

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



CABINET

Agenda

**TUESDAY, 9 APRIL 2013
at 5.30pm**

in the

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



If you require parts of this document in another language, large print, audio, Braille or any alternative format please contact the Council Information Centre on 01553 616200 and we will do our best to help.

LATVIAN

Ja Jums nepieciešamas daļas no šī dokumenta citā valodā, lielā drukā, audio, Braila rakstā vai alternatīvā formātā, lūdzu, sazinieties ar Padomes informācijas centru (Council Information Centre) pa 01553 616200 un mēs centīsimies Jums palīdzēt.

RUSSIAN

Если вам нужны части этого документа на другом языке, крупным шрифтом, шрифтом Брайля, в аудио- или ином формате, обращайтесь в Информационный Центр Совета по тел.: 01553 616200, и мы постараемся вам помочь.

LITHUANIAN

Jei pageidaujate tam tikros šio dokumento dalies kita kalba, dideliu šriftu, Brailio raštu, kitu formatu ar norite užsisakyti garso įrašą, susisiekite su Savivaldybės informacijos centru (Council Information Centre) telefonu 01553 616200 ir mes pasistengsime jums kiek įmanoma padėti.

POLISH

Jeśli pragną Państwo otrzymać fragmenty niniejszego dokumentu w innym języku, w dużym druku, w formie nagrania audio, alfabetem Braille'a lub w jakimkolwiek innym alternatywnym formacie, prosimy o kontakt z Centrum Informacji Rady pod numerem 01553 616200, zaś my zrobimy, co możemy, by Państwu pomóc.

PORTUGUESE

Se necessitar de partes deste documento em outro idioma, impressão grande, áudio, Braille ou qualquer outro formato alternativo, por favor contacte o Centro de Informações do Município pelo 01553 616200, e faremos o nosso melhor para ajudar.

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



King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX
Telephone: 01553 616200
Fax: 01553 691663

CABINET AGENDA

DATE: CABINET – TUESDAY, 9 APRIL 2013

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

TIME: 5.30 pm

This agenda gives notice of two 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 5 March 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 8)

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 and Risk – 26 March 2013
- Regeneration, Community and Environment Panel – 27 March 2013

10. REPORTS

1) Proposed Loan of the King John Cup (page 12)

The Sainsbury Centre for Visual Arts (SCVA) based at the University of East Anglia has made a request to the authority to loan the King John Cup for the forthcoming exhibition - *Masterpieces: Art and East Anglia*, from the 14th September 2013 until the 24th February 2014.

2) Hunstanton Promenade and Seawall Condition Survey (page 15)

The Hunstanton Promenade and Seawall Condition Assessment Study recommends that “Minor remedial works are required to sustain these defences.” This report seeks approval for the funding to enable the recommended Year 1 works to take place early in the 2013 – 14 financial year.

3) Crematorium Project Update and Cremator Specification (page 19)

At its meeting on 8 January, Cabinet received a report on the Capital scheme for the Crematorium. This report updates Members on the progress made to date.

4) Pinch Point Funding Application (page 22)

The Government published details of a funding stream for Traffic Authorities called Pinch Point Funding. Any bids for support from the available funds needed to be submitted by 21 February 2013. This report explains the actions taken by officers in assisting the Norfolk County Council to submit a project relating to the building of a new road between Edward Benefer way and Lynnsport, designed to reduce pressure on the highway network and in addition providing a new access to the Councils housing land at Marsh Lane and Lynnsport.

5) Queen Elizabeth Hospital Access (page 27)

The report considers proposals to improve access to the Queen Elizabeth Hospital. At peak times traffic leaving the Hospital is backed up for a considerable time and creates a traffic blockage for vehicles using Gayton Road to leave King’s Lynn. The proposal is to undertake improvements in the autumn to alleviate the problems at the same time as the County Council are undertaking work to the Queen Elizabeth roundabout in connection with the Sainsbury’s and Tesco schemes.

The works will create two lanes from the Queen Elizabeth roundabout on the A149 back to the mini roundabout at Winston Churchill Drive and provide a freeflow turn only going north on the A149.

6) Community Right To Bid (page 31)

The Localism Act introduced a range of new rights for local communities relating to a number of the Council’s functions and how we deliver services. These rights include the opportunity to nominate assets of community value for inclusion on a list maintained by the local authority. Community value is defined

as furthering the community's social well-being or social interests.

The intention of the legislation is to provide community groups a fairer opportunity to make a bid to buy a listed asset on the open market should it come up for sale. It does not however require the owner to sell the asset to the community group.

This report outlines the provisions relating to the 'Community Right to Bid' (section 2), the requirements on the Council in meeting these provisions (section 3) and proposes a decision-making process for the listing of community assets that is based on the government advice note and that meets the requirements of the legislation (section 4).

7) Community Governance – Number of Parish Councillors – Pentney (page 36)

This report seeks to increase the number of Parish Councillors on Pentney Parish Council from seven to eight.

8) Saddlebow Incinerator Inquiry – Budget (Page 38)

The report recommends increasing the budget for the Council's case to the Incinerator Inquiry.

EXCLUSION OF PUBLIC

The Cabinet is asked to consider excluding the public from the meeting under section 100A of the Local Government Act 1972 for consideration of the items below on the grounds that they involve the likely disclosure of exempt information as defined by Paragraphs 1 and 3 of Part 1 of Schedule 12A to the Act, and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

PRIVATE ITEMS

Details of any representations received by the Executive about why the following report should be considered in public will be reported.

9) Asset Management: King's Court – Lease Part Ground Floor (page 42)

This report sets out the provisionally agreed terms for the proposed commercial leasing arrangement for surplus office accommodation at the Borough Council's main administrative office accommodation at King's Court, Chapel Street King's Lynn, and seeks authority from Cabinet to enter into a formal lease agreement with the prospective tenant.

10) Leisure Service Provision (page 46)

The report considers the financial case for the introduction of a Charitable Company and Local Authority Company (LAC) to operate the Council Leisure Services.

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
9 th April 2013	Crematorium Contract Update	Update to the tender process for the works to the crematorium	Key	Cabinet	Deputy Leader Exec Director - C Bamfield	Specification.	Public
	Community Right To Bid	Report setting out proposed arrangements for the Register	Non	Cabinet	Community Exec Director – D Gates		Public
	Community Governance – Numbers of Parish Councillors	Report to give consideration to the request from Pentney Parish Council	Non	Council	Leader Exec Director - D Gates	LGA 1972 Request from Pentney Parish Council	Public
	Request to loan Council Artefact	Request from UEA to display Council Artefact	Non	Cabinet	Health and Wellbeing Deputy Chief Executive	Request to loan	Public
	Works to Hunstanton promenade and Sea Wall	Report to set out programme of minor works to promenade	Non	Council	Environment Exec Director – G Hall	Environment Agency Report	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
	Pinch Point Funding	Bid for funding for New Road from Edward Benefer Way to Lynnsport	Key	Cabinet	Regeneration Chief Executive	Norfolk County Council Cabinet Report Local Pinch Point Fund – Guidance on the Application Process (DFT)	Public
	Queen Elizabeth Hospital – Access	Partnership approach to improve access to the Queen Elizabeth Hospital	Non	Cabinet	Leader Exec Director – C Bamfield	King's Lynn Area Transport Strategy	Public
	Local Authority Leisure Trust – Project Plan and Follow Up report	Update on discussions re Leisure Trust	Key	Cabinet	Leader/ Assets Chief Executive	Previous published reports	Private Contains exempt information under para 1- information relating to any individual
	Asset Management – King's Court – Lease Part Ground Floor	Lease arrangements	Non	Cabinet	Regeneration Deputy Chief Executive	Previous report published	Private Contains exempt information under para 3- information relating the business affairs of another organisation
	Incinerator – Budget	Report to increase the budget provision for the Council's	Non	Cabinet	Leader Chief Executive	Previous reports	Public

		role in the Incinerator inquiry.					
--	--	----------------------------------	--	--	--	--	--

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
7 th May 2013	Hunstanton's Spinney Enhancements	Plans to re-design an area of Hunstanton, making it more pedestrian friendly and improving navigation to the town centre	Key	Cabinet	Regeneration Chief Executive	Consultation Exercise	Public
	Tuesday Market Place Scheme	Final Costings and scheme for consideration	Key	Cabinet	Regeneration & Health and Wellbeing Exec Director - C Bamfield	Consultation events results	Public
	Materials Recycling Facility (MRF) Contract	Report on the outcome of the of the MURF contract negotiations	Key	Cabinet	Dep Leader Exec Director - C Bamfield		Private - Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority)
	Local Authority Housing Company	Company to build and/or acquire market housing	Key	Cabinet	Community & Regeneration Chief Executive and Deputy Chief Executive	None as yet	Public

	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	Leader Chief Executive		Public
	Tenant Finder Scheme		Non	Cabinet	Community Chief Executive		Public
	Landlord Accreditation Scheme		Non	Cabinet	Community Chief Executive		Public
	Social Housing Allocation Policy Review	Review of policy	Key	Council	Community Chief Executive		Public

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 Elizabeth Nockolds E-mail: cllr.elizabeth.nockolds@west-norfolk.gov.uk		Other Cabinet Members consulted:		
Lead Officer: Mark Fuller E-mail: mark.fuller@west-norfolk.gov.uk Direct Dial:01553 616407		Other Members consulted:		
Financial Implications No		Policy/Personnel Implications No	Statutory Implications No	Equal Impact Assessment YES If YES: Pre-screening
				Risk Management Implications Yes

Date of meeting: 9 April 2013

1 PROPOSED LOAN OF THE KING JOHN CUP

Summary

The Sainsbury Centre for Visual Arts (SCVA) based at the University of East Anglia has made a request to the authority to loan the King John Cup for the forthcoming exhibition - *Masterpieces: Art and East Anglia*, from the 14th September 2013 until the 24th February 2014.

This report asks Cabinet to approve:

1. The loan of the King John Cup to the exhibition; *Masterpieces: Art and East Anglia* at the Sainsbury Centre for Visual Arts, University of East Anglia, Norwich.
2. Delegation of authority for future requests to loan items housed in the Borough collections to the Cabinet Member responsible for Arts and Culture.

Recommendation

That Cabinet:

1. Authorise the loan of the King John Cup as detailed in the report.
2. Delegate authority to the Cabinet Member responsible for Arts and Culture for future requests to loan items housed in the collections.

Reason for Decision

To allow the loan of the King John Cup to the Sainsbury Centre for Visual Arts.

To allow future loan requests for items housed in the Borough collections to be authorised by the Cabinet Member responsible for Arts and Culture.

1 Background

The 14th Century King John cup is displayed in the Regalia Rooms at the Gaol House in the Town Hall complex.

The Sainsbury Centre for Visual Arts (SCVA) based at the University of East Anglia has made a request to the authority to loan the King John Cup for the forthcoming exhibition - *Masterpieces: Art and East Anglia*, from the 14th September 2013 until the 24th February 2014.

The loan period, subject to agreement, would be mid-August 2013 to mid-March 2014.

2 Terms and Conditions of Loan

Norfolk Museum and Archaeology Service (NMAS) as curators of the Borough collections will undertake a condition report on the King John Cup before the proposed loan.

The SCVA will insure the King John Cup during transportation and whilst on display by Government Indemnity. Proof of cover and amount will be provided prior to loan agreement.

The SCVA will be using a specialist fine art shipper, approved by national museums, to prepare, pack and transport the King John Cup. Details of the proposed company will be provided by the SCVA once confirmed.

Whilst on display the King John Cup will be displayed in a high security case, the specification of which will be supplied and approved prior to the loan.

Risk Management measures will be provided by the SCVA.

All terms and conditions for the loan will be agreed and approved with our insurers Zurich Municipal.

3 Future Loan Requests

With regards to any future requests for the loan of items housed in the collections it is recommended that delegated authority be granted to the Cabinet Member responsible for Arts and Culture.

4 Policy Implications

None

5 Financial Implications

There are no financial implications to this decision, all costs for insuring, transporting and displaying the King John Cup will be met by the SCVA.

6 Personnel Implications

There are no Personnel Implications to this decision.

7 Statutory Considerations

There are no Statutory Considerations to this decision.

8 Equality Impact Assessment (EIA)

Pre assessment Completed and attached as background paper.

9 Risk Management Implications

The King John Cup will be covered by Government Indemnity during transportation and whilst on display.

The item will be packed and transported using a specialist fine art shipper.

Whilst on display the item will be housed in a specialist high security case.

The SCVA will provide details of their Risk Management measures.

Zurich Municipal will agree terms and conditions of the proposed loan.

10 Declarations of Interest / Dispensations Granted

None

Background Papers

EIA

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards Hunstanton	Mandatory/	Be entirely within Cabinet's powers to decide	No	
	Operational	Need to be recommendations to Council	Yes	
		Is it a Key Decision	No	
Lead Member: Cllr Brian Long E-mail: <i>cllr.brian.long@west-norfolk.gov.uk</i>		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Peter Jernany E-mail: <i>peter.jernany@west-norfolk.gov.uk</i> Direct Dial: 01553 616239/616421		Other Officers consulted: Corporate Management Team; Resort Operations Manager; Building Technician Team 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: 9 April 2013

2 HUNSTANTON PROMENADE & SEAWALL CONDITION SURVEY

Summary

The Hunstanton Promenade and Seawall Condition Assessment Study recommends that "Minor remedial works are required to sustain these defences." This report seeks approval for the funding to enable the recommended Year 1 works to take place early in the 2013 – 14 financial year.

Recommendations

Cabinet is invited to approve:

- 1) **The Year 1 remedial works to the Hunstanton Promenade and Seawall, to take place in 2013/14, subject to the appropriate procurement process.**
- 2) **The costs of the scheme of £89,000 be met from the General Fund.**

Reason for Decision

To maintain the safety of the structures for which the Borough Council is responsible which provide both a sea defence and amenity function. This will help to extend their residual life before more significant capital works are needed.

1 Background

The Borough Council is responsible for some 1.5 km of seawall and promenade at Hunstanton, from the fairground to its end near the cliffs. The earliest sea defences in the frontage were built in 1885. The most recent seawall structures were constructed in 1958, following storms in 1949 and 1953. Royal HaskoningDHV (RHDHV) were commissioned by the Environment Agency (EA) and the Borough Council in March 2012 to conduct a survey of the condition of the promenade and seawall. The Survey (which extended to the Power Boat Ramp, including the EA's frontage) aimed to identify defects and potential instability in the promenade and seawall; to understand the causes of any problems; and to develop clear remediation proposals to address any problems.

The Study included:

- Review of available data, including previous condition assessments;
- Development of a geotechnical desk study;
- Walkover inspection by the Council and a Senior Engineer from RHDHV;
- Detailed inspection of visible structural elements and defects;
- Intrusive Geotechnical Investigation;
- Review of beach survey information, including the EA Coastal Trends Analysis and assessment of beach profiles; and
- Assessment of the current condition and residual life of the frontage.

The Study has been carried out in the context of the wider work taking place on The Wash East Coastal Management Strategy (WECMS), which is seeking to identify a sustainable approach to the long term management of the coast from Hunstanton Cliffs down to Wolferton Creek.

2 Facts/Issues

The findings of the final condition assessment report have been discussed with representatives of Property Services and Leisure and Public Space and with the Corporate Management Team. The report concluded that "Overall, no significant defects were observed and the seawall and promenade do not require any significant structural works in the next five years." However it also states that "Minor remedial works are required to sustain these defences. It is estimated that these works amount to **£89,000** in Year 1 and a further **£207,000** across Years 2-5." A table showing the works recommended is shown below:

Year works needed	Sea wall	Promenade	Recurve wall	Contingency	Total (with contingency)
Year 1	£48,750	£18,750	£0	£21,500	£89,000
Year 2-5	£117,500	£40,625	£1,250	£47,625	£207,000
					£296,000

The Year 1 works recommended consist of patch repairs and sealant replacement. The £89k estimate includes a 30% (£21.5k) contingency sum to allow for cost and work extent variation. A specialist coastal engineering

contractor would be required. The EA is being approached to see whether we could use their approved contractors. Some of the work may fall within the section owned by the EA so we may be able to seek a contribution from them. This is also being clarified with the EA.

The report also says that “Critically, beach levels were found to be the most important factor affecting defence residual life. As well as the remedial works ... it is also recommended that monitoring of the beach levels, particularly at the toe of the defences, occurs.” This recommendation has been discussed with the EA’s Coastal Monitoring Group, who may be able to reduce the spacing of their beach profiles from 100m to 50m in the most vulnerable frontage and to increase the frequency of the surveys. The residual life of the structures is summarised below:

Section	Residual Life (years)	Limiting Factor/Reason
A	30-50	Defence Structure
B	30-50	Defence Structure
C	30-50	Defence Structure
D	10-20	Beach levels
E	10-20	Beach levels
F	10-20	Beach levels
G	10-20	Beach levels

3 Proposal

The works recommended for Year 1 are necessary to maintain the safety of the structures for which the Borough Council is responsible and which provide both a sea defence and amenity function. This will help to extend their residual life before more significant capital works are needed (10 - 20 years time in the more vulnerable sections). Subject to procurement taking place during March it is proposed to complete the remedial works in the early part of the 2013-14 financial year before the main Summer season commences. It is suggested that procurement would be overseen by the Property Services Manager, while works would be supervised by the Resort Operations Manager. Provision may need to be made for the recommended year 2-5 works, but initially this is being discussed with the Environment Agency to establish whether any grant funding may be available towards these works. Ways forward for the longer term funding of more substantial works to the promenade/sea wall which may be needed in 10 – 20 years time will be established through the WECMS. The WECMS should be completed later this year.

4 Options Considered

A ‘Do nothing’ option would leave the promenade/sea defence open to deterioration, damaging both its safety and amenity functions and potentially trigger the need for more substantial repair works, much sooner than anticipated.

5 Policy Implications

None

6 Financial Implications

There is no budget provision for the works. The cost of the repairs works will be recorded as part of the seafront Resort Revenue Budget. It is proposed to meet the Year 1 cost of £89,000 from the General Fund balance carried forward into 2013/2014 which will be in excess of the level anticipated as part of the Financial Plan 2012/2016.

7 Personnel Implications

None.

8 Statutory Considerations

The Borough Council is a flood and coastal erosion risk management authority.

9 Equality Impact Assessment (EIA)

Initial assessment completed as a background paper

10 Risk Management Implications

The Borough Council is a flood and coastal erosion risk management authority.

11 Declarations of Interest / Dispensations Granted

None

12 Background Papers

EIA pre assessment

Environment Agency report

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Operational	Be entirely within Cabinet's powers to decide		YES
		Need to be recommendations to Council		NO
		Is it a Key Decision		YES
Lead Member: Cllr Adrian Lawrence E-mail: Cllr.adrian.lawrence@west-norfolk.gov.uk		Other Cabinet Members consulted:		
Lead Officer: Dale Gagen / David Clayton E-mail: dale.gagen@west-norfolk.gov.uk david.clayton@west-norfolk.gov.uk Direct Dial: 01553 616505 / 01553 632003		Other Members consulted:		
Financial Implications YES		Policy/Personnel Implications NO	Statutory Implications YES	Equal Impact Assessment NO If YES: Pre-screening/ Full Assessment
				Risk Management Implications NO

Date of meeting: 9th April 2013

3 CREMATORIUM PROJECT UPDATE AND CREMATOR SPECIFICATION

Summary

At its meeting on 8 January, Cabinet received a report on the Capital scheme for the Crematorium. This report updates Members on the progress made to date.

Recommendation

That the Executive Director for Leisure and Public Spaces in consultation with the Portfolio holder for Community be given delegated authority to agree the tenders for building works and cremators.

Reason for Decision

To allow the procurement of the New cremator hall, cremators and new office layout to proceed.

1 Background

- 1.1 On the 8th January Cabinet authorised officers to start a procurement project to :-
- (i) Build a new cremator hall.
 - (ii) Purchase 3 new cremators each with single stream inline abatement equipment.
 - (iii) Strip out the old cremators.
 - (iv) Convert the old cremator hall into much needed office space, meeting rooms and a staff changing room with showering facilities.
 - (v) Introduce cost effective energy efficient/environmentally friendly options for heating and cooling the building.

2 Update on Progress

2.1 Since the last report the following areas have been progressed:

- (i) The original engineer for the Crematorium (Sir Fredrick Snow and Partners), has been engaged to advise on the foundations for the new Cremator hall and ancillary buildings.
- (ii) A bat survey is underway which covers the current building and the area of trees that need to be removed to enable a new car park to be installed prior to the proposed building works.
- (iii) Main utilities routes to building have been identified and the capacity of the gas main is being checked.
- (iv) A new phone and internet route utilizing the fast network installed within the Council offices is being installed using a wireless network bridge. This will give both better resilience and a larger bandwidth for internet type activities for the new cremators and other equipment.
- (v) Trundley Design Services have been appointed as architect for the project. This was following a mini tender from our framework agreement.

3 Cremator Specification

3.1 The current operation of the Crematorium provides two large cremators and one standard cremator. Since the installation of these in 2007, there have been two occasions when they have not been able to meet a service request. The two instances required cremations of over 50 stone.

3.2 In the new scheme it is considered appropriate to continue with the arrangements of two large and one standard cremator.

4 Future Proofing The Facility

4.1 It is anticipated that the Borough population will increase by 15% over the next ten years. The information collected from the 2011 Census illustrates that the Borough already has a higher than average over-60's population with low numbers of ethnic minorities and alternative cultures. There are no neighbouring crematoria within 1 hour of Mintlyn. 45 new crematoria have opened since Mintlyn opened in 1980. The demand for cremation in 1980 was 66% of all deaths. The percentage of population for England & Wales that are cremated has increased from 73.51% in 2001 to 77.16% in 2011 despite the death rate decreasing. Demand at Mintlyn has remained static at around 2,000 cremations per year.

- 4.2 The maximum number of cremations a year that Mintlyn would be able to cope with is calculated as 3,200. Although the number of cremations fluctuate during certain months this does not have a significant impact on the capacity of the facility and taking everything mentioned within this report into account there is little likelihood that Mintlyn will have any capacity issues in the foreseeable future.
- 4.3 It is expected that the new cremator hall will last for many years to come however the cremators will need replacing; depending on their use every 10 to 15 years. As such the new hall is being designed to facilitate the removal and replacement of the cremators and ancillary equipment as easily as possible without the need of major building works in the future.
- 4.4 Arrangements will also be designed to facilitate the movement of coffins from the catafalque to the cremators.

5 Policy Implications

- 5.1 None

6 Financial Implications

- 6.1 A budget of £2.4 million is contained within the Councils Capital Programme. It is estimated that the budget will be split £900,000 for the building works (including Fees) and £1,500,000 for the Cremators and Equipment (including installation, commissioning and removal of old equipment).

7 Personnel Implications

- 7.1 None

8 Statutory Considerations

- 8.1 The project must comply with the European Procurement regulations and all equipment must be fully compliant with the Environmental Permitting (England & Wales) Regulation 2010 as amended, as defined in Article 2, Schedule 1, Chapter 5, Section 5.1 Part B known as 'The Permit' This permit has a condition that states there will be three cremators with their own abatement plant and that the new plant must be installed and operational by 31st March 2015.

9 Equality Impact Assessment (EIA)

- 9.1 None

10 Background Papers

The Permit
2011 Census

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards Marsh Lane/Wotton/Gaywood	Discretionary /	Be entirely within Cabinet's powers to decide	NO	
		Need to be recommendations to Council	YES	
	Operational	Is it a Key Decision	YES	
Lead Member: Cllr Alistair Beales E-mail: cllr.alistair.beales@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Dale Gagen E-mail: dale.gagen@west-norfolk.gov.uk Direct Dial: 01553 616505				
Financial Implications YES	Policy/Personnel Implications NO	Statutory Implications NO	Full EIA req'd no	Risk Management Implications NO

Date of meeting: 9 April 2013

4 PINCH POINT FUNDING APPLICATION

Summary

The Government published details of a funding stream for Traffic Authorities called Pinch Point Funding. Any bids for support from the available funds needed to be submitted by 21 February 2013. This report explains the actions taken by officers in assisting the Norfolk County Council to submit a project relating to the building of a new road between Edward Benefer way and Lynnsport, designed to reduce pressure on the highway network and in addition providing a new access to the Councils housing land at Marsh Lane and Lynnsport.

Recommendation

Cabinet recommends to Council

1) That the land marked on the attached plan, valued at £213,000 together with funding of up to £834,000 in 2014/2015, to bring the funding level up to 30% (as required in the conditions of grant) be approved subject to a grant being awarded.

2) That the Capital Programme is amended to include the £834,000 in 2014/2015 should the grant application be successful.

Reason for Decision

To alleviate traffic congestion and help progress the development of the Councils Housing site in this area of King's Lynn.

1 Background

1.1.1 On the 3 January 2013 the Government published details of a funding stream for Traffic Authorities called Pinch Point Funding.

1.2 The fund is worth £170m and covers the whole of England. Its purpose is to remove bottlenecks on the local highway network which are impeding growth. The Fund reflects the Government's strong commitment to supporting economic growth by tackling barriers on the local highway network that may be restricting the movement of goods and people. It is also hoped that successful schemes will secure immediate impacts on growth and is therefore aimed at those schemes that can be delivered quickly, with the Department's funding contribution (in the form of capital) only available in financial years 2013-14 and 2014-15. Bids needed to be submitted by 21 February 2013.

1.3 The Norfolk County Council (NCC) contacted officers of this Council at the end of January to discuss what traffic schemes were available to consider within the short timescale. Three different schemes for West Norfolk were considered and these are described in section 2 of this report.

1.4 The NCC initially considered 15 different schemes across Norfolk but this was quickly reduced to 7 schemes that they considered deliverable within the short timescale. This included only one scheme for this area being the King's Lynn access road into the Lynnsport development as described in section 2.2 of this report.

1.5 Officers from all Districts were then tasked with working up the various applications for their areas helped by staff from the NCC. In the event only 3 schemes were put forward for Norfolk which included the King's Lynn scheme.

2 Options Considered

2.1 The following is an extract from the NCC's Cabinet report, which describe the schemes considered in our area and comments on the likelihood of the schemes success.

2.1.1 King's Lynn access road into Lynnsport development

King's Lynn Borough is looking at redeveloping part of the Lynn Sport site to deliver housing: between 230 and 430 dwellings). This scheme is to provide an access road into the housing site. The Borough has prepared a master plan, and the access proposal being considered is a new link from the A1078 Edward Benefer Way in the north; a distance of around 1km along the line of the old railway line, which is now a cycle path. The link road potentially has added benefits for wider traffic, especially related to the existing housing estates

off the A1078, so wider benefits could be demonstrated in a bid.

The 30% contribution required could potentially be recovered through the development as it is built out. Further discussions with the Borough, the landowner, would be required.

It is suggested that this be developed into a bid.

2.1.2 Queen Elizabeth Hospital, King's Lynn

This scheme was previously part of our unsuccessful Local Sustainable Transport Fund bid. It comprises a left-in, left-out access from the A149 and bus only egress from the hospital onto Gayton Road. This scheme however benefits hospital traffic only. We have been working on a scheme at the roundabout, which is not only cheaper but benefits all traffic.

However, the schemes are well below the minimum value threshold in the guidance. Further feasibility work would be required to establish if there are other measures that could be added to the scheme to bring it up to the minimum cost. Initial conclusions suggest that there is too little time to develop a feasible scheme. Given the relative strength of this as a scheme in comparison to other ideas, it is suggested not to pursue this one.

The only other option is to combine the existing scheme with another small one elsewhere for a bid. This could be a possibility, but is likely to limit chances of success.

- 2.2 Due to the timetable that officers needed to comply with to submit a bid (two weeks), Management team consulted Cabinet Members and briefed them on the proposals, so that a bid for the King's Lynn access road into the Lynnsport development could be submitted by the 21st February. This being prior to any formal approval by Councillor's, on the basis that in the event that Members do not wish to pursue the funding the application could be withdrawn.

3 Main Conditions related to the Funding

3.1 The scheme is open to all English local transport authorities or local highway authorities

3.2 There is no cap on the number of bids from an individual authority, but authorities should focus their efforts on the quality of bids submitted rather than the number. Depending on the overall number and quality of bids received from across the country, the Department reserves the right to restrict the number of awards to two per promoting authority.

3.3 Applications from organisations other than local transport authorities or local highways authorities - such as lower tier local authorities, National Parks, Development Corporations or Urban Regeneration Companies - must be led by the relevant transport or highway authority. Bids should be taken forward by a single local transport/highway authority.

3.4 To ensure strong local commitment, promoters will need to contribute at least 30% of total scheme costs

3.5 Schemes should address congestion and/or provide (or improve) access to key economic sites through solutions that can be delivered quickly, particularly where they:

- improve access to a development site that has the potential to create jobs and housing;
- improve access to urban employment centres;
- improve access to Enterprise Zones; and
- address the condition of structures which, if left unresolved, could impose restrictions that cause congestion, restrict access or lead to lengthy diversions (more on this below).

3.6 Final decisions on the amount of funding for any specific scheme will be made following an appraisal of the bids received. However, the following funding has been set aside over the next two financial years:

	2013-14	2014-15	Total
Capital	£70 million	£100 million	£170 million

3.7 This funding is 100% capital and therefore can be used for scheme construction costs and land acquisition. The Department will not fund scheme preparatory costs, sunk costs or Part 1 Claims under the Land and Compensation Act 1973 - these costs will rest entirely with the scheme promoter.

3.8 Funding will be allocated to successful bidders over two financial years - 2013/14 and 2014/15. There will be no facility for the Department's funding to slip beyond the end of March 2015 and the Department will not be liable for any cost overruns or delivery slippage. Any additional costs over the Department's agreed maximum contribution will be the responsibility of the promoter. We would expect any bid to include a Section 151 Officer letter confirming the promoting authority accepts this liability.

3.9 It should be noted that the NCC is the promoting authority and has accepted this risk in principle but if successful would need to agree how these risks would be shared and managed prior to the scheme starting.

4 Policy Implications

4.1 There are no Policy implications

5 Financial Implications

5.1 The cost of the scheme is estimated to be £3.49 million and is made up as follows

Item	Amount £,000
1 Road and Cycle works	1,846
2 Traffic Lights	42
3 Access and Tie Ins	105
4 Car Park	194
5 Prelims	262
6 Utility diversions	530
7 Land Cost	213
8 CDM and Project Management	54
7 Contingency	244
Total	3,490

5.2 To enable the bid to progress the Council has had to confirm that it will make available the land marked on the attached plan, valued at £213,000 together with funding of up to £834,000 in 2014/2015, to bring the funding level up to 30% (as required in the conditions of grant).

6 Personnel Implications

6.1 There are no Personnel implications.

7 Statutory Considerations

7.1 Highways are a statutory function of Norfolk County Council which is leading this bid.

8 Equality Impact Assessment (EIA)

8.1 Pre-screening report template attached as background paper

9 Risk Management Implications

9.1 Until such time as an award is made there are no risk implications associated with this bid. However should the bid be successful then negotiations will take place with the NCC which will address the risk areas as laid out in paragraph 3.8.

Background Papers

NCC Cabinet Report
Local Pinch Point Fund - Guidance on
the Application Process (DFT)

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Discretionary	(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: Cllr Nick Daubney E-mail: cllr.nick.daubney@west-norfolk.gov.uk		Other Cabinet Members consulted: Cllr Nick Daubney		
		Other Members consulted:		
Lead Officer: Chris Bamfield E-mail: chris.bamfield@west-norfolk.gov.uk Direct Dial: 01553 616648		Other Officers consulted: Ray Harding, David Thomason, Martin Chisholm, Ian Burbidge, Peter Jermamy, Lorraine Gore, Geoff Hall		
Financial Implications YES	Policy/Personnel Implications NO	Statutory Implications (incl S.17) NO	Equal Opportunities Implications NO	Risk Management Implications YES

JAC:ACEFH

5 QUEEN ELIZABETH HOSPITAL ACCESS

Summary

The report considers proposals to improve access to the Queen Elizabeth Hospital. At peak times traffic leaving the Hospital is backed up for a considerable time and creates a traffic blockage for vehicles using Gayton Road to leave King's Lynn. The proposal is to undertake improvements in the autumn to alleviate the problems at the same time as the County Council are undertaking work to the Queen Elizabeth roundabout in connection with the Sainsbury's and Tesco schemes.

The works will create two lanes from the Queen Elizabeth roundabout on the A149 back to the mini roundabout at Winston Churchill Drive and provide a freeflow turn only going north on the A149.

Recommendation

Cabinet are recommended to amend the Capital Programme to include a £198,000 contribution to the road works specified in the report.

Reason for Decision

To improve access to the Queen Elizabeth Hospital for borough residents and reduce traffic congestion.

1. BACKGROUND

- 1.1 Borough Council Officers have been in discussions with the County Council Highways and Queen Elizabeth Hospital staff concerning the operation of the Hospital car parks and the access arrangements, particularly the traffic congestion at the exit from the Hospital onto the A1076 Gayton Road and from the A149 Queen Elizabeth Way.
- 1.2 In the autumn, work is scheduled to take place to the QE roundabout on the A149 in connection with the new Sainsbury's store. Agreement has been reached with County Highways that work to improve traffic flow around the Hospital could be undertaken at that time in a cost effective way as control arrangements, site management and preliminary costs would all be accounted for by the works already planned. It is anticipated that the scheme would cost circa 10% more if carried out separately.
- 1.3 The King's Lynn Area Transport Strategy (KLATS) identified the arrangements adjacent to the Hospital as one of the key action points for improvement.
- 1.4 To facilitate the works should all parties agree to the proposal, the West Norfolk Partnership agreed to fund the cost of removal of hedges in February/March to prevent delays from bird nesting. This work has been completed.

2. FINANCIAL IMPLICATIONS

- 2.1 There is no budget provision for the cost of the scheme within the current Capital programme. It is proposed to fund the £198,000 contribution by the Council from the additional income generated through the changes to discounts on second homes within the borough. The charges approved by Council in February 2013 will produce additional funding from the County Council element of second homes income of around £220,000 per annum. The use of the funds to support the works fits the Council's Business Plan objectives of improving the quality of the environment and also the priorities of the agreed use of County second homes funding through 'supporting partnership activities'
- 2.2 The Hospital have agreed in principle to contribute £100,000 toward the scheme and will take forward their process for funding approval.

3. OPTIONS

- 3.1 The County Council Highways had identified two possible schemes.
- 3.2 Option 1 for a freeflow left turn at the main roundabout on the A149 heading north at a cost of £280,000.

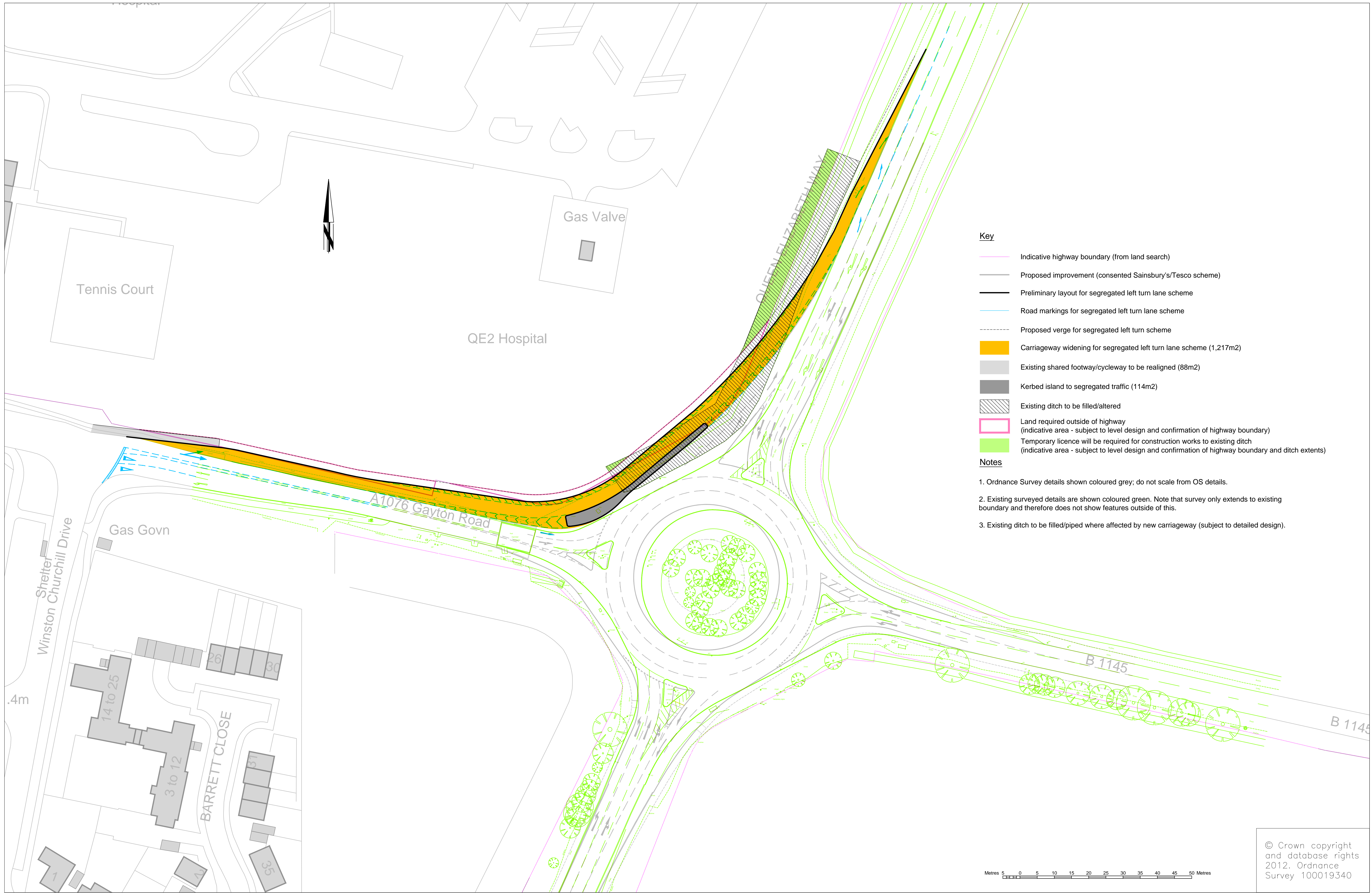
- 3.3 Option 2 for a freeflow left turn as above plus two lanes extended back to the mini roundabout adjacent to Winston Churchill Drive at a cost of £298,000. A plan is attached at Appendix 1.
- 3.4 The report is based on Option 2 as offering the best value for money in reducing congestion.
- 3.5 The KLATS strategy proposed that a new left in left out access onto the A149 could relieve pressure on Gayton Road. It also discussed the option to create a new signalised junction out with bus priority at the Winston Churchill Drive/Gayton Road mini roundabout as a possible link to the possible "Sand Line" Public Transport proposal. This proposal was costed by the County Council at £1,040,000 in April 2011. However, County Highways advise that there were unresolved issues with this initial proposal and that the preferred Option 2 scheme above will be a more efficient and cost effective traffic improvement.

4. RISK MANAGEMENT

- 4.1 A significant risk for the scheme would be a delay in decision making that missed the window of opportunity created by the planned works. In discussion with the Leader and Chief Executive agreement has been made for the West Norfolk Partnership to fund removal of a hedge that could have delayed implementation due to bird nesting.
- 4.2 A secondary risk is in terms of project costs increasing above the budget figure. To mitigate this the scheme costs will be refined using the Norfolk County Council Strategic Partnership arrangement with Mott McDonald and May Gurney contractors.

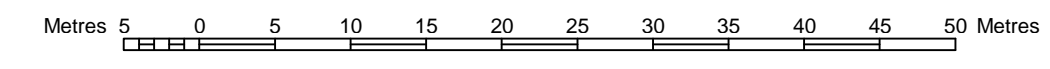
5. BACKGROUND PAPERS

King's Lynn Area Transport Strategy



- Key**
- Indicative highway boundary (from land search)
 - Proposed improvement (consented Sainsbury's/Tesco scheme)
 - Preliminary layout for segregated left turn lane scheme
 - Road markings for segregated left turn lane scheme
 - Proposed verge for segregated left turn scheme
 - Carriageway widening for segregated left turn lane scheme (1,217m²)
 - Existing shared footway/cycleway to be realigned (88m²)
 - Kerbed island to segregated traffic (114m²)
 - Existing ditch to be filled/alterd
 - Land required outside of highway (indicative area - subject to level design and confirmation of highway boundary)
 - Temporary licence will be required for construction works to existing ditch (indicative area - subject to level design and confirmation of highway boundary and ditch extents)

- Notes**
1. Ordnance Survey details shown coloured grey; do not scale from OS details.
 2. Existing surveyed details are shown coloured green. Note that survey only extends to existing boundary and therefore does not show features outside of this.
 3. Existing ditch to be filled/piped where affected by new carriageway (subject to detailed design).



© Crown copyright and database rights 2012. Ordnance Survey 100019340

Norfolk County Council
 working with
MAY GURNEY **Mott MacDonald**

Mike Jackson
 Director of Environment, Transport and Development
 Norfolk County Council
 County Hall
 Martineau Lane
 Norwich NR1 2SG

DRAWING TITLE
 B1145 / A149 / A1076 ROUNDABOUT
 PRELIMINARY LAYOUT FOR LEFT TURN SEGREGATED LANE
 (WITH EXTENDED APPROACH LANE)

REV.	DESCRIPTION	CHECKED	DATE

SURVEYED BY	INITIALS	DATE	DRAWING No.
	OS		PRKLS07-MP-008
DESIGNED BY	BL/BR	09/12	PROJECT TITLE
DRAWN BY	BR	09/12	A149/B1076 Gayton
CHECKED BY	BL	10/12	QE2 Hospital Roundabout
			SCALE 1:500
			FILE No. PR5063

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 Mrs Elizabeth Nockolds E-mail: cldr.elizabeth.nockolds@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Ian Burbidge E-mail: ian.burbidge@west-norfolk.gov.uk Direct Dial: 01553 616722		Other Officers consulted: Management Team Matthew Henry, Alan Gomm, Nicola Leader		
Financial Implications YES	Policy / Personnel Implications NO	Statutory Implications YES	Equal Impact Assessment YES If YES: Pre-screening	Risk Management Implications NO

Date of meeting: 9th April 2013

6 COMMUNITY RIGHT TO BID

Summary

The Localism Act introduced a range of new rights for local communities relating to a number of the Council's functions and how we deliver services. These rights include the opportunity to nominate assets of community value for inclusion on a list maintained by the local authority. Community value is defined as furthering the community's social well-being or social interests.

The intention of the legislation is to provide community groups a fairer opportunity to make a bid to buy a listed asset on the open market should it come up for sale. It does not however require the owner to sell the asset to the community group.

This report outlines the provisions relating to the 'Community Right to Bid' (section 2), the requirements on the Council in meeting these provisions (section 3) and proposes a decision-making process for the listing of community assets that is based on the government advice note and that meets the requirements of the legislation (section 4).

Recommendation

It is recommended that Cabinet agrees:

1. That the Health and Well-Being portfolio lead on this function;
2. the proposed process for compiling the List of Assets of Community Value (section 4), including
 - a. that the Policy and Partnerships Manager, in consultation with the Portfolio Holder, makes the decision as to whether to list an asset

- or not (section 4.5);
- b. that the Deputy Chief Executive, in consultation with the Leader of the Council hears any appeals received as part of this process (section 4.6)

Reason for Decision

To ensure compliance with legislation.

1. Background

The Assets of Community Value provisions are contained in the Localism Act 2011, Pt 5, Ch 3. Section 87 of the Localism Act places a duty of Local Authorities to ‘maintain a list of land in its area that is land of community value’:

“s.87 of the Act requires local authorities to maintain a list of land and buildings in their areas which are of community value. Entry of an asset on the list lasts for 5 years although it may be able to be removed earlier in certain circumstances which may be specified in secondary legislation. Subject to the Act and any regulations made under it the form of the list is in the local authority’s discretion.”

The Government's policy in introducing these provisions is to assist local community groups to preserve buildings or land which are of importance to their community's social well-being. The background to this is a trend in recent years of communities losing local amenities and buildings of importance to them, especially in rural areas.

The aim of the scheme is to give the local community early warning of sales of community assets and to provide a period of time within which an eligible local group could put together a competitive bid to buy the asset. The scheme does not require the owner to sell to a community group, but improves the opportunity for this outcome.

2. Community Right to Bid

The Community Right to Bid works as follows:

1. Communities identify a building or other land that they believe to be of importance to their community’s wellbeing
2. A nomination form is completed and submitted to the local authority
3. If the nominated asset meets the statutory definition of an asset of community value, and is not exempt from listing (the legislation provides a list of exemptions), the local authority must list it on the register of community assets and notify relevant parties including the owner, the parish council, ward members etc.

4. The owner of the asset will have a right to an internal review by an officer of the council who wasn't involved in the original decision, and a further right of appeal to an independent tribunal against the result of the internal review.
5. If a listed asset comes up for sale there is an initial six week moratorium during which the asset cannot be sold and a community interest group may request to be treated as a potential bidder for the asset.
 - a. If such a group comes forward the moratorium period during which a sale cannot be made extends to six months to provide time for the community interest group to put together a bid. After the six months the owner is free to sell to whomever they choose.
 - b. If no such group comes forward during the six weeks moratorium the owner is free to sell the asset.
6. The provisions have an impact on the rights of private property owners, therefore there will be a compensation scheme enabling owners to claim for costs or loss incurred as a direct result of complying with the procedures. Claims will be made to the local authority.
7. There will be a right of internal review of a compensation decision and of appeal to an independent tribunal on a point of law against the review decision.

A key point is that the community right to bid does not restrict who the owner of the asset can sell his property to or at what price. This is a right to *bid*, **not** a right to *buy*. Nor do the provisions place any restriction on what an owner can do with their property, once listed, if it remains in their ownership. This is because it is planning policy that determines permitted uses for particular sites.

3. Requirements on the Council

Under the legislation the Council is required to

- maintain a list of assets of community value
- maintain lists of assets where nominations have failed
- notify owners and occupiers of listings and receipt of notices
- publicise the possible sale of a listed asset
- hear appeals
- administer compensation claims

4. Recommended approach

The recommended approach is as follows:

1. The Policy and Partnerships team will co-ordinate this scheme and provide advice to any groups wanting to make use of these provisions. Relevant background information, a nomination form and guidance notes on its completion are available on the Council's website.
2. On receipt of a nomination we have eight weeks to make a decision on whether the asset meets the criteria set out in the legislation.
3. If the nomination clearly doesn't meet the requirements of the Act, or is incomplete, the application would be turned down and the applicant informed with the reasoning for the decision.
4. During the eight weeks we would consult with the following prior to making a decision:
 - owner and other interested parties
 - Any relevant Portfolio holder/s
 - ward member(s)
 - parish council
 - leads from the planning, property and land charges teams
5. Officers would prepare a recommendation based on the application form and the consultation. The Policy and Partnerships Manager, in consultation with the Portfolio Holder, would make the decision as to whether to list the asset on the register of community assets or not. Once the decision is made the owner and nominator are informed accordingly, together with relevant consultees.
6. An owner will have the right to have the decision to list an asset reviewed. The request for the review has to be made within 8 weeks and the review determined within 8 weeks (unless otherwise agreed with the owner). The provisions require that the review is to be undertaken by a senior officer not involved in the initial decision. Similarly no elected member involved in the decision to list may be part of the review process. It is proposed therefore, that the Deputy Chief Executive in consultation with the Leader of the Council, undertakes the review. Similarly it is suggested that they would undertake any review relating to compensation.
7. The outcome of a review of the listing decision or a compensation decision can be appealed but such an appeal is handled externally to the Council.
8. There is no provision within the legislation for review of an unsuccessful community group nomination. It would not therefore be within the council's powers to make provision for such a review as this would be unenforceable and open to challenge by an owner.

9. Private owners may claim compensation for loss and expense incurred through the asset being listed or previously listed. The assumption is that most claims will result from the potential loss in value during the six month moratorium period. The regulations set out the criteria under which such claims may be made and assessed by the Council, who will also be expected to meet such costs.
10. The List of Assets of Community Value and the corresponding community right to bid apply equally to Council-owned property as to privately-owned property, although the Council can also consider whether asset transfer is a more appropriate way of handling potential community ownership of its own assets.

5. Options Considered

This is a bureaucratic process to ensure compliance with legislation with little scope for discretion or alternative approaches.

6. Policy Implications

This is national government policy that needs to be implemented locally.

7. Financial Implications

There may be costs to the Council in administering the regime, although the process outlined above is as light-touch as possible. The Department for Communities and Local Government (DCLG) has reflected the estimated costs of compensation within the Councils' new burdens funding. DCLG will also meet the costs associated with compensation claims that in aggregate total more than £20,000 in any one financial year.

8. Personnel Implications

None

9. Statutory Considerations

This requirement is set out in the Localism Act 2011, Pt 5, Ch 3.

10. Equality Impact Assessment (EIA)

(Pre screening report template completed)

11. Risk Management Implications

None beyond financial risks identified above

12. Declarations of Interest / Dispensations Granted

None

13. Background Papers

'Community Right to bid: non-statutory advice note for local authorities'
(DCLG) October 2012

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Mandatory/	Be entirely within Cabinet's powers to decide	NO	
	Discretionary /	Need to be recommendations to Council	YES	
Priory	Operational	Is it a Key Decision	No	
Lead Member: Cllr Nick Daubney E-mail: cllr.nick.daubney@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Mary Colangelo E-mail: mary.colangelo@west-norfolk.gov.uk Direct Dial: 01553 616281		Other Officers consulted: R Harding		
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: 9th April 2013

7 INCREASE IN NUMBER OF PARISH COUNCILLORS – PENTNEY PARISH COUNCIL

Summary

This report seeks to increase the number of Parish Councillors on Pentney Parish Council from seven to eight.

Recommendation

That the number of Parish Councillors on Pentney Parish Council be increased from seven to eight.

Reason for Decision

To accord with the request of Pentney Parish Council to increase the number of Parish Councillors from seven to eight and to bring the number in line with the Council's scale allowance.

1. Background

- 1.1 At its meeting on 4th July 2012, Pentney Parish Council agreed to ask the Borough Council to increase the number of it's Parish Councillors from 7 to 9.
- 1.2 Under Section 16 of the Local Government Act 1972 the number of Parish Councillors for each Parish is fixed from time to time by the Borough Council.

The last occasion this matter was reviewed was in 1991, when the following scale was agreed:

<u>Electorate</u>	<u>Number of Parish Councillors</u>
Up to 300	7
For every additional 300 Electorate or part thereof	1

At that time, Pentney Parish Council had 7 members and requested to stay at 7, although the scale allowance was 8. On the scale the electorate would still allow for 8.

2. Options Considered

No other options available for consideration.

3. Policy Implications

No policy implications if the scale is adhered to.

4. Financial Implications

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

5. Personnel Implications

There are no staffing implications.

6. Statutory Considerations

The Borough Council has a statutory obligation to keep the number of Parish Councillors under review.

7. Equality Impact Assessments (EIA's)

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

8. Risk Management Implications

There are no immediate risks identified in the proposed works.

9. Declarations of Interest / Dispensations Granted

None

10. Background Papers

LGA 1972
Minutes of Pentney Parish Council – 4th July 2012

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 Nick Daubney E-mail: cllr.nick.daubney@west-norfolk.gov.uk		Other Cabinet Members consulted: Cllr Brian Long		
		Other Members consulted: None		
Lead Officer: Ray Harding E-mail: ray.harding@west-norfolk.gov.uk		Other Officers consulted: David Thomason, Nicola Leader, Toby Cowper		
Financial Implications YES	Policy/Personnel Implications NO	Statutory Implications NO	Equal Impact Assessment NO	Risk Management Implications YES

Date of meeting: 9 April 2013

8 SADDLEBOW WASTE INCINERATOR – BUDGET PROVISION

Summary

This report seeks authority for additional budget provision to meet the specialist legal and professional costs associated with the completion of the Borough Council's strategy of opposition to the proposed Saddlebow Waste Incinerator. A central plank of the strategy, as agreed by Cabinet in April 2011 and subsequently endorsed by Full Council, has always been to secure a "call-in" of the planning decision by the Secretary of State. This was successfully achieved in the latter part of 2011. Subsequently the Public Inquiry held by the Planning Inspectorate to inform the Secretary of State's decision has commenced.

At the time of writing this report it has already become clear that the inquiry will run on longer than originally planned, this has inevitably led to an increase in the costs incurred by this authority. Consequently, it is clear that the Borough Council will exceed the current year's budget set aside in the Revenue Outturn 2011/12 Report approved at Cabinet on 19 June 2012 of £250,000. Whilst there is still some uncertainty about the final cost the Director of Environment and Planning and Legal Services Manager who are managing the Council's input into the Public Inquiry estimate that the total cost is likely to be in the region of £400,000.

Recommendation

It is recommended that Cabinet approves the allocation of an additional £150,000 to the Incinerator Campaign Budget for 2013/14 in order to meet the full legal and professional costs of the Public Inquiry.

Reason for Decision

To ensure that the Council is able to meet the Borough Council's full costs of legal and professional representation at the Saddlebow Public Inquiry.

1 Background

1.1 Council expressed a clear view by resolution at its March 2011 meeting that the Borough Council should oppose the construction of a Municipal Waste Incinerator in King's Lynn and that it considered that any planning application for the proposed Saddlebow Incinerator should not be taken by Norfolk County Council as the same body was promoting the proposal.

1.2 Cabinet (14 April 2011) and Council (14 April 2011) subsequently adopted a strategy to oppose the building of the Saddlebow Incinerator. A key aim of the strategy was to secure a "call-in" of the planning application by the Secretary of State for Communities and Local Government. There were a number of reasons for taking this approach, in particular:-

- The public perception that the same organisation that was promoting this project was determining the planning application.
- The importance of having a full independent Public Inquiry at which all the concerns of local people and organisations could be fully explored.
- The value of having the final decision on the planning application taken by an independent, senior Government Minister.

1.3 Following extensive lobbying by the Borough Council, local campaign groups, local MPs and an unprecedented number of local residents, the Secretary of State did indeed call in the planning application as requested. This has subsequently led to the Public Inquiry now under way.

In June 2012 when the Revenue Outturn Report for 2011/12 was considered by Cabinet, officers advised that it would be prudent to transfer £141,570 from savings achieved in 2011/12 into the Incinerator Campaign budget to provide a total budget of £250,000 available for 2012/13.

The Council has appointed a number of specialist professional and legal advisors to support the presentation of its case at the Public Inquiry, including:-

- Nathalie Lieven QC
- U.R.S., Planning Consultants
- DLA Piper, Solicitors

Unfortunately for a number of reasons the Public Inquiry timetable has lengthened considerably from the timetable first published. Whilst this in itself is not unusual in an inquiry of this complex and high profile nature, it has resulted in a significant increase in the costs falling to the Borough. The lead officers for the Borough Council, Executive Director for Environment and Planning and Legal Services Manager have estimated based on the current extended timetable that it would be prudent to increase the budget to £400,000.

2 Options Considered

2.1 There are essentially only two options available to the Borough Council:-

Option 1

To curtail the Borough Council's specialist professional and legal representation at the public inquiry. As the Borough Council does not have the capacity or the level of specialist professional and legal staff available "in-house", this option would fundamentally undermine the credibility of the Borough Council in the Inquiry, and result in a substantially less robust and professional presentation of the Borough Council's case to the Planning Inspector. Consequently, this option is not recommended.

Option 2

To increase the budget by £150,000 and retain a full specialist and professional team to present and support the Council's case at the Public Inquiry. This is the option recommended within this report for the reasons outlined above.

3 Policy Implications

3.1 There are no separate policy implications arising from this report which proposes the allocation of additional resources to enable the effective completion of a key element of the approved strategy to oppose the building of a municipal incinerator in King's Lynn.

4 Financial Implications

4.1 The additional £150,000 can be met from £75,000 savings reported during February 2013 monitoring and £75,000 from the uncommitted balance on the salaries on cost account.

5 Personnel Implications

5.1 There are no personnel implications arising from this report.

6 Statutory Considerations

6.1 Whilst the Public Inquiry is clearly a part of the statutory planning process the level and quality of representation at the public inquiry is of itself not a statutory duty.

7 Equality Impact Assessment (EIA)

7.1 This report merely deals with the financing of an existing Council strategy and as such has no separate equalities implications.

8 Risk Management Implications

8.1 There is a significant risk that should the additional budget not be made available then the Borough Council would not be able to make the best

possible case to the Planning Inspector in support of the Borough Council's Planning Committee reasons for refusal of the proposed Saddlebow Municipal Waste Incinerator. Consequently, in mitigation this report recommends that the budget be increased.

8.2 There is a continuing risk that the Public Inquiry timetable will be extended still further, which could result in the costs rising still further. In mitigation the lead officers will continually monitor the situation and if necessary report back to Cabinet at a later date.

9 Access to Information

Cabinet Report 14 April 2011
- Municipal Waste, Mass Burn Incinerator

Cabinet Report 7 February 2012
- Request to Waive the Council's Contract Standing Orders

Cabinet Report 19 June 2012
- Revenue Outturn 2011/12

EIA – background paper