure that, amongst other issues, the right type of crossings were incorporated into the scheme. Dale Gagen, Corporate Project Officer explained that he had met with a group of cyclists to explain the bid that had been submitted and to discuss and alleviate some of their concerns. Following the meeting, further correspondence had been exchanged in relation to the options and finer details of the development. Subject to the bid being successful, it was proposed to offer a member of the group a place on the Officer Working Group to ensure that they had an input on the plans for the scheme.

Councillor Beales explained in relation to the Planning Policy CS11, the scheme would promote sustainable forms of transport allowing members of the public to walk or to cycle to work. He acknowledged that there were some issues that needed to be addressed but reiterated that there had been a limited amount of time to prepare and submit a bid within the required deadline.

Dale Gagen outlined the merits of the proposed route and why this was preferred to the alternative route that had been put forward by the cycling group. The plans had been considered by the Regeneration, Environment & Community Panel and subsequently by Cabinet who were recommending approval to Full Council. The proposed route provided a new link from A1078 Edward Benefer Way in the north and had added benefits for the wider traffic, especially in relation to the existing housing estates off the A1078. The proposed route would make it safer for cyclists and would incorporate state of the art crossings. It was also much more desirable in relation to the built environment. The alternative route proposed was narrower in width and had existing bollards with cars being parked on both sides of the road making access more difficult. It was highlighted that both the proposed and alternative route had to cross the new road twice, however the crossings on the proposed were more desirable.

In response to a question raised by the Chairman as to whether this went some way to alleviate his concerns, Mr Archer stated that he was pleased that both Councillors and Planners were taken cyclists concerns seriously. He however, suggested that the proposed route would make it easier to drive rather than cycle and further suggested that a speed limit of 20mph should be set along the route. Councillor Beales explained that a key objective of the scheme was to reduce the number of incidents that could potentially occur and having a distinct cycle and pedestrian footpath would help achieve this. He stated that a great deal of emphasis was being placed on the safety of cyclists and to encourage more cyclists to use the route alongside the wider benefits of the development.

In relation to the speed limit that would be applied to the route, David Cumming explained that careful consideration would be given to this to ensure safety was not compromised along with the wider traffic management of the scheme. Appropriate stakeholders would be consulted should the application for funding prove to be successful.

The Chairman highlighted that the existing cycle route had caused a number of issues and was used extensively by pupils at Gaywood Park (King's Lynn Academy) and KES High Schools. It was important that careful consideration be given to the speed limit to ensure safety was not compromised and questioned whether consideration would be given to anything other than setting a 20mph speed limit for the route.

Councillor Beales highlighted that it was not within the remit of the Council to determine the speed limit but stated from a personal point of view, he felt that a maximum of 30mph limit or less should be applied. Councillor Long, Deputy Leader (and County Councillor for North Lynn) also suggested that a 30mph limit should be the maximum applied in line with other estate roads within the locality.

In response to a question raised by Councillor McGuinness, Councillor Beales clarified that the existing road to Lynnsport would remain open.

Under Standing Order 34, Councillor Loveless addressed the Committee and stated that a large sum of money was being allocated to what was only a one kilometre stretch of road, particularly as the existing route ran parallel. He could not see any practical reasons why the alternative route proposed by the cycling group would not offer a better solution than spending a large sum of money on what was a small stretch of road. Mr Archer acknowledged that the proposed route did have merit but in his opinion the alternative route identified offered more benefits. He stated that as much as possible should be done to enhance the existing cycle network within the Borough to encourage more cyclists, particularly as West Norfolk was bucking the national trend in terms of an increase in numbers. The majority of journeys of less than 2km were still undertaken by car and the Council should do everything possible to change this and encourage people to walk/cycle.

Councillor Beales explained the proposed route would offer wider benefits and as per the criteria for any schemes submitted, improve access to a development site, which would provide much needed housing in the Borough. It would also provide improved pedestrian links and offer benefits for cyclists.

Councillor Long stated that the proposed scheme should reduce vehicular traffic in a congested residential area with the additional benefit of improving the air quality management in the Gaywood area. The alternative route would see heavy commercial traffic using the same route as day to day traffic. The access to Lynnsport would be improved which in turn would hopefully attract more visitors.

At the invitation of the Chairman, as Portfolio Holder for “cycling related matters”, Councillor Mrs Nockolds explained that as a keen cyclist herself she had taken a great interest in the project and concerns raised by cyclists. She supported the proposal as it incorporated a sustrans crossing giving cyclists the right of way and separated the cycle path from the road and also offered pedestrians a distinctive footpath. As a school governor, she also welcomed the crossing on Edward Benefer Way.

The Chief Executive stated that within the remit of the Committee, it was for them to give consideration as to whether Cabinet had taken into consideration all appropriate relevant material when arriving at their decision. It had been beneficial to hear the views expressed by Mr Archer and David Cumming but it was clear that Cabinet had carefully considered all the issues, including hearing the views from cyclists and it was for them to have to make a balanced judgement in order to achieve the most appropriate solution.

Councillor Nockolds left the meeting.

CSC128: **QUEEN ELIZABETH HOSPITAL ACCESS**

Councillor J Collop referred to the financial implications detailed in the Cabinet report which outlined that to fund the £198,000 contribution by the Council towards the scheme, the additional income generated through the changes to discounts on second homes within the Borough would be used. He questioned where the decision was made to use this income to support the scheme was taken and whether any other options were considered. He also questioned where such income had been spent in previous years and where it would likely be spent in the future. He suggested that Members were only made aware of where this income was being allocated after the decision had been made.

Councillor Long explained that the income generated through second homes discount had been allocated to various different schemes with particular provision being allocated to those areas that were directly affected by second home ownership. Allocating the additional income generated to improve the access to the Queen Elizabeth Hospital would benefit the entire community within the Borough.

The Chief Executive explained that the County Council element of the income generated from second homes was allocated to the West Norfolk Partnership. The recent amendments under the Council Tax Technical Reforms to Exemptions and Discounts for Empty Properties and Second Homes had seen a reduction from 10% to 5% for a furnished dwelling and from 50% to 5% for a second home with an occupancy restriction which had generated additional income of approximately £200k. At the same time, the opportunity to improve the access to the Queen Elizabeth (QE) hospital had arisen as work was already scheduled to take place to the QE roundabout on the A149 in connection with the new Sainsbury's store. Agreement had been reached with County Highways that work to improve traffic flow around the hospital could be undertaken at the same time in a cost effective way as control arrangements, site management and preliminary costs would all be accounted for by the works already scheduled. If the work was carried out in some three to four years time, it would cost considerably more. The use of the funds to support the works was aligned with the Council's Business Plan objectives of improving the quality of the environment and also the priorities of the agreed use of County second homes funding through support partnership activities. He highlighted that the hospital had agreed to contribute £100k towards the scheme.

The Chief Executive explained that Members would be consulted as to the allocation of the balance of any income that was generated and on the future allocation of second homes monies.

Councillor Beales stated that there was clear transparency as to where the second homes income was allocated and it was a sensible and pragmatic decision to fund the scheme. Any discussions on the general allocation and use of second homes income should be separate and subject to a wider debate. Councillor Long also stated that all Members had the opportunity to consider and scrutinise any decisions made in relation to treasury management.

In response to a question raised by the Chairman as to why this particular scheme had been selected as opposed to an alternative giving direct access on to the A149, Councillor Long explained that the scheme would improve the access arrangements, particularly the traffic congestion at the exit from the hospital onto the A1076 Gayton Road and from the A149 Queen Elizabeth Way particularly at peak times such as visiting times and when staff were coming to and leaving work. He also reiterated that work was already scheduled to take place to the QE roundabout on the A149 during the autumn and therefore control arrangements and site management would already be in place which would reduce the costs of the scheme. If the scheme was carried out separately it would cost considerably more.

The Executive Director, Chris Bamfield explained that from the QE roundabout, approximately 20/25% of the traffic headed north, 50% south and 20/25% towards Gayton. The budget was not available to support the

introduction of a left hand lane only which would cost in the region of £1 million. The scheme would see a dramatic reduction in the back log of traffic from every 4.5 seconds to 2 seconds.

Councillor Lovett supported the scheme, particularly in light of the existing works already scheduled by the County Council. He explained that a large number of complaints were received about the access and parking at the hospital which in turn attracted bad publicity.

Councillor McGuinness suggested that the scheme would not alleviate a great deal of the traffic congestion but acknowledged the costs that would be involved in an alternative scheme. He questioned whether, given the work was scheduled to be undertaken during the autumn and any subsequent delays, what the impact would be on the gas supply to local residents.

In response, Councillor Long explained that he had attended an earlier briefing by the County Council Highways when the issue of the gas supply had been raised and it had been acknowledged that any such work that would affect it would have to be completed during the summer months.

Councillor J Collop referred to Section 4.2 of the report in relation to Risk Management that stipulated that there was a risk in terms of project costs exceeded the budget figure and questioned what, if any, provisions had been made if there was an increase and whether the QE would make a further contribution. Councillor Long stated that as with all highway works there was a risk of delays but the cost of the scheme was supported by the existing works and arrangements that were already in place. He explained that as far as he was aware no discussions had been held with representatives from the QE in relation to a further contribution should the budget figure be exceeded. Councillor Long took the opportunity to state that he was disappointed that Norfolk County Council Highways had not made a budget contribution towards the scheme. The Committee concurred with this view.

The Executive Director, Chris Bamfield explained that unlike the planned works to the Tuesday Market Place that had already revealed issues that were likely to involve additional costs, works in terms of core sampling had already been undertaken by the County Council within the hospital grounds. The scheme was therefore unlikely to be exposed to as much risk.

The Chief Executive reported that following the County Council elections in May, a meeting had been planned with a representative from the Highways Division to discuss potential enhancements and measures to support any over spend in budget should costs over run.

CSC129: **EXCLUSION OF THE PRESS AND PUBLIC**

That under Section 100(a)(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item of business

on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1 and 3 of Part 1 of Schedule 12A to the Act.

CSC130: **LEISURE SERVICE PROVISION**

Councillor McGuinness sought clarification on the tax and VAT implications of the proposed new structures. Councillor Long explained that setting up a Charitable Trust as a registered charity, offered different methods for treatment of VAT and provided a tax efficient method for delivering leisure services. It would also subsequently reduce the tax burden at a local level. The Chief Executive also explained that the Government actively encouraged such initiatives to allow local authorities to manage their leisure services in a cost efficient way. The arrangements had received cross party support as they had been initiated by the previous Labour Government and subsequently implemented by the current coalition Government. Councillor Beales also stated that it would enable the Council to continue to make their fitness and leisure facilities affordable to members of the public. The service would not be run as a commercial enterprise and any income generated would be put back into the local authority company. The scheme would not however detract from or compromise any additional management efficiency savings that could be identified.

Councillor McGuinness stated that it was important that the introduction of the proposals was communicated and promoted to the general public in the appropriate manner. He referred to the introduction of local business rates retention scheme which had come into effect on 1<sup>st</sup> April 2013 and the implications given the lease arrangements for the buildings being for a period of 25 years and the future settlement of business rates occurring in a much shorter time frame (7 years). Councillor Long acknowledged that any future revaluation may have an impact but the figures had been prepared on the basis on the current business rates savings. Councillor Beales also acknowledged that it was highly likely circumstances would change within the 25 year lease period, but the financial case had been prepared to offer as much flexibility as possible.

The Executive Director, Chris Bamfield explained that the Council had taken specialist legal advice with regard to charitable rates relief for the proposed Charitable Company.

Councillor J Collop referred to section 3.3.4 of the report in relation to the application for the additional 20% Discretionary Charitable Relief which stipulated that a decision was required by Members and that a separate report would be prepared for consideration once the Trust was in operation and questioned why a Member decision was required. Councillor Long explained that as the Leader was being recommended as the Chairman for the Company's Board, that it would not be appropriate for him to make such a decision under delegated powers. The Executive Director, Chris Bamfield also highlighted that the application for the additional 20% would be made after the Trust had been set up but well before it was actually operational.



In response to a question raised by Councillor McGuinness on the impact for Council staff employed within the leisure service area and the intention of the Government to abolish tupe regulations, Councillor Long explained that staff would be tupe across to the Trust. The Executive Director, Debbie Gates explained although a fairly unique arrangement was being proposed, it did work out more favourable for the staff involved and for the Authority. She explained that a small number of staff would be tupe across to the Trust, a small number tupe across to the Local Authority Company but the majority would be jointly employed by both and remain on their existing terms and conditions of employment. If the Government introduced new tupe regulations, this would not affect the majority of staff which made the model favourable and attractive to both staff and managers allowing them to maintain control.

Councillor J Collop questioned where any additional income/savings would be allocated and suggested it should be used to support and encourage more people to participate in leisure activities. The Chief Executive explained that currently the leisure facilities were heavily subsidised and the proposals would allow the Council the opportunity to reduce the subsidy they provided while maintaining the same standard of service. It would also produce an annual saving to contribute towards the Council's cost reduction targets.

Councillor J Collop questioned which body would make the decision in relation to staffing costs and who would meet any unforeseen major costs. The Executive Director, Chris Bamfield explained that such decisions would be made by the Charitable Company in consultation with the Local Authority Company with reports being considered and agreed by both Boards. He stated that there was a considerable amount of work that needed to be undertaken on the detail of the proposals and consideration would be given to a profit sharing arrangement.

In relation to a query raised by the Chairman in relation to who would make the decision if the unfortunate circumstances arose that a staff member(s) was to be made redundant, the Executive Director, Debbie Gates explained that it would be a joint decision and although not common (although there were an increase in such arrangements), employees would have one employment contract but two employers. Staff would retain their employment rights in relation to redundancy but ultimately the Local Authority would underwrite any costs.

Councillor J Collop questioned whether staff/management would be given a free reign to introduce measures and new ideas in order to generate more income. Councillor Pope, Portfolio Holder for Assets explained that once the Trust was set up and operating there would be opportunities to achieve efficiencies. Councillor Beales stated that it was important that there was flexibility on both sides and the ability to deal with unforeseen circumstances. It was also important to consider not just achieving savings in terms of reducing staff numbers but to consider other management efficiencies.

The Chief Executive explained that once the Trust was established it could seek to offer services to neighbouring Councils in order to spread and recoup overheads. It was hoped that the business could be developed and grow and become successful. The Executive Director, Chris Bamfield explained that there would be a three year rolling service level agreement and although fixed for three years, it would be formally reviewed after 2 years to tie in with the budget setting process in February. He stated that key to the success would be partnership and joint working.

Councillor Joyce queried that as it would be an independent body from the Council, whether for instance, they may put on shows which the Council did not necessarily approve of. Councillor Pope gave his assurance that this would not happen.

#### **RETURN TO OPEN SESSION**

#### **CSC131: PORTFOLIO HOLDERS' DECISIONS MADE UNDER DELEGATED POWERS**

There were no Portfolio Holders' Decisions made under delegated powers to note.

#### **CSC132: DATE OF NEXT MEETING**

It was noted that the next meeting of the Cabinet Scrutiny Committee was scheduled to be held on Wednesday 22<sup>nd</sup> May 2013 at 6pm.

**Meeting closed at 7.45pm**