

Borough Council of  
**King's Lynn &  
West Norfolk**



# **CABINET**

## **Agenda**

**TUESDAY, 6 MARCH 2012  
at 5.30pm**

in

**Committee Suite  
King's Court  
Chapel Street  
King's Lynn**



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Borough Council of  
**King's Lynn &  
West Norfolk**



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Telephone: 01553 616200  
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**CABINET AGENDA**

**DATE: CABINET – TUESDAY, 6 MARCH 2012**

**VENUE: COMMITTEE SUITE, KING'S COURT, CHAPEL STREET, KING'S LYNN**

**TIME: 5.30 pm**

**1. MINUTES**

To approve the Minutes of the Meeting held on 7 February 2012.

**2. APOLOGIES**

To receive apologies for absence.

**3. URGENT BUSINESS**

To consider any business, which by reason of special circumstances, the Chairman proposes to accept, under Section 100(b)(4)(b) of the Local Government Act 1972.

**4. DECLARATION OF INTEREST**

Please indicate whether the interest is a personal one only or one which is also prejudicial. A declaration of an interest should indicate the nature of the interest and the agenda item to which it relates. In the case of a personal interest, the member may speak and vote on the matter. If a prejudicial interest is declared, the member should withdraw from the room whilst the matter is discussed.

These declarations apply to all those members present, whether the member is part of the meeting, attending to speak as a local member on an item or simply observing the meeting from the public seating area.

**5. CHAIRMAN'S CORRESPONDENCE**

To receive any Chairman's correspondence.

**6. MEMBERS PRESENT PURSUANT TO STANDING ORDER 34**

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

**7. CALLED IN MATTERS**

To report on any Cabinet decisions called in.

**8. FORWARD DECISIONS LIST**

A copy of the Forward Decisions List is attached (Page 7 )

**9. MATTERS REFERRED TO CABINET FROM OTHER COUNCIL BODIES**

To receive any comments and recommendations from other Council bodies some of which meet after the dispatch of this agenda. Copies of any comments made will be circulated as soon as they are available.

- Resources and Performance Panel and Audit Committee – 28 February 2012
- Regeneration, Environment & Community Panel – 29 February 2012

**10. REPORTS**

**1) Notice of Motion 8/11 Development of Employment Opportunities in Villages (Page 9)**

The report explains the employment policy of the Core Strategy which adopts a flexible approach to employment development in rural areas. If any new policy of making specific allocations in villages were to be developed it would risk diluting the current flexibility to respond positively to the type of new businesses in villages.

## **2) Recycling Processing Contract Renewal (Page 14)**

This report requests approval to agree to terminate the existing contract arrangements from 31<sup>st</sup> March 2014 and enter into a procurement exercise with other consortium members.

## **3) Review of trial period following the introduction of charges for Pre-Application Advice (Page 18)**

At its meeting of 8 February 2011 Cabinet authorised the setting up of a charging regime covering the provision of pre-application advice. The resolution of the meeting was:

1) That the Council introduce a system of charging for pre-application advice on a 12 month trial basis, and adopt both the charging regime set out in 3.10 and the service standards set out in appendix 1 to the report.

2) That a review of the charging system be carried out after the 12 month trial in terms of the costs charged and its overall operation, and that the review be reported back to Cabinet.

That resolution was ratified at Full Council, and this report provides a review of the trial period, which is generally regarded as a success, and a recommendation that the charging regime be maintained into the future.

## **4) Pay Policy Statement 2012/13 (Page 27)**

Section 38 of the Localism Act 2011 requires English and Welsh local authorities to produce a pay policy statement for 2012/13 and for each financial year after that.

The attached report summarises the Borough Council's relevant policies relating to levels and elements of remuneration for Chief Officers and includes the relationship between the remuneration of Chief Officers and other officers as recommended within the Hutton Report.

## **5) Queen Elizabeth II Fields Challenge (Page 34)**

The report seeks approval to enter into a Deed of Dedication with the National Playing Fields Association to dedicate certain open spaces as Queen Elizabeth II Fields in Trust.

The Queen Elizabeth II Fields in Trust programme is a legacy to mark the two significant events taking place in the UK in 2012; Her Majesty, the Queen's Diamond Jubilee and the London 2012 Olympics.

**6) Regulation of Investigatory Powers Act 2000 (Page 37)**

To advise Members of the outcome of an inspection by the Information Commissioner's Office and to give effect to the Inspector's recommendations.

**7) Appointment of Representatives to Norfolk Revenues and Benefits Joint Committee (Page 40)**

The report seeks the nomination of three representatives to serve on the Joint Committee for the new Norfolk Revenues and Benefits Partnership for the municipal year 2012/2013.

**8) Community Governance Review – Minor Amendments (Page 42)**

In September 2010 the Borough Council resolved “that minor amendments to parish boundaries be considered on a case by case basis”.

To: Members of the Cabinet  
Councillors N J Daubney (Chairman), A Beales, Lord Howard, B Long,  
Mrs E A Nockolds, D Pope and Mrs V Spikings.

Cabinet Scrutiny Committee

For further information, please contact:

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## FORWARD DECISIONS LIST

Officer

Portfolio  
Responsible

### 6 March 2012

Pay Policy Statement 2012/13	Exec Dir Central Services	Leader
NoM 8/11: Cllr Tilbury : Development of employment opportunities in villages	Exec Dir Development & Regeneration	Regeneration and Commercial Services
Recycling Processing Contract Renewal	Exec Dir Leisure and Public Space	Deputy Leader
Review of trial period following the introduction of a system of charging for pre-application advice	Exec Dir Development & Regeneration	Development
Appointment of Representatives to Norfolk Revenues and Benefits Joint Committee	Dep Chief Exec	Leader
Community Governance Review – minor amendments	Chief Executive	Leader
Regulation of Investigatory Powers Act 2000	Chief Executive	Leader
Queen Elizabeth II Fields Challenge	Exec Dir Leisure and Public Space	Shared Services and External Relations

### 3 April 2012

Treasury Management Strategy	Dep Chief Exec	Leader
Careline Alarm Monitoring Contract	Exec Dir Environmental Health & Housing	Deputy Leader
Data Quality Strategy	Exec Dir Central Services	Leader
Local Authority Mortgage Scheme and Nora	Exec Dir Environmental Health & Housing	Deputy Leader/Regeneration and Commercial Services
Update on the NORA Housing Joint Venture and the role of Norfolk County Council in the Project	Exec Dir Development & Regeneration	Regeneration and Commercial Services
NORA – Joint Venture Feasibility Study	Exec Dir Development & Regeneration	Regeneration and Commercial Services
Enterprise Centre	Exec Dir Development & Regeneration	Regeneration and Commercial Services
Local Authority Leisure Trust – Project Plan and Follow Up report	Chief Executive	Leader/Leisure and Operational Assets

**1 May 2012**

Major Housing Development – King’s Lynn	Exec Dir Regen and Planning	Regeneration and Commercial Services
Appointment of Rep for County Police and Crime Panel	Chief Executive	Leader
Charging Street Naming and Numbering	Exec Dir Regen and Planning	Development
Grounds Maintenance Nursery facilities and Planting Policy	Exec Dir Leisure and Public Space	Shared Services & External Relations

**6 June 2012**

Licensing of Caravan Sites	Exec Dir Environmental Health & Housing	Deputy Leader
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**19 June 2012**

Accounts 2011/2012	Deputy Chief Executive	Leader
Capital Programme 2011/2012	Deputy Chief Executive	Leader

**3 July 2012****18 September 2012 (Accounts)**

Annual Governance Statement	Exec Dir Central Services	Leader
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**Forthcoming Items, as yet unprogrammed**

Local Council Tax Support Scheme	Deputy Chief Executive	Leader
Hunstanton – Proposed Land Disposal	Dep Chief Executive	Regeneration and Commercial Services
Planning Fees	Exec Dir Regeneration & Development	Development
Revised KLATS & KL Car Parking Strategy	Exec Dir Regeneration & Development	Regeneration / Shared Services
Community Cohesion Strategy	Chief Executive	Community
Town Centre Plan	Exec Dir Regeneration & Development	Regeneration
Lynnsport Skate Park	Exec Dir Leisure and Public Space	Leader/Leisure and Operational Assets
Care and Repair Framework Agreement	Exec Dir Environmental Health & Housing	Deputy Leader



## REPORT TO CABINET

<b>Open</b>		Would any decisions proposed :		
<b>Any especially affected Wards</b> Borough wide	Discretionary /	(a) Within Cabinet's powers to decide YES (b) Recommendations to Council NO		
Lead Member: Cllr Vivienne Spikings E-mail: cllr.vivienne.spikings@west-norfolk.gov.uk		Other Cabinet Members consulted: Cllr Beales		
		Other Members consulted: None		
Lead Officer: Alan Gomm E-mail: alan.gomm@west-norfolk.gov.uk Direct Dial: 01553616237		Other Officers consulted: Regeneration Team		
Financial Implications NO	Policy Implications YES	Personnel Implications NO	Equality Impact Assessment Req'd No	Risk Management Implications NO

Date of meeting: 6 March 2012

### **1 NOTICE OF MOTION 8/11: DEVELOPMENT OF EMPLOYMENT OPPORTUNITIES IN VILLAGES**

#### **Summary**

The notice of motion requested that a more positive approach is taken to potential employment development in villages. In particular the Core Strategy is mentioned as suggesting a priority for sites in close proximity to settlements, but that could lead to more dormitory villages if there are no sites in those places. The report explains the employment policy of the Core Strategy which adopts a flexible approach to employment development in rural areas. If any new policy of making specific allocations in villages were to be developed it would risk diluting the current flexibility to respond positively to the type of new businesses in villages. An explanation is also given of the approach taken by the Economic Development Team to such sites.

#### **Recommendation**

**That Cabinet endorse the current approach to handling proposals for employment development in villages in line with the Adopted Core Strategy policy CS11, and note the approach from the Economic Development Team.**

#### **Reason for Decision**

1. The current policy allows for a flexible approach to employment development on small sites in villages / rural areas which better fits the nature of demand for sites in those areas.
2. To seek to allocate specific sites in villages would constrain rather than encourage employment development in villages.
3. Current initiatives around business development in rural areas are responsive to enquiries and offer appropriate support.

## 1 Background

1.1 Council has referred the following Notice of Motion 8/11 to Cabinet.

*“This Council calls on the Cabinet to examine, and bring forward, positive proposals to encourage the development of employment opportunities in villages across the Borough.”*

1.2 In proposing the Motion, Councillor Tilbury drew attention to the LDF Core Strategy which set out the strategy to ensure employment was in close proximity to settlements. In looking at the Corporate Strategy which was due to be considered at Cabinet the following week it made only 2 references to regeneration and employment facilities in the rural areas, but mostly around King’s Lynn. He felt that the importance of enabling business to develop in the rural areas, particularly relating to technology which didn’t require industrial unit sized operations were perfectly suited to the rural areas. This would prevent the dormitory villages which were now operating as working age people left in the morning returning at night, whilst carrying out their shopping and socialising away from the villages. He urged the Council not to drift into making the decision of basing employment around 3 specific areas.

1.3 Councillor Daubney proposed to refer this matter to Cabinet for determination under standing order 14.6.

## 2. The context for employment development in the rural areas

2.1 There are two aspects to this issue. Firstly, whether we should positively allocate pieces of land in villages or rely on a broad framework approach, and secondly how we offer support for businesses wishing to locate / expand in the rural areas.

### Planning policy approach

2.2 This consists of the following aspects:

- In the main towns positive allocations *are* to be made in the Site Allocations and Policies plan.
- In the rural areas the needs of Key Rural Service Centres and Rural Villages are addressed through Policy CS10 of the Core Strategy (see Appendix 1 for a relevant extract).
- The wording means the Borough Council is able to respond to the specific employment needs of the business and the rural areas as and when they arise.
- The above approach was a considered choice and was taken rather than allocating specific areas in all villages.

2.3 There are a number of factors which positively influence the attitude of the Borough Council to proposals for business development in the villages and rural areas. Whilst each case is taken on its merits these factors include:

- There is an economic imperative to build the capacity of our local economy including the rural areas.
- Particular business needs are individual and it is difficult to predict what sort of land / premises would meet future demand.

- The need to minimise fuel costs and journey times for people developing businesses by keeping them local.
- Whilst sustainability is a consideration, we do '*...Recognise that in the rural areas the private car will remain an important means of travel.*' (Policy CS10).
- The use of new build projects on green field sites particularly for very small businesses is not the only answer. We need to react positively to people who want to build within their own curtilages; work from home; and develop pre existing premises.
- We need to support the economic and social sustainability of villages by reacting positively to business development proposals.
- We should not constrain ideas / opportunities to predetermined locations only. A different set of drivers exist in the rural areas to the approach in towns.

2.4 In the Site Allocations plan if a site is not chosen for residential use it is for the landowner to decide if they wish to pursue an alternative employment use. That investment decision will depend on various factors but primarily whether there is a potential site user. Speculative development on such sites is very rare.

### **The economic development approach**

2.5 The Borough Council's Economic Development Team supports local business development by offering an advice and guidance service including:

- Introductions to specialist business support organisations tailored to the needs of each business.
- There is also ongoing 'aftercare' programme.
- Liaison with commercial property agents as well as liaison with planning officers.
- Working through the Local Enterprise Partnerships and as a pilot area for Rural Growth Networks for focussed support.

### **Conclusion**

2.6 In conclusion:

- For the Borough Council to display a positive but flexible approach to proposals it needs an appropriate policy base. It has a responsive approach in Policy CS 10, rather than the alternative rigid identification of 'suitable' sites in villages.
- The Economic Development Team similarly takes a positive approach to supporting business in the rural areas.
- Work is being undertaken through the LEP to address issues in the more rural parts of the area.

## **3 Proposed Outcomes**

- The Core Strategy aims to make sufficient land available / have a policy approach to meet the Borough's aspirations for growth in the period to 2026. This includes addressing the need for employment and residential development in all areas of the Borough.

- It is also important to achieve this in a way which responds to the issue in as flexible way a way as possible having regard to existing and anticipated circumstances.

#### **4 Financial Implications**

4.1 There are no direct financial implications from the report.

#### **5 Risk Management Implications**

5.1 If we were to seek to identify and allocate specific pieces of land for employment purposes there is a risk that other sites could be put forward at a later date. The fact they were not allocated could mean a recommendation of refusal. The more flexible approach of considering sites against a set of criteria means a more relevant and tailored approach to potential developers.

#### **6 Policy Implications**

6.1 If there were to be a different approach proposed we would need to amend the Core Strategy document and research potential employment sites in villages and then re-consult on the Site Allocation document including new sites for employment. This would significantly delay the plan making process, but is unlikely to provide a better approach.

#### **7 Equalities Impact Assessment**

7.1 None specifically raised by the report.

#### **8 Any Other Implications**

8.1 None specifically raised by the report.

#### **9 Alternative Options**

9.1 The current consultation on sites does not specifically include employment sites in villages. To do so would involve the elements noted in 6 above. New approaches are being developed by the wider LEP as explained.

#### **10 Access to Information**

1. Core Strategy document – Adopted July 2011

<http://www.west-norfolk.gov.uk/pdf/Complete%20Core%20Strategy%202011.pdf>

2. Site Specific Allocations and Policies – Issues and Options consultation document September 2011.

[http://west-norfolk-consult.limehouse.co.uk/portal/site\\_allocations\\_2011/ssapdpd\\_issues\\_options](http://west-norfolk-consult.limehouse.co.uk/portal/site_allocations_2011/ssapdpd_issues_options)

## **APPENDIX 1**

### ***Rural Employment Exception Sites***

*The Council will support the rural economy and diversification through a rural exception approach to new development within the countryside; and through a criteria based approach to retaining employment land and premises.*

*Permission may be granted on land which would not otherwise be appropriate for development for an employment generating use which meets a local business need. Any development must satisfy the following criteria:*

- *It should be appropriate in size and scale to the local area;*
- *It should be adjacent to the settlement;*
- *The proposed development and use will not be detrimental to the local environment or local residents.*

### ***Retention of Employment Land***

*The Council will seek to retain land or premises currently or last used for employment purposes (including agricultural uses) unless it can be demonstrated that:*

- *continued use of the site for employment purposes is no longer viable, taking into account the site's characteristics, quality of buildings, and existing or potential market demand; or*
- *use of the site for employment purposes gives rise to unacceptable environmental or accessibility problems particularly for sustainable modes of transport; or*
- *an alternative use or mix of uses offers greater potential benefits to the community in meeting local business and employment needs, or in delivering the Council's regeneration agenda.*

(Extracts from Adopted Core Strategy July 2010)

## REPORT TO CABINET

<b>Open/Exempt</b>		Would any decisions proposed :		
<b>Any especially affected Wards</b>	Mandatory/	(a) Be entirely within Cabinet's powers to decide YES		
	Discretionary /	(b) Need to be recommendations to Council NO		
	Operational	(c) Be partly for recommendations to Council NO and partly within Cabinets powers –		
Lead Member: <i>Brian Long</i> E-mail: <i>cllr.brian.long@west-norfolk.gov.uk</i>		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Barry Brandford E-mail: <i>barry.brandford@west-norfolk.gov.uk</i> Direct Dial: 01553 782074		Other Officers consulted: Ray Harding Chris Bamfield David Thomason, Dale Gagen and Nicola Leader		
Financial Implications YES	Policy/Personnel Implications NO	Statutory Implications YES	Equal Impact Assessment NO If YES: Pre-screening/ Full Assessment	Risk Management Implications YES

Date of meeting: 6 March 2012

## 2 RECYCLING PROCESSING CONTRACT RENEWAL

### **Summary**

A review of the current arrangements in place for processing of recycling materials has been carried out by the district councils who are members of the Norfolk consortium contract. The contract covers recycling materials that are processed at the Costessey Materials Recycling Facility, at present consisting of paper, plastic bottles, cardboard, aerosols, food and drinks cans.

Legal advice has been obtained which confirms that the consortium contract, which has already been extended once, cannot be extended beyond March 2014. As a late entry to the contract in 2006, this Council agreed to continue the contract arrangements unless the other councils involved determined to end the contract.

North Norfolk have now taken a formal decision at their Cabinet on the 6<sup>th</sup> February to carry out a procurement exercise for a new contract, and the other consortium members are expected to follow.

This report therefore, requests approval to agree to terminate the existing contract arrangements from 31<sup>st</sup> March 2014 and enter into a procurement exercise with other consortium members.

A tender exercise offers the best opportunity to increase the range of recycling materials that this Council can collect in a cost effective manner, in line with the policy set in the Corporate Business Plan.

### **Recommendations**

- 1) **The Executive Director for Leisure and Public Space is authorised to commence a joint procurement with other Waste Collection Authorities, where they determine to do so, and Norfolk County Council (in respect of their provision of Household Waste Recycling Centres) for the processing of co-mingled dry recyclable materials and associated services.**
- 2) **The existing contractor NEWS Ltd is advised that the Council intends to end existing arrangements on the 31<sup>st</sup> March 2014 as provided for within the contract between the two parties.**

### **Reason for Decision**

The potential for the greatest financial benefit is expected through a consortium contract and that procurement savings will also be made through the sharing equally of the costs of procurement. An obligation exists for this Council to notify its contractor of our intentions for future service provision.

## **1 Introduction**

- 1.1 The procurement of joint services ensures that cost effective processing of co-mingled recyclable waste can be delivered to the Council at potentially better financial return than the current arrangements whilst retaining local control of service provision. Discussions have been held with senior officers of the other six district, borough and the city councils from the current consortium. The existing provider had offered an opportunity to enter a Joint Venture. The offer by NEWS, a wholly owned subsidiary company of the Norse Group, offers some interest to councils in the consortium but legal advice is clear that entering in to such a joint venture creates significant risk of challenge unless it is the outcome of a fully compliant procurement process. It is also considered that the best prospect of achieving best value from a new contract is to enter a full procurement process which incorporates proposals of the type put forward by NEWS.
- 1.2 The contract arrangements for this Council are slightly different as we were a later entry into the consortium in 2006 when the new 240 litre green recycling bin service replaced the green box. The contract arrangements for King's Lynn & West Norfolk are that the fees payable to NEWS currently consist of two elements
  - a) Handling and Transport to the processing plant at Costessey
  - b) Gate fee for the materials to be processed by NEWS (The Gate fee increases by RPI each year)

The Council benefits from a profit share on the sale of materials delivered for reprocessing where the income per tonne of material sold exceeds as base level, which increases each year by RPI.

Currently the Handling and Transport charges and the Gate fee costs are broadly equal to the profit share payments.

The Council has a long term contract with NEWS, signed in 2006 and can exercise its break clause only if one or more other councils have similarly decided to leave the contract or not seek or agree to a further extension.

- 1.3 The decision by North Norfolk District Council which is expected to be followed by other consortium members gives this Council the opportunity to terminate the arrangements on the same timescale and join in a consortium procurement exercise.
- 1.4 To meet the procurement timescale for a facility to be available in March 2014, particularly as the contract falls under OJEU requirements, an advert for interested contractors will need to be placed in within two months.
- 1.5 A further report will be presented to Cabinet on Contract Specification.

## **2.0 Policy Implications**

- 2.1 The procurement of joint services ensures that cost effective recycling services can be delivered to the Council at the best financial terms whilst retaining local control of service provision, this approach entirely adheres to the Councils Corporate Priorities to keep Council Tax increase at or below inflation and to deliver quality and cost effective services and improve recycling levels.
- 2.2 A new contract will also offer the opportunity to increase the types of materials and the percentage of waste that can be recycled, which also accords with the Council's new Corporate Business Plan objectives.

## **3.0 Financial Implications**

- 3.1 The estimated cost of a new contract has been stated as £210,000 with the Council's share of this being £30,000. If all seven districts participate, this may increase if all districts are not involved. There currently is no allocated budget for this work. However costs can be met from the general fund working balance without any impact on the current Financial Plan 2010-2014.
- 3.2 It is anticipated that a new contract will offer significant financial savings from a combination of increasing the type and percentage of materials recycled, achieving additional sales income and recycling credits.

## **4.0 Staffing Implications**

- 4.1 The procurement process will have no staffing implications and it is expected that the process will not require additional staff resources.



## **5.0 Statutory Considerations**

- 5.1 The Council has a duty to collect a minimum number of materials at kerbside under the Household Waste and Recycling Act and the Revised Waste Framework Directive extends this further but allows for co-mingled collections and by extension that these should be processed in preparation for recycling.
- 5.2 Legal advice has been obtained which clearly reveals the potential for legal challenge should the councils that are members of the current consortium fail to undertake a full procurement process and seek to extend the existing contract.

## **6.0 Equality Impact Assessments (EIA's)**

- 6.1 Nothing within this report has an impact upon the duty of the Council in terms of equality

## **7.0 Risk Management**

- 7.1 The joining of the seven authorities in a combined contract is likely to increase the level of commercial interest in the contract and assist in improving financial return and potentially the range of materials processed through competition. The contract offers the opportunity to achieve a fully costed contract within the next 12 months.
- 7.2 There is a risk that agreement for the provision of services on a consortium basis may not be guaranteed but there is evidence that other councils will also wish to jointly procure a contract for the sorting of materials collected in the green bin.

## **8.0 Background Papers**

- 8.1 None

## REPORT TO CABINET

<b>Open</b>		Would any decisions proposed :		
<b>Any especially affected Wards</b>	Operational across the Borough	(a) Be entirely within cabinet's powers to decide	YES	
		(b) Need to be recommendations to Council	NO	
		(c) Be partly for recommendations to Council and partly within Cabinets powers –	NO	
Lead Member: E-mail: Cllr Vivienne Spikings E-mail: cllr.VivienneSpikings@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Stuart Ashworth E-mail: stuart.ashworth@west-norfolk.gov.uk Direct Dial: 01553 616417		Other Officers consulted: Geoff Hall		
Financial Implications YES	Policy/Personnel Implications YES	Statutory Implications NO	Equality Impact Assessment Req'd NO	Risk Management Implications NO

Date of meeting: 5 March 2012

### **3 REVIEW OF THE TRIAL PERIOD FOLLOWING THE INTRODUCTION OF A SYSTEM OF CHARGING FOR PRE-APPLICATION ADVICE**

#### **Summary**

At its meeting of 8 February 2011 Cabinet authorised the setting up of a charging regime covering the provision of pre-application advice. The resolution of the meeting was:

- 1) That the Council introduce a system of charging for pre-application advice on a 12 month trial basis, and adopt both the charging regime set out in 3.10 and the service standards set out in appendix 1 to the report.
- 2) That a review of the charging system be carried out after the 12 month trial in terms of the costs charged and its overall operation, and that the review be reported back to Cabinet.

That resolution was ratified at Full Council, and this report provides a review of the trial period, which is generally regarded as a success, and a recommendation that the charging regime be maintained into the future.

#### **Recommendation**

**That Cabinet agrees to continue with a charging regime for pre-application advice on a permanent basis**

#### **Reason for Decision**

To continue with the changes to the service, which are considered to have improved the standard of pre-application advice, and have allowed recovery of some of the costs of providing the service.

## **1.0 Background**

1.1 Members will recall that at the Cabinet meeting of 8 February 2011, the setting up of a system for charging for pre-application advice was agreed, on a 12 month trial basis. Cabinet resolved:

1) That the Council introduce a system of charging for pre-application advice on a 12 month trial basis, and adopt both the charging regime set out in 3.10 and the service standards set out in appendix 1 to the report.

2) That a review of the charging system be carried out after the 12 month trial in terms of the costs charged and its overall operation, and that the review be reported back to Cabinet.

1.2 This report provides the review of the trial period as required by the second part of the resolution, and a recommendation going forward.

## **2.0 Review of the charging system**

### **2.1 Financial Review**

2.1.1 In terms of the financial considerations, it was originally very difficult to estimate the amount of revenue that would be raised through the new system. An initial estimate reported to members was that the system would raise approximately £15,000 per year.

2.1.2 The actual amount raised in the 11 month period from 1 March 2011 – 31 January 2012 is £43,860 excluding VAT. The figures for the full 12 month period will be reported to Cabinet verbally.

2.1.3 The charging system chosen at the time was based on 20% of the application fee, because this was seen as a fair and proportionate approach to dealing with the different sizes and complexity of applications. This charging mechanism has been successful certainly with the smaller scale applications, and there has little or no complaints about the level of charges for these. For example £67 plus vat for a new dwelling highlights the fact this is not unduly onerous.

2.1.4 No written complaints have been received but verbal complaints have been made about the level of the fee required to submit a pre-application for the larger development proposals or those that involve a large area. There can be quite sizeable charges for larger schemes, for

example a full application proposal with all details included for 200 houses could attract a pre-application fee of over £6,000 plus VAT (although an outline would be substantially cheaper). That said we have received some of these large fees and ultimately it will be up to the developers to decide whether or not to utilise the service.

2.1.5 Overall it is considered that the charging mechanism currently utilised is fair and provides a proportionate approach to development. In addition, despite concerns relating to the potential costs on very large schemes, the 20% rate is also considered fair and reasonable, balancing the need to contribute towards the costs of the service, with helping developers bring proposals forward.

## 2.2 Operational Review

2.2.1 The table below shows that there has been a reduction in the number of pre-application inquiries received during the trial period, compared to the previous year.

<b>PERIOD</b>	<b>NO. OF PRE-APPLICATIONS RECEIVED</b>
<b>1/3/2010- 31/1/2011</b>	<b>260</b>
<b>1/3/2011- 31/1/2012</b>	<b>158</b>

2.2.2 Although there has been a reduction in numbers of close to 40% during the trial period, this of course has to be balanced against the fact that users of the service are now getting a more comprehensive service, with more advice delivered on time, which were two of the main complaints about the previous service.

2.2.3 The operation of the system can also be judged by the comments received by those experiencing the system, particularly planning agents. Aside from the issues over the level of fees described above, only one further operational issue was raised by two separate Planning Agents, which related to dealing with amendments to submitted schemes following comments made by planning officers.

2.2.4 The scheme originally required the payment of a whole new fee to review amendments which the agents felt was punitive, having already paid a relatively substantial fee. Having considered this issue an amendment to the scheme was made in August, which allowed for a post-advice meeting to take place to discuss amendments. There is a limited charge of £100 + VAT for a major or £50 + VAT for all other developments for such a meeting, and the request must be made within 3 months of the date of the original advice.

2.2.5 Overall the scheme has worked well, subject to the amendment relating to meetings. Should there be concerns over any pre-application decision then this can be taken up with senior managers in the usual way. Given the level of revenue raised and the relative success of the scheme during the trial period, it is recommended that the scheme be continued on a permanent basis. A copy of the current guidance notes for the submission of pre-application advice is attached to this report for information.

### **3.0 Policy Implications**

3.1 This represents a permanent change in policy in dealing with pre-application discussions, as part of the planning service.

### **4.0 Financial Implications**

4.1 The proposal will lead to a permanent additional revenue stream. As stated above £43,860 (excluding VAT) was generated during the 11 month period from 1 March 2011 – 31 January 2012. Although open to fluctuation this indicates the level of fees that could be generated.

### **5.0 Staffing Implications**

5.1 No additional staff are required as the service is provided by the existing planning control team.

### **6.0 Statutory Considerations**

6.1 There are no other statutory requirements that would be affected by this proposal.

### **7.0 Equalities Considerations**

7.1 When the scheme was originally set up the recommendations of the Corporate Equalities Group were accepted. This related to exempting care and repair developments from the charging regime, and monitoring any aspects on any particular element of the community.

7.2 No issues have been raised during the trial period in terms of impacts upon a particular part of the community, and the exemption for care and repair should remain in place.

7.3 There are no other equalities considerations.

### **8.0 Risk Management**

8.1 There are no risk management issues.

### **9.0 Recommendation:**

**9.1 That Cabinet agrees to continue with a charging regime for pre-application advice on a permanent basis.**

**Background Papers**

Report to Cabinet on 8 February 2011 – Charging and service standards for pre-application advice

Planning Advisory Service – A Material world – charging for pre-application advice

## Appendix 1

### **Guidance Notes for the submission of pre-application enquiries**

#### **What are pre-application enquiries?**

Pre-application enquiries are detailed discussions relating to proposed developments, that take place ahead of the submission of a formal planning application. The Borough Council of King's Lynn and West Norfolk welcomes pre-application discussions, which are encouraged in national guidance as a means of dealing with any issues at the first stage of a proposed development. In theory this will help deal with potential issues which should help the development when a formal application is submitted.

From a customer's perspective, the following are potential benefits in using the system:

- Specific service standards relating to the pre-application system
- An enhanced level of service
- An early understanding of the issues associated with your potential development
- It could potentially save time if issues are identified and dealt with at this early stage
- It will ensure that all the necessary information required to accompany an application is identified

More Local Authorities are now charging for this discretionary service, to reflect the time and resources put into the system.

#### **How much will this cost?**

The charging structure, effective from **1 March 2011** is set out below.

- a) All proposed development (excluding the exemptions) – will be charged at 20% of the planning application fee plus VAT
- b) Minimum charge – a minimum charge of £50 plus VAT will be charged for the provision of informal advice
- c) Meetings - all pre-application enquiries relating to <sup>4</sup>'major' development will include one meeting with officers. Additional meetings for 'major' development will be charged at £100 plus VAT, and meetings associated with other development will be charged at £50 plus VAT per meeting.

### **Is there any development exempt from the charges?**

Yes. A few types of development will not be subject to a charge for advice. These are:

- listed building and conservation area consent applications/queries
- <sup>4</sup>'minor' development proposals submitted by Parish Councils, and by community and voluntary organisations providing a service to local communities,
- proposed 'care and repair' developments

### **Do I have to use the pre-application service? If I don't use the service will I still be able to obtain planning advice?**

The Borough Council will still offer a basic level of service free of charge, which would give customers access to basic information to allow them to identify some broad principles/issues associated with their developments. This would provide:

- the requirements to submit an application
- where to look to obtain policy information
- an indication of any potential specialist advice that may be required

Most of this advice will be available on the Council's website at [www.west-norfolk.gov.uk](http://www.west-norfolk.gov.uk). In addition it is of note that there will still be a 'duty planner' system in place, where customers can call by telephone or come into the office to get a basic level of verbal advice from an officer of the Council.

### **What level of service can I expect?**

The service standards will be as follows:

- we will register your pre-application within 3 working days maximum, and contact you to confirm either:
  - that more information is required, specifying that information; or
  - that the application has been registered and a date specifying when your decision is due will also be provided
- we will contact you within 7 working days where relevant to arrange the meeting associated with your pre-application enquiry. Notes of a meeting will be confirmed following the meeting;
- an officer site visit will normally take place within 10 working days;



- for 'major' developments one meeting with the case officer would be included within the fee but for other developments a meeting (or an extra meeting on 'major' proposals) would incur an increased fee
- details of the proposed development will be sent to consultees within 5 days of registration. *Note that the Local Planning Authority cannot control response times from third party consultees & any response may have to follow. It should also be noted that the County Highway Authority is considering charging for informal advice relating to certain types of major development proposals*
- a full written response within 30 working days of registration will be provided unless another timescale has been agreed between the parties, which may result in more comprehensive and useful advice

### **What do I need to provide?**

To give us a suitably comprehensive level of information, which will be in your best interests because it will allow a more informed response, you should provide the following as a minimum:

- A completed pre-application request form, which is available to download on our website
- A site location plan with the site outlined in red & other neighbouring land outlined in blue, at scale of 1:1250 or 1:2500
- A block plan showing the proposed layout of the site at 1:200 or 1:500
- A full description of the nature of the development, including scale and uses proposed
- For full or reserved matter applications, as a minimum sketch proposals would be required. Properly scaled floor plans and elevations will of course enable a more accurate response.
- Other information to help explain the scheme, for example draft design and access statement, photographs, street scenes, relevant site history etc.

### **What will the Council's advice cover?**

The Council's advice will cover the following items:

- The requirements to allow a valid application to be registered
- The planning history of the site
- The statutory fee required
- Statutory designations and site constraints (conservation areas, listed buildings, SSSI's etc.)

- The relevant planning policy context
- An assessment against planning policy
- An assessment identifying any other material considerations
- Potential developer contributions
- Potential changes to improve the scheme and if possible overcome objections
- An indication of the likely recommendation of officers
- Any relevant comments from the Council's internal consultees i.e. Environmental Health, Housing, and Conservation
- Where received the views of key external agencies or advice on any key external specialists

**Notes:**

**Important disclaimer**

1. You should be aware that any pre-application advice provided by the Local Planning Authority is made at officer level only, and does not constitute a formal decision of the Council. Any views or opinions expressed, are given without prejudice to the consideration by the Council of any formal planning application, which will be subject to wider consultation and publicity. Although the case officer may indicate the likely outcome of a formal planning application from their professional point of view, no guarantees can or will be given about the decision that will be made on any such application.

2. It should be noted that policies, constraints etc. change from time to time and may affect the advice given. The weight that can be given to pre-application advice will therefore decline over time

3. The provisions of The Freedom of Information Act bind the Council, as a public authority, and therefore it should be presumed that information supplied to the Council is likely to be disclosable under the above Act. If you want information to remain confidential, you should state clearly why. Information sent to the Council "in confidence" may still be disclosable under the above Act. Before sending such information you are advised to take legal advice if there are fears that disclosure would prejudice you in some commercial way.

4. Major, minor and other development is as defined by central government.

## REPORT TO CABINET

<b>Open</b>		Would any decisions proposed :		
<b>Any especially affected Wards</b>	Mandatory/	(a) Be entirely within cabinet's powers to decide	No	
		(b) Need to be recommendations to Council	YES	
		(c) Be partly for recommendations to Council and partly within Cabinets powers –		
Lead Member: Cllr N Daubney E-mail: Cllr.nick.daubney@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: D Gates E-mail: debbie.gates@west-norfolk.gov.uk Direct Dial: 01553 616605		Other Officers consulted: Management Team		
Financial Implications YES	Policy/Personnel Implications YES	Statutory Implications NO	Equal Impact Assessment req'd NO	Risk Management Implications YES

Date of meeting: 6 March 2012

### 4 PAY POLICY STATEMENT

**Summary:** Section 38 of the Localism Act 2011 requires English and Welsh local authorities to produce a pay policy statement for 2012/13 and for each financial year after that.

The attached report summarises the Borough Council's relevant policies relating to levels and elements of remuneration for Chief Officers and includes the relationship between the remuneration of Chief Officers and other officers as recommended within the Hutton Report.

**Recommendation:**

**That Cabinet recommend to Council the attached Pay Policy Statement for 2012/13.**

**Reason for Decision**

**To comply with the requirements of the Localism Act 2011.**

#### 1. Introduction

**1.1** Section 38 of the Localism Act 2011 requires English and Welsh local authorities to produce a pay policy statement for 2012/13 and for each financial year after that.

**1.2** Matters that must be included within the statutory pay policy are as follows:

- Policy on the level and elements of remuneration for each Chief Officer.
- Policy on the remuneration of lowest paid employees (together with the definition of “lowest paid employees”).
- Policy on the relationship between the remuneration of its Chief Officers and other officers.
- Policy on other specific aspects of Chief Officers’ remuneration (remuneration on recruitment, increases and additions to remuneration, use of performance-related pay and bonuses, termination payments and transparency).

### 1.3 The pay policy statement:

- Must be approved formally by the Council.
- Must be approved by the end of March each year, starting with 2012.
- Can be amended in-year.
- Must be published on the authority’s website.
- Must be compiled when the authority sets the terms and conditions for a Chief Officer.

1.4 The Authority’s website includes salary information for Senior Managers who earn more than £58,200 and this can be accessed at [www.west-norfolk.gov.uk](http://www.west-norfolk.gov.uk)

## 2 Pay and Performance Management

2.1 The Council recognises that, in the context of managing scarce public resources, remuneration at all levels needs to be adequate to secure, retain and motivate high quality employees with a flexible approach to working arrangements and duties. At the same time, pay and related policies must be transparent, coherent and reflective of national, regional and local labour market information and must not be excessive or generous.

2.2 The Council has operated a comprehensive system of performance management strongly linked to appraisal and target setting since 1991 and does not have a system of automatic incremental progression for any category of employee. This is outlined in the attached Pay Policy Statement.

## 3 Financial Implications

There are no financial implications arising from this report, as it is a summary of existing policies relating to remuneration.

## 4 Statutory Considerations

Section 38 of the Localism Act 2011 requires English and Welsh Local Authorities to produce a Pay Policy Statement.

## **5 Equalities Impact**

An equalities impact assessment is not considered necessary in the context of this report, although specific elements of the Council's pay policies are regularly monitored to ensure that there is no discriminatory impact.

## **6 Background Papers**

Openness and accountability in local pay: Draft guidance under Section 40 of the Localism Act – Communities and Local Government

## **BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK**

### **PAY POLICY STATEMENT**

#### **1. Background**

Section 38 of the Localism Act 2011 requires English and Welsh local authorities to produce a pay policy statement for 2012/13 and for each financial year after that.

Matters that must be included within the statutory pay policy are as follows:

- Policy on the level and elements of remuneration for each Chief Officer.
- Policy on the remuneration of lowest paid employees (together with the definition of "lowest paid employees").
- Policy on the relationship between the remuneration of its Chief Officers and other officers.
- Policy on other specific aspects of Chief Officers' remuneration (remuneration on recruitment, increases and additions to remuneration, use of performance-related pay and bonuses, termination payments and transparency).

The pay policy statement:

- Must be approved formally by the Council.
- Must be approved by the end of March each year, starting with 2012.
- Can be amended in-year.
- Must be published on the authority's website.
- Must be compiled when the authority sets the terms and conditions for a Chief Officer.

The Authority's website includes salary information for Senior Managers who earn more than £58,200 and this can be accessed at [www.west-norfolk.gov.uk](http://www.west-norfolk.gov.uk)

#### **2. Performance Management**

This Authority operates a comprehensive Performance Management system for all employees, which includes:

- Local salary scales
- A process of employee appraisal linked to objectives
- A formal process for identifying learning and development needs
- A system of performance related pay

There are 13 local grades within the Borough Council's pay scheme all linked to formal evaluation using the PE Inbucon job evaluation system.

For the purpose of comparisons within this Policy Statement, employees on PG13 are defined as our lowest-paid employees. The salary band for PG13 as at 31.03.2012 is £12,267-£18,057 (Mid Point £15162).

Progression through the grades is linked to the achievement of agreed target areas each year - there is no system of automatic incremental progression. Performance ratings are given as follows:

- Partially met targets to agreed standards – No performance payment.
- Consistently met targets to agreed standards – Performance payment equivalent to 1.5% of the grade mid-point.
- Consistently exceeded agreed standards across target areas – Performance payment equivalent to 2.5% of the grade mid-point.

All associated payments will be granted as progression within salary bands until the grade maximum (or any agreed qualification/experience “bars” within grades) is reached. After this a non-consolidated lump sum, equivalent to half the progression payment will be made. No other form of bonus payment is made to staff at any level within the organisation.

Cost of living pay increases are locally determined having regard to national, regional and local pay and labour market information. Increases for the last 4 years are detailed below and have applied to all staff:

2009/10	Pay Freeze
2010/11	1%
2011/12	Pay Freeze
2012/13	Pay Freeze

### **3. Remuneration of Chief Executive**

The Chief Executive is the Council’s Head of Paid Service. The salary band for this post as at 31.03.2012 is SM01 £90,801 - £120,222 (Mid Point £105,510). Progression through the grade is linked to performance against agreed targets, with no automatic annual increments.

The mid point of SM01 is currently 7 times the mid point of PG13 on which the Council’s lowest paid employees are paid - this is significantly below both the wider public sector increase ration of 1:15 and the local government average 1:10. (Research undertaken by the Chartered Institute of Personnel and Development).

The Chief Executive also receives a (Deputy) Returning Officer fee in respect of European, General, County, District and Parish Elections. The fee for undertaking County, District and Parish elections within the Borough Council of King’s Lynn and West Norfolk is calculated in accordance with a formula approved annually for all local election fees by the Norfolk-wide Chief Executives’ Group, supported by the County Electoral Officers’ Group. Fees for conducting Parliamentary and European Elections are determined by the relevant government department.

## **Remuneration of Deputy Chief Executive**

The Deputy Chief Executive is also the Council's Executive Director (Finance and Resources) and is the Council's Section 151 Officer. The salary band for this post as at 31.03.2012 is SM02 £62,829 - £90,756 (Mid Point £76,791). Progression through the grade is linked to performance against agreed targets, with no automatic annual increments.

The mid point of SM02 is currently 5 times the mid point of PG 13.

## **4. Remuneration of Executive Directors**

The Council's 4 Executive Directors are paid on salary band SM03 £48,864 - £72,138 (Mid Point £60,501). Progression through the grade is linked to performance against agreed targets, with no automatic annual increments.

The mid point of SM03 is currently 4 times the mid point of PG13.

## **5. Remuneration of Service Managers**

Service Managers within the Authority are paid on the following grades:

SM04 £41,883 - £60,501 (Mid Point £51,192)

PG05 £39,579 - £55,920 (Mid Point £47,748)

PG06 £34,488 – 48,693 (Mid Point £41,589)

The Council's Monitoring Officer is one of the Service Managers included within range SM04 set out above.

## **6. Salary on Recruitment**

Individuals are normally recruited between the bottom and the mid point of the grade for their post at a salary level appropriate to their existing qualifications, skills and experience. Recruitment to Chief Executive, Deputy Chief Executive and Executive Director posts and related salary arrangements on appointment are delegated to the Appointments Board.

## **7. Car Allowances**

Essential and casual user car allowances are payable in appropriate circumstances. The Essential lump sum allowance is paid in accordance with rates agreed by the NJC for Local Government Services, but mileage rates for both essential and casual users are paid in accordance with the HMRC's Approved Mileage Allowance Payments (currently 45 pence per mile).

The Council operates a 'contract hire' scheme for designated posts (as an alternative to Essential user allowances) with mileage rates being paid in accordance with HMRC Advisory Fuel Rates (currently 12 – 18 pence per



mile for diesel vehicles and 15 - 26 pence per mile for petrol vehicles, depending on engine size).

## **8. Severance Arrangements**

The Authority operates a standard approach to the award of compensation for relevant staff in the event of redundancy in accordance with our published Policy Statement on how we exercise the various employer discretions provided by the Local Government Pension Scheme. No special arrangements are made for Senior Managers.

All requests for Early Retirement/Voluntary Redundancy are considered by the Cabinet and are normally only granted when they represent net savings to the salary bill over a maximum period of 5 years.

## **9. Flexible Retirement**

Flexible Retirement may be offered to employees aged 55 or over who reduce their grade or hours of work (or both). It enables them to receive all or part of their Local Government Pension Scheme benefits immediately, even though they have not left the Council's employment. The Council recognises that Flexible Retirement has potential benefits for both employer and employee, but it can represent a cost for the employer. All requests are therefore considered by Cabinet and are normally only granted when the overall financial impact is neutral for the Authority. No special arrangements are made for Senior Managers.

## **10. Re-employment of Senior Managers**

Whilst recruitment decisions are made on merit, there are no instances over the last ten years of the Authority re-employing a Senior Manager who had previously left the organisation in receipt of a severance or redundancy payment, either directly or under a contract for services.

## **11 Review**

The Localism Act 2011 requires relevant authorities to prepare a Pay Policy Statement for each subsequent financial year. Our Statement for 2013/14 will be submitted to Full Council for approval by 31<sup>st</sup> March 2013.

## REPORT TO CABINET

<b>Exempt/Open</b>		Would any decisions proposed :		
<b>Any especially affected Wards</b>	Mandatory/	(a) Be entirely within cabinet's powers to decide YES		
	Discretionary /	(b) Need to be recommendations to Council NO		
	Operational	(c) Be partly for recommendations to Council and partly within Cabinets powers – NO		
Lead Member: Cllr Elizabeth Nockolds E-mail: <a href="mailto:cllr.elizabeth.nockolds@west-norfolk.gov.uk">cllr.elizabeth.nockolds@west-norfolk.gov.uk</a>		Other Cabinet Members consulted: Cllr Greville Howard		
Lead Officer: Chris Bamfield E-mail: <a href="mailto:chris.bamfield@west-norfolk.gov.uk">chris.bamfield@west-norfolk.gov.uk</a> Direct Dial: 01553 616648		Other Members consulted:		
Other Officers consulted: Nicola Leader, Michael Walsh				
Financial Implications YES	Policy/Personnel Implications NO	Statutory Implications (incl S.17) NO	Equal Opportunities Implications NO	Risk Management Implications YES

Date of meeting: 6 March 2012

### 5 QUEEN ELIZABETH II FIELDS CHALLENGE

#### Summary

The report seeks approval to enter into a Deed of Dedication with the National Playing Fields Association to dedicate certain open spaces as Queen Elizabeth II Fields in Trust.

The Queen Elizabeth II Fields in Trust programme is a legacy to mark the two significant events taking place in the UK in 2012; Her Majesty, the Queen's Diamond Jubilee and the London 2012 Olympics.

#### Recommendation

**That Cabinet agrees to**

- 1) The Council engaging in the Queen Elizabeth II Fields in Trust programme and to the nomination of open spaces in section 3.**
- 2) Delegate authority to the Executive Director, Leisure & Public Space, in consultation with the Cabinet Member for Shared Services and External Relations to agree Deeds of Dedication.**
- 3) That delegated authority be granted to the Portfolio Holder for Shared Services and External Relations in consultation with Officers to agree additional areas to be put forward for the Fields in Trust Scheme during the year of the Queen's Diamond Jubilee.**

#### Reason for Decision

To provide a legacy within the Borough to commemorate the Diamond Jubilee while giving protection to important recreational spaces.

## 1 BACKGROUND

- 1.1 The Queen Elizabeth II Fields Challenge is a new programme from the National Playing Fields Association, operating as a charity the “Fields in Trust”. The Trust’s aim is to “protect playing fields to ensure that everyone – young or old, able or disabled and whether they live in an urban or rural area – has access to free, local facilities for healthy outdoor activities”. Promoted by HRH Prince William, the Duke of Cambridge, the programme seeks to dedicate 2012 playing fields in England during 2012 as a lasting legacy to mark the Queen’s Diamond Jubilee, the Olympic Games and the Paralympics.
- 1.2 Fields in Trust (FIT) is the operating name of the National Playing Fields Association, who have been the leading independent charity campaigning to protect and improve playing fields for more than 80 years. They have the long standing support of the Royal Family. HRH Prince William, the Duke of Cambridge, will be leading the campaign as the active Patron of The Queen Elizabeth II Fields Challenge. Further information on the scheme is available on the website [www.qe2fields.com](http://www.qe2fields.com)
- 1.3 FIT will welcome a wide range of sites as candidates for nomination to the QEII Fields Challenge. This range includes gardens, children’s play areas, bicycle trails, nature reserves, sports pitches, outdoor arena and many more. The overall aim is to create a sense of public engagement around both the Diamond Jubilee and the London 2012 Olympics.
- 1.4 The site must be a minimum size of 0.2 hectares (0.5 acres). The legal process involved in protecting the site would be to establish a non-charitable Deed of Dedication. This arrangement ensures the Council continues to have operational management control but provides protection through FIT for the future use of the site for recreational purposes. Attached at Appendix 1 is a specimen deed.

Discussions have been held with representatives of FIT who have also visited the sites that the Council is proposing could become Queen Elizabeth Fields in Trust.

In identifying sites, consideration has been given to those important green spaces in the Borough that would not be identified as future development sites.

- 1.5 The Nomination Criteria is that the site has to be in a good state of repair, be efficiently and properly used and form part of the corporate property of the Local Authority. The Local Authority must have full legal and beneficial title and ownership, the land must be free from all third party right and the land and any property should not be subject to any restrictive covenant which may reasonably affect its use for this purpose.

## 2. FINANCIAL IMPLICATIONS

- 2.1 The drafting of the documents will be carried out for the Council by FIT but will use some resources from Public Space, Estates Legal Services. Other than a small cost for new signage there will be no increase in revenue costs for the maintenance of the sites nominated.
- 2.2 Funding is available to improve the open spaces once a site has been designated as a QEII field including: **Sport England** People, Places, Play legacy £10 million available to protect and improve playing fields. **The British Trust for Conservation Volunteers**, the national conservation charity, is also supporting the scheme to improve the local space through volunteering programmes.

## 3. SITES

- 3.1 The following sites are proposed for inclusion as Queen Elizabeth II Fields;
- The Walks
  - Wootton Park (with South Wootton PC)
  - Esplanade Gardens – Hunstanton
  - Lower Green – Hunstanton
  - Lincoln Square
  - The Howdale – Downham Market
  - Howdale Community Centre (with DM Town Council)
  - Downham Memorial Playing Field (new section)

## 4. RISK MANAGEMENT

- 4.1 The protection for sites achieved through the process would limit the Council's ability to consider alternative uses. However, the Council owned sites are only considered suitable for recreational use.

## 5 BACKGROUND PAPERS

Fields In Trust Web site holding details - <http://www.fieldsintrust.org/>

Site Plans

Draft deeds of dedication

## REPORT TO CABINET

<b>Open</b>	Would any decisions proposed :			
<b>Any especially affected Wards</b>	(a) Be entirely within cabinet's powers to decide YES			
	(b) Need to be recommendations to Council NO			
	(c) Be partly for recommendations to Council NO and partly within Cabinets powers –			
Lead Member: Cllr N Daubney E-mail: Cllr.Nick.Daubney@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Nicola Leader, Legal Services Manager and Monitoring Officer. E-mail: nicola.leader@west-norfolk.gov.uk Direct Dial: 01553 616270		Other Officers consulted: Ray Harding		
Financial Implications NO	Policy/Personnel Implications NO	Statutory Implications (incl S.17) NO	Equal Opportunities Implications NO	Risk Management Implications NO

Date of meeting: 6 March 2012

### 5 REGULATION OF INVESTIGATORY POWERS ACT 2000

#### **Summary**

To advise Members of the outcome of an inspection by the Information Commissioner's Office and to give effect to the Inspector's recommendations.

#### **Recommendation**

That Cabinet ;

- 1) Note the recommendations of the 2010 inspection.
- 2) Confirm the appointment of the Chief Executive as the Council's Senior Responsible Officer.
- 3) Authorise the Legal Services Manager to make any necessary amendments to the RIPA Policy which are necessary to maintain consistency with legislation and Codes of Practice.
- 4) Agree that the Portfolio holder should receive reports on the use of RIPA powers for review on a quarterly basis.

#### **Reason for Decision**

To update members in respect of the Council's use of RIPA powers and to give effect to the recommendations of the information Commissioners Inspector.

## **1 Background**

1.1 The Human Rights Act 1998 requires the Council to respect the private and family life of citizens and their homes and correspondence. This is not an absolute right but a qualified right which the Council may interfere with provided such interference is in accordance with the law, necessary and proportionate.

1.2 The Regulation of Investigatory Powers Act 2000 (RIPA) regulates the circumstances and methods by which public bodies may carry out covert surveillance and in certain circumstances compel telecommunications and postal companies including internet service providers to obtain and release to the Council communications data in their possession or control.

1.3 Members last received a report in respect of RIPA in February 2011 when the Council's RIPA policy was amended to reflect the recommendation changes in legislation. Since that date the Home Office has published several new RIPA Orders and Code of Practice which came into force on 6 April 2010. These were intended to consolidate previous orders and also to address national concerns that authorisations for surveillance granted were not proportionate to the matter under investigation, ie dog fouling and littering and not enough thought is given to proportionality by officers in granting authorisations where the impact on the privacy of the subject is disproportionate to the seriousness of the offence.

1.4 The revised Codes of Practice also now specify a role for councillors and requires that councillors should review the Council's use of RIPA and its policy at least once a year. It is also recommended that internal reports on the use of RIPA are considered on at least a quarterly basis to ensure that it is being used consistently with the Council's policy and that the policy remains fit for purpose. It is therefore proposed that the portfolio holder should receive a report on the use of RIPA powers on a quarterly basis.

The Council has used its powers under RIPA sparingly. Figures for the past three years are:-

1<sup>st</sup> December 2008 – 30<sup>th</sup> November 2009: 2 instances (both with regards to fly-tipping)

1<sup>st</sup> December 2009 – 30<sup>th</sup> November 2010: 4 instances (one relating to fly-tipping, the remaining three relating to anti-social behaviour)

1<sup>st</sup> December 2010 – 30<sup>th</sup> November 2011: no instances

## **2 Surveillance Inspection**

2.1 The exercise of surveillance powers is kept under review by the Chief Surveillance Commissioner. The Council was inspected by an inspector, Mr Kevin Davis, from the Commissioner's Office on the 17 June 2011. Mr Davis's report made a number of recommendations as follows:

- (i) That the Council undertakes refresher training for both applicants and authorising officers
- (ii) That the Council appoints a Senior Responsible Officer.
- (iii) That the Council amends its RIPA policy document to reflect the revised Codes of Practice for Covert Surveillance and CHIS.

### **3 Council Actions**

#### Refresher Training

Refresher training was undertaken by applicants and authorising officers on the 27 October.

### **4 Senior Responsible Officer**

The revised Codes of practice provide that within local authorities, the Senior Responsible Officer (the 'SRO') should be a member of the corporate management team and should be responsible for ensuring that all authorising officers are of an appropriate standard. It is therefore proposed that the Chief Executive be appointed as the Senior Responsible Officer.

### **5 Policy Implications**

None

### **6 Financial Implications**

None

### **7 Staffing Implications**

None

### **8 Statutory Considerations**

None

### **9 Equalities Considerations**

None

### **10 Risk Management**

N/a

### **Background Papers**

Revised Codes of Practice for Covert Surveillance and CHIS.

## REPORT TO CABINET

<b>Open</b>		Would any decisions proposed :		
<b>Any especially affected Wards</b>	Operational	(a) Be entirely within Cabinet's powers to decide YES		
		(b) Need to be recommendations to Council NO		
		(c) Be partly for recommendations to Council and partly within Cabinets powers – NO		
Lead Member: Councillor Nick Daubney E-mail: cllr.nick.daubney@west-norfolk.gov.uk		Other Cabinet Members consulted: Cllr E Nockolds, Councillor D Pope		
Lead Officer: David Thomason E-mail: david.thomason@west-norfolk.gov.uk Direct Dial: 01553 616327		Other Members consulted:		
Other Officers consulted:				
Financial Implications NO	Policy/Personnel Implications NO	Statutory Implications NO	Equal Impact Assessment Req'd NO	Risk Management Implications NO

**Date of Meeting: 6 March 2012**

### **6 APPOINTMENT OF REPRESENTATIVES TO NORFOLK REVENUES AND BENEFITS JOINT COMMITTEE**

**Summary**

The report seeks the nomination of three representatives to serve on the Joint Committee for the new Norfolk Revenues and Benefits Partnership for the municipal year 2012/2013.

**Recommendation**

**That Cabinet nominate three members to serve on the Norfolk Revenues and benefits partnership for the municipal year 2012/2013.**

**Reason for Decision**

To comply with the requirements of the partnership agreement approved by Council for the newly formed Norfolk Revenues and Benefits partnership.

**1. Introduction**

1.1 The Council has recently signed the partnership agreement with North Norfolk for the delivery of a shared service for revenues and benefits. The agreement includes the establishment of a Joint Committee. The constitution and governance arrangements set out in the agreement provides for each council to nominate three members as its nominated members of the Joint Committee.



- 1.2 Much of the background work in reaching the partnership agreement has been through the work of the Leader who has responsibility for corporate and strategic issues and the Portfolio Holder for Shared Services and External Arrangements.

## **2 Proposed Member Nominations**

- 2.1 It is suggested that, at least for the first year of the operation of the Joint Committee, the Leader and Portfolio Holder for Shared Services and External Arrangements continue with their work. This would ensure that past experiences and insight to the issues involved are available to the Committee.
- 2.2 One of the major cornerstones to the partnership is the provision of ICT and within the partnership it has been agreed that the Council will be the host of the ICT systems providing the service to North Norfolk. This is a new venture for the Council and it is suggested that, at least in the first year, the Portfolio Holder for Leisure and Operational Assets, who has responsibility for ICT policy and implementation is the third member of the Joint Committee.

## **3 Background Papers**

Partnership Agreement  
Cabinet/Council Agendas

## REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Operational	(a) Be entirely within cabinet's powers to decide NO		
Gaywood North Bank South Wootton North Wootton Valley Hill Spellowfields Walpole		(b) Need to be recommendations to Council YES		
		(c) Be partly for recommendations to Council NO and partly within Cabinets powers –		
Lead Member: Cllr Nick Daubney E-mail: cllr.nick.daubney@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Ray Harding E-mail: ray.harding@west-norfolk.gov.uk Direct Dial: 01553 616246		Other Officers consulted:		
Financial Implications YES	Policy/Personnel Implications NO	Statutory Implications (incl S.17) YES	Equal Opportunities Implications NO	Risk Management Implications NO

Date of meeting: 6 March 2012

### 8 COMMUNITY GOVERNANCE REVIEW

#### Summary

In September 2010 the Borough Council resolved "that minor amendments to parish boundaries be considered on a case by case basis".

#### RECOMMENDATION

**To agree the attached terms of reference and timetable for the Review.**

#### Reason for Decision

To allow the three matters to be dealt with.

#### 1 Background

A Community Governance Review is a review of part or the whole of the borough. Three requests are currently lodged with the Council which accord with the Council's decision in September 2010.

#### 2 Policy Implications

A precedent for conducting Community Governance Reviews will be made.

#### 3 Financial Implications

There are minor financial implications to carry out the work involved.

#### **4 Staffing Implications**

There are no staffing implications

#### **5 Statutory Consideration**

In undertaking this review, the Council will be guided by Part 4 of the Local Government and Public Involvement in Health Act 2007 and the guidance on community governance reviews published by the Department of Communities and Local Government and the Electoral Commission in April 2008.

Under the Local Government Commission for England (Transfer of Functions) Order 2001 any amendments to Borough Council Wards/County Electoral Divisions are a matter for the Local Government Boundary Commission for England and the Electoral Commission.

#### **6 Equality Impact Assessments (EIA's)**

An equalities impact assessment was not considered necessary in the context of this report.

#### **7 Risk Assessment**

There are no immediate risks identified in the proposed works.

#### **8 Access To Information**

Cabinet Report – Community Governance Review – 7<sup>th</sup> September 2010

## **Community governance review – terms of reference**

### **Why is the Council undertaking a community governance review?**

In September 2010 the Borough Council of King's Lynn and West Norfolk resolved that:

- 1) Council consider the new procedure introduced by the Local Government and Public Involvement in Health Act 2007 in relation to Community Governance Reviews and agree to proceed on the basis of option 3: “in light of the current budgeting constraints to note the resolution but to take no further action”.
- 2) That minor amendments to parish boundaries be considered on a case by case basis.

In undertaking this review, the Borough Council of King's Lynn and West Norfolk will be guided by Part 4 of the Local Government and Public Involvement in Health Act 2007 and the guidance on community governance reviews published by the Department of Communities and Local Government and the Electoral Commission in April 2008.

### **What is a community governance review?**

A community governance review is a review of part or the whole of the borough. Three requests for amendments are currently lodged with the Council.

### **Consultation**

Following the terms of reference being published, the Council has a duty under the 2007 Act to consult with the local government electors in the area under review, consult with any other person or body that appears to have an interest in the review and to take into account these representations before making a final recommendation.

The Council must have regard to the need to secure that community governance within the area under review reflects the identities and interests of the community in that area, and is effective and convenient.

The Council intends to undertake consultation by:

- A notice published in the Lynn News and Advertiser informing borough residents of the review and inviting responses
- Information on the Council's website

The Council will also consult the following:

- Local government electors for the areas under review
- Any other person (including Parish Councils and Norfolk County Council) who appear to have an interest in the review.

The Council will publish the outcome of decisions taken and the reasons behind these decisions.

The consultation period will end on 4 May 2012. Any representations on the review must be received by that date or they may not be considered.

Please send any representations to Mary Colangelo, Electoral Services Manager, King's Court, Chapel Street, KING'S LYNN, PE30 1EX or email [mary.colangelo@west-norfolk.gcsx.gov.uk](mailto:mary.colangelo@west-norfolk.gcsx.gov.uk)

### Completion of the review

Council will make its final recommendations on 27 September 2012.

### Proposals 1 - 3 (maps 1 and 2)

South Wootton Parish Council has requested the Borough Council to alter the South Wootton Parish Boundary to take in:

Map sheet	Parish from	Parish to	Description	Electorate	Ward Change	Electoral Division Change
1 (1)	Unparished area	South Wootton	Nos. 28, 30, 32 and 34 Sandy Lane	9	N/A - currently in the Borough Council Ward of South Wootton but not in the Parish of South Wootton	None
1 (2)	Unparished area	South Wootton	Barsham Drive and 12 Felbrigg Close*	81	From Gaywood North Bank to South Wootton	From Gaywood North and Central to Freebridge Lynn
2 (3)	Unparished area	South Wootton	No 2 and Mandalay, Hall Lane	6	From Gaywood North Bank to South Wootton	From Gaywood North and Central to Freebridge Lynn

\*No. 12 Felbrigg Close (This change has not been requested by the Parish Council but should be given consideration.)

### Proposals 4 - 5 (maps 3 and 4)

Castle Rising Parish Council has requested the Borough Council to alter the Castle Rising Parish Boundary to take in:

Map sheet	Parish from	Parish to	Description	Electorate	Ward Change	Electoral Division Change
3 (4)	North Wootton	Castle Rising	Keepers Cottage, Lynn Road	2	From North Wootton to South Wootton	None

4 (5)	Congham	Castle Rising	Short Trees Farm	2	From Valley Hill to South Wotton	From Dersingham to Freebridge Lynn
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### **Proposal 6 (map 5)**

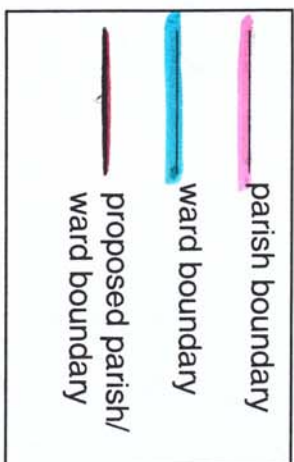
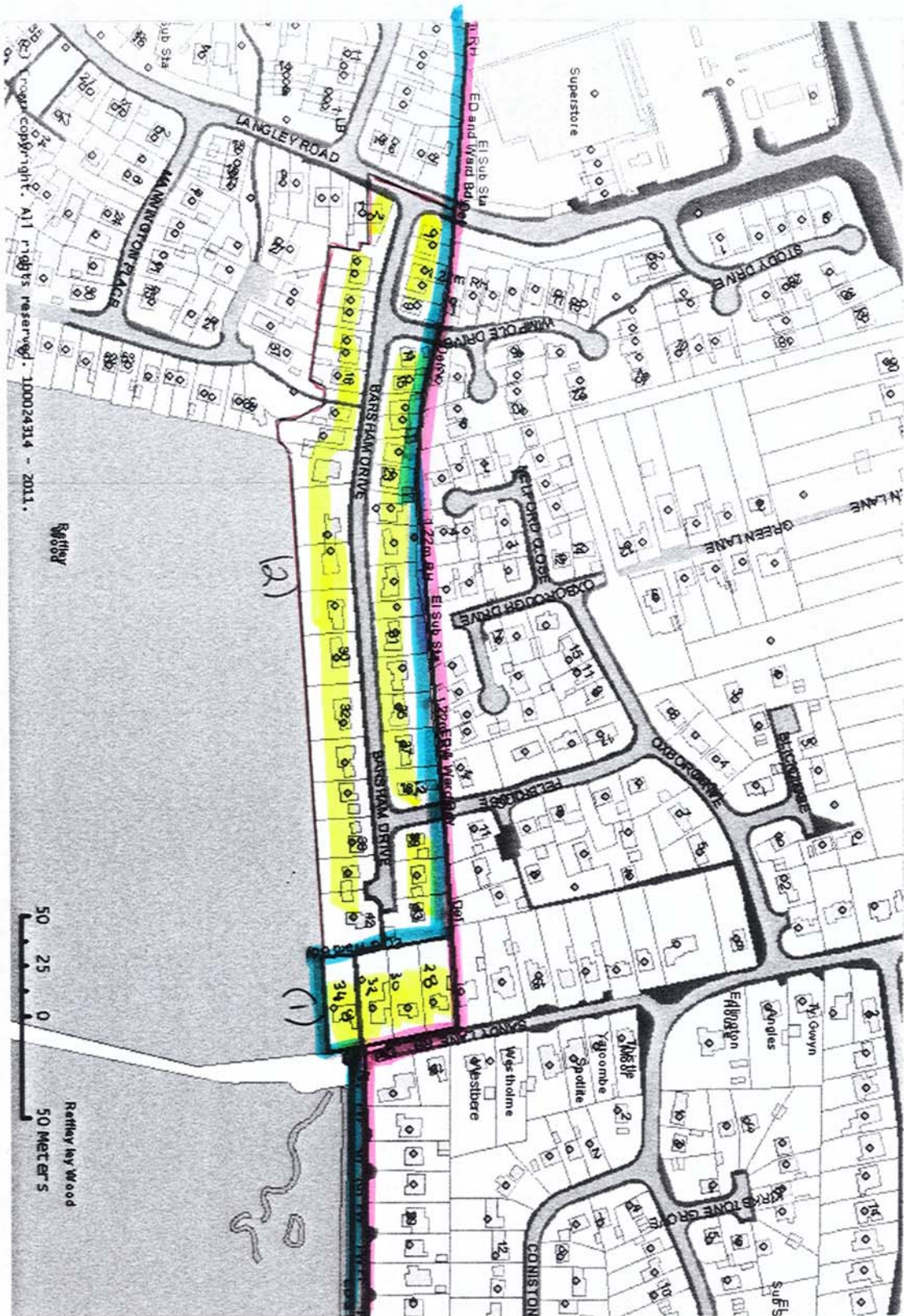
Walpole Cross Keys Parish Council has requested the Borough Council to alter the Walpole Cross Keys Parish Boundary to take in:

<b>Map sheet</b>	<b>Parish from</b>	<b>Parish to</b>	<b>Description</b>	<b>Electorate</b>	<b>Ward Change</b>	<b>Electoral Division Change</b>
5 (6)	Terrington St. Clement	Walpole Cross Keys	White Rose House, Henley Lodge, Westmond, Rose Croft and Plumb's Farm, Sutton Road	14	From Spellowfields to Walpole	None

Any amendments to Borough Council Wards/County Electoral Divisions are a matter for the Local Government Boundary Commission for England.

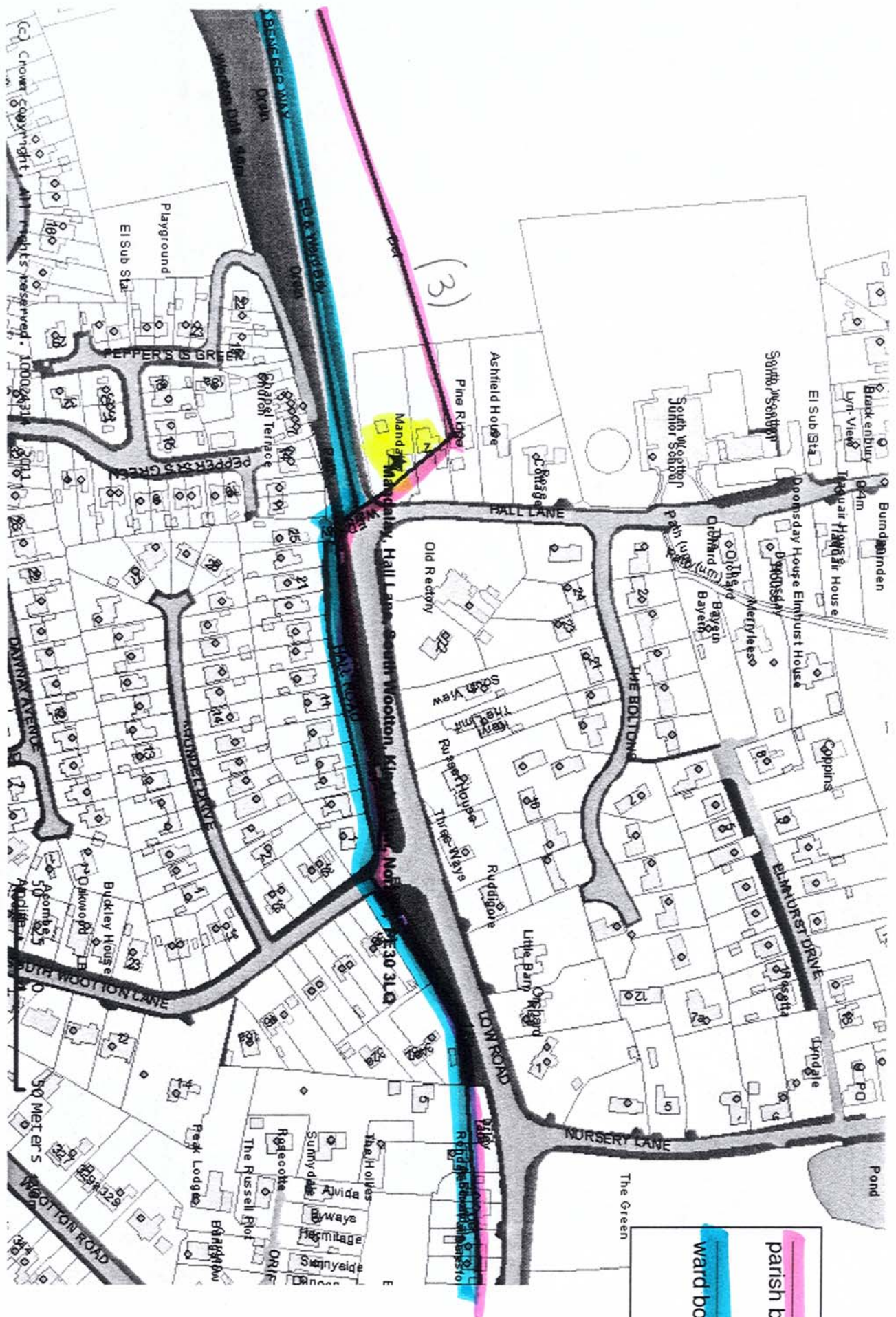
### Timetable

<b>Action</b>	<b>When</b>
Terms of reference drafted	31 January 2012
Terms of reference agreed by Cabinet	6 March 2012
Terms of Reference agreed by Council and published	29 March 2012
First consultation period commences	16 April 2012
First consultation period closes	4 May 2012
Draft proposals prepared	21 May 2012
Draft proposals are agreed by Cabinet and recommended to Council	6 June 2012
Draft proposals are agreed by Council	21 June 2012
Second consultation period commences	2 July 2012
Second consultation period closes	20 July 2012
Final proposals prepared	6 August 2012
Final proposals are recommended by Cabinet	4 September 2012
Final proposals are agreed by Council	27 September 2012
Final recommendations are published	By 1 October 2012
Electoral matters are referred to Electoral Commission/Local Government Boundary Commission for England if required	By 1 October 2012
Electoral Commission/Local Government Boundary Commission for England response	By 30 November 2012
Review Orders made	30 January 2013
Changes take effect	30 April 2013



Map 1





Map 2



parish boundary  
 ward boundary  
 proposed parish/  
 ward boundary



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Map 4

parish boundary  
 ward boundary  
 proposed parish/  
 ward boundary

