

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



CABINET

Agenda

**TUESDAY, 5 FEBRUARY 2013
at 5.30pm**

in the

**Committee Suite
King's Court
Chapel Street
King's Lynn
PE30 1EX**



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



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CABINET AGENDA

DATE: CABINET – TUESDAY, 5 FEBRUARY 2013

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

TIME: 5.30 pm

This agenda gives notice of items to be considered in private as required by Regulations 5 (4) and (5) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

1. MINUTES

To approve the Minutes of the Meeting held on 8 January 2013.

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 if there are any interests which should be declared. A declaration of an interest should indicate the nature of the interest (if not already declared on the Register of Interests) and the agenda item to which it relates. If a

disclosable pecuniary interest is declared, the member should withdraw from the room whilst the matter is discussed.

These declarations apply to all 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 5)

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 – 29 January 2013
- Regeneration, Community and Environment Panel – 30 January 2013

10. REPORTS

- 1) **Financial Plan 2012/2016** (enclosed as a separate booklet)
The report sets out the proposed Financial Plan for the Council for 2012/2016.

2) Staff Pay Settlement 2013/14 (page 8)

The Council's annual pay increase for all employees is locally determined having regard to national, regional and local pay and labour market information. This paper recommends the pay increase for 2013/14 which is within budget.

3) Amendment To Planning Scheme Of Delegation In Relation To Small Scale (Mini) Wind Turbines (Page 12)

A disproportionate number of planning applications dealing with small-scale wind turbines are being taken to the Planning Committee for a decision, as a result of objections from Parish Councils. The issues are very similar with these applications, and very often they result in no comment from the Committee.

This has the effect of applications going before the Committee that really ought not to be going, and it is not considered to be the best use of the Committee's time. The Committee generally considers the more complex, controversial or balanced applications.

This report puts forward three options, with the preferred option being some changes to the scheme of delegation recommended to Cabinet. A copy of the revised Scheme of Delegation, with the proposed changes highlighted, is attached to this report.

4) Neighbourhood Development Area Designations For West Winch/North Runcton, South Wootton And Hunstanton (Page 21)

The Council has a legal duty to support and advise any relevant body within its administrative boundary in the process of Neighbourhood Planning. As part of this legal duty the Council must make the decision whether or not to designate any Neighbourhood Development Areas that are applied for by a relevant body. The Council has received three applications for the designation of Neighbourhood Development Areas: South Wootton; Hunstanton; and West Winch and North Runcton.

5) Designation Of Conservation Area In Dersingham (Page 33)

A new conservation area and character appraisal has been prepared for Dersingham. It has been subject to full consultation, amended as a result and is now presented for the approval of Cabinet.

6) Council Representation On Outside Bodies: Norfolk and Waveney Enterprise Services (Page 40)

This report sets out the context and rationale for the appointment of a Borough Council Cabinet Member to the Board of Norfolk and Waveney Enterprise Services (NWES)

To: Members of the Cabinet

Councillors N J Daubney (Chairman), A Beales, Lord Howard,
A Lawrence, B Long, Mrs E A Nockolds, D Pope and Mrs V Spikings.

Cabinet Scrutiny Committee

For further information, please contact:

Samantha Winter
Democratic Services Manager,
Borough Council of King's Lynn & West Norfolk
King's Court, Chapel Street,
King's Lynn PE30 1EX
Telephone: (01553) 616327 Email: sam.winter@west-norfolk.gov.uk

FORWARD DECISIONS LIST

Date of meeting	Report title	Description of report	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
5 February 2012	Staff Pay Settlement 2013/14		Key	Cabinet	Leader Exec Dir Central Services		Public
	Budget		Key	Council	Leader Deputy Chief Executive		Public
	Planning Scheme of Delegation	Report making minor amendments to the planning scheme of delegation	Non	Council	Development Exec Dir Regeneration and Development	Existing scheme of Delegation	Public
	Designation of a Conservation Area in Dersingham	Report seeking authority for the designation of a Conservation Area in Dersingham	Non	Council	Development Exec Dir Regeneration and Development		Public
	Neighbourhood Plans – Designation of Neighbourhood areas	Consideration of the designation of areas for Neighbourhood plans	Non	Cabinet	Exec Director Development Development		Public
	Council representation to external bodies	Consideration of the appointment of a Member to NWES	Non	Cabinet	Chief Executive Regeneration		Public

Date of meeting	Report title	Description of report	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
5 March 2013	Notice of Motion 2/12 Cllr A Tyler -	This Council calls on the Cabinet to investigate the opportunities that exist for this Council to revert to a committee system. This Council further calls on the Cabinet to report back on its findings to this Council	Non	Council	Chief Executive Leader		Public
	Social Housing Allocation Policy Review	Review of policy	Key	Council	Community Exec Dir Environmental Health & Housing		Public
	Local Authority Leisure Trust – Project Plan and Follow Up report	Update on discussions re Leisure Trust	Key	Cabinet	Leader/ Assets Chief Executive		Public
	Holiday Caravan Sites/Touring Caravan Sites/Residential Caravan Sites – Licensing Procedures & Standard Conditions	Review of the Policies and procedures	Non	Council	Community Exec Dir Environmental Health & Housing		Public
	Amendments to the Scheme of Delegation	Amendments to the scheme following the	Non	Council	Leader Chief Executive		Public

		retirement of the Exec Director Health and Housing					
	Air Quality Action Plan	Update to Air Quality Monitoring Plan	Non	Cabinet	Environment Exec Dir Environmental Health and Housing		Public

Date of meeting	Report title	Description of report	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
9 April 2013	Materials Recycling Facility (MURF) Contract	Report on the outcome of the of the MURF contract negotiations	Key	Cabinet	Dep Leader Exec Dir Leisure and Public Space		Private - Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority) a third

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Discretionary / Operational	(a) Be entirely within cabinet's powers to decide Yes (b) Need to be recommendations to Council No (c) Is this a Key Decision No		
Lead Member: Cllr Nick DaubneyE-mail: Cllr.nick.daubney@west-norfolk.gov.		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Debbie GatesE-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	EIA Req'd NO	Risk Management Implications YES

Date of meeting: 5 February 2013

2 **PAY AWARD 2013/14**

Summary:

The Council's annual pay increase for all employees is locally determined having regard to national, regional and local pay and labour market information. This paper recommends the pay increase for 2013/14 which is within budget.

Recommendation:

- 1) That an annual pay award of 1% be implemented w.e.f 1.4.13.
- 2) That the authority continues its practice of matching the bottom point of PG13 to the lowest point on the national pay scales.

Reason for Decision

To implement an annual pay increase for Borough Council employees, whilst reflecting the Government's policy on public sector pay and the Authority's ongoing budget savings requirement.

1. **Background**

1.1 The Council's annual pay increase for all employees is locally determined, having regard to national, regional and local pay and labour market information.

1.2 The overall context for the 2013/14 Pay Award is the Government's 1% target for public sector pay. This 1% is reflected in the Authority's current financial plan.

1.3 Pay increases over the past four years are detailed below:

2009/10	Freeze
2010/11	1%
2011/12	Freeze
2012/13	Freeze. A non-consolidated lump sum of £250 (pro rata for part-time employees) was awarded to all permanent and fixed term staff to recognise the fact that the Authority exceeded its savings target for 2011/12.

2 General Pay and Prices

2.1 The latest Retail Prices Index (RPI) figure (November 2012) fell to 3.0% from 3.2% in October. The Consumer Prices Index (CPI) figure stands at 2.7% for November, unchanged from October.

2.2 Data for the previous four years is detailed below:

	RPI	CPI
April 2009	-1.2%	2.3%
April 2010	5.3%	3.7%
April 2011	5.2%	5.0%
April 2012	3.5%	3.0%

2.3 Inflation forecasts (RPI) range from 2.6% - 3.1% for the fourth quarter of 2012 and 2.0% - 3.1% for the first quarter of 2013. Corresponding figures for CPI are 1.9% - 2.8% for the fourth quarter of 2012 and 1.7% - 3.3% for the first quarter of 2013.

2.4 Incomes Data services have reported that pay settlements in the whole economy for the three months to October are averaging 2%.

3 National Negotiations

3.1 The National Pay Settlement for 2009/10 was 1% for the majority of staff, with the lowest paid being awarded a 1.25% increase. No offer was made in 2010/11, 2011/12 or 2012/13.

3.2 The Trade Unions have submitted their pay claim for 2013/14. It is for "a substantial flat rate increase on all scale points as a step towards the longer term objective of restoring pay levels and achieving the living wage as the bottom of the NJC spinal column point."

In response the National Employers have issued this statement. "We have made it clear since February that employers want to avoid a fourth year of pay freeze and will be working within the extremely challenging financial constraints facing local government to try and make that happen." Negotiations are ongoing and any further developments will be verbally reported to Cabinet, although the settlement is unlikely to be concluded prior to the meeting.

4 Proposal

- 4.1** The Authority has demonstrated its commitment to pay restraint for staff over the past 4 years, with local pay settlements falling considerably below inflation, in accordance with the Government's general policy on public sector pay freezes.
- 4.2** The Government's target for public sector pay in 2013/14 is 1%, which is reflected in the Authority's current financial plan.
- 4.3** It is therefore recommended that an annual pay award of 1% be implemented with effect from 1.4.13. Although the Council's pay is locally determined, the Authority has a longstanding practice of matching the bottom point of PG13 to the lowest point on the national pay scales and it is further recommended that this link is maintained for 2013/14.

5 Trade Union Comments

- 5.1** UNISON welcomes the proposed 1% pay award from April 2013 but would like to remind Management and Councillors that a number of members of staff are living hand-to-mouth following sharp rises in cost of living.

UNISON expresses these concerns but realise you have to weigh up pay increases against redundancies. UNISON will continue to support the sensible approach taken by the Council's Management Team and are pleased that you have agreed to honour matching the bottom point of PG13 against the national pay rate should that rise above it.

Furthermore we are pleased that you are continuing to support Learning in the Workplace and look forward to the Chief Executive and UNISON Branch Secretary signing the Learning Partnership Agreement on the 28th January at the Joint Employee Committee

6 Financial Implications

- 6.1** The budget for 2013/14 contains a provision of 1% to cover pay increases. There is also a contingency sum of 0.5% included, which would cover any additional costs associated with matching the bottom point of PG13 to the lowest point on the national pay scales. The proposed pay award is, therefore, within budget provision.

7 Risk Management Implications/Options

- 7.1** It is evident that many employees are struggling to cope with pay freezes/pay increases that are substantially below the rate of inflation. However, the requirement for the Authority to continue to make financial savings is unchanged and it also needs to be mindful of the Government's public sector pay targets. A further pay freeze has been discounted due to the need to maintain staff morale and offer salary levels that are competitive within local, regional and national labour markets.

Equally, a higher percentage pay increase would result in the Authority having to make additional compensating savings and there are no significant indicators of recruitment difficulties at the present time, although this will continue to be monitored. The recommended increase of 1% therefore balances the various factors that the Authority needs to take into account when determining the locally agreed pay increase for all employees.

8 Statutory Considerations

There are no statutory implications.

REPORT TO CABINET

Open		Would any decisions proposed :			
Any especially affected Wards Proposed across the Borough	Discretionary / Operational	Be entirely within Cabinet's powers to decide		NO	
		Need to be recommendations to Council		YES	
		Is it a Key Decision		NO	
Lead Member: Cllr Vivienne Spikings E-mail: cllr.Vivienne.Spikings@West-Norfolk.gov.uk		Other Cabinet Members consulted: No			
		Other Members consulted: No			
Lead Officer: Stuart Ashworth E-mail: stuart.ashworth@west-norfolk.gov.uk Direct Dial: 01553-616417		Other Officers consulted: Geoff Hall			
Financial Implications NO	Policy/Personnel Implications NO	Statutory Implications NO	Equal Impact Assessment : Pre-screening	Risk Management Implications NO	

Date of meeting: 5 February 2013

3 AMENDMENT TO THE PLANNING SCHEME OF DELEGATION IN RELATION TO SMALL-SCALE (MINI) WIND TURBINES

Summary

A disproportionate number of planning applications dealing with small-scale wind turbines are being taken to the Planning Committee for a decision, as a result of objections from Parish Councils. The issues are very similar with these applications, and very often they result in no comment from the Committee.

This has the effect of applications going before the Committee that really ought not to be going, and it is not considered to be the best use of the Committee's time. The Committee generally considers the more complex, controversial or balanced applications.

This report puts forward three options, with the preferred option being some changes to the scheme of delegation recommended to Cabinet. A copy of the revised Scheme of Delegation, with the proposed changes highlighted, is attached to this report.

Recommendation

That the changes to the Planning Scheme of Delegation, as set out in option 2 of the report, and shown in the attached document, be approved.

Reason for Decision

To allow more of the applications for mini wind turbines to be dealt with under officer delegated powers, which will allow more efficient use of both the Planning Committee's and officer's time.

1.0 Background

- 1.1 In 2012 just under 10% of applications dealt with at Committee were for mini wind turbines. Given that they represent only 5% of all the applications received within the same 12 month period, this is considered to be a disproportionate number. Under the current planning Scheme of Delegation, if a planning application for a mini wind turbine is considered to be acceptable, it has to be dealt with by the Planning Committee if there is a timely objection raised by the Parish Council in time.
- 1.2 There are more of these applications for small-scale wind turbines being submitted, and they are strongly supported in principle through planning policy, representing a renewable form of energy generation. As standard the applications all require a proper assessment to take place to ensure they do not impact upon neighbouring residential amenity, particularly in terms of shadow flicker or noise, and visual impact and safety (in relation to aircraft) are other standard issues that are assessed.
- 1.3 It is clear that in the majority of cases, particularly involving single turbines, there is very little debate on these applications, and it is considered that there is little merit in a disproportionate number of these continuing to go to Committee.

2.0 Options Considered

Option 1 – Make no changes to the Scheme of Delegation

- 2.1 There is the option to continue to allow the automatic call-in right for Parish Councils to be retained for this particular form of development. However if no changes are made to the Scheme of Delegation to cover this issue then it is likely that there will continue to be a disproportionate amount of such applications having to be dealt with at Planning Committee.
- 2.2 The effects of this will be to increase the size of the Committee Agendas, and the work associated with the preparation of the Agenda. Equally it is important to note as stated earlier that many of the applications go through with little or no debate, because the issues are well rehearsed, and it seems sensible to concentrate on those applications where the issues are finely balanced and which should rightly go before the Committee.

Option 2 – Make proportionate changes to the Scheme of Delegation on this issue

- 2.3 The second option is to make some relatively small changes to the Scheme of Delegation, which would allow the majority of mini wind turbine applications to be dealt with under delegated powers. However

clearly it may be the case that some applications are of a scale or form where the Committee would want to make comment. As such the following criteria are recommended as thresholds which, in the event of a properly made Parish Council comment contrary to the officer view, would trigger an application having to go to Committee:

- a) There will be no more than 3 wind turbines on the same site already.
- b) Any wind turbine with a total height (to hub) over **17m** would need to be considered by Committee

- 2.4 It is important to note that these changes do not affect the current Borough Councillor call-in rights on any application they feel raises issues that should be looked at by Committee. In addition there is also discretion by the Executive Director to call-in applications that he feels ought to be considered by the Committee.

Option 3 – Allow officers to consider all turbine applications through all encompassing changes to the Scheme of Delegation on this issue

- 2.5 This option would allow all applications for small -scale wind turbines, to be considered by officers. There would be no threshold on numbers or the height of turbines. This would potentially free up the most officer and Committee time but would not strike a balance between applications the Committee may want to see, and powers delegated to officers. It may also be the most unpopular option with the Parish Councils.

3.0 Policy Implications

- 3.1 The changes to the Scheme of Delegation in relation to planning will result in a change to the policy relating to the delegation of powers to the Executive Director – Development & Regeneration.

4.0 Financial Implications

- 4.1 There are no financial implications.

5.0 Personnel Implications

- 5.1 The change to the scheme as proposed is likely to result in a reduced number of applications going to the Committee. This should allow more time to be spent in other aspects of the section's work. There are no other personnel implications associated with this application.

6.0 Statutory Considerations

- 6.1 The Council has statutory powers to determine planning and other related applications. The scheme of delegation clearly relates to that function.

7.0 Equality Impact Assessment (EIA)

- 7.1 An EIA pre-screening is attached to this report. This shows that there are no equalities issues linked to this report.

8.0 Risk Management Implications

- 8.1 There are not considered to be any risk management issues.

9.0 Declarations of Interest / Dispensations Granted

- 9.1 There are none.

10.0 Recommendation :

- 10.1 That the changes to the Planning Scheme of Delegation, as set out in option 2 of the report, and shown in the attached document, be approved.

Background Papers

Existing Planning Scheme of Delegation
National Planning Policy Framework (NPPF)

Specific delegation of exercise of planning functions to the Executive Director – Development & Regeneration Services

The following planning functions of the Council are delegated to the Executive Director - Development Services, and to such officers as that Director may approve.

1.1 Determining applications made under the Planning Acts.

1.1.1 Councillors have the right to request in writing to the Executive Director – Development & Regeneration services/Planning Control Manager, that **within 28 days of the publication of the weekly Planning Register of Applications**, that an application should be determined by the ~~Development Control Board~~/Planning Committee

1.1.2 Subject to 1.21.1, the Executive Director – Development & Regeneration Services shall have powers delegated to determine planning, listed building applications, conservation area consent applications, applications for advertisement consent and other related applications forming part of a statutory planning process under delegated powers except :

a) where the relevant Parish or Town Council have commented (within 21 days of the date of consultation) on applications for Major and Minor developments and this is contrary to the officer recommendation, and where :

- 1) the comments raise issues deemed to be material planning considerations; or
- 2) the issues raised have not been resolved by negotiation or are not capable of resolution through the imposition of conditions;

The exceptions to 1.1.2 a) above are where :

- i) the Parish Council continues to object to a reserved matters application, on the same grounds in principle raised through the original outline; or
- ii) the Parish Council continues to object on the same ground on a subsequent application, where substantially the same proposal has previously been approved, and there have been no material change in circumstances.
- iii) The Parish Council has objected to smaller-scale wind turbines (less than 17 m in height to the hub) which are dealt with separately under h) below.

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In these circumstances these matters can be dealt with under delegated powers.

b) where a statutory consultee's comment is contrary to the officer recommendation and where :

- the comments raise issues deemed to be material planning considerations; and
- the comments are made in the stipulated time span (21 days); and
- the comments raise issues which have not been resolved by negotiation or capable of resolution through the imposition of conditions.

c) when it relates to a new telecommunications mast over 30m in height.

d) when it relates to a proposal submitted by or on behalf of a Councillor of the Authority (or their spouse/partner or another direct relative) or by any member of the Council's staff (or their spouse/partner) who is involved in the planning or development process.

e) an application submitted by or on behalf of the Council for its own developments, except for the approval of minor developments to which no objection has been received.

f) where an application is contrary to the provisions of the Development Plan and is recommended for approval.

g) where the site is subject of a previously dismissed appeal for substantially the same development, and the recommendation is to approve.

h) when it relates to an application for a wind turbine(s), and where it would result in more than 3 wind turbines on the same site, or where any individual turbine has a total height (to hub) of over 17 metres.

~~h) where the application has been submitted by or on behalf of a Borough Councillor (or their spouse/partner or a direct relative), or by/on behalf of any Council staff member involved in the planning/development process~~

1.1.3 The Executive Director – Development & Regeneration can enter into S.106 legal agreements, that do not involve the payment of financial contributions above £30,000, and can vary existing S.106 legal agreements, in consultation with the Chairman of the Planning Committee.

1.1.4 The Executive Director – Development & Regeneration has the right to call-in applications that he considers should be presented to the ~~DCB~~/Planning Committee for determination, usually through the issues it raises or through the scale of concerns relating to planning issues.

1.2 Other planning related functions

1.2.1 The approval and discharge of conditions and dealing with non-material amendments to approved schemes.

1.2.2 Respond to consultations from other bodies on their applications, subject to the call-in rights set out in 1.~~2~~1.1.

1.2.3 Consider applications for works to protected trees. Where an objection to a proposed TPO is received the proposed TPO will be dealt with by the DCB/Planning Committee.

1.2.4 To enter land and buildings for any purpose under the Planning Acts.

1.2.5 To carry out screening and scoping opinions under the Environmental Impact Assessment Regulations.

1.2.6 To exercise all other planning related functions whether by the making of operational decisions, service of notices, making or confirmation of orders, directions, dispensations or opinions, issue of determinations or certificates, lodgement of comments or objections upon consultation, commencement of proceedings, carrying out appeal work, withdrawal or discontinuance of any matter or action, responding to any matters served upon the Council or otherwise.

1.3 Enforcement of Planning Control under the Planning Acts

1.3.1 Authority is delegated for the signing, service or withdrawal of :

(a) enforcement notices (which term shall also include listed building enforcement notices and special enforcement notices);

(b) stop notices and temporary stop notices;

(c) breach of condition notices;

(d) Requisitions for Information notices (S.330 notices)) & planning contravention notices;

(e) S.215 ('tidy-up') notices;

(f) injunctions and their enforcement;

(g) completion notices

1.3.2 To prosecute for non-compliance of formal notices served under the planning acts ;

1.3.3 Undertaking other enforcement related tasks, investigations, operational decisions, investigations and service of notices relating to trees and hedges, the historic environment, advertisements, and hazardous substances, all under the relevant legislation.

1.4 High hedges

1.4.1 To determine, under the Anti-Social Behaviour Act, applications for works to a high hedge, to serve remedial notices as appropriate and prosecute & take direct action against non-compliance with notices.

1.5 Other legislation

1.5.1 To serve notices and respond to consultations relevant to the planning function as necessary under the provisions of the following pieces of legislation:

a) Local Government (Miscellaneous Provisions) Act

b) Building Act 1984

c) Environment Act 1995

d) Communications Act 2003. Under this act any applications to remove phone boxes can only be dealt with under delegated powers should there be no objection from the relevant Parish Council

This shall also include all relevant statutory instruments and secondary legislation associated with the above primary legislation.

Notes

1) In the event an application is determined contrary to the views of the Town/Parish Council, the Council will be advised of the outcome of the

application which will include an explanation of the reasons for the decision.

- 2) All prosecutions and injunctions shall be made only with the agreement of the Head of Legal Services, or in her absence an Executive Director, and there shall be consultation with the relevant Ward Member and the Chairman & Vice-Chairman of the ~~Development—Control Board~~/Planning Committee.
- 3) Enforcement action is authorised only if the taking of such action has not been specifically excluded by the ~~Development—Control Board~~/Planning Committee in any particular case.
- 4) The service of any formal notices in section 1.3 and 1.4 must be done with the agreement of the Head of Legal Services, ~~or the Executive Director – Development & Regeneration/Planning Control Manager.~~
- 5) References to the Executive Director – Development & Regeneration shall, in his absence, also relate to the Planning Control Manager.
- 6) As set out in the agreed 'Code of Good Practice for Development Control', where a Member refers an application to the ~~Development Control Board (Planning Committee)~~, that Member will be asked to confirm his/her attendance by e-mail to the relevant Planning Officer prior to the publication of the Agenda at the meeting to which it is referred. If the Member is unable to confirm their attendance or fails to attend, except in exceptional circumstances which would be at the discretion of the Chairman, the application may not be considered and could be referred back to officers to determine.
- 7) Reference to the 'Planning Acts' shall include the :
 - Town & Country Planning Act 1990
 - Planning (Listed Buildings and Conservation Areas) Act 1990
 - Planning (Hazardous Substances) Act 1990
 - Planning and Compulsory Purchase Act 2004
 - Planning Act 2008

This shall also include all relevant statutory instruments and secondary legislation associated with the above primary legislation

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Mandatory	Be entirely within Cabinet's powers to decide	YES	
		Need to be recommendations to Council	NO	
		Is it a Key Decision	NO	
Lead Member: Cllr V Spikings E-mail: cllr.vivienne.spikings@west-norfolk.gov.uk		Other Cabinet Members consulted: None		
		Other Members consulted: None		
Lead Officer: Alan Gomm E-mail: alan.gomm@west-norfolk.gov.uk Direct Dial: 01553 616237		Other Officers consulted: None		
Financial Implications NO	Policy/Personnel Implications NO	Statutory Implications NO	Equal Impact Assessment YES/NO If YES: Pre-screening	Risk Management Implications YES

Date of meeting: 5 February 2013

4 NEIGHBOURHOOD DEVELOPMENT AREA DESIGNATIONS FOR WEST WINCH / NORTH RUNCTON, SOUTH WOOTTON AND HUNSTANTON

Summary

The Council has a legal duty to support and advise any relevant body within its administrative boundary in the process of Neighbourhood Planning. As part of this legal duty the Council must make the decision whether or not to designate any Neighbourhood Development Areas that are applied for by a relevant body. The Council has received three applications for the designation of Neighbourhood Development Areas: South Wootton; Hunstanton; and West Winch and North Runcton.

Recommendation

- 1) That Cabinet agrees to the designation of the three Neighbourhood Development Areas as proposed; and
- 2) That Cabinet agrees to delegate the powers to make future decisions on Neighbourhood Development Area designations to the Executive Director of Development and Regeneration, in consultation with the Cabinet Member for Development.

Reason for Decision

- 1) That there are no material planning reasons not to designate the proposed Neighbourhood Development Areas; and
- 2) The response to the consultation on the three Neighbourhood Development Areas has been very limited and the few comments received have not been of such a significant nature as to warrant referral to Cabinet. It is assumed this pattern will continue should other applications for area designations are received.

1. Background - Neighbourhood Planning

- 1.1 Neighbourhood planning is the generic term used to define the set of procedures and powers that the Localism Act 2011 has granted to communities.
- 1.2 The powers and procedures specifically relate to, in the Borough of King's Lynn & West Norfolk, the ability of parish and town councils to create plans and policies to guide new development and, in some cases, grant planning permission for certain types of development. The 'family' of procedures and powers falls into the following categories:
- Neighbourhood Areas
 - Neighbourhood Development Plans
 - Neighbourhood Development Orders
 - Community Right to Build
- 1.3 Neighbourhood planning (and the potential to pursue any of the individual items) is optional and there is no requirement for parish or town councils to enter into the process. However, if formally adopted by the Local Authority, neighbourhood development plans and orders would sit alongside the Local Plan and form part of the Development Plan. They would be material considerations in the determination of planning applications in that neighbourhood.
- 1.4 We have set out below a short description of these elements to give the context of neighbourhood planning, but the report will concentrate primarily on the applications for designation of 'neighbourhood areas' from the three locations at West Winch/ north Runciton; South Wootton and; Hunstanton.

1.4 Neighbourhood Areas

- 1.5 Designation of a neighbourhood development area is the first stage in the process of neighbourhood planning; without a neighbourhood development area an application cannot be made for any of the other key neighbourhood planning powers (e.g. Neighbourhood Development Plans; Neighbourhood Development Orders; and Community Right to Build Orders).
- 1.6 A neighbourhood area is an area designated by the Local Planning Authority (LPA) following an application from a 'relevant body'*.

*A 'relevant body' is either a parish or town council or a 'neighbourhood forum'. Legislation only allows for a neighbourhood forum to make an application where there is not an existing parish. Therefore the only occasion that a neighbourhood forum could make an application for a neighbourhood development area, in the Borough of King's Lynn & West Norfolk, is in the unparished area of King's Lynn.

- 1.7 A neighbourhood development area will generally be defined by a Parish boundary. However, this does not have to be the case and a parish or town council could identify a smaller area within that boundary to be designated as a neighbourhood area. It is down to the LPA to have regard to the desirability of designating the whole of the area of a parish / town council as a neighbourhood area or a smaller part of it. If a smaller element is proposed, the LPA must ensure that the area is coherent, consistent and appropriate in planning terms.

1.8 Neighbourhood Development Plans

- 1.9 A neighbourhood development plan allows the local community to create a vision and planning policies for the use and development of land in a 'neighbourhood area'. The Localism Act, 2011 defines a neighbourhood development plan as "a plan which sets out policies (however expressed) in relation to the development and use of land in the whole or any part of a particular neighbourhood area specified in the plan..." (38A (2)).

- 1.10 A neighbourhood development plan can be detailed or general depending on what local people want, but they **must** be in general conformity with the strategic policies in the Core Strategy (that is to say if the Local Planning Authority says that an area needs to grow, neighbourhood planning cannot be used to block the building of new homes and businesses). Neighbourhood development plans must also follow the legal requirements as set out in The Neighbourhood Planning (General) Regulation 2012, the Localism Act, 2011 and other relevant legislation.

- 1.11 Only parish and town councils and (in the unparished parts of King's Lynn) neighbourhood forums can make neighbourhood development plans.

1.12 Neighbourhood Development Orders

- 1.13 A neighbourhood development order is an order which grants planning permission for specified development in a neighbourhood area; for example, certain types of household extensions, shop fronts, 'green energy' proposals.

- 1.14 Where there is a neighbourhood development order in place there would be no need to apply to the LPA for planning permission for any development that the order covers.

- 1.15 There is a stringent set of procedures that has to be followed before a neighbourhood development order is adopted. The procedures include the provision for independent examination and the holding of referendums.

- 1.16 Only parish and town councils and (in the unparished parts of King's Lynn) neighbourhood forums can make neighbourhood development orders.

1.17 Community Right to Build Orders

- 1.18 A community right to build order is a form of neighbourhood development order that gives 'community organisations' the power to deliver development that the local community want; for example new affordable homes or new community amenities. As with all neighbourhood development orders there would be no need to apply to the LPA for planning permission for any development covered by the order. As with other neighbourhood development orders there is a stringent set of procedures that has to be followed prior to the adoption of the order including the provision for independent examination and the holding of referendums.

1.19 What is the Local Authority's Role?

- 1.20 The Localism Act places a legal duty on Local Authorities to support and advise parish and town councils and neighbourhood forums if they opt to designate a neighbourhood development area or to take the process further and apply for neighbourhood development plans, neighbourhood development orders or community right to build orders. The manner in which this role is carried out is covered mainly in The Neighbourhood Planning (General) Regulation 2012, and the Localism Act, 2011.

1.21 Applications for Neighbourhood Development Areas

- 1.22 Currently the LPA has received three applications for neighbourhood development areas. The applications are all for parished areas and have therefore been made by the appropriate Parish / Town Councils. The three areas are:

- South Wootton
- Hunstanton
- West Winch and North Runcton

- 1.23 In line with legislation the LPA has helped the Parish and Town Councils in the consultation process which, for all three areas, ran between 1 November 2012 and 13 December 2012.

- 1.24 Below is a list of the comments received during the consultation period for each area:

1.25 South Wootton

Norfolk County Council: "...I can see no reason why the County Council would have any concerns to such designations. The County Council will await further consultation from either the Borough Council and / or Neighbourhood Areas / Parish Councils with regard to any

neighbourhood development plan in line with the “duty to cooperate” as set out in the Localism Act”.

Civil Aviation Authority: Does not wish to be consulted.

Natural England: Generic information supplied on when Natural England should be consulted in relation to neighbourhood planning and the type of developments that bodies could put in their plans / orders.

- 1.26 Very few comments were received in relation to the proposal for a South Wootton Neighbourhood Development Area, an area that would mirror the parish boundary of South Wootton; and none of the comments received were of a controversial or substantive nature. As such the LPA conclude that there is no material planning reason not to designate the proposed South Wootton Neighbourhood Development Area.

1.27 Hunstanton

Norfolk County Council: “...I can see no reason why the County Council would have any concerns to such designations. The County Council will await further consultation from either the Borough Council and / or Neighbourhood Areas / Parish Councils with regard to any neighbourhood development plan in line with the “duty to cooperate” as set out in the Localism Act”.

Civil Aviation Authority: Does not wish to be consulted.

Natural England: Generic information supplied on when Natural England should be consulted in relation to neighbourhood planning and the type of developments that bodies could put in their plans / orders.

Cruso & Wilkin on behalf of Le Strange Estate: Le Strange Estate does not believe that the beach should be included within any neighbourhood plan. Their full comments are attached at the end of the report.

- 1.28 Very few comments were received in relation to the proposal for a Hunstanton Neighbourhood Development Area, an area that would mirror the parish boundary of Hunstanton.
- 1.29 Only one comment raised any concern and that is that the beach should not be included in the neighbourhood development area. With regard to this concern the LPA do not believe that the argument that ‘Old Hunstanton Beach is afforded a substantial level of protection...’ carries enough weight to suggest that the area should not be designated. This argument could be made for any number of other locations in Hunstanton (and boroughwide).
- 1.30 As such the LPA conclude that there is no material planning reason not to designate the proposed Hunstanton Neighbourhood Development Area.

- 1.31 Some late correspondence was received in relation to the parish boundary and whether or not Old Hunstanton Beach fell within the parish of Hunstanton or Old Hunstanton. This situation was clarified with the Local Authority's Electoral Services Team and, as shown on the map at Appendix 2, the parish boundary of Hunstanton (and therefore the proposed neighbourhood development area boundary) includes the beach to the north of Hunstanton.

1.32 West Winch and North Runcton

Norfolk County Council: "...I can see no reason why the County Council would have any concerns to such designations. The County Council will await further consultation from either the Borough Council and / or Neighbourhood Areas / Parish Councils with regard to any neighbourhood development plan in line with the "duty to cooperate" as set out in the Localism Act".

Civil Aviation Authority: Does not wish to be consulted.

Natural England: Generic information supplied on when Natural England should be consulted in relation to neighbourhood planning and the type of developments that bodies could put in their plans / orders.

Highways Agency: "Whilst I raise no objection to the designation of Neighbourhood Area, I encourage early discussion from the Parish Councils when considering development plans and orders in the future".

- 1.33 Very few comments were received in relation to the proposal for a West Winch and North Runcton Neighbourhood Development Area, an area that would mirror the parish boundaries of West Winch and North Runcton; and none of the comments received were of a controversial or substantive nature. As such the LPA conclude that there is no material planning reason not to designate the proposed West Winch / North Runcton Neighbourhood Development Area.

1.34 Conclusion

- 1.35 Designation of a neighbourhood development area is the first stage in the process of neighbourhood planning; without a neighbourhood development area an application cannot be made for any of the other key neighbourhood planning powers (e.g. Neighbourhood Development Plans; Neighbourhood Development Orders; and Community Right to Build Orders).
- 1.36 The Local Authority has received three applications for Neighbourhood Development Areas:
- South Wootton
 - Hunstanton and
 - West Winch and North Runcton

- 1.37 Very few comments were received in relation to the proposals for West Winch and North Rington Neighbourhood Development Area, South Wootton Neighbourhood Development Area or Hunstanton Neighbourhood Development Area. None of the limited comments received were of a controversial or substantive nature.

2. Legal Considerations

- 2.1 The Localism Act, 2011 places a legal duty on the Local Authority to support and advise any relevant body within its administrative boundary in the process of Neighbourhood Planning.

3. Options Considered

- 3.1 Option 1 would be to designate the three Neighbourhood Development Areas as proposed.
- 3.2 Option 2 would be not to designate the three Neighbourhood Development Areas as proposed.

4. Preferred Option

- 4.1 The preferred option is to designate the three Neighbourhood Development Areas as proposed as there are no material reasons not to.

5. Policy Implications

- 5.1 None at this stage in the process of Neighbourhood Planning.

6. Financial Implications

- 6.1 There is a financial implication for the Borough Council in handling the applications for area designation and the other aspects of neighbourhood planning. This is particularly true for engagement in the preparation of neighbourhood plan documents, where there is a need to devote officer time to liaison and support, but also to the arrangements for the latter formal stages of examination and referendums. The Government has recognised the additional burden by the payment of a Neighbourhood Planning Grant to LPAs.
- The first payment of £5,000 will be made following designation of a neighbourhood area recognising the officer time supporting and advising the community in taking forward a neighbourhood plan. (we will make a claim for the three areas above before the end of March).
 - A second payment of £5,000 will be made when the local planning authority publicises the neighbourhood plan prior to examination.

This will contribute towards the costs of the examination as well as other staff costs incurred at this stage.

- A third payment of £20,000 will be made on successful completion of the neighbourhood planning examination. This is to cover costs for that examination and any other further steps that may be needed for the neighbourhood plan to come into legal force, including referendum.

7. Staffing Implications

- 7.1 Due to the large number of parishes in the borough there is the chance that a large number of applications could come forward. This could pose a risk in terms of resources and the ability of the Local Development Framework Team to fulfill its other duties.

8.0 Statutory Considerations

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

9.0 Equalities Considerations

- 9.1 The proposal will have no adverse implications on equalities or community cohesion.

10.0 Risk Management

- 10.1 Due to the large number of parishes in the borough there is the chance that a large number of applications *could* come forward. This could pose a risk in terms of resources and the ability of the Local Development Framework Team to fulfill its other duties.
- 10.2 Whilst some of the work is complementary to the preparation of our own plan documents, we cannot predict the directions the work may take locally as it will be driven by local communities. Whilst there is a requirement for us to cooperate and support communities we must be very mindful of our own plan preparation priorities.
- 10.3 We report progress on neighbourhood planning to the LDF Task Group on a monthly basis, so there is a mechanism to review the amounts of officer time being spent on plans across the Borough.

11. Recommendation

- 11.1 That Cabinet agrees to the designation of the three Neighbourhood Development Areas as proposed; and
- 11.2 That Cabinet agrees to delegate the powers to make future decisions on Neighbourhood Development Area designations to the Executive Director of Development and Regeneration, in consultation with the Cabinet Member for Development.

12. Background Papers

- Localism Act, 2011
- Statutory Instrument 2012 No.637: The Neighbourhood Planning (General) Regulations 2012
- Comments received in relation to the consultation (http://west-norfolk.objective.co.uk/portal/neighbourhood_plan/neighbourhood_area/)

APPENDIX 1

Neighbourhood Planning (General) Regulations 2012

Neighbourhood Area Consultation

You can comment on the proposed Neighbourhood Area by visiting www.west-norfolk.gov.uk and following the Neighbourhood Planning link or write to: LDF Team, King's Court, Chapel Street, King's Lynn, PE30 1EX

Name of Proposed Neighbourhood Area

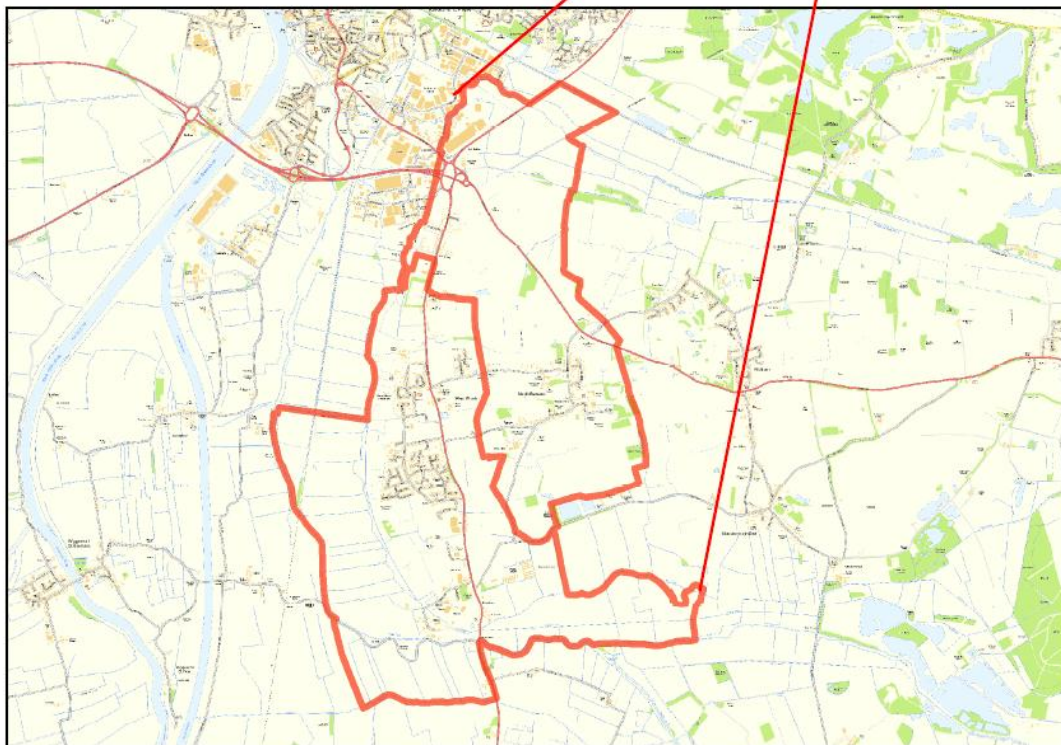
West Winch and North Runcton



Parish Council(s)

West Winch and North Runcton

Consultation Period

01/11/2012 - 13/12/2012



<div>Borough Council of King's Lynn & West Norfolk</div> <div></div> <div>Tel. 01553 616200 Fax. 01553 691663</div>	Title Proposed Neighbourhood Area - West Winch and North Runcton		<div> Scale 1:58,032 Date October 2012</div>	<div><small>COPYRIGHT This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100024314 - 2010.</small></div>
	Project / Details Neighbourhood Planning			
	Drawn by / Department LDF Team Drawing / Reference Number NASW			

APPENDIX 2

Neighbourhood Planning (General) Regulations 2012

Neighbourhood Area Consultation

You can comment on the proposed Neighbourhood Area by visiting www.west-norfolk.gov.uk and following the Neighbourhood Planning link or write to: LDF Team, King's Court, Chapel Street, King's Lynn, PE30 1EX

Name of Proposed Neighbourhood Area

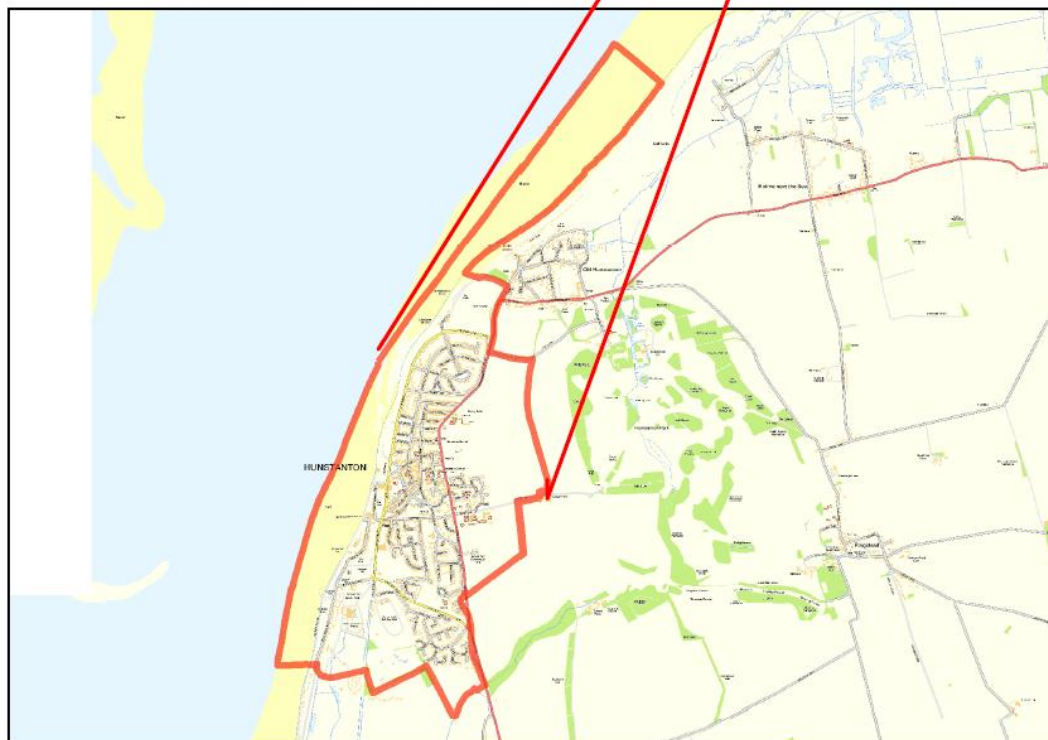
Hunstanton

Parish Council

Hunstanton

Consultation Period

01/11/2012 - 13/12/2012



<div>Borough Council of King's Lynn & West Norfolk</div> <div></div> <div>Tel. 01553 616200 Fax. 01553 691663</div>	Title Proposed Neighbourhood Area - Hunstanton		<div></div>	Scale 1:43,524	<div><small>COPYRIGHT This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings 100024314 - 2010.</small></div>
	Project / Details Neighbourhood Planning			Date October 2012	
			Drawn by / Department LDF Team		
			Drawing / Reference Number NASW		

APPENDIX 3

Neighbourhood Planning (General) Regulations 2012

Neighbourhood Area Consultation

You can comment on the proposed Neighbourhood Area by visiting www.west-norfolk.gov.uk and following the Neighbourhood Planning link or write to: LDF Team, King's Court, Chapel Street, King's Lynn, PE30 1EX

Name of Proposed Neighbourhood Area

South Wootton

Parish Council(s)

South Wootton

Consultation Period

01/11/2012 - 13/12/2012



 Borough Council of King's Lynn & West Norfolk Tel. 01553 616200 Fax. 01553 691663	Title Proposed Neighbourhood Area - South Wootton			Scale 1:45,430	<small>COPYRIGHT This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100024314 - 2010.</small>
	Project / Details Neighbourhood Planning			Date October 2012	
			Drawn by / Department LDF Team	Drawing / Reference Number NASW	

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Discretionary	Be entirely within Cabinet's powers to decide NO		
		Need to be recommendations to Council YES		
		Is it a Key Decision NO		
Dersingham				
Lead Member: Cllr V Spikings E-mail: cllr.VivienneSpikings@west-norfolk.gov.uk		Other Cabinet Members consulted: NONE		
		Other Members consulted: Cllr. T Bubb, Cllr J Collingham,		
Lead Officer: Pamela Lynn E-mail: pam.lynn@west-norfolk.gov.uk Direct Dial: 01553 616235		Other Officers consulted: G Hall, S Ashworth, D Parkin		
Financial Implications NO	Policy/Personnel Implications NO	Statutory Implications YES	Equal Impact Assessment Req'd NO	Risk Management Implications NO

Date of meeting: 5 February 2013

5 PROPOSED DESIGNATION OF A CONSERVATION AREA FOR DERSINGHAM

Summary

A new conservation area and character appraisal has been prepared for Dersingham. It has been subject to full consultation, amended as a result and is now presented for the approval of Cabinet.

Recommendation

That the new conservation area and conservation area character statement for Dersingham, as proposed, be approved and endorsed.

Reason for Decision

Dersingham was considered for conservation area designation in response to a request from the then Borough Councillor and Parish Council

1.0 Background

- 1.1 Under the Planning (Listed Buildings & Conservation Areas) Act 1990 Local Authorities have a duty to identify areas of special architectural or historic interest, whose character or appearance it is desirable to preserve or enhance, and to designate them as conservation areas.
- 1.2 This report seeks to obtain Cabinet authority for the designation of a new conservation area with corresponding character statement for Dersingham.

- 1.3 The draft boundary for the proposed conservation area and the text of the character appraisal were drawn up under the guidance of the former conservation officer (John Selby) in association with the then ward member and Parish Council who had requested the designation of a conservation area for the village centre.
- 1.4 The new conservation area as originally proposed included both sides of Manor Road from Brook Road east and then northward, both sides of Heath Road southwards to the public footpath on the edge of the heath, Nos 2-20 (incl.) on the north west side of Sandringham Road, Church Lane, Nos. 1-13 (incl) of Shernborne Road, Sugar Lane to the brow of the hill and including the large field along the eastern side, and the properties on Chapel Road to the western boundaries of No.63 (south side) and 88 (north side)
- 1.5 Following further discussions with the Parish Council, the proposed conservation area was extended to include the remainder of Manor Road from Brook Road westwards to Lynn Road on both sides, the remainder of the Shernborne Road on the northern side up to the eastern boundary of the last property (No. 17, Snoring Lodge), the remainder of the northern side of Chapel Road westward to its junction with Lynn Road and three sections of the southern side of Chapel Road comprising No 55, Nos.39-49 (odd) and Nos.1-15 (odd) and the Methodist Chapel.
- 1.6 A proposal to also include the large field behind Sugar Lane and the cluster of buildings around the junction of Sugar Lane with Fern Hill and Mill Road was rejected on the basis that the field is protected by countryside policies and the buildings, whilst of some interest are too removed from the historic core of the village.
- 1.7 A copy of the conservation area and character statement, as amended is enclosed with the agenda.
- 1.8 Copies of the draft documents were delivered to every property within the proposed conservation area and a period of six weeks allowed for responses. In addition copies were sent to the Parish Council (paper and electronic) the local members and county councillors, Norfolk County Council Historic Environment Unit and English Heritage. Copies were also available for public access at the Dersingham Library and on the Borough Councils web site.
- 1.9 Comments were received from 16 residents. Of those, 14 were broadly supportive whilst two were clearly not happy with the proposal. A brief schedule of comments is appended to this report and the text presented to Cabinet has been amended to reflect the comments where appropriate.
- 1.10 It is unfortunate that the Parish Council have not offered a written response to the formal consultation although it is understood that they still support the proposal.

2.0 Options Considered

Option 1 – Do not designate a conservation area for Dersingham

- 2.1 There is the alternative option of not designating a conservation area in Dersingham, and maintaining the status quo. Decisions would continue to be made as at present but the extra protection afforded by the designation, which requires development to either preserve or enhance conservation areas, would not occur. Without the designation the special character of the area would also not be recognised, and there is more chance of the special features within this older part of the village being eroded.

Option 2 – Designate a conservation area for Dersingham

- 2.2 Designating a conservation area would recognise and help to protect the intrinsic and special character of this part of Dersingham. In common with other conservation areas in the Borough, it is also important to note that designation would not prevent development from coming forward. New development would however have to be of a standard that either preserves or enhances the conservation area.
- 2.3 The boundary chosen for the conservation area has been amended as a result of consultation and of course is based around the older original village centre.

3.0 Policy Implications

- 3.1 When approved by Full Council, the conservation area becomes operative and becomes planning policy, whereby the Council will have a statutory duty to preserve or enhance its character and appearance.

4.0 Financial Implications

- 4.1 The only financial implications are the cost of advertisements in both the London Gazette and an appropriate local newspaper.

5.0 Personnel Implications

- 5.1 None

6.0 Statutory Considerations

- 6.1 The proposed conservation area and character statement have been consulted upon and the finalised conservation area must be advertised in accordance with the procedures set out in the relevant legislation.

6.2 The outcome will be a statutory conservation area, which is a nationally designated area.

7.0 Equality Impact Assessment (EIA)

7.1 No implications

8.0 Risk Management Implications

8.1 No implications

9.0 Declarations of Interest / Dispensations Granted

9.1 None.

10.0 Recommendation

10.1 That the new conservation area and conservation area character statement for Dersingham, as proposed, be approved and endorsed.

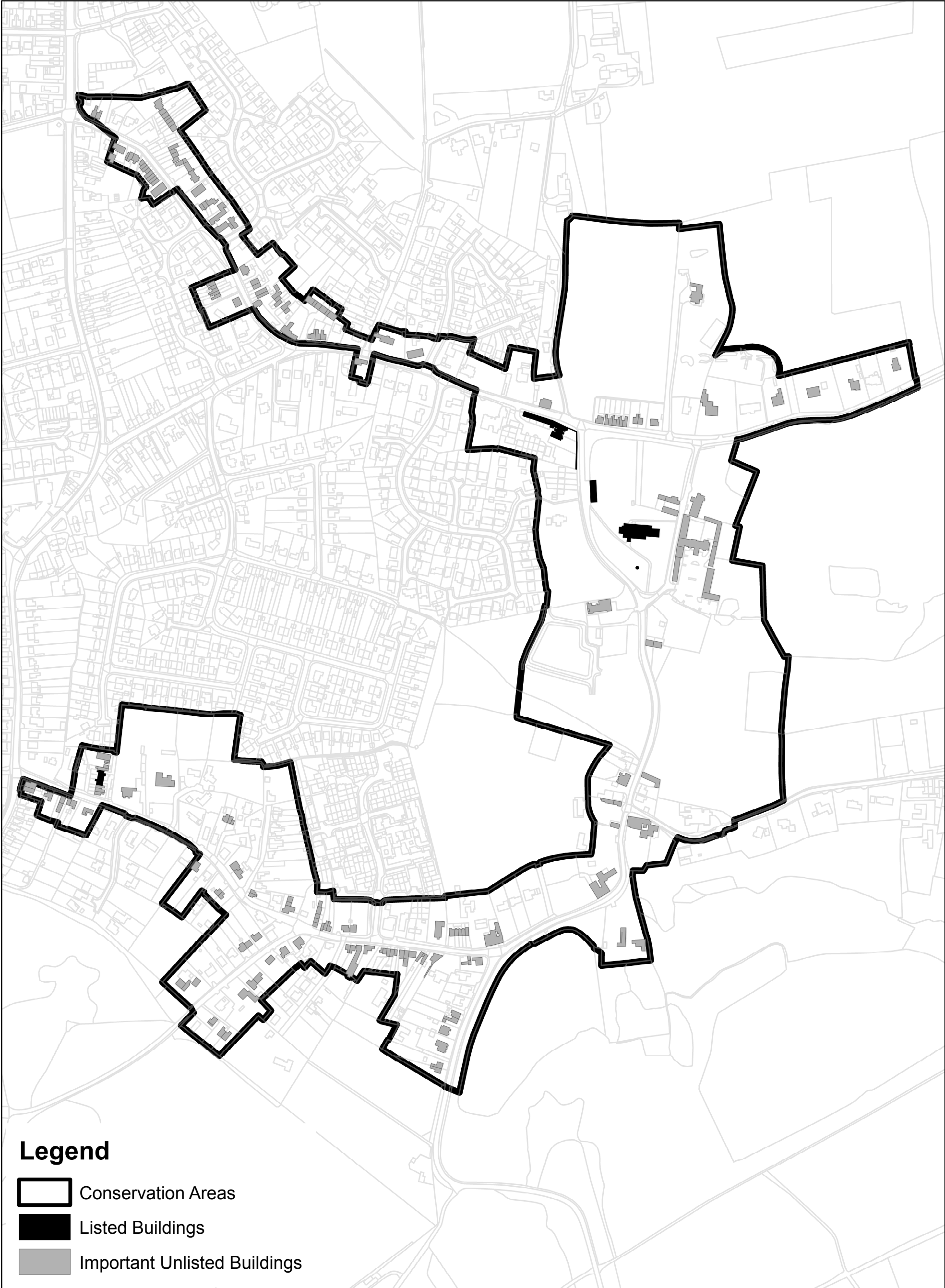
Background Papers

Planning (Listed Building & Conservation Areas) Act 1990




Attached map showing the extent of the proposed Conservation Area


Attached draft conservation area character statement

Schedule of Comments received.



Legend

-  Conservation Areas
-  Listed Buildings
-  Important Unlisted Buildings

<div><div><div>Borough Council of King's Lynn & West Norfolk</div><div></div></div><div>Tel. 01553 616200 - Fax. 01553 691663</div></div> <td colspan="2">Title</td> <td rowspan="2"><div><div><div>N</div><div>W</div><div>E</div><div>S</div></div></div></td> <td>Scale 1:4,429</td> <td rowspan="4"><div>© Crown copyright and database rights 2012 Ordnance Survey 100024314</div></td>	Title		<div><div><div>N</div><div>W</div><div>E</div><div>S</div></div></div>	Scale 1:4,429	<div>© Crown copyright and database rights 2012 Ordnance Survey 100024314</div>
				Date 03/01/2012	
	Proposed Dersingham Conservation Area		Drawn by / Department AD/Tech Support		
			Drawing / Reference Number 20130103_V3		

Address	Comment	Response/action	Email/letter
Sherborne Road	When will it be adopted?		email
Chaple Road	Good idea		email
Manor Road	Good idea but thinks it is too anti UPVC and should mention the garish and vulgar signage on the take away at 48 Manor Road.	Text amended	email
Willow Drive	Need to redraw boundary line for Nos 1 and 2 Willow Drive as the gardens are not included. Also there are unsightly signs around the village, not just Forresters Hall	Actioned	email
Manor Road	No at all happy with proposal		email
No address	Thinks the number of inhabitants stated on the front cover is wrong	Quote so no action.	email
Heath Road	States that his property has 'inappropriate replacement sashes' but they are the original windows.	Text amended	email
Manor Road	Why have the rear gardens of 1 and 2 Willow Drive not been included?	Actioned	email
Chapel Road	Would like to participate in the Conservation Area Advisory Committee (CAAC). Why not include the playing fields (west of Manor Road) in the area?	Not appropriate	email
Manor Road	Originally 3 single storey cottages (not two) built for the fruit farmers on the Sandringham Estate. Gives lots of info about her house. Agrees with cables being an eyesore. Doesn't think the flower shop or garage are a detractor.	Text amended	email
Manor Road	General favourable comments		letter
Monor Road	Unhappy about the description of his property and would like it re-written	Some amendment	letter
Greenways, Sherborne Road	Would like information regarding how to deal with dead or dying trees in a Conservation Area	Actioned	letter

Sherborne Road	The have reservations about their property being included in the area as they have many trees and would like info on how they would maintain them if in a conservation area. Their property is described as a cottage but is a house	Actioned	letter
Manor Road	The numbering of Westhall Cottages is wrong. Corect numbering details in letter.	Text amended	letter
Manor Road	Comments and reasons as to why Dersingham should not be designated a Conservation Area		letter

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Discretionary	Be entirely within Cabinet's powers to decide	YES	
		Need to be recommendations to Council	NO	
		Is it a Key Decision	NO	
Lead Member: Cllr Alistair Beales E-mail: cllr.alistair.beales@west-norfolk.gov.uk		Other Cabinet Members consulted: Cllr Nick Daubney		
		Other Members consulted:		
Lead Officer: Ostap Paparega E-mail: Ostap.paparega@west-norfolk.gov.uk Direct Dial:		Other Officers consulted: Ray Harding, Chief Executive Geoff Hall, Executive Director Development and Regeneration		
Financial Implications NO	Policy/Personnel Implications NO	Statutory Implications NO	Equal Impact Assessment NO If YES: Pre-screening/ Full Assessment	Risk Management Implications NO

Date of meeting: 5 February 2013

6 COUNCIL REPRESENTATION TO EXTERNAL BODIES: NWES

Summary

This report sets out the context and rationale for the appointment of a Borough Council Cabinet Member to the Board of Norfolk and Waveney Enterprise Services (NWES)

Recommendation

That Cabinet approves the nomination of a Cabinet Member as Borough Council representative to the Board of Norfolk and Waveney Enterprise Services (NWES).

Reason for Decision

In December 2012, the Borough Council and NWES have entered into a strategic partnership to deliver the King's Lynn Enterprise and Innovation Centre (KLIC) and strengthen the provision of enterprise, business support and advice for start-ups and SMEs in West Norfolk. A key component of this strategic partnering is council representation to the NWES Board, which has been captured in the Partnership Agreement approved by Cabinet in December 2012.

1. Background

1.1 In December 2012 the Council's Cabinet approved the Partnership Agreement with NWES for the delivery of King's Lynn Enterprise and Innovation Centre (KLIC). The agreement also includes a commitment from both parties to:

- work in partnership to encourage enterprise locally and the development of the NORA site

- support any grant applications submitted by each other for capital/revenue spending relating to the new centre

1.2 A key provision of the Partnership Agreement is Council representation to the NWES Board. This will enable the Council to have a direct contribution and input at a strategic level on policy and strategy formulation as well as the delivery of enterprise and business support services to start ups and small businesses in the borough.

2. BOARD MEMBER RESPONSIBILITIES

2.1 The key responsibilities for NWES board members are summarised below:

2.2 Board members are responsible for ensuring the success of the business and compliance with relevant regulations - such as health and safety, employment law, tax and corporate governance. They must ensure that the company carries out risk assessments and put a health and safety policy in place (must be in writing).

2.3 The Companies Act 2006 confirms existing case law and requires company directors to act in a way which is most likely to promote the success of the business.

2.4 Board members are required to attend five/six board meetings each year and the venue moves between King's Lynn, Norwich, Great Yarmouth and Lowestoft. Meetings are held usually on a Tuesday morning between 10am-1pm.

3. LIABILITIES AND INSURANCE PROVISION

3.1 Board members must comply with employment law in all dealings with employees or they may be found personally liable for unfair dismissal, discrimination or unfair work practices. They should ensure that the company complies with all employment law changes as well as health and safety legislation.

3.2 NWES holds a full Directors and Officers Liability Insurance (DOLI) for the Board with levels up to £10m. In 30 years of its existence, NWES have never had any cause to make a claim.

4. REMUNERATION (New Anglia LEP)

3.1 This is an unpaid position - Board members are not remunerated for their activity.

5. CONCLUSION

5.1 Borough Council representation to the NWES Board will enable Council's direct contribution and input to policy formulation and implementation of enterprise and business support, advice and training services to start-ups and SMEs in the borough and therefore this report recommends appointment of a Cabinet Member to the respective position.

6 IMPLICATIONS

Policy Implications

No implications

Financial Implications

No implications

Statutory Consideration

No statutory implications

Equality Impact Assessment (EIA)

Pre screening report carried out

Risk Management Implications

No implications

Declarations of Interest / Dispensations Granted

Not applicable

Background papers

King's Lynn Enterprise and Innovation Cabinet Report (4 December 2012)

ABBREVIATIONS

BCKLWN – Borough Council of King's Lynn and West Norfolk

KLIC – King's Lynn Enterprise and Innovation Centre

NWES – Norfolk and Waveney Enterprise Services

SMEs – Small and medium size enterprises