

Council



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18 September 2018

A meeting of the **North Norfolk District Council** will be held in the **Council Chamber** at the Council Offices, Holt Road, Cromer on **Wednesday 26th September 2018 at 6.00 p.m.**

Emma Denny
Democratic Services Manager

To: All Members of the Council
Members of the Management Team, appropriate Officers, Press and Public.



If you have any special requirements in order to attend this meeting, please let us know in advance
If you would like any document in large print, audio, Braille, alternative format or in a different language please contact us

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A G E N D A

1. PRAYER

Led by Reverend Brian Roberts, Chaplain, Greshams School, Holt

2. CHAIRMAN'S COMMUNICATIONS

To receive the Chairman's communications, if any.

3. TO RECEIVE DECLARATIONS OF INTERESTS FROM MEMBERS

Members are asked at this stage to declare any interests that they may have in any of the following items on the agenda. The Code of Conduct for Members requires that declarations include the nature of the interest and whether it is a disclosable pecuniary interest.

4. APOLOGIES FOR ABSENCE

To receive apologies for absence, if any.

5. MINUTES

(page 6)

To confirm the minutes of the meeting of the Council held on 25th July 2018.

6. ITEMS OF URGENT BUSINESS

To determine any other items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B (4)(b) of the Local Government Act 1972.

7. PUBLIC QUESTIONS / STATEMENTS

The following question has been submitted by Mr D Russell:

'Retention, preservation and depositing of Council minutes and records in accordance with its Data Retention Policy:

When researching Full Council minutes I was concerned to learn that some 10 years ago Full Council minutes that contain items of social and public interest have been lost for ever.

Records from 1974-1987 were deposited with the NRO. My question is this. Do the Council intend to deposit all the outstanding Full Council minutes to date in their possession to the NRO backed up with electronic copies, and if so when?'

8. PORTFOLIO REPORTS

To receive reports from Cabinet members on their portfolios.

*Members are reminded that they may ask questions of the Cabinet member on their reports and portfolio areas but should note that it is **not** a debate.*

- 1) Planning, Planning Policy & Housing– Cllr S Arnold (page 10)
- 2) Environmental Services & Coast – Cllr H Cox (page 15)
- 3) Economic Development & Tourism – Cllr N Dixon (to follow)
- 4) Legal Services & Democratic Services, and IT – Cllr J Lee (page 19)
- 5) Customer Services, Health & Wellbeing, Leisure– Cllr B Palmer (page 23)
- 6) Finance, Revenue & Benefits – Cllr W Northam (page 25)
- 7) Asset Commercialisation – Cllr R Price (page 28)

9. RECOMMENDATIONS FROM LICENSING & APPEALS COMMITTEE 16 JULY 2018 (page 30)

RESOLVED to recommend to Council:

That the proposed revisions to the Council's Statement of Principles under the Gambling Act 2005, be recommended to Council for approval and then published in accordance with legislative requirements.

10. RECOMMENDATIONS FROM CABINET 03 SEPTEMBER 2018

a) Agenda Item 9: FAKENHAM EXTRA CARE SCHEME – FUNDING REQUEST (page 68)

Recommendation to Council:

Cabinet recommends to Full Council the approval of capital expenditure to provide financial support for the Fakenham Extra Care Scheme in the form of either a grant or interest free loan to Housing and Care 21 of up to a maximum of £425,000 to be funded from capital receipts. Approval of the final amount and type of funding to be provided to be delegated to the Head of Finance and Asset Management in conjunction with the Portfolio Holder for Housing, Planning and Planning Policy.

b) Agenda Item 10: PUBLIC CONVENIENCE STRATEGY (page 78)

That Cabinet recommends to Council:

That a capital budget be established of £600,000 to fund Phase 1 of the Public Convenience Strategy, to be financed from the Invest to Save Reserve.

Overview & Scrutiny Committee considered this item at the meeting on 19th September. As the meeting took place after the Council agenda was published, the Chairman of the Committee will give an oral update to Council.

11. RECOMMENDATIONS FROM THE OVERVIEW & SCRUTINY COMMITTEE 19 SEPTEMBER 2018

To consider any further recommendations from the Overview & Scrutiny Committee meeting held on 19th September 2018.

Please note this meeting was held after the Council agenda was published. If there are any recommendations the Chairman will provide a verbal update.

12. QUESTIONS RECEIVED FROM MEMBERS

None received

13. OPPOSITION BUSINESS (supporting papers – p.91)

**** NOT FOR PUBLICATION – BY VIRTUE OF PARAGRAPHS 3 & 5 OF PART 1 OF SCHEDULE 12A (AS AMENDED) OF THE LOCAL GOVERNMENT ACT 1972****

The following item of opposition business has been proposed by Cllr S Bütikofer, seconded by Cllr J Rest:

Following the decision of Cabinet on 3rd September 2018 to proceed with decision to invest in the Egmore Business Zone, as follows;

1. *To progress the final lease arrangements with Walsingham Estates on the basis outlined within the exempt appendix and that that authority is delegated to the*

Head of Paid Service (Steve Blatch) in consultation with the Portfolio Holder for Business & Economic Development and Tourism to sign off agreement of the final terms.

2. *To progress the final lease arrangements with the prospective tenant for the first unit on the basis outlined within the exempt appendix and that that authority is delegated to the Head of Paid Service (Steve Blatch) in consultation with the Portfolio Holder for Business & Economic Development and Tourism to complete this agreement.*
3. *That an additional budget requirement of £360,000 is approved to support the construction of the road infrastructure and first unit.*
4. *To award the construction contract to the preferred contractor as identified within exempt appendix D subject to completion of a value engineering exercise.*
5. *To include the annual income and running costs as identified within exempt appendix D within the revenue budget and future forecasts.*
6. *That authority is delegated to the Head of Paid Service (Steve Blatch) to agree governance and financial arrangements for the Egmore Enterprise Zone on a similar basis as that agreed for Scottow in consultation with the Head of Finance, Leader of the Council and Portfolio Holder for Business & Economic Development and Tourism to ensure the Enterprise Zone is developed out as planned.*

And the subsequent Call In of the Cabinet decision by three Members to the Overview and Scrutiny Committee on the following basis;

1. *Cabinet overrode critical information with regards to the current risks associated with this project and do not have the support of the majority of Members to spend public money on this scheme. The original 2015 report from BE Group (used as one evidence source) states in relation to Egmore 'leave to market. No NNDC intervention' (Page xi), yet Cabinet have ignored this advice. It also quotes a regional agent as stating 'Unsure as to whether development at Egmore will be successful – more likely that businesses associated with wind power will base themselves at the operational ports' (Page 71) and indeed this is what has happened in practice. No evidence was presented to the O&S AMWG which demonstrated an improvement in market conditions since 2015.*
2. *The Scheme upon which the decision was made has projected returns of only 1.62% and a payback period of 50 years. This information was not available when this scheme was considered by the O&S AMWG in pre-scrutiny and was only produced as a result of Scrutiny questions. It begs the question what other information has not been fully considered in evaluating this scheme. These projected returns and lengthy payback period means that the Decision made is therefore outside the Policy Framework (Asset Management and Treasury Management) and is therefore subject to section 4.1 of the Constitution whereby it is a 'Departure Decision' and 'may only be taken by the Council'.*
3. *We have spoken to a source close to the investigation at Northampton Council to understand how that Council came to be in such a parlous state. The conclusion was that Members and Officers took action on optimistic forecasts and did not sufficiently stress test the assumptions underpinning those forecasts. We fear we are in similar territory. The business case, which underpins this decision, appears to offer positive returns of over 5%. Yet the reality is that we only have a guarantee of returns of less than 2%. The evidence presented to the AMWG on the potential upside opportunities were not compelling and as a result, we conclude they are based on optimism and hope, rather than robust analysis of the prevailing market conditions. We remain open to evidence to the contrary.*

Alternative Course of Action/Recommendation: To submit this project's business case for Independent Scrutiny to stress test the risk assumptions made by Cabinet and to rule whether this investment is in the interest of the public purse and in accordance with Policy & Budgetary Framework. The independent reviewer must be agreed with the O&S AMWG Chair.

We, the Opposition on the District Council, are very concerned that the voices of the majority of elected members serving on this Council are being over-ridden by a small minority in relation to this issue.

We have therefore asked for this matter to be debated as Opposition business so that all those that wish to may make their voices heard are given an opportunity to do so and so that the whole Council can express a view.

RECOMMENDATION TO CABINET

That Council recommends to Cabinet that they reconsider their position in the light of the considerable concerns expressed by Members of all Groups to pursue the investment in the Egmere Business Zone at the current time.

Proposer Councillor Sarah Butikofer
Liberal Democrat Group Leader North Norfolk District Council

Seconder Councillor John Rest
Independent Group Leader North Norfolk District Council

14. NOTICE(S) OF MOTION

The following Notice of Motion has been proposed by Cllr D Smith, seconded by Cllr B Hannah:

'The Member Officer Protocol requires officers to contact local members prior to carrying out works in their ward. In July 2018 works were undertaken on Sheringham foreshore without any notice or consultation with either of the local members. We believe that had the ward members been consulted a substantial amount of money would have been saved and the Council's reputation would have been protected.

We urge Members to support our request for the Constitution Working Party to review the Member / officer protocol to ensure that the requirement for officers to consult with local members on issues relating to their ward is fully complied with.'

15. EXCLUSION OF PRESS AND PUBLIC

To pass the following resolution – if necessary:

"That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following item(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph(s) _ of Part 1 of Schedule 12A (as amended) to the Act."

16. PRIVATE BUSINESS

Circulation:

All Members of the Council.

Members of the Management Team and other appropriate Officers.

Press and Public

COUNCIL

Minutes of a meeting of North Norfolk District Council held on 25 July 2018 at the Council Offices, Holt Road, Cromer at 6.00 pm.

Members Present:

Dr P Butikofer	Mr N Lloyd	Mr P Rice
Mrs S Butikofer	Mrs B McGoun	Mr E Seward
Mrs A Claussen-Reynolds	Mrs M Millership	Mr R Shepherd
Mr N Coppack	Mrs A Moore	Mr B Smith
Mrs H Cox	Mr P Moore	Mr D Smith
Mr N Dixon	Mr W J Northam	Mr N Smith
Ms V R Gay	Mr N Pearce	Mr R Stevens
Mrs A Green	Mrs G Perry-Warnes	Mrs V Uprichard
Mr B Hannah	Mr R Price	Mrs K Ward
Mr S Hester	Mr J Punchard	Mr A Yiasimi
Mr M Knowles	Mr J Rest	Mr D Young
Mr J Lee	Mr R Reynolds	

Officers in Attendance: The Corporate Directors, the Monitoring Officer, the Head of Finance & Assets, the Communications and Marketing Manager and the Democratic Services Manager

Press: Present

33. PRAYERS

The Chairman invited Reverend Dines, St Nicholas Church, North Walsham, to lead prayers

34. CHAIRMAN'S COMMUNICATIONS

The Chairman began by saying that the format of Chairman's Communications was changing. From now on his update to members would also include a slide show of images from all of the events that he had attended to give everyone full insight into the role of the Chairman.

He then spoke about the civic events that he had been involved with since the last meeting including the end of the pier show at Cromer, fundraising for cold cuddle cots at Waitrose in North Walsham, the Orchestra of the Age of Enlightenment at St Nicholas Church North Walsham, the Paston exhibition at Norwich Castle and the tour of the County with other civic heads to promote Norfolk Day – covering 10 key attractions in one day.

35. TO RECEIVE DECLARATIONS OF INTERESTS FROM MEMBERS

None received

36. APOLOGIES FOR ABSENCE

Mrs S Arnold, Mr D Baker, Mr T FitzPatrick, Mr V FitzPatrick, Mrs P Grove-Jones, Mrs J Oliver, Ms B Palmer, Mr S Penfold, Ms M Prior, Mr S Shaw and Mrs L Walker.

37. MINUTES

The minutes of the meeting held on 26th June 2018 were approved as a correct record and signed by the Chairman, subject to the following amendments:

- i. The Press were in attendance for the meeting
- ii. Page 13, paragraph 4 should read revenue **not** capital

38. ITEMS OF URGENT BUSINESS

None

39. PUBLIC QUESTIONS OR STATEMENTS

The Chairman introduced April Simnor, Manager of First Focus, Fakenham, who provided a statement on the work they had been doing on the prevention of food waste in the town.

40. PORTFOLIO UPDATES

The Chairman invited each Portfolio to introduce their reports:

1. Cllr S Arnold, Portfolio Holder for Planning and Planning Policy, was not in attendance. The Chairman asked if any Member wished to put forward a question in her absence. Cllr S Bütikofer requested a written response regarding a commercial client in Holt who had been waiting since February 2018 to have their planning application validated. The Head of Paid Service (SB) confirmed that he would provide a written response. Cllr V Gay said that she was pleased to see the recent Conservation Area Appraisal reviews and she wondered whether there were more in the pipeline.
2. Cllr H Cox thanked April Simnor for coming to speak to Members about the community fridge in Fakenham. She then thanked the Environmental team for the work that they had undertaken recently supporting the emergency services by clearing up after fires. Cllr S Bütikofer asked about progress with garden bin payments, saying that she had attended a recent parish council meeting where the matter was raised. Cllr Cox said that there had been issues with the transition to a digital process but she would look into it. Cllr S Bütikofer then asked when the decision was taken to offer a 10% discount for direct debit payments adding that some residents felt disadvantaged by this. The Head of Paid Service (NB) replied that he believed it was done within the fees and charges regime but agreed to provide a written response.
3. Cllr N Dixon said that he had nothing further to add to his report.
4. Cllr J Lee commended the Legal team for their exceptional performance. He then provided a verbal update on the IT service. Cllr S Bütikofer said that she wanted to ask the Leader a question regarding the proposal for the Police and Crime Commissioner to take on responsibility for the governance of fire and rescue services, following the recent decision to go out to consultation. She asked whether the Leader would consider writing to the Police and Crime Commissioner asking him to extend the consultation period to 8 weeks to enable those most impacted by the changes such as farmers, firefighters and the tourist sector, additional time to respond. The Leader thanked Cllr Bütikofer for raising the issue and agreed to write to the Police and Crime Commissioner making the request.
5. Cllr Northam had nothing further to add to his written report. He extended his thanks to the Finance Team for their continued support and hard work.
6. Cllr Palmer was not in attendance. Cllr Price spoke about the challenges of beach safety and the need for vigilance during the summer period.
7. Cllr R Price began his update by praising the work of the Property Services team and their efforts to ensure that the toilets were updated in Wells in time for the school holidays. He also thanked staff for their support in clearing rubbish from the Parklands site in Pudding

Norton. Cllr E Seward said that as a North Walsham member he welcomed the proposals for the Council to create additional car parking spaces at North Walsham station but he felt it should be acknowledged that the main beneficiaries would be the residents of Mundesley and Trunch and it was important that the new charging policy should attract people to park there not deter them. Cllr Price replied that the policy was in line with that of other NNDC car parks and that the situation would be monitored. Cllr S Bütikofer asked about the new changing places facility in Cromer. She said that the Sheringham facility was well signposted and branded and she asked whether the same could be done at Cromer. Cllr Price replied that this was being looked into together with the facility at Wells. Cllr Cox added that the 'Walkers are Welcome' website could advertise all local changing places facilities.

41. RECOMMENDATIONS FROM OVERVIEW AND SCRUTINY 18 JULY 2018

Cllr K Ward, Chairman of the Overview & Scrutiny Committee, informed Members that there were no formal recommendations to Council. She took the opportunity to update Council on the Committee's recent rapid review of the Local Plan. She said that it had been a positive experience and several recommendations would be coming forward for Cabinet and the Planning Policy & Built Heritage Working Party to consider. She said that she wanted to clarify that these sessions were open to all Members to attend and that there were two more planned for the Autumn – one on recycling and one on housing.

23. REVIEW OF POLITICAL BALANCE AND ALLOCATION OF SEATS TO COMMITTEES

The Chairman outlined the recommendations, explaining that following further changes to the membership of the political groups the Council was required to review the allocation of seats on committees, sub-committees and working parties to reflect the new political balance.

It was proposed by Cllr J Lee, seconded by Cllr S Bütikofer and

RESOLVED

1. To approve the revised political balance calculation as per section 2.4 of the report
2. To approve the allocation of seats to political groups as shown at Appendix A
3. That delegation is given to the Group Leaders to make any appointments to committees, sub-committees, working parties and panels (in line with the political balance).

24. VICTORY HOUSING TRUST – DEED OF VARIATION

The Chairman summarised the recommendations for Members, explaining that the report outlined the proposed partnership between two housing associations – Victory Housing Trust (VHT) and Flagship Housing Group Ltd and the seeking of consent to change Victory Housing Trust's Articles to enable the partnership to proceed.

Cllr B McGoun asked whether Victory Housing Trust tenants would be still be able to sit on the Board as previously. The Head of Paid Service (SB) referred Cllr McGoun to section 10 of the report which outlined the proposed changes. He said that the new arrangement should strengthen tenant representation on the new Board. In response to a further question from Cllr Ward as to whether tenants would be able to actually sit on the new Board, the Head of Paid Service (SB) replied that he would check.

It was proposed by Cllr J Lee, seconded by Cllr R Reynolds and

RESOLVED

- a) That the District Council indicates its support for the proposed partnership arrangement between the Victory Housing Trust and the Flagship Housing Group Limited, subject to the retention of the objectives of Paragraph 18 of the original Transfer Agreement.
- b) To advise that it looks forward to maintaining and further developing the strong relationship it has enjoyed with the Victory Housing Trust under the new partnership arrangements in meeting the housing needs of local communities across North Norfolk into the future.

25. TO RECEIVE THE APPROVED MINUTES OF THE UNDERMENTIONED COMMITTEES

The minutes of the meetings below were noted as a correct record;

- 1) Cabinet – 14 May, 11 June 2018
- 2) Development Committee – 14 June 2018
- 3) Overview & Scrutiny Committee – 23 May 2018
- 4) Governance, Risk & Audit Committee – 27 March 2018

26. QUESTIONS RECEIVED FROM MEMBERS

None received

27. OPPOSITION BUSINESS

None received

28. NOTICE OF MOTION

None received

29. EXCLUSION OF PRESS AND PUBLIC

30. PRIVATE BUSINESS

None

The meeting concluded at 6.48pm

Chairman

CABINET MEMBERS REPORT TO COUNCIL

26 September 2018

COUNCILLOR S ARNOLD - CABINET MEMBER FOR PLANNING

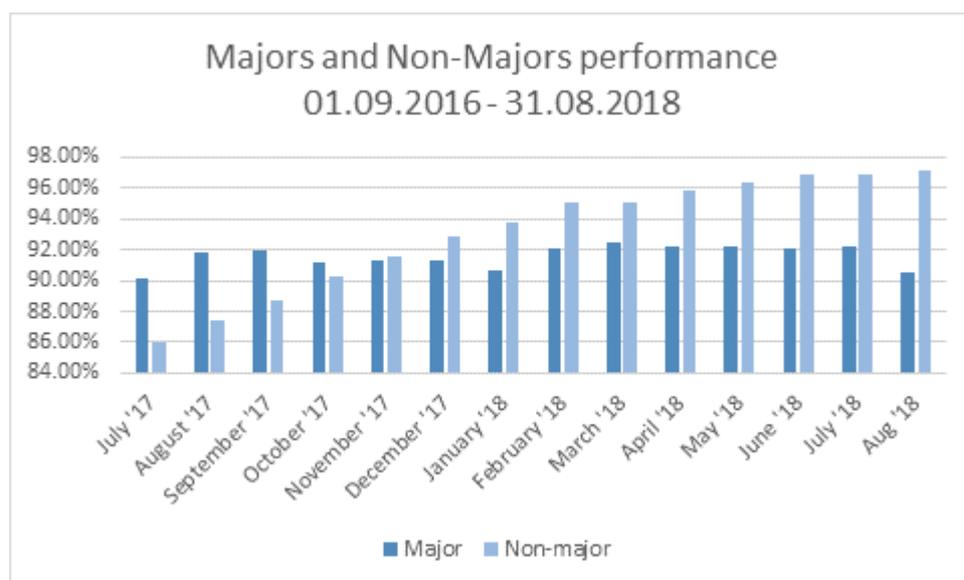
For the period July to September 2018

1 Progress on Portfolio Matters.

Development Management & Major Applications Performance

The Major Applications and Development Management teams strive to deliver quality and speed within the decision making process. Recent performance trends for the teams have exceeded the Government targets for major and non-major applications. Our last figures for speed of decision stand as majors at 90.5% (Government target is 60%) and for non- major 97.2.%(Government target is 70%). The Graph below shows the performance trends from July 2017 to August 2018.

Major development, dark blue – non major development light blue



The above figures are inclusive of decisions reached within the 8 or 13-week time periods, and decisions made where the applicant has agreed that a longer time period may be suitable to reach a positive outcome (extensions of time). A recommendation from the Internal Audit report was that wherever possible that officers should make decisions within the agreed extension period. The National Performance Tables (Table 131) for January to March 2018 show a total of 6 major and 326 non major decisions, with 5 major and 78 non major decision being subject to an agreed extension of time. Of those agreed extensions all major decisions (5/5), and all but 3 non major decisions (75/78) were made within the extension period. Our service managers continue to work with the teams to promote decisions within statute 8 /13

time lines wherever possible. I will report Quarter 2 performance relating to extensions of time agreements as and when comprehensive data is available.

The quality of decision making is also a key performance criterion, nationally this is monitored on the basis of the percentage of planning appeals which are successfully defended by the Council over a two year rolling period. Currently the Council's qualitative decision making is excellent, far exceeding the government requirements. For majors no appeals have been overturned in the two year monitoring period, and for all other applications then the current figure is 0.35%. National requirements are that no more than 10% of cases to be overturned in a two-year period.

Recruitment

A recruitment campaign was undertaken in June / July to fill three vacant Senior Officer Posts in our planning team. The outcome was a 6 shortlisting of six suitable candidates from which an appointment was made to a single post in the planning policy team. Following on from this campaign a positive response was received to our rolling advert for a senior officer, the candidate has been interviewed and offered a contract to join the Development Management team. At the time of writing our team's expectation is that this post will be filled.

Development Management

The Development Manager Sarah Ashurst is currently engaged in preparation for a public inquiry enforcement appeal in connection with Beeches Farm, Tunstall. The Inquiry will sit from 25 September for four days at The Council Offices, Cromer. Members and the public are welcome to attend.

Major Developments

I am delighted to report that Sarah Hinchliffe and the wider inquiry team were able to successfully defend the Council's case at the recent Public Inquiry Appeal for residential development on Land between Aylsham Road and Greens Road, North Walsham. This is an important decision which will give a robust defensible position in terms of the Council's housing land supply and supports a local plan lead decision making process.

Two landmark legal decisions have been issued recently, the first relating to the Council's legal challenge in relation to onshore wind turbines at Bodham and Selbrigg. The decision supported the appellants case, the Council will challenge this decision via the Court of appeal. I consider it essential that the Council continue to lobby for these decisions to be made with the greatest public engagement, i.e. via the Public Inquiry process.

The Judicial review of the Planning Inspector's decision to dismiss a large scale residential proposals at Sculthorpe, found that the inspector's decision was unsound on a single ground. As such the Council will be engaged in defending the reasons for refusal once more as and when the appeal process reopens.

Positive notes include the grant of planning permission for Cromer Tennis / Gym facilities, receipt and progress of the application for the redevelopment of Sheringham Splash. Progress is being made on the major offshore sustainable wind energy proposals in line with our projected timelines.

Local Plan Review

Work is progress well, including the review of the Council's position after the release of new planning policy guidance in the revised National Planning Policy Framework. Members attended the Planning Policy and Built Heritage working group and engaged in numbers with the process and this meeting in August.

A developer forum was held in August to engage on the Council's viability assessment. This assessment will be critical evidence for Local Plan policy preparation and will be used to determine our approaches to affordable housing requirements, future building standards, and other planning obligations. The event was well attended and has provided the Council and our consultant with feedback that will strengthen the Council's position on viability matters in the new plan.

An independent examiner has been appointed to examine the Corpusty and Saxthorpe Neighbourhood Plan. The Inspector will check that the Plan meets a number of 'basic conditions' and recommend if it is suitable to be put to local referendum. This will be the first Neighbourhood Plan in North Norfolk and once adopted will become part of the Development Plan for the area.

Conservation, Design & Landscape

The Council have produced Conservation Area Appraisals for the Glaven valley Ward, these include Blakeney, Wiverton and Salthouse. Public consultation is currently underway with a public meeting scheduled for 5 October at Blakeney Village Hall.

Progress has been significant with the District Wide Design Guide. I have viewed the document and express my earliest view that this is a comprehensive and detailed document which I am hopeful that our members will find both informative and helpful to drive forward the quality of design for new developments in NNDC.

Building Control

A New schedule of fees was introduced on the 1 April 2018, the fee income for Building Control remains buoyant with a modest sustained increase in fees produced over the summer.

Our award winning apprentice Hollie Beattie has successfully applied for a new role within the team, Hollie's new role is as Assistant Technical Officer. Our team are delighted with this appointment.

Following the Grenfell tragedy, the Building Control has been in the national spotlight, I am pleased to be able to report that Local Authority Building Control (LABC) have produced a Quality Management System which will respond to the challenges for the industry that must be met to ensure our processes are fit for purpose. Our Building Control Manager Stuart Tate & Principal Building Control Surveyor, Andy Parsons will be attending the earliest regional events to ensure that NNDC are early adopters of the new best practice.

Enforcement

Arcady, Cley - Steve Blatch and officers met with the developers and planning agents to discuss the current position and explain the Council's concerns with regard to the unauthorised development which has contravened the plans approved by the planning inspectorate. Officers will meet with the ward member and will update interested parties in the local community.

Melton Hall – Three enforcement notices have been appealed, our heritage officer has issued written statements this month in support of the Council's case, along with 3 rebuttals of claims for costs by the appellant.

2 Forthcoming Activities and Developments.

Recruitment

A single vacancy exists within the major's team, officers will meet HR to review the recent campaign and consider how best provide capacity / recruitment to fill this Senior Officer vacancy.

Appeals

A public inquiry enforcement appeal in connection with Beeches Farm, Tunstall enforcement notices will sit from 25 September for four days.

Graham Allen Awards

Presentations will follow Development Committee on 4 October.

Local plan

Local Parish and Town Councils have been invited to attend one of two update events to brief them on Local Plan progress and what happens next. These will take place on Tuesday 30th October and Thursday 1st of Nov.

3 Meetings attended

Development Committee meetings
Portfolio Holder meetings
Planning Policy and Built Heritage working Party
Graham Allen Design Award Site Inspections
Local Plans Duty to Cooperate meeting

CABINET MEMBERS REPORT TO COUNCIL

26th September 2018

COUNCILLOR S ARNOLD - CABINET MEMBER FOR HOUSING

For the period July to September 2018

1 Progress on Portfolio Matters.

By the end of August, 7 affordable dwellings at Stalham and Sheringham were completed of which 4 homes are for rent, 1 has been sold on a shared equity basis and the remaining 2 are for sale on a shared ownership basis. To date across North Norfolk, 50 affordable homes have been completed and it is expected that by the end of March 2019 over a 100 affordable homes will have been completed or acquired.

The Community Housing Fund team are continuing to engage with communities where at least 10% of homes are second and holiday homes, with community consultation events being held in Bacton and Walcott in September. So far, the Community Housing Fund has been used to support Homes for Wells and Holt Housing Society to acquire a total of eight affordable homes of which five have now been purchased and are occupied.

The new Housing Adaptation Officer Apprentice started work on 24 September and will provide an additional resource for the delivery of Disabled Facilities Grants whilst studying for a qualification in Technical Surveying and for AssocRICS membership.

Full Council are tonight being asked to approve grant funding of up to a maximum of £425,000 to support the delivery of the Fakenham Extra Care scheme of 66 new homes. This scheme will provide high quality housing for older people who have or will require access to care, with care provision being available within the scheme 24 hours a day, 7 days a week. This scheme represents a new model of Extra Care which will meet a wider range of care needs than the existing schemes at Cromer and High Kelling are able to meet. The Council is working with Norfolk County Council and Registered Providers to identify other opportunities to increase the number of Extra Care schemes across the district.

CABINET MEMBERS REPORT TO COUNCIL

26th September 2018

COUNCILLOR HILARY COX MBE - CABINET MEMBER FOR ENVIRONMENT

For the period July to September 2018

1 Progress on Portfolio Matters.

Civil Contingencies

Recruitment for a new Resilience Manager has been completed, following Richard Cook's departure to Norfolk County Council, with an offer being made and accepted.

Environmental Services

Garden bin payments were due by the end of August 2018 at which point, 81% of customers had paid. Take-up of Direct Debit payments has been strong with 70% of payers choosing this method. 58% of customers have self-served using the website, avoiding 9500 contacts into the authority. We will very shortly start contacting the 3500 or so customers who have yet to pay asking them to do so.

The team are launching the 'Refill not Landfill/#WhatSUP' campaign for Green Build where they are selling reusable travel mugs so people can buy these instead of disposable mugs on site. This forms part of the Council's move away from Single Use Plastics

Environmental Protection

Goats on a Slope merchandise has been sold at Cromer TIC with the profit generated being used to fund costs such a food. Sales are going extremely well and should fully fund the costs for the next year.

Commercial Team

New Private Water Supply Regulations came into effect at the beginning of July. The team is assessing the impact of these, particularly on the impact of the cost of analysis of sampling on some premises.

Public Protection

The team have been investigating a number of Health and Safety cases following accidents to members of the public. Additional temporary resource has been put into the team to assist with the increased workload

Hackney Carriage fees have been increased following consultation. The increase, the first for around 4 years, of 10% came into force 1 August 2018.

2 Forthcoming Activities and Developments.
Work continues to support the Waste and Related Services Contract procurement. The Mobile solution for Food Hygiene Inspections is expected to go live with officers during September.

CABINET MEMBERS REPORT TO COUNCIL

26th September 2018

COUNCILLOR H COX - CABINET MEMBER FOR COAST

For the period July to September 2018

1 Progress on Portfolio Matters.

- Mundesley Outline Business Case submitted to Environment Agency for consideration and Coast Protection notification completed
- Bacton to Walcott Sandscaping main works contract out to tender and Marine Licence/Planning Applications submitted
- Bacton Terminal revetment maintenance started but postponed due to high beach levels at the revetment
- Walcott Flood Alleviation Drains – NNDC completed its part of the project – awaiting NCC highways to make connections
- 10-year Generic Marine Licence obtained to cover maintenance works outside existing exemptions (conditions to be discharged). Specific 10-year licence for Happisburgh nearly completed. This is a new approach to managing marine licencing requirements with the approach potentially being adopted elsewhere in future.
- Happisburgh beach access ramp open for summer but temporally closed in September following cliff falls adjacent to the ramp.
- Cromer Coast Protection scheme discussed with Cromer Town Council Planning Committee.
- Maintenance work ongoing in a number of locations across the frontage.

2 Forthcoming Activities and Developments.

- Tender appraisal for Sandscaping Main Works Contractor to be completed in October.
- Public consultation for Marine and Planning applications.
- EU 2 Seas funding seminar (to assist with guiding Sandscaping funding bid).
- Development of Cromer and Mundesley Scheme Environmental Screening Reports.
- Extension of East Runton Ramp to be started October.

3 Meetings attended

Members of the team have contributed to:

- Anglian Coastal Monitoring Programme
- Regional Flood and Coastal Committee (Eastern)
- Cromer Town Council – Planning Committee
- Sandscaping Project Steering Committee
- Shoreline Management Plan Refresh Briefing

CABINET MEMBERS REPORT TO COUNCIL

26th September 2018

COUNCILLOR JOHN LEE - CABINET MEMBER FOR LEGAL SERVICES & DEMOCRATIC SERVICES

For the period July to September 2018

1 Progress on Portfolio Matters.

Legal Services:

eastlaw are continuing to deliver services to our colleagues both within North Norfolk District Council and other partners with lawyers contributing to various key projects involving large scale commercial and residential developments, local authorities special purpose vehicles, high value procurement and environmental enforcement.

eastlaw were part of the team that successfully defended the Council's position at appeal on the Greens Road/Aylsham Road and are currently heavily involved in the forthcoming appeal at Beeches Farm, Tunstead.

FOI Performance in relation to responding to information requests for July 2018 is at 97%, Q1 figure overall is 96% with a target set at 90%.

The implementation of the GDPR frameworks are substantially complete.

Democratic Services

Training

The Democratic Services Team has organised financial training for members which will run over the next couple of months in the run up to the budget setting process. In addition, training is being provided by an external provider to Development Committee members.

Scrutiny

Following the recent rapid review of the Local Plan, the Scrutiny officer is now working with the Overview & Scrutiny Committee on a rapid review of recycling. It is anticipated that this will be considered by the Committee in October.

2 Forthcoming Activities and Developments.

Prospective Candidates' Evening

On 20th September there is an informal session at the Council offices for anyone

interested in becoming a councillor. The event is an opportunity for prospective candidates to speak to current members about the role and for them to meet the Heads of Paid Service.

CABINET MEMBERS REPORT TO COUNCIL

26th September 2018

COUNCILLOR JOHN LEE - CABINET MEMBER FOR IT & DIGITAL TRANSFORMATION

For the period July to September 2018

1 Progress on Portfolio Matters.

Digital Transformation

From the beginning of 2017, these are the number of transactions that are being performed online through our website, showing the growth and advancement of the DT programme and also the number of people able to self-serve. These transactions can be anything from payments for council tax, garden bins or any other council services, to reporting instances of littering or fly tipping:

Year	Month	Transactions
2017	January	61
2017	February	311
2017	March	243
2017	April	208
2017	May	222
2017	June	265
2017	July	285
2017	August	420
2017	September	334
2017	October	315
2017	November	216
2017	December	196
2018	January	414
2018	February	847
2018	March	1590
2018	April	1855
2018	May	2125
2018	June	2426
2018	July	12116
2018	August	7461

Below shows how many people have used the general payments form since it was launched and the value it has brought in to the council as part of digital transformation:

Year	Month	Number of Transactions	Value of Transactions (£)
2018	January	35	2,631.51
2018	February	601	75,864.70
2018	March	1143	252,964.27
2018	April	1490	266,592.63

2018	May	1698	227,116.93
2018	June	1537	228,658.56
2018	July	1608	228,707.08
2018	August	1493	218,358.57
2018	September (to date)	866	130,345.98

PORTFOLIO REPORT TO COUNCIL

26th September 2018

COUNCILLOR B PALMER - CABINET MEMBER FOR CUSTOMER SERVICES , LEISURE AND HEALTH & WELLBEING

For the period July – September 2018

1 Progress on Portfolio Matters.

Customer Services:

The garden waste collection service renewal process has been successful with payment received from 82% of customers of which 70% have signed up to pay by annual Direct Debit. Reminder letters have been issued to the 3631 customers (18%) yet to make payment.

Leisure:

Splash Redevelopment

The Planning Application for the new leisure centre in Sheringham is now live and will be heard on 1st November.

We are currently out for construction tenders with the relocation of the Skatepark hopefully being undertaken first, before Christmas this year and the civil engineering work following on from that.

Our Sport England grant application is also live and we hope to hear in October that we have been successful.

Officers are currently in discussion on enabling development with a potential hotel developer but are also moving forward with draft plans for housing if a commercial development is not forthcoming.

Community Sport Hub

Planning Approval has been received and the enabling works for the academy have been completed.

Whilst Cromer Academy has approved a land transaction to enable the new development of three indoor tennis courts and associated gym, we are awaiting government approval for this, as well as LTA grant funding for the project. We also anticipate the Cromer Tennis Association will shortly sign up to a new lease as the final piece in the project.

If these issues come to fruition, then the new facility will be operational by summer next year.

2 Forthcoming Activities and Developments.

From September 2018, customers seeking to notify the council of their Move In/Out details for Council Tax purposes will be able to do so digitally, enabled by a new, online customer web form and also a Customer Services version to enable staff to assist customers who cannot or do not wish to report via online channels.

The facility to enable recording of incoming calls is being developed and is to be introduced initially to Customer Services and Revenues & Benefit teams in the autumn.

All of the above confirm our commitment to improving customer service, whilst also making the council more efficient.

PORTFOLIO REPORT TO COUNCIL

26th September 2018

COUNCILLOR WYNDHAM NORTHAM - CABINET MEMBER FOR FINANCE, REVENUES & BENEFITS

For the period July to September 2018

1 Progress on Portfolio Matters.

Localisation of Business Rates – following on from last year’s countywide business rates pilot application, which was ultimately unsuccessful, it is hoped that a new application will have been submitted for a 2019/20 pilot by the deadline of 25 September 2018.

Due to the tight deadlines for the application the submission has been made following consultation with the relevant Party Leaders and portfolio/shadow portfolio holders and under delegation provided by the Corporate Directors and Heads of Paid Service and will be the subject of an update report to Members in due course.

Member training – the initial Member training sessions for Members will have been held on Wednesday 19th September and I hope that those of you that were able to attend found these useful. This training will help support the discussions around the Medium Term Financial Strategy and budget process as we move towards budget setting in February 2019.

The Authority (LA) continue to prepare for the implementation of Full Service Universal credit. New claims to Universal Credit (for those of working age) is being rolled out further across North Norfolk in the next few months. This is due to be completed by the end of the calendar year.

Benefits

Full service implementation is by the applicants post code and Job Centre Plus (JCP) office and shown below.

Job Centre Plus offices	Post codes	Date
Gt Yarmouth	NR29	April 16
Dereham	NR20 5	13 th June 18
Cromer	NR11 7, NR11 8, NR25 6, NR25, NR26, NR27	17 th October 2018
Kings Lynn	PE31 6	14 th November 2018
North Walsham	NR11 6, NR12 0, NR12 9, NR28 0,, NR28 8, NR28 9	12 th December 2018

Fakenham	NR21 0, NR21 1, NR21 7, NR21 8, NR21 9, NR22 6, NR23 1, NR24 2, PE31 8	12 th December 2018
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Preparations have included:-

- Job shadowing of staff between the LA and the Cromer JCP
- Regular meetings with the LA, Department of Work and Pensions (DWP) and Citizens Advice (CA)
- Updates and attendance at NCAN (Norfolk Community Advice Network) meetings.
- Staff updates and briefings
- LA facilitating Discretionary Housing Payment overview for JCP work coaches and CA
- LA Attendance at DWP engagement workshops
- Networking with other Authorities including Great Yarmouth Borough Council
- Liaison and attendance at Eastern Landlords Association meetings
- LA is to provide Assisted Digital Support (ADS) to UC applicants at Cromer office.
- Potentially ADS will also be provided by the library services at North Walsham, Stalham, Cromer, Sheringham and Mundesley.
- LA Changes to Housing Benefit application form
- LA Changes to LA web pages
- LA Changes to IT processes and procedures

Successful Universal Credit overview events have now been hosted by the LA for Members, Social Landlords, Partners /Stakeholders and Private landlords.

2 Forthcoming Activities and Developments.

Budget monitoring 2018/19 – the second budget monitoring report of the year will be considered by committee at the end of October. This will cover the period from April through to the end of September (period 6).

Fair Funding review - the Council will continue to engage in any developments and further consultation that comes forward in respect of this very important area.

Medium Term Financial Strategy (MTFS) – The MTFS will be discussed with

Members later in the autumn supported by the training outlined below and will consider the financial challenges facing the Council over the next 4 years. This work will be used to inform the budget preparation for 2019/20.

3 Meetings attended (as part of Portfolio responsibilities)

Nothing further to report.

PORTFOLIO REPORT TO COUNCIL

26th September 2018

COUNCILLOR RICHARD PRICE - CABINET MEMBER FOR PROPERTY & ASSET COMMERCIALISATION

For the period July to September 2018.

1 Progress on Portfolio Matters.

Highfield Road car park, Fakenham – works in relation to the resurfacing of this car park commenced in respect of Highfield Road on 20th September.

Cromer pier – design works are progressing in respect of the works required to the pier structure which are scheduled to be undertaken prior to the start of next season's shows starting. The sub structure works are to be undertaken under the theatre area and will be a pre-cursor to the works to the theatre roof.

Small works tender – the Property team have completed the tender exercise for small works (up to an estimated value of £10k) and this has been awarded to Renosteel Construction Ltd. The Council already has an excellent working relationship with this company as they also currently operate the Measure Term Contract for coastal works. The scope of works will include general building maintenance and refurbishment, plumbing, glazing, and minor groundworks.

Promenade/foreshore surveys – the Council has recently received the results of the foreshore and promenade survey works along the coast which focus on things such as handrails, steps, shelters and decorating etc rather than actual sea defence works. These surveys then help to inform the maintenance schedules for future years and enable works to be prioritised. A number of works have been undertaken at both Cromer and Sheringham over the last few months including refurbishment of the yacht and pumps in the Lees gardens, general redecoration along the promenade and improvements at both the east and west of the prom in respect of lighting.

Parklands caravan site, Pudding Norton – officers have now completed significant clear up and improvement works at Pudding Norton following a review of the health and safety aspects of the residential caravan site owned and operated by the Council. An improvement plan was drawn and has now been implemented and included site clearance works and relocation of vehicles along with some minor repairs.

Public convenience improvements – following approval by Cabinet to

implement a refurbishment programme on some of the public convenience facilities in most need of updating, officers will be working up designs and work programmes over the coming months to help implement this programme of significant improvements. These facilities are expected in tourist areas and it is essential that the Council is able to maintain them to a high standard to meet the expectations of both residents and visitors alike.

2 Forthcoming Activities and Developments.

Asset condition surveys – a tender document and specification are currently being finalised to seek suitably qualified contractors to undertake condition surveys on all of the Council's assets to update surveys previously undertaken which now require updating. This will be a rolling programme undertaken over a 5 year period.

3 Meetings attended (as part of Portfolio responsibilities)

Nothing further to report.

NORTH NORFOLK DISTRICT COUNCIL



Gambling Licensing Policy (Statement of Principles)

North Norfolk District Council
Council Offices
Holt Road
Cromer
NR27 9EN

Telephone: 01263 516189

E-mail: licensing@north-norfolk.gov.uk

www.northnorfolk.org

Approved by Cabinet on: *****2018

Approved by Council on: *****2018

Effective: 31 January 2019

**North Norfolk District Council
Gambling Act 2005
Statement of Principles
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PART A

OVERVIEW

1 The Licensing Objectives

- 1.1 In exercising most of their functions under the Gambling Act 2005 (hereafter referred to as the Act), licensing authorities must have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - Ensuring that gambling is conducted in a fair and open way
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 1.2 It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.
- 1.3 This licensing authority is aware that, as per Section 153 of the Act, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it:
- in accordance with any relevant code of practice issued by the Gambling Commission
 - in accordance with any relevant guidance issued by the Gambling Commission (<http://www.gamblingcommission.gov.uk/PDF/GLA5-updated-September-2016.pdf>)
 - reasonably consistent with the licensing objectives
 - in accordance with the Authority’s Gambling Licensing Policy Statement of Principles

2 Introduction

- 2.1 North Norfolk District Council is situated in the County of Norfolk, which contains seven District Councils in total. The Council area has a population of approximately 99,800 covering an area of 400 square miles making it one of the smaller districts in Norfolk. The Council’s area is mainly rural/coastal.
- 2.2 The mainstays of North Norfolk’s economies are tourism, agriculture and service industries. The majority of these sectors have suffered decline in employment and are prone to cyclical and seasonal variations.
- 2.3 Licensing authorities are required by the Act to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published. The Council’s first gambling policy was adopted on 1st November 2006.

- 2.4 North Norfolk District Council will consult widely upon this statement of principles before finalising and publishing. A list of persons who have been consulted is provided in **Annex 1**.
- 2.5 The Act requires that the following parties are consulted by licensing authorities:
- The Chief Officer of Police
 - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area
 - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act
- 2.6 Our consultation took place between the xxxxxxxx 2018 and xxxxxxxx 2018 and followed HM Government Consultation Principles (published 2018), which is available at; <https://www.gov.uk/government/publications/consultation-principles-guidance>
- 2.7 The full list of any comments made and the consideration by the Council of those comments will be available by request to the Public Protection Manager at the Council.
- 2.8 The policy was approved at a meeting of the Full Council on the xxxxxxxx 2018 and was published via the Council's website on the xxx January 2019.
- 2.9 Should you have any comments as regards this statement of principles please send them via email or letter to:
- Public Protection Manager
Public Protection Team
North Norfolk District Council
Holt Road
Cromer
Norfolk
NR27 9EN
Public.Protection@north-norfolk.gov.uk
- 2.9 It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.

3 Declaration

- 3.1 In producing the final statement, this Licensing Authority declares that it has had regard to the licensing objectives of the Act, the Guidance to local authorities issued by the Gambling Commission and any responses from those consulted on the statement.

4 Responsible Authorities

- 4.1 The licensing authority is required to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:
- the need for the body to be responsible for an area covering the whole of the licensing authority's area
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group
- 4.2 This Authority designates the Norfolk Local Safeguarding Children Board for this purpose, <https://www.norfolklscb.org/>.
- 4.3 The contact details of all the Responsible Authorities under the Act are attached at **Annex 2**.

5 Interested parties

- 5.1 Interested parties can make representations about licence applications or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:
"For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person;
- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities
 - b) has business interests that might be affected by the authorised activities
 - c) represents persons who satisfy paragraph (a) or (b)"
- 5.2 The licensing authority is required to state the principles it will apply in exercising its powers under the Act to determine whether a person is an interested party. The principles are:
- Each case will be decided upon its merits. This Authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's guidance for local authorities. It will also consider the Gambling Commission's guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
 - Interested parties can be persons who are democratically elected such as Councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the Councillor/MP represent the wards likely to be affected. Likewise, Parish Councils likely to be affected will be considered to be interested parties. Other than these

however, this Authority will generally require written evidence that a person/body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

- 5.3 If individuals wish to approach Councillors to ask them to represent their views, then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts, then please contact the Councils Public Protection Team.

6 Exchange of Information

- 6.1 Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under Sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission and the functions under Section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 6.2 The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Act in its exchange of information which includes the provision that the Data Protection Act 2018 will not be contravened. The Licensing Authority will also have regard to any guidance issued by the Gambling Commission to local authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

7 Enforcement

- 7.1 Licensing authorities are required by regulation under the Act to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under Section 346 of the Act to institute criminal proceedings in respect of the offences specified.
- 7.2 This Licensing Authority's principles are it will be guided by the Gambling Commission's guidance for local authorities and will endeavour to be:
- **Proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed and costs identified and minimised
 - **Accountable:** regulators must be able to justify decisions and be subject to public scrutiny
 - **Consistent:** rules and standards must be joined up and implemented fairly
 - **Transparent:** regulators should be open and keep regulations simple and user friendly

- **Targeted:** regulations should be focused on the problem and minimise side effects
- 7.3 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 7.4 This Licensing Authority inspection programme will be risk-based and take into account;
- The licensing objectives
 - Relevant codes of practice
 - Guidance issued by the Gambling Commission, in particular at Part 36
 - This statement of principles
- 7.5 The main enforcement and compliance role for this Licensing Authority in terms of the Act is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the Licensing Authority but should be notified to the Gambling Commission.

8 Licensing Authority functions

- 8.1 Licensing authorities are required under the Act to:
- be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
 - issue *Provisional Statements*
 - regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
 - issue *Club Machine Permits* to *Commercial Clubs*
 - grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
 - receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
 - issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
 - register *small society lotteries* below prescribed thresholds
 - issue *Prize Gaming Permits*
 - receive and Endorse *Temporary Use Notices*
 - receive *Occasional Use Notices*
 - provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
 - maintain registers of the permits and licences that are issued under these functions

- 8.2 It should be noted that Licensing Authorities are not involved in licensing remote gambling at all; this is regulated by the Gambling Commission via operating licences.

DRAFT

PART B
PREMISES LICENCES: CONSIDERATION OF APPLICATIONS

9 General Principles

9.1 Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

10 Decision making

10.1 This Licensing Authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives
- in accordance with the authority's statement of licensing policy

10.2 It is appreciated that as per the Gambling Commission's Guidance for local authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos below – Paragraph 21) and also that unmet demand is not a criterion for a Licensing Authority.

11 Definition of "premises"

11.1 In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, the Licensing Authority shall pay particular attention if there are issues about sub-divisions of a single building or plot and shall ensure that mandatory conditions relating to access between premises are observed.

11.2 The Gambling Commission states in its guidance to licensing authorities that: "In most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not

mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the Licensing Officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.”

- 11.3 This Licensing Authority takes particular note of the Gambling Commission’s Guidance to Licensing Authorities which states that: Licensing Authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular, they should be aware of the following:
- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore, premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating
 - Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit
 - Customers should be able to participate in the activity named on the premises licence
- 11.4 The guidance also gives a list of factors which the licensing authority should be aware of, which may include:
- Do the premises have a separate registration for business rates?
 - Is the premises’ neighbouring premises owned by the same person or someone else?
 - Can each of the premises be accessed from the street or a public passageway?
 - Can the premises only be accessed from any other gambling premises?
- 11.5 This Authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

12 The Gambling Commission's relevant access provisions for each premises type

12.1 Casinos

- The principal access entrance to the premises must be from a street
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

12.2 Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises

12.3 Betting Shops

- Access must be from a street or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

12.4 Tracks

- No customer should be able to access the premises directly from:
 - a casino
 - an adult gaming centre

12.5 Bingo Premises

- No customer must be able to access the premise directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

12.6 Family Entertainment Centre

- No customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

12.7 The Gambling Commission's guidance to licensing authorities contains further guidance on this issue, which this Authority will also take into account in its decision-making.

13 Location

- 13.1 This Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commission's guidance for local authorities, this Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

14 Local Area Profiling

- 14.1 The Social Responsibility Code, which is part of the Gambling Commissions, Licensing Conditions and Codes of Practice, most recently published in January 2018 (effective from 4 April 2018) requires licensees to assess the local risks to the licensing objectives posed by their gambling operations at each of their premises, and have policies, procedures and control measures to mitigate those risks. Additionally, applicants have to undertake a local assessment when applying for a new or variation of a premises licence, to take account of significant changes in the local circumstances or when there are significant changes at the licensee's premises.
- 14.2 Licensees should share their Risk Assessment with the Licensing Authority when applying for a premises licence or applying for a variation to existing licenced premises, or otherwise on request.
- 14.3 The Licensing Authority is aware that there is no mandatory requirement to have a local area profile but recognises that one may offer a number of benefits. Should evidence be obtained to identify local risk areas then these will be reflected in a separate document and made available from the Public Protection Team and on the Council's website.
- 14.4 Enquiries with relevant organisations have not revealed any data to suggest that there are any areas within the District that could be identified as a risk.

15 Planning Permission / Building Regulations

- 15.1 In determining applications the Licensing Authority will not take into consideration matters that are not related to gambling and the licensing objectives. An example would be, the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

- 15.2 The Licensing Authority is aware that a premises licence, once it comes into effect, authorises premises to be used for gambling.

16 Duplication with other regulatory regimes

- 16.1 This Licensing Authority seeks to avoid any duplication with other statutory/regulatory systems where possible, including planning as indicated above.

17 Licensing objectives

- 17.1 Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this Licensing Authority has considered the Gambling Commission's Guidance to local authorities and some comments are made below.

- 17.2 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.** This Licensing Authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's guidance does however envisage that Licensing Authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable, such as, the provision of door supervisors. This Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

- 17.3 Ensuring that gambling is conducted in a fair and open way.** This Licensing Authority has noted that the Gambling Commission states that it generally does not expect Licensing Authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. The only exception to this is for tracks, which is covered in paragraph 24 below.

- 17.4 Protecting children and other vulnerable persons from being harmed or exploited by gambling.** This Licensing Authority has noted the Gambling Commission's guidance for local authorities' states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The Licensing Authority will therefore consider, as suggested in the Gambling Commission's guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of

entrances/machines, segregation of areas etc.

As regards the term “vulnerable persons” it is noted that the Gambling Commission does not seek to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs”. This Licensing Authority will consider this licensing objective on a case by case basis.

18 Conditions

- 18.1 Any conditions attached to licences will be proportionate and will be:
- relevant to the need to make the proposed building suitable as a gambling facility
 - directly related to the premises and the type of licence applied for
 - fairly and reasonably related to the scale and type of premises
 - reasonable in all other respects
- 18.2 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this Licensing Authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This Licensing Authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.
- 18.3 This Licensing Authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives.
- 18.4 This Authority will ensure that where category C or above machines are on offer in premises to which children are admitted:
- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
 - only adults are admitted to the area where these machines are located
 - access to the area where the machines are located is supervised
 - the area where these machines are located is arranged so that it can be observed by the staff or the licence holder
 - at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18
- 18.5 This Licensing Authority is aware that tracks may be subject to one or more

than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's guidance, this Licensing Authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

- 18.6 It is noted that there are conditions which the Licensing Authority cannot attach to premises licences which are:
- any condition on the premises licence which makes it impossible to comply with an operating licence condition
 - conditions relating to gaming machine categories, numbers, or method of operation
 - conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated)
 - conditions in relation to stakes, fees, winning or prizes

18.7 ***Door Supervisors***

If the Licensing Authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a condition on the premises licence to this effect.

19 Adult Gaming Centres

- 19.1 This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.
- 19.2 This Licensing Authority may consider measures to meet the licensing objectives such as:
- Proof of age schemes
 - CCTV
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry
 - Notices / signage
 - Specific opening hours
 - Self-exclusion schemes
 - Provision of information leaflets/helpline numbers for organisations such as GamCare

This list is not mandatory or exhaustive and is merely indicative of example measures.

20 (Licensed) Family Entertainment Centres

- 20.1 This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.
- 20.2 This Licensing Authority may consider measures to meet the licensing objectives such as:
- CCTV
 - Supervision of entrances/machine areas
 - Physical separation of areas
 - Location of entry
 - Notices/signage
 - Specific opening hours
 - Self-exclusion schemes
 - Provision of information leaflets/helpline numbers for organisations such as GamCare
 - Measures/training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory or exhaustive and is merely indicative of example measures.

21 Casinos

- 21.1 There are currently no casinos operating within the District
- 21.2 The Licensing Authority has not passed a resolution under S166 of the Gambling Act 2005 not to issue casino premises licences. Any future decision to pass such a resolution will only be taken after a full consultation process has been undertaken and the statement of principles would be updated.

22 Bingo premises

- 22.1 Children and young people are allowed into bingo premises; however, they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

23 Betting premises

- 23.1 **Betting machines** – *A 'betting machine' is not a gaming machine and the Council is aware that it can attach a condition to restrict the number of betting machines.* This Licensing Authority will, as per the Gambling Commission's

guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

24 Tracks

- 24.1 This Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track.
- 24.2 This Authority expects the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 24.3 This Licensing Authority may consider measures to meet the licensing objectives such as:
- Proof of age schemes
 - CCTV
 - Supervision of entrances/machine areas
 - Physical separation of areas
 - Location of entry
 - Notices/signage
 - Specific opening hours
 - Self-exclusion schemes
 - Provision of information leaflets/helpline numbers for organisations such as Game Care

This list is not mandatory or exhaustive and is merely indicative of example measures.

- 24.4 **Gaming machines** – Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.
- 24.5 **Betting machines** – This Licensing Authority will, as per the Gambling Commission's guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

25 Applications and plans

- 25.1 Section 151 of the Act requires applicants to submit plans of the premises with their application, in order to ensure that the Licensing Authority has the necessary information to make an informed judgement about whether the premises are fit for gambling.
- 25.2 Plans for tracks do not need to be in a particular scale but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.
- 25.3 Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises.
- 25.4 In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.
- 25.5 This Authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan. It is appreciated that racecourses may need the flexibility to provide different facilities on different days without the need to vary the licence and this will be reflected in the application process.

26 Travelling Fairs

- 26.1 This Licensing Authority is responsible for deciding whether (where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs) the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met and will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 26.2 It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This Licensing Authority will work with its

neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

27 Provisional Statements

- 27.1 Developers may wish to apply to this Authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
- 27.2 Section 204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:
- expects to be constructed
 - expects to be altered
 - expects to acquire a right to occupy
- 27.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The Applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
- 27.4 In contrast to the premises licence application, the Applicant does not have to hold or have applied for an operating licence from the Gambling Commission and they do not have to have a right to occupy the premises in respect of which their provisional application is made.
- 27.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The Licensing Authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:
- they concern matters which could not have been addressed at the provisional statement stage
 - they reflect a change in the applicant's circumstances
- 27.6 In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- which could not have been raised by objectors at the provisional statement stage
 - which in the authority's opinion reflect a change in the operator's circumstances
 - where the premises has not been constructed in accordance with the plan

submitted with the application. This must be a substantial change to the plan and this Licensing Authority notes that it can discuss any concerns it has with the Applicant before making a decision

28 Reviews

- 28.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the Licensing Authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below:
- in accordance with any relevant code of practice issued by the Gambling Commission
 - in accordance with any relevant guidance issued by the Gambling Commission
 - reasonably consistent with the licensing objectives
 - in accordance with the authority's statement of licensing policy
- 28.2 The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.
- 28.3 The Licensing Authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.
- 28.4 Once a valid application for a review has been received by the Licensing Authority, representations can be made by responsible authorities and interested parties during a 28-day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.
- 28.5 The Licensing Authority must carry out the review as soon as possible after the 28-day period for making representations has passed.
- 28.6 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:
- add, remove or amend a licence condition imposed by the licensing authority
 - exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion
 - suspend the premises licence for a period not exceeding three months
 - revoke the premises licence
- 28.7 In determining what action, if any, should be taken following a review, the Licensing Authority must have regard to the principles set out in Section 153

of the Act, as well as any relevant representations.

28.8 In particular, the Licensing Authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

28.9 Once the review has been completed, the Licensing Authority must, as soon as possible, notify its decision to:

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable
- Her Majesty's Commissioners for Revenue and Customs

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PART C
PERMITS / TEMPORARY & OCCASIONAL USE NOTICE

29 Unlicensed Family Entertainment Centre gaming machine permits
(Statement of Principles on Permits – Schedule 10 paragraph 7)

- 29.1 Where a premise does not hold a premises licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).
- 29.2 The Act states that a Licensing Authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Section 25 of the Act.
- 29.3 It should be noted that a Licensing Authority cannot attach conditions to this type of permit.
- 29.4 This Licensing Authority has adopted the following Statement of Principles, in respect of unlicensed FECs:
- 29.5 The Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Such policies/procedures will be considered on their merits; however, they may include appropriate measures on staff training on how to deal with suspected truancy, how to deal with unsupervised very young children being on the premises and children causing problems around the premises.
- 29.6 The Licensing Authority will also expect the applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs, and that staff are trained to have a full understanding of the maximum stakes and prizes.
- 29.7 The Licensing Authority will require the following to be submitted in addition to the application form and fee:
- Proof of the applicant's identity and age
 - Proof of the applicant's right to occupy the premises for which the permit is sought
 - (Where the applicant is an individual) a Basic Disclosure Certificate (BDC) dated no earlier than one calendar month on the day the application is received by the licensing authority. Holders of operating licences issued by the Gambling Commission are exempt from this requirement
 - An insurance certificate (or certified copy) confirming the availability of

- public liability insurance covering the proposed activity
- A plan scale 1:100 of the premises showing:
 - The boundary of the premises including any internal and external walls, entrances, exits, doorways and windows, and indicating the points of access available to the public
 - The location of any fixed or temporary structures
 - The location of any counters, booths, offices or other locations from which staff may monitor the activities of persons on the premises
 - The location of any public toilets within the boundary of the premises
 - The location of CCTV cameras
 - The location of any ATM or other cash/change machines
 - The proposed location of the Category 'D' machines
 - Details of non category 'D' machines (e.g. skill with prizes machines)

30 (Alcohol) Licensed premises gaming machine permits (Schedule 13 paragraph 4(1))

30.1 Automatic entitlement: 2 machines

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the Licensing Authority.

30.2 The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives
- gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act (i.e. that written notice has been provided to the Licensing Authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
- the premises are mainly used for gaming
- an offence under the Gambling Act has been committed on the premises

30.3 Permit: 3 or more machines

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and "*such matters as they think relevant.*"

30.4 This Licensing Authority considers that "such matters" will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult

only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff that will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

- 30.5 It should be noted that the Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 30.6 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

31 Prize Gaming Permits

- 31.1 The Act states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the Licensing Authority proposes to consider in determining the suitability of the applicant for a permit”.
- 31.2 This Licensing Authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:
- that they understand the limits to stakes and prizes that are set out in Regulations
 - that the gaming offered is within the law
 - clear policies that outline the steps to be taken to protect children from harm
- 31.3 The Licensing Authority shall also require (where the applicant is an individual) a Basic Disclosure Certificate (BDC) dated no earlier than one calendar month on the day the application is received by the Licensing Authority. Holders of operating licences issued by the Gambling Commission are exempt from this requirement.
- 31.4 In making its decision on an application for this permit the Licensing Authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance. (Gambling Act 2005, Schedule 14 paragraph 8(3)).

31.5 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the Licensing Authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize)
- participation in the gaming must not entitle the player to take part in any other gambling

32 Club Gaming and Club Machines Permits

32.1 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

32.2 Licensing authorities may only refuse an application on the grounds that:

- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied
- the applicant's premises are used wholly or mainly by children and/or young persons
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities
- a permit held by the applicant has been cancelled in the previous ten years
- an objection has been lodged by the Commission or the police

32.3 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance for local authorities' states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:

- that the club is established primarily for gaming, other than gaming prescribed under schedule 12
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming

- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled

32.4 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

33 Temporary Use Notices

33.1 Temporary use notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary use notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

33.2 The Licensing Authority can only grant a temporary use notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

34 Occasional Use Notices

34.1 The Licensing Authority has little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded.

35 Small Society Lotteries

35.1 The Licensing Authority will register and administer smaller non-commercial lotteries and applicants for lottery licences must apply to the licensing authority in the area where their principal office is located.

35.2 The Licensing Authority must be satisfied that the 'society' is established and conducted:

- for charitable purposes (as defined in S2 of the Charities Act 2006);
- for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural nature activity; or
- for any other non-commercial purpose other than private gain.

In determining whether the Society is non-commercial the Licensing Authority may require applicants to provide copies of the society's constitution or terms of reference.

- 35.3 For new applications, the Licensing Authority shall require the promoter of the lottery to produce a Basic Disclosure Certificate (BDC) dated no earlier than one calendar month on the day the application is received by the Licensing Authority.
- 35.4 The Licensing Authority may refuse an application for registration if in their opinion:
- The applicant is not a non-commercial society
 - A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence
 - Information provided in or with the application for registration is false or misleading
- 35.5 Where the Licensing Authority intends to refuse registration of a Society, it will give the Society an opportunity to make representations and will inform the Society of the reasons why it is minded to refuse registration and supply evidence on which it has reached that preliminary conclusion. In any event, the Licensing Authority will make available on its web-site its procedures on how it handles representations.
- 35.6 The Licensing Authority may revoke the registered status of a society if it thinks that they would have had to, or would be entitled to; refuse an application for registration if it were being made at that time. However, no revocations will take place unless the Society has been given the opportunity to make representations. The Licensing Authority will inform the society of the reasons why it is minded to revoke the registration and will provide an outline of the evidence on which it has reached that preliminary conclusion.

PART D COMMITTEE, OFFICER DELEGATION AND CONTACTS

36 Committee decisions and scheme of delegation

- 36.1 The Licensing Authority is involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.
- 36.2 Licensing Sub-Committees made up of three Councillors from the main Licensing Committee will sit to hear applications where representations have been received from interested parties and responsible authorities. Ward Councillors will not sit on a Sub-Committee involving an application within their ward.
- 36.3 Where a Councillor who is a member of the Licensing Committee is making or has made representations regarding a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision making process affecting the licence in question.
- 36.4 The Council's Licensing Officers will deal with all other licensing applications where either no representations have been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary.
- 36.5 Decisions as to whether representations are irrelevant, frivolous or vexatious will be made by Council Officers, who will make the decisions on whether representations or applications for licence reviews should be referred to the Licensing Sub-Committee. Where representations are rejected, the person making that representation will be given written reason as to why that is the case. There is no right of appeal against a determination that representations are not admissible.
- 36.6 The table shown at **Annex 3** sets out the agreed delegation of decisions and functions to Licensing Committee, Sub-Committee and Officers.
- 36.7 This form of delegation is without prejudice to Officers referring an application to a Sub-Committee or Full Committee if considered appropriate in the circumstances of any particular case.

38 Contacts

- 38.1 Further information about the Gambling Act 2005, this Statement of Licensing Policy or the application process can be obtained from:

Public Protection Team
North Norfolk District Council
Holt Road
Cromer
NR27 9EN

Tel: 01263 516189
E-mail: Public.Protection@north-norfolk.gov.uk
Website: www.northnorfolk.org

- 38.2 Information is also available from:

Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

Tel: 0121 230 6666
Website: www.gamblingcommission.gov.uk

Annex 1

List of Persons Consulted

North Norfolk District Council

Gambling Commission

Norfolk Constabulary (Chief Officer of Police and the Police and Crime Commissioner)

Norfolk Fire Service

Norfolk Safeguarding Children Board

Norfolk County Council

HM Revenue and Customs

Norfolk Trading Standards

Public Health, Norfolk County Council

Association of British Bookmakers

Gamblers Anonymous

Gamcare

Responsible Gambling Trust t/a Gambleaware

British Amusement Catering Trade Association (BACTA)

British Beer and Pub Association

Housing Associations;

- Broadland Housing Association
- Cotman Housing Association
- Orbit Housing Association
- Peddars Way Housing Association
- Victory Housing Trust
- Wherry Housing Association

Market Town Surgeries;

- Cromer Group Practice
- Staithe Surgery, Stalham
- Paston Surgery, North Walsham
- Fakenham Medical Practice
- Holt Medical Practice

Norfolk Chamber of Commerce and Industry

Association of Licensed Multiple Retailers

Gambling Therapy, Gordon Moody Association, Dudley

Parish Clerks and Town Councils

Holders of Gambling Act 2005 licences/permits and registrations issued by North Norfolk District Council

Annex 2

RESPONSIBLE AUTHORITIES	
<p>The Licensing Authority North Norfolk District Council Holt Road Cromer Norfolk NR27 9EN</p> <p>Tel: 01263 516189 Email: Public.Protection@north-norfolk.gov.uk</p>	<p>The Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP</p> <p>Tel: 0121 230 6666 Email: info@gamblingcommission.gov.uk</p>
<p>The Chief Officer of Police Norfolk Constabulary Licensing Team, Bethel Street Norwich NR1 1NN</p> <p>Tel: 01603 276024 Email: licensingteam@norfolk.pnn.police.uk</p>	<p>Fire Authority Divisional Commander Fire Station Friars Lane Great Yarmouth NR30 2RP</p> <p>Tel: 01493 843212 Email: Gtyar@fire.norfolk.gov.uk</p>
<p>Planning Authority North Norfolk District Council Holt Road Cromer Norfolk NR27 9EN</p> <p>Tel: 01263 516150 Email: planning@north-norfolk.gov.uk</p>	<p>Environmental Health North Norfolk District Council Holt Road Cromer Norfolk NR27 9EN</p> <p>Tel: 01263 516085 Email: ep@north-norfolk.gov.uk</p>
<p>Norfolk Safeguarding Children Board, Room 60 Lower Ground Floor County Hall Martineau Lane Norwich NR1 2DH</p> <p>Tel 01603 223409 Email: nscb@norfolk.gov.uk</p>	<p>HM Revenue and Customs National Registration Unit Betting & Gaming Portcullis House 21 India Street Glasgow G2 4PZ</p> <p>Tel: 0300 200 3700 Email: NRUBetting&Gaming@HMRC.gsi.gov.uk</p>

Annex 3

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING COMMITTEE/ SUB-COMMITTEE	OFFICERS
Final Approval of Statement of Principles	X		
Policy to permit casino	X		
Fee Setting - when appropriate			X (with Cabinet approval)
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Determination of Small Society Lottery applications			X

Summary of responses to the consultation on the Gambling Policy:

1. Gosschalks Solicitors; made the following comments;

Considerations specific to the Draft Gambling Licensing Policy On behalf of the ABB, we welcome the light touch approach to the draft Gambling Licensing Policy and have very few comments. The comments that we do have are below:-

Part B – 13 - Location

There is a sentence within paragraph 13.1 that should be deleted. This sentence refers to the potential for a policy to be determined with regard to areas where gambling premises should not be located. The Gambling Licensing Policy is clear that if such a policy is adopted then the Gambling Licensing Policy would be updated. The sentence should be removed as any policy relating to areas where gambling premises should not be located is likely to be unlawful and is certainly contrary to the overriding principle contained within S153 Gambling Act 2005 that the licensing authority should aim to permit the use of premises for gambling.

Part B – 18 – Conditions

The paragraph explaining the licensing authority's approach to the imposition of conditions would be assisted by a clear explanation that all Gambling Act 2005 premises licences are subject to mandatory and default conditions which are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives.

Furthermore, this section should be clear that additional conditions will only be imposed where there is evidence of a risk to the licensing objectives in the circumstance of a particular case that requires that the mandatory and default conditions be supplemented.

The draft Gambling Licensing Policy should be clear that additional conditions will not be imposed simply where there is a "perceived need" (paragraph 18.2) or where "it is believed to be appropriate" (paragraph 9.1).

2. HMRC; commented to amend their postal address – which will be updated.
3. The Gambling Commission commented that at Section 14 it appear that Local Area Plans had been confused with Local Risk Assessments, the Section header will be amended to provide clarification with the insertion of 'Local Area Risk Assessments and' Local Area Profiling.
4. Gamcare provided a general submission with regard to following the Gambling Commission Guidance, but made no specific comments on our Statement of Policy. No changes will be made in relation to this submission.

LICENSING AND APPEALS COMMITTEE

Minutes of a meeting of the Licensing and Appeals Committee held at 10.00 am on 16 July 2018 in the Council Chamber, Council Offices, Holt Road, Cromer.

Members Present:

Dr P Bütikofer	Mr J Rest
Mrs A Claussen-Reynolds	Mr R Reynolds
Mrs P Grove-Jones	Mr R Shepherd
Mr S Hester (Chairman)	Mrs V Uprichard
Mr M Knowles	

Non- Committee Members present:

Mr B Hannah

Officers in attendance:

Public Protection Manager, Legal Advisor and Democratic Services Manager

1 APOLOGIES FOR ABSENCE

Mr B Smith, Mrs M Millership, Mr P W Moore and Mr N Pearce.

2 PUBLIC QUESTIONS

None received.

3 MINUTES

The minutes of the meeting of the Licensing and Appeals Committee held on 15 May 2018 and Licensing and Appeals Sub-Committees held on 02 May and 13 June 2018 were approved as correct records and signed by the Chairman.

4 ITEMS OF URGENT BUSINESS

None.

5 DECLARATIONS OF INTEREST

None.

6 REVIEW OF GAMBLING POLICY 2018-19

The Public Protection Manager presented the draft revisions to the Council's Statement of Principles under the Gambling Act 2005. She explained that it had been updated based on comments received as well feedback from training and events.

1. Cllr P Grove-Jones asked whether the policy covered slot machines. The Public Protection Manager explained there were two types – lower stake slot machines

were covered by a permit whereas higher stake machines required a licence. Cllr Grove-Jones said that she was referring to children's slot machines. The Public Protection Manager replied that these were part of family entertainment centres and were licensed as such.

2. Cllr R Reynolds asked about risk assessments and how they were being shared. The Public Protection Manager replied that there was guidance on what should be taken into consideration. She added that each case was assessed individually against the guidance and legislation.
3. Cllr J Rest raised concerns about live television in family areas such as pubs. He said that the content being shown was not always suitable for children and queried whether this was covered by a licence. The Public Protection Manager replied that a separate authority was responsible for overseeing television rights.
4. Cllr B Hannah asked how often the Council received no response when contacting consultees regarding a licensing application. The Public Protection Manager replied that where there was a safeguarding issue then a response would always be received from Children's services and the Police. Regarding the Gambling policy, she said that the Gambling Commission was looking at consulting with all responsible agencies and a meeting would take place soon. Cllr Hannah said that he felt that a lack of response was not acceptable and that it could leave the Council exposed. The Public Protection Manager said that consultees were always asked to respond but that the Council could not require them to answer. However, if it was a safeguarding issue then it would always be followed up with the relevant agency.
5. Cllr P Grove-Jones referred to a situation where school children may be truanting and accessing betting shops and queried which authority would be responsible. The Public Protection Manager replied that license holders had a duty and responsibility to address such a situation but if the police were involved then the Council would be notified and the Gambling Commission would review the licence.
6. Cllr A Claussen-Reynolds said that she agreed with Cllr Hannah's earlier comments and she had raised the problem regarding the lack of response from consultees previously. She also queried the process for the setting of licensing fees. The Public Protection Manager explained that gambling fees were set by a different process to other licensing fees but that other fees would come to Licensing & Appeals Committee before going through to Cabinet.
7. Cllr J Rest asked about online gambling in pubs. The Public Protection Manager said that it was dealt with by the Gambling Commission.
8. Cllr P Grove-Jones asked whether a copy of the current gambling fees could be circulated to committee members and whether they could be amended. The Public Protection Manager replied that all licensing fees were currently being reviewed. She explained that some were set to be equivalent to neighbouring local authorities and some were set by statute. She advised Cllr Grove-Jones that the Gambling policy document that they were discussing was outside the fee setting process.
9. Cllr A Claussen-Reynolds raised concerns about door to door salesmen selling gambling slips and scratch cards. The Public Protection Manager replied that this would be covered by the Gambling Commission but she would check as the Council had responsibility for some lottery licenses.

Before moving to the recommendations, the Chairman said that he had two points that he wished to raise;

- i. That more should be done to safeguard vulnerable children and one way would be to black out gaming machines in shop windows.
- ii. Consideration of implementing a blanket ban on fruit machines in pubs with a restaurant attached, however, he had been advised that this was not possible.

Cllr B Hannah said these were interesting points and he suggested writing to the Gambling Commission querying whether they could be looked at.

The Chairman said that it would be helpful if the Council undertook a data gathering exercise with the public to gauge their views on gambling.

Cllr Grove-Jones said that she would be concerned about any attempt to make the District a gambling free area.

Dr P Bütikofer agreed, saying that such a policy could impact on family entertainment centres in seaside resorts.

Cllr V Uprichard said that she could not support a ban on gambling as it was a large industry which generated a lot of jobs locally.

The Chairman said that he was not suggesting a ban on gambling just information on the level of income it brought into the District and which groups of people were involved in gambling.

Cllr R Reynolds said that he was concerned that this could involve a lot of work and it was not clear what the outcome would be.

The Public Protection Manager concluded this item by advising Members that the closing date for comments on the revised Gambling policy was 3rd September 2018.

RESOLVED

That the proposed revisions to the Council's Statement of Principles under the Gambling Act 2005, be recommended to Council for approval and then published in accordance with legislative requirements.

7. UPDATE ON GENERAL LICENSING ISSUES

The Public Protection Manager updated the Committee on the following matters:

Premises License applications

One of the conditions imposed by the sub-committee for the premises licence application considered in May had been appealed by the applicant. The Council was looking into it and was hopeful of addressing before it went to the Magistrate's Court.

Animal Welfare Regulations

Lots of guidance was still to be issued on this before it could be taken forward. It was hoped that the guidance would be available before the end of July but it was a tight deadline.

Norfolk Licensing Forum

The Forum met in June and it was agreed to look at the current fee system to ensure that that it was working consistently.

Training

A training session was organised for September on the application of the risk assessment process to ensure consistency. There would also be street license training in September before new regulations came into force on 1 October 2018.

The Institute of Licensing National Training Conference was taking place in November. It was likely that the Portfolio Holder would be attending again together with some officers from the Licensing team.

Hackney Carriage Fare increases

The letters had been sent out and no objections had been received. The new fares would be effective from 1st August 2018.

Safeguarding

Concerns had been raised regarding contact between the Local Authority Dedicated Officer (LADO) and national safeguarding officers. It appeared that they were not always receiving information and the Council had been asked to ensure that they were included.

Business Process Review

The implementation of the new database was taking considerable time. It was hoped that glitches in the system would be addressed in the next few days.

Wrestling

There was a requirement for there to be a medical practitioner in attendance at wrestling events. Going forward it would be made clear that the medical practitioner must be certificated.

Questions:

1. Cllr A Claussen-Reynolds asked for further information on the appeal to the premises license application. The Public Protection Manager explained that it related to the requirement to limit numbers on site. The wording was not clear and had impacted on another license already in place.
2. Mr B Hannah raised his previous concerns about a lack of response from consultees. It was proposed by Cllr A Claussen-Reynolds, seconded by Cllr J Rest and

RESOLVED

That when the Council received a license application and sought the views of responsible agencies, if no reply was received it was assumed that there were no issues. This was not acceptable as it could leave the Council vulnerable to challenge, therefore a response was required, even if it was 'no comment'.

25. UPDATE ON TASK AND FINISH GROUPS

Dr P Bütikofer asked whether the Taxi Handbook was now approved. The Public Protection Manager explained that it was still in progress as further work was needed on CCTV requirements.

Cllr P Grove-Jones commented that the Task and Finish Group for street vendors had only met once and she queried whether there would be any more meetings as she was concerned about 'chuggers' (licensed charity collectors). The Public Protection Manager replied that one of her colleagues had dealt with this task and finish group and she would look into it. She clarified that direct debit collections were not dealt with by NNDC. Charities were covered by a national certificate allowing them to collect. She added that if there were specific complaints the Licensing team could take them forward. The Chairman agreed, saying it was a national issue but Members could offer advice and support to their constituents.

Cllr A Claussen-Reynolds asked if scrap metal dealers were licensed. The Public Protection Manager confirmed that they were but not necessarily by NNDC.

The meeting closed at 10.50 am.

Chairman

Fakenham Extra Care Scheme – Funding Request

Summary: This report recommends the provision of financial assistance in the form of grant or an interest free loan up to a maximum of £425,000 to Housing and Care 21 to support the delivery of an Extra Care scheme of 66 flats at Fakenham.

Options considered: Option 1: Do not provide a grant or interest free loan. This option is not recommended as it will have a detrimental impact on the deliverability of the Fakenham Extra Care scheme. The scheme is required to meet the housing and care needs of older people in the Fakenham area.

Option 2: Provide grant funding or an interest free loan of up to a maximum of £425,000 to address the gap in funding needed to achieve the delivery of the Fakenham Extra Care scheme.

Conclusions: Norfolk County Council has identified a need for more Extra Care properties in North Norfolk with an extra 486 individual properties required by 2028. The Strategic Housing Team have been working for some time to deliver an Extra Care scheme in Fakenham and in 2016 planning consent for a scheme of 66 Extra Care flats on Trinity Road was granted. Unfortunately, delivery of the Extra Care scheme stalled due to uncertainty around the rent regime which would apply to the scheme if built.

When sufficient clarity on the rent regime emerged, work to deliver the Extra Care scheme resumed and as part of this a number of changes to the design of the scheme to ensure that it is the optimum design to meet the current and future needs of residents have been made. The costs of delivering the scheme are now known and it has been identified by Housing and Care 21 (the Registered Provider which will deliver and own the scheme) that the level of grant funding needed is at a level which will be extremely unlikely to be met by Homes England. As a result, Housing and Care 21 have asked the Council and Norfolk County Council if they can provide funding to support the delivery of the scheme.

Whilst the Council no longer provides grant funding, the provision of grant funding or an

interest free loan will significantly enhance the deliverability of this scheme. The maximum funding the Council is being asked to provide is £425,000 but as the request for financial assistance has also been made to Norfolk County Council, the amount of funding required may be less than £425,000. Overall the provision of funding as a grant or interest free loan, in this case, is considered appropriate.

This report therefore recommends that the Council agrees to provide a grant or interest free loan to Housing and Care 21 of up to a maximum of £425,000.

- Recommendation:
1. **Cabinet recommends to Full Council the approval of capital expenditure to provide financial support for the Fakenham Extra Care Scheme in the form of either a grant or interest free loan to Housing and Care 21 of up to a maximum of £425,000 to be funded from capital receipts. Approval of the final amount and type of funding to be provided to be delegated to the Head of Finance and Asset Management in conjunction with the Portfolio Holder for Housing, Planning and Planning Policy.**

- Reasons for Recommendation:
- To support the Council's Corporate Plan priorities of:
- Addressing the housing and infrastructure needs for local people whilst meeting the market demand for housing by supporting the delivery of new housing across the district.
 - A district with vibrant communities and where healthy lifestyles are accessible to all through supporting the delivery of Extra Care housing which meets the housing and care and support needs of older people.

LIST OF BACKGROUND PAPERS AS REQUIRED BY LAW
(Papers relied on to write the report and which do not contain exempt information)

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Cabinet Member(s) Cllr S Arnold	Ward(s) affected Lancaster North and Lancaster South
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Contact Officer, telephone number and email: Nicola Turner, 01263 516222, Nicola.Turner@north-norfolk.gov.uk and Lucy Hume, 01263 516246, Lucy.Hume@north-norfolk.gov.uk
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1. Introduction

- 1.1 On 18 October 2016, planning permission was granted for the development of land off Trinity Road, Fakenham for 101 homes of which 66 relate to an Extra Care housing scheme to meet the needs of older people. The Extra Care scheme consists of a three storey building containing 27 x one bedroom flats and 39 x two bedroom flats as well as extensive communal areas. Extra Care is a term used to describe schemes which provide self-contained housing with onsite access to personal care which is available 24hrs a day 7 days a week. Extra Care has commonly been called Housing with Care in Norfolk but is known as Extra Care across the country. Extra Care schemes are key to allowing older people to be independent for longer and can prevent or delay older people having to move into residential care.
- 1.2 When planning permission was granted, it was expected that all 101 homes would be delivered as one development providing a mixture of general needs affordable homes and specialist supported housing. Unfortunately, this was not possible and whilst the general needs homes were completed in August 2018, the delivery of the Extra Care Scheme was stalled by uncertainty as to the rent regime which would apply to supported housing schemes from April 2020 onwards as a result of a proposal to cap rent and service charges to Local Housing Allowance rates. This proposal made the Fakenham Extra Care scheme and similar schemes elsewhere in the country unviable and unable to proceed.
- 1.3 On 31 October 2017, government consulted on new proposals for supported housing schemes which addressed, in relation to older persons housing and other long term supported housing schemes, the majority of the concerns about the new funding regime. Discussions resumed with the landowner who had secured the planning consent for the scheme and a Registered Provider to bring forward the scheme as soon as possible.
- 1.4 Norfolk County Council have recently produced a new Extra Care Strategy called Living Well: Homes for Norfolk and in July released the Living Well: Homes for Norfolk Position Statement which sets out an approach which will seek to increase the pace and quantity of new Extra Care properties being delivered across Norfolk. To support this increase in delivery, the Position Statement proposes that, subject to Committee approval in October, the County Council will provide grant funding to support the delivery of Extra Care schemes. This reflects the County Council's commitment to reducing the use of residential care and the fact that Extra Care provision will meet a wider range of needs, provides more choice and personalisation of care provision for care users and delivers better value for money for the County Council.

Residents of Extra Care properties require less care provision than those who live in the community, have less care admissions and for those with a care package before they move a consequence of their move to Extra Care is the reduction in their formal care package. Extra Care therefore has a positive impact on health and wellbeing. Increasing Extra Care provision may therefore also have a positive impact on the County Council's requirement to fund care provision.

- 1.5 In preparing the new Living Well: Homes for Norfolk Strategy the County Council undertook a review of existing Extra Care provision and identified the ongoing need for such schemes across Norfolk. This shows that by 2028, in North Norfolk, an extra 486 individual Extra Care properties located in schemes across North Norfolk are required.
- 1.6 As the Fakenham scheme has planning permission, the Strategic Housing Team have had ongoing discussions with the County Council about how the care provision in the scheme would operate once it was able to be delivered. It has been agreed with the County Council that the Fakenham Extra Care scheme can be a proof of concept scheme which will introduce a new model of care for Extra Care schemes which is integral to the new approach for Extra Care schemes set out in the Living Well: Homes for Norfolk strategy and position statement. The new model is used successfully elsewhere in the country but represents a new approach for Norfolk schemes. The new model will address many of the issues associated with the existing Extra Care schemes in North Norfolk, by removing a minimum care requirement for any resident who is not a nominee of Norfolk County Council. It will operate by including a charge – currently called a Wellbeing Charge – which relates to the cost of providing 24 hr onsite care staff to meet unplanned care needs within the service charge which all residents will be required to pay. For residents with a current assessed personal care need this charge will be in addition to any contribution they pay towards the cost of their planned care. The new model is supported by this Council as it will allow Extra Care schemes to meet a wider spectrum of needs and is integral to Extra Care becoming a main stream housing option for older people.

2 Current Position

- 2.1 Housing and Care 21, a national Registered Provider specialising in supported housing including Extra Care are working with the Council and the landowner to bring forward the Fakenham Extra Care scheme. They are proposing that 30 of the flats will be for rent and 36 will be sold on a shared ownership basis. The inclusion of Extra Care homes for shared ownership is welcomed it reflects the fact that the majority of older people in North Norfolk own their own homes outright and when moving home many want to retain a financial stake in their new home.
- 2.2 The Extra Care scheme was designed by the landowner and Housing with Care 21 and the Strategic Housing Team have asked for some design and specification changes to further enhance the quality of the proposed scheme and to ensure it can meet the needs of a wider

group of residents. Housing and Care 21's changes are to ensure the scheme meets its internal Extra Care design requirements and they have also required that as part of the build, a sprinkler system is installed. Overall, these changes are predominately internal, but some, minor changes are proposed to the external appearance and footprint of the scheme, reflecting the need to increase the amount of natural light and visual interest in the main corridors by stepping out some parts of the building slightly. In addition, reflecting increases in build costs since planning consent was issued and the costs of the required changes, the building will no longer have a basement or require a service road to access the basement. An application to amend the approved scheme is expected imminently to reflect these design changes to the overall building. A copy of the amended plans for the Extra Care Scheme are attached at Appendix .

- 2.3 The impact of the design and specification changes and the need to ensure that rents and service charges are affordable has increased the amount of grant funding from Homes England (formerly known as the Homes and Communities Agency) that the scheme will need to be delivered. As a consequence, the grant levels required for the Fakenham scheme are higher than average grant rates for similar schemes. In order to reduce the grant level to an amount which Homes England will be able to support through the Care and Support Specialised Housing Fund, Housing and Care 21 have asked the Council and Norfolk County Council if funding of £425,000 is available to support delivery of the scheme. £425,000 represents the total funding sought from this Council and / or Norfolk County Council. This funding has two benefits, it reduces the overall grant level to be sought from Homes England to a level which is more likely to be approved and confirms that the councils are fully supportive of the scheme. Discussions are underway with Norfolk County Council as to the level of funding, if any, which the County Council can provide.
- 2.4 The Council no longer provides grant funding to support the delivery of affordable housing as it represents a one off use of capital receipts or reserves which is not a sustainable approach for the Council. Therefore, the Council does not have an existing budget which could be used to provide the required financial assistance for the Fakenham Extra Care scheme. This report therefore seeks approval for the use of up to £425,000 of capital receipts to provide the required grant or interest free loan funding. Furthermore, it delegates decision making on how much funding should be provided and the form that funding should take to the Head of Finance and Asset Management in conjunction with the Portfolio Holder for Housing, Planning and Planning Policy, reflecting the fact that it is unknown at present whether this Council will be required to fund the whole £425,000 or part of it.
- 2.5 The requested funding of up to £425,000 would only be provided in relation to the rented affordable homes and provision of the funding will be conditional on Homes England's grant funding for the scheme being secured. 80% of the funding would be provided on receipt of confirmation that a start on site has been made, with the remaining 20% paid on receipt of confirmation that the homes are practically complete. The Council will receive nomination rights for the

properties in accordance with the requirements of the Section 106 Agreement which accompanies the planning approval. If Norfolk County Council provide some of the £425,000 requested they are also likely to seek nomination rights for some of the rented homes as part of the scheme; and if so, their nominees will have as a minimum, an assessed need for four hours of planned personal care per week.

3 Implications and Risks

- 3.1 Currently there is a risk that without the requested financial assistance for the Fakenham Extra Care scheme, Housing and Care 21 will be unsuccessful in securing sufficient Homes England grant monies for it to be built out. If this happens, the landowner could decide to secure an alternative use for the site. The site of the Fakenham Extra Care scheme is opposite Fakenham medical centre with a supermarket and pub restaurant close by. The site is part of the Fakenham Urban Extension site and will ultimately be part of a wider new community. The site therefore represents an optimum site for an Extra Care scheme and on this basis, the Strategic Housing Team have sought to secure the delivery of this scheme for some time recognising that there is no other, available and suitable, site in Fakenham for the scheme. Whilst another site may be able to be secured as part of the Fakenham Urban Extension site, it would delay the delivery of an Extra Care scheme in Fakenham – potentially for years.
- 3.2 If the current site is lost, it would leave the Council with only 70 flats of Extra Care (located in Cromer and High Kelling) to meet the needs of older residents for housing and care. Census data shows that North Norfolk has one of the highest proportion of older people in England and Wales and it is also known that the proportion of older old people is also rapidly increasing.
- 3.3 If the Council (and potentially Norfolk County Council) agree to provide the requested funding of £425,000 it will significantly increase the likelihood of the application to Homes England for the remaining grant to be successful. Subject to this funding it is expected that construction on the Fakenham Extra Care scheme would start by the end of this year at the latest (if not by late Autumn) with the build expecting to take 18 months. As marketing of the scheme's availability to potential residents would start in advance of the scheme's physical completion, new residents would be able to move in as soon as the communal areas have been fitted out and individual flats are complete. The Fakenham Extra Care scheme therefore represents a quick win to meet the housing, care and support needs of older people in the Fakenham area.
- 3.4 There is a risk that the application for an amendment to the approved design of the Extra Care scheme will not be approved. Any decisions the Council makes to provide the requested financial assistance for the scheme are separate to the decisions the Council will make as the Local Planning Authority and so it cannot be assumed that a decision to provide funding for the scheme guarantees the approval of an application to amend the existing approved design of the Extra Care scheme. This risk is mitigated against to some extent because the changes are mainly internal. The proposed changes to the external

appearance of the scheme will have the benefit of removing the basement and associated service road, allowing more landscaping to be provided on that part of the site. The external changes will also provide additional visual interest by creating a less formal footprint. Whilst the changes will increase the footprint of the scheme, the overall increase is not material. Such changes are likely to be supported by the planners. If, however, the application to amend the design is not approved, the originally consent scheme could still proceed but would not be the optimum design.

4 Financial Implications and Risks

- 4.1 Housing and Care 21 have provided information on the total costs of developing the Extra Care scheme and the level of grant funding which will be sought from Homes England which is shown within Confidential Appendix as this information is commercially sensitive. The financial information provided has been reviewed and it is considered that the request for funding of £425,000 is appropriate and proportionate to the overall costs of the scheme.
- 4.2 The provision of funding of up to a maximum of £425,000 funding to Housing and Care 21 for the Fakenham Extra Care scheme is a one off requirement and there is no ongoing requirement to provide any further capital funding. The funding sought reflects the costs associated with developing a scheme which was originally designed and gained planning consent in a different funding environment. On this basis, it is not considered that any precedent has been set for future schemes.
- 4.3 A financial appraisal of the impact of providing grant or loan funding for this scheme has been undertaken, and the annual opportunity cost of providing the funding (representing interest forgone on investment balances based on budgeted rate of return for the year) is £14,025, assuming that the Council provided the full £425,000 requested. There are no ongoing cash outgoings to the Council associated with this project. If an interest free loan is provided rather than a grant, the capital would be repaid within an agreed timescale which would mean from the point of repayment there was no further opportunity costs associated with the loan as the capital would then be available again to be reused or invested as required. If an interest free loan was used to provide financial assistance, the amount of loan is likely to be at the full amount of £425,000 irrespective of whether Norfolk County Council provide grant funding, as any interest free loan would need to provide the same benefit to the scheme viability that a grant provides.
- 4.4 The provision of grant funding and receipt of nomination rights triggers a VAT liability in relation to the grant funding. If the financial assistance is provided as a grant, the Council would agree to pay a grant of up to a maximum of £425,000 plus VAT of up to a maximum of £85,000. The Council can however, recover the VAT and therefore the total cost of the grant would not exceed £425,000.
- 4.5 It is recommended that the grant or loan funding is sourced from capital receipts. It is expected that the first tranche of funding would

be required to be paid in 2018/19 with the remaining funding paid in 2019/20 or 2020/21 depending on when construction commences.

5 Options Considered

- 5.1 Option 1: Do not provide a grant or interest free loan. This option is not recommended as it will have a detrimental impact on the deliverability of the Fakenham Extra Care scheme. The scheme is required to meet the housing and care needs of older people in the Fakenham area.
- 5.2 Option 2: Provide grant funding or an interest free loan of up to a maximum of £425,000 to address the gap in funding needed to achieve the delivery of the Fakenham Extra Care scheme.

6 Conclusions

- 6.1 Norfolk County Council has identified a need for more Extra Care properties in North Norfolk with an extra 486 individual properties required by 2028. The Strategic Housing Team have been working for some time to deliver an Extra Care scheme in Fakenham and in 2016 planning consent for a scheme of 66 Extra Care flats on Trinity Road was granted. Unfortunately, delivery of the Extra Care scheme stalled due to uncertainty around the rent regime which would apply to the scheme if built.
- 6.2 When sufficient clarity on the rent regime emerged, work to deliver the Extra Care scheme resumed and as part of this a number of changes to the design of the scheme to ensure that it is the optimum design to meet the current and future needs of residents have been made. The costs of delivering the scheme are now known and it has been identified by Housing and Care 21 (the Registered Provider which will deliver and own the scheme) that the level of grant funding needed is at a level which will be extremely unlikely to be met by Homes England. As a result, Housing and Care 21 have asked the Council and Norfolk County Council if they can provide funding to support the delivery of the scheme.
- 6.3 Whilst the Council no longer provides grant funding, the provision of grant funding or an interest free loan will significantly enhance the deliverability of this scheme. The maximum funding the Council is being asked to provide is £425,000 but as the request for financial assistance has also been made to Norfolk County Council, the amount of funding required may be less than £425,000. Overall the provision of funding as a grant or interest free loan, in this case, is considered appropriate.
- 6.4 This report therefore recommends that the Council agrees to provide a grant or interest free loan to Housing and Care 21 of up to a maximum of £425,000.

7 Sustainability

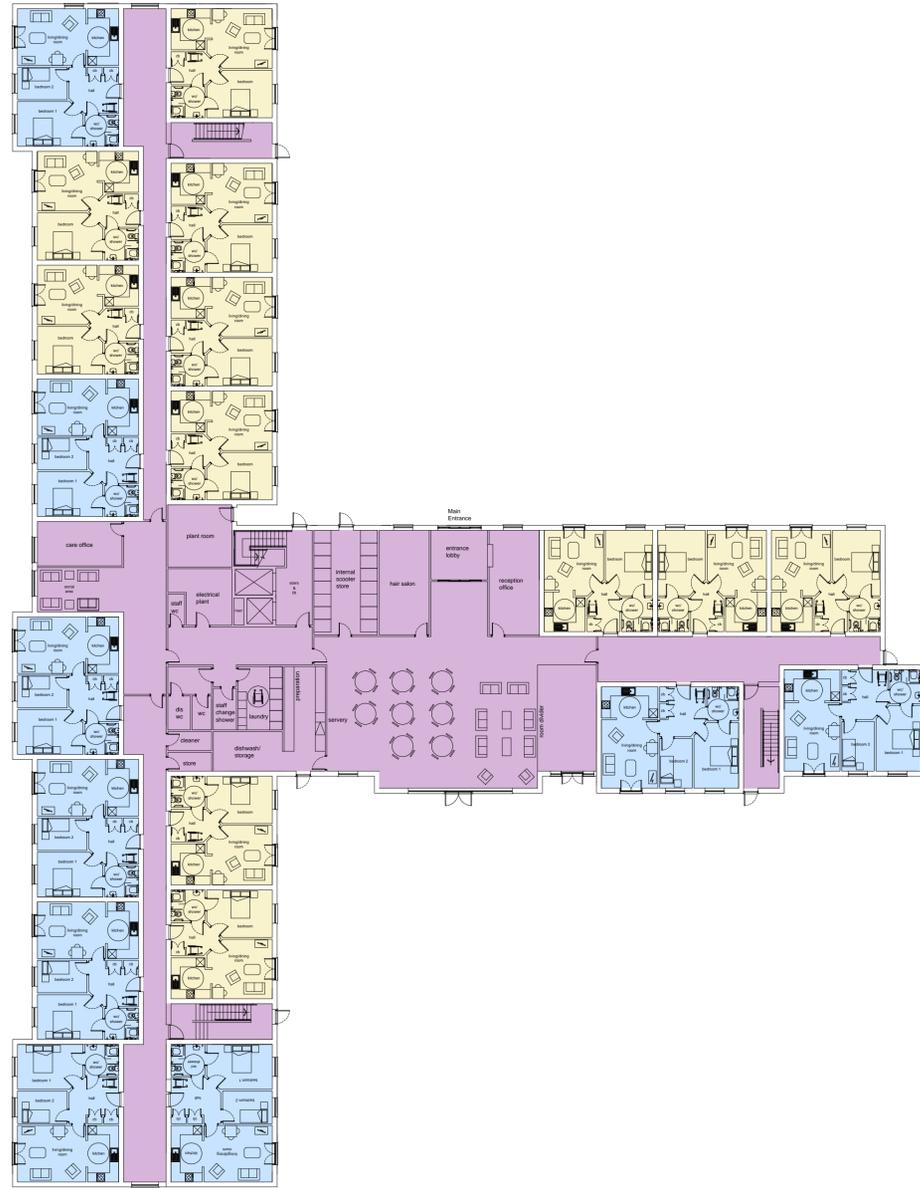
7.1 This report does not in itself raise any issues of sustainability. However, the Extra Care scheme will be constructed in accordance with current building regulation requirements.

8. Equality and Diversity

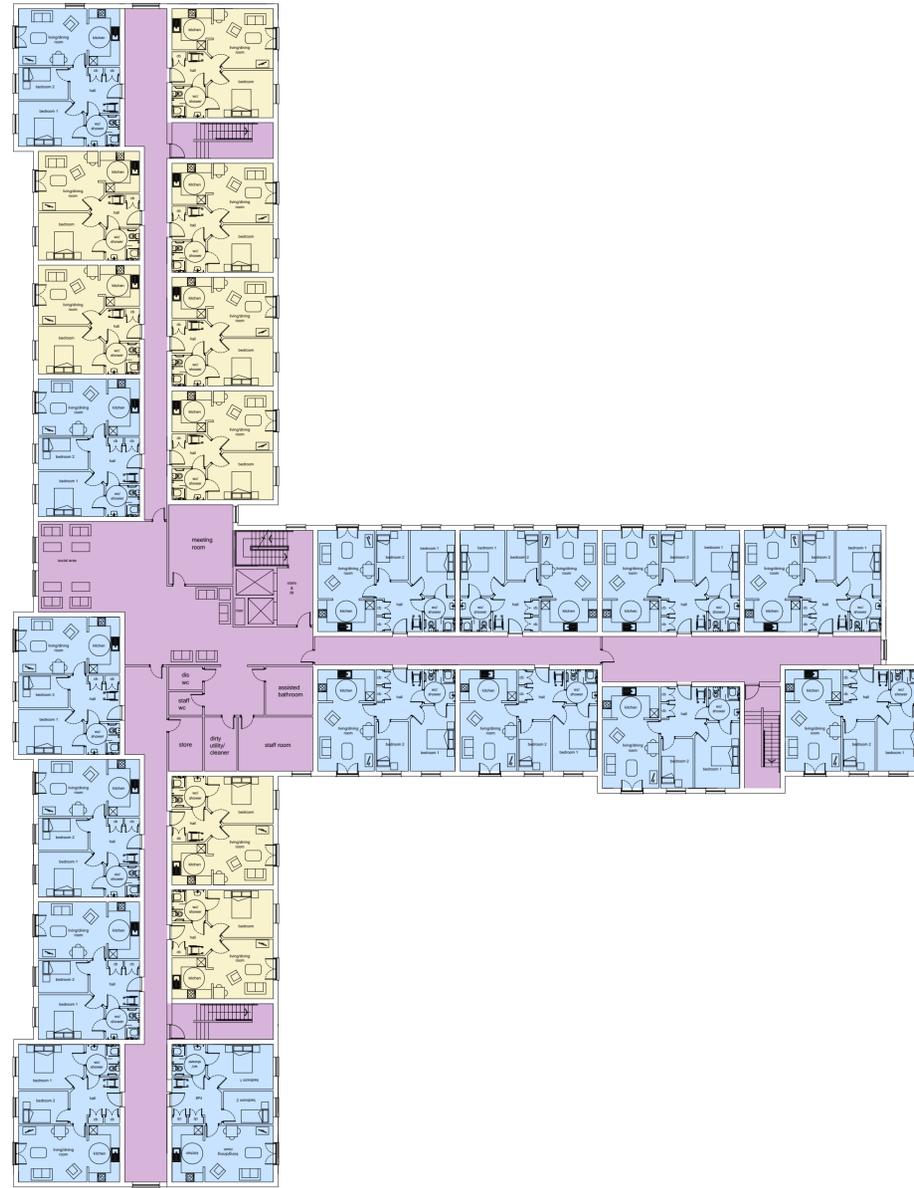
8.1 There are no equality and diversity implications directly associated with this report. It is however, noted, that the provision of an Extra Care scheme in Fakenham will provide specifically designed accommodation which is not otherwise available to meet the needs of older and disabled residents.

9 Section 17 Crime and Disorder considerations

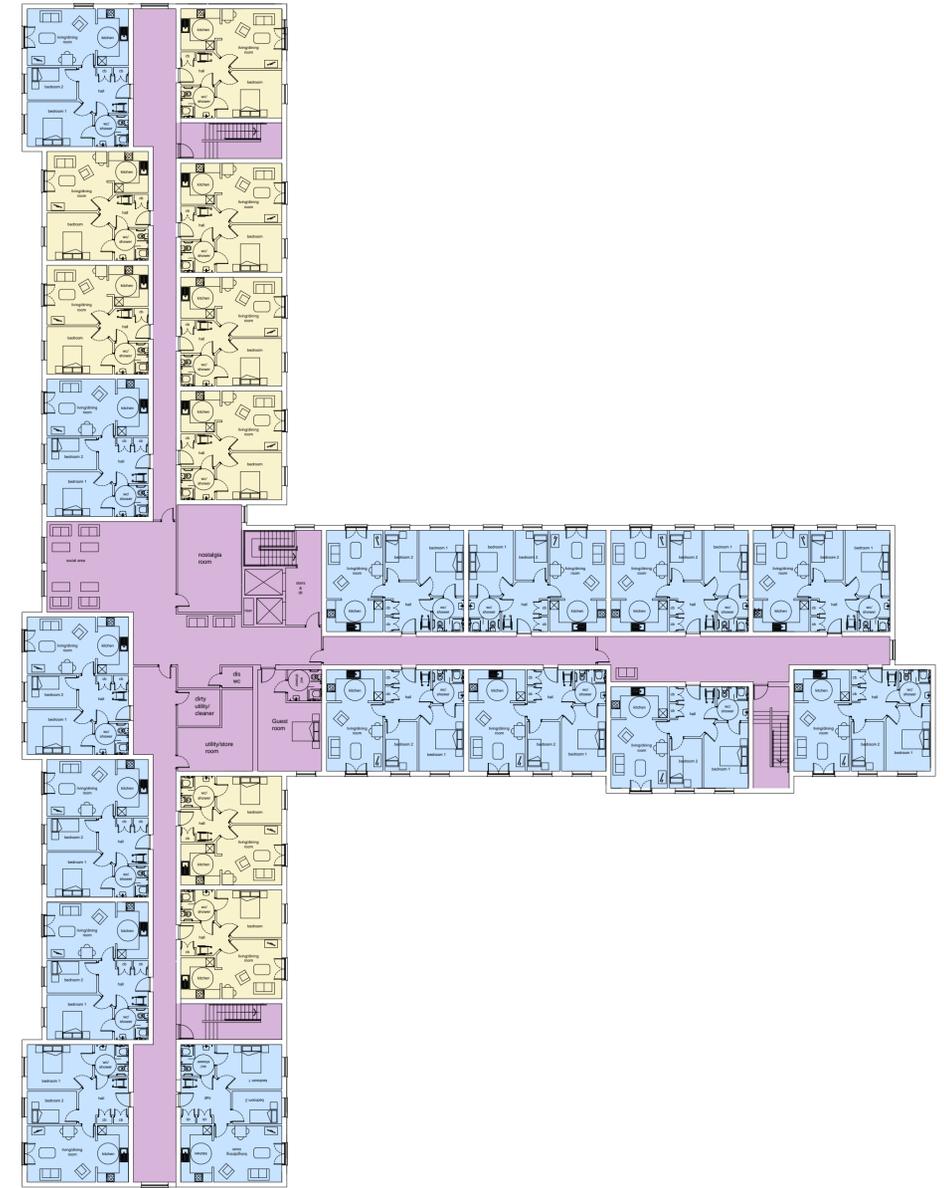
9.1 There are no Section 17 implications directly associated with this report.



GROUND FLOOR
GIA 2198m²
Common area 846m²
9 x 2 bed
11 x 1 bed



FIRST FLOOR
GIA 2198m²
Common area 560m²
15 x 2 bed
8 x 1 bed



SECOND FLOOR
GIA 2198m²
Common area 560m²
15 x 2 bed
8 x 1 bed



Public Convenience Strategy

Summary: This report outlines proposals to improve the standard and quality of the District Council's public conveniences as a key element of the district's local infrastructure. The report presents a number of options to improve the public convenience service and makes a number of recommendations for a programme of phased capital works to provide new, replacement and remodelled facilities over a five-year period.

Options considered: Do nothing

Explore transfer of public convenience provision to town and parish councils

Introduce charges

Invest in making improvements to the quality of the public convenience portfolio

Conclusions: The report makes a number of recommendations proposing investment in new and improvements to existing public conveniences in the District recognising their importance as key local infrastructure used by local residents and tourist visitors to North Norfolk.

Recommendations: **That Cabinet resolves:-**

1. To adopt the report as a statement of the Council's intent in wishing to provide good quality public toilet facilities in locations across the District, recognising that such facilities are key local infrastructure and support the District's thriving tourism economy; building on the District's reputation as "a better place".

2. That Cabinet approves a first phase of programmed works to include:-

- re-provision (rebuild) of the following facilities:-
- Stearmans Yard, Wells-next-the-Sea.
- Lusher's Passage, Sheringham.

Significant upgrades (to include re-modelling of facilities within the existing buildings) of the following facilities:-

- Queens Road, Fakenham
- New Road, North Walsham

A programme of refurbishment (to include deep clean of facilities, upgrading of lighting and internal and external redecoration, provision of new signage of the following facilities:-

- **Coast Road, Bacton**
- **Coast Road, Walcott**

Provision of new or significantly improved facilities at West Runton Beach Access and Cart Gap, Happisburgh as previously proposed as part of the Deep History Coast initiative and for which funds have previously been identified

That Cabinet recommends to Full Council:-

- 1. That a capital budget be established of £600,000 to fund Phase 1 of the Public Convenience Strategy, to be financed from the Invest to Save Reserve.**

Reasons
Recommendations: Sound management of the Council’s portfolio of public conveniences to provide high quality facilities in support of the District’s economy and reputation as “a better place”

Cabinet Member(s)	Ward(s) affected:
Cllr Richard Price	Most wards in the District

Contact Officer, telephone number and email:

Steve Blatch - 01263 516232

steve.blatch@north-norfolk.gov.uk

1.0 Background:-

- 1.1 North Norfolk District Council owns and operates 39 public conveniences in locations across the District and, against a trend of local authorities withdrawing from such provision due to increasing budget pressures, has maintained the number of facilities it provides, such that it has one of the largest stock of public convenience facilities of any local authority in the country (see Appendix 1 for comparisons).
- 1.2 Despite the financial constraints faced by all local authorities, North Norfolk District Council regards the provision of public conveniences as a key area of public service provision and local infrastructure, which is important to local residents and visitors to the District, underpinning the District’s tourism and town centre economies.
- 1.3 Cabinet has recently expressed a wish to improve the quality of public conveniences provided by the authority and has asked officers to advise on opportunities to develop a programme of improvements to include re-provision of some facilities through new build or major re-modelling of existing facilities, through to a more modest programme of deep cleaning, updating and re-decorating other facilities.
- 1.4 At the same time, the Council’s Overview and Scrutiny Committee has requested information regarding the current operation of the public conveniences provided by the authority to gain a better understanding of costs, cleansing regimes, opening hours etc.

1.5 This report therefore seeks to bring together these two pieces of work and provide the basis for the future allocation of resources, both capital and revenue, and possible revisions to operating arrangements – ie. opening hours, cleansing arrangements etc, with the objective of improving the standard and quality of the public conveniences provided by the Council, in support of the Council's Corporate Plan aspirations around supporting the local economy and vibrant communities whilst delivering quality, value for money services.

2.0 Current public convenience provision:-

2.1 North Norfolk District Council provides 39 public conveniences in locations across the District – including in seafront areas, public car parks, town and village centres and rural locations along the coast and within the Broads. A list of the public conveniences operated by the Council detailing location, type of facilities and opening hours is attached at Appendix 2 of this report.

2.2 The Council has, in recent years, attempted to improve the quality of its public convenience facilities as opportunities have presented themselves, particularly through siting new facilities alongside or within other facilities so as to provide passive surveillance and reduce incidents of vandalism and anti-social behaviour – such as at the North Norfolk Information Centre, Cromer Pier and Rocket House and the West Prom in Cromer and through the transfer of land at Station Approach, Sheringham to the North Norfolk Railway which is better placed to manage such facilities and extend opening hours around events etc.

2.3 However, this programme has not taken a strategic approach in seeking to improve facilities in locations across the district as a whole, such that the facilities in a number of locations, particularly the towns of Sheringham, Wells, Fakenham and North Walsham; together with some facilities at rural beach locations such as Bacton, Walcott and West Runton; are quite dated and modest in their provision.

2.4 Further, a number of facilities in the main tourist areas have seen a significant increase in use over recent years as the appeal of the District has increased, meaning that the capacity of the facilities is no longer considered to be sufficient to meet levels of use / demand, resulting in the Council incurring rising costs in servicing these blocks, in terms of cleansing and also more fundamentally in terms of blocked and failing sewer pipework servicing some facilities – this has particularly been the case with the facilities at Beach Road, Wells-next-the-Sea and The Leas in Sheringham.

2.5 In addition, there are increasing expectations around the provision of accessible toilets for people with a variety of disabilities and conditions, as well as demands for specialist Changing Places facilities with hoists for people with severe disabilities. At its meeting of October 2017 the Cabinet stated that it would wish to try to provide a Changing Place facility in each of the District's seven principal towns – either directly or in partnership with a private provider or the third sector, so as to meet this specialist need and increase the attraction of the District to all visitors.

2.6 There are also growing demands for gender-neutral toilets and the Council has made provision of such units in new toilets provided at Cromer West Promenade and Sheringham East Promenade, allowing easier maintenance and servicing as it is possible to close a single cubicle unit rather than a whole block in the event of vandalism, blockage, flooding etc.

2.7 Sadly some public convenience facilities are subject to mis-use including vandalism and anti-social behaviour, despite attempts at target hardening facilities and restricting opening hours of the facilities where such incidents occur. At other locations, such as a number of facilities in Cromer and the Station Approach toilets in Sheringham, the

Council and local partners (ie North Norfolk Railway) have incorporated public conveniences within other tourist facilities, which has reduced levels of vandalism through increased levels of oversight and allowed a higher standard of provision to be maintained.

- 2.8 However, the biggest challenge in providing a high standard of provision, particularly regular cleansing and servicing, is the cost of the servicing contract, where there are some issues of choice for the Council in terms of the contract specification. This contract would not generally allow the same standard of provision to be maintained compared to similar facilities in pubs, supermarkets and tourist attractions, as it is not considered possible to staff all the facilities operated by the Council, whatever the level of aspiration by the Council to improve the standard of provision. Some local authorities have introduced staffed facilities or charges in order to maintain a good quality public toilet service, but it is not believed that this would be a sustainable position in North Norfolk across a large number of facilities with differential levels of use based on location, season etc. The Council's position at this time therefore is to consider the extent to which it can improve the quality of the facilities through adopting new design features, improved cleansing regimes and reviewing opening / closing arrangements and hours, as detailed in Section 4 below.

3.0 Current service costs:-

- 3.1 The cost of the public convenience service to the Council over the past three years is shown in the table below, and the budget for 2018/19 is £722,000; including capital charges and support service costs.

Public Convenience Expenditure

	2015/16	2016/17	2017/18
	£000	£000	£000
Annual Cost including Capital and Internal Support Charges	669	653	707

- 3.2 The current public convenience cleansing contract is fulfilled by Kier, as part of the wider waste, recycling and cleansing contract let by the Council. The public convenience element of the contract involves the opening and closing of public conveniences on a daily basis and includes fault reporting which is then either dealt with by the Council's own internal maintenance team or contracted out to local suppliers as required under the guidance of the Property team.
- 3.3 The Property team is currently in the process of tendering for a package of small-scale works, which would help to pick up issues with public conveniences if there are capacity issues, or the scale of works is too large for the team internally.
- 3.4 Prior to Cabinet advising that they wished to see investment made in the quality of the public convenience provision, the Asset Strategy Manager had proposed commissioning condition surveys of the entire public convenience portfolio, in order to inform future asset management, maintenance and investment priorities. A tender document has been prepared to invite suitably qualified contractors to undertake surveys of all of the

Council's public convenience assets, which it was proposed would inform a future five-year investment programme to update our facilities.

- 3.5 An ongoing cost which the authority incurs in respect of public convenience provision is the cost of business rates for what are essential public facilities. Officers would therefore propose that the Council lobbies the Government regarding the possibility of business rate charges being removed from public conveniences.

4.0 Future service delivery options:-

- 4.1 In wishing to see the provision of improved public conveniences across the District a number of options could be considered by the Council, including:-

- Improving the physical environment of the existing public conveniences through the provision of better hand-driers, soap dispensers, mirrors, pegs for bags / coats, air-fresheners – involving some additional costs
- Increase cleansing / servicing frequency through new contract specification. This would be at an increased cost to the Council
- Electronic closing – estimated investment cost of £100,000; but saving of approx. £50,000 per annum as contractors would not need to visit each block to open and lock up each day. Installation of such equipment would also allow monitoring of the levels of use of each block, potentially informing future investment programme / new build provision or closure of facilities.
- Consider the introduction of charges at some or all sites – many other high-profile tourist areas have introduced charges to maintain or improve the quality of public convenience provision – Lake District, Cornwall, Scarborough Borough Council, Highland Council on Loch Ness. Charges could be introduced at a small number of high use facilities which offer a high quality “staffed” facility; but this is not seen as a sustainable proposal in wishing to see improved quality provision across the whole of the Council's public convenience portfolio.
- Out-source the operation of some facilities to town and parish councils – many local authorities have passed responsibility for the future provision of public conveniences to local communities and town and parish councils – some involving asset transfers, others under service level agreements. However, it is not believed that economies of scale would be realised under such an arrangement and therefore this option has not been considered further at this time, given the Cabinet's aspiration to see improved provision across the District as a whole.
- Update stock – either through internal refurbishments or development of new facilities which, through design, are easier to clean and maintain through modern flooring, wall and cubicle panels; reduced use of tiles; new sanitary-ware with limited visible piping and servicing etc. Such a programme of investment would also allow introduction of passive lighting and environmental measures to reduce costs.
- The Council restates its commitment to either direct or supported provision of Changing Place facilities in each of the District's principal towns in a location, which is served by public parking and accessible to main attractions and retail areas.

5.0 Provisional programme of improvements

5.1 With a portfolio of 39 public conveniences it will clearly not be possible for the Council to take forward a comprehensive programme of improvements to all its facilities at the same time based on capacity and cost. Some prioritisation of works will therefore be required and it is suggested that the Council makes a commitment to deliver a programme of improvements over a five-year period.

5.2 Initial Phase 1 proposals are therefore detailed below:-

- **re-provision (rebuild/remodelling) of the following facilities:-**
 - **Stearmans Yard, Wells-next-the-Sea** – this currently dated block of toilets is located in the centre of the NNDC Stearmans Yard public car park. The District Council operates three public convenience facilities in Wells-next-the-Sea, all of which are now quite dated and unable to meet the increased numbers of users / tourists visiting the town. Both the Beach Road and Newgates Lane facilities occupy constrained sites; whilst the Stearmans Yard site is a principal point of arrival for many visitors to the town and redevelopment of these facilities through a new build proposal could incorporate new and increased provision, as well as a Changing Place facility which the District Council previously suggested providing close to The Maltings complex. However, this proposal was not supported by Wells Town Council and the District Council has responded to these concerns by proposing to incorporate such a facility in the proposed provision of new toilets on the Stearmans Yard car park which provides dedicated Blue Badge parking spaces and can provide relatively safe, level access to the quay, Staithe Street and The Buttlands.
 - **Lusher's Passage, Sheringham** – this currently dated block of toilets is located in the centre of Sheringham towards the northern end of the High Street, set back a short distance from the central promenade area and close to amusement arcades, ice-cream shops and tourist shops. Other public convenience facilities in Sheringham exist on Station Approach (operated by the North Norfolk Railway); The Leas (West Promenade) and the East Promenade. Re-provision/re-modelling of these well-used central facilities through demolition of the existing building and redevelopment with a new building would provide better space utilisation on this constrained site at the centre of the town's tourist area.
- **Significant upgrades (to include re-modelling of facilities within the existing buildings) of the following facilities:-**
 - Queens Road, Fakenham
 - New Road, North Walsham
- **A programme of modest refurbishment (to include deep clean of facilities, upgrading of lighting and internal and external redecoration, provision of new signage) of the following facilities:-**
 - Coast Road, Bacton
 - Coast Road, Walcott
- **Provision of new or significantly improved facilities at West Runton Beach Access and Cart Gap, Happisburgh as previously proposed as part of the Deep History Coast initiative.**

6.0 Financial Implications and Risks:-

- 6.1 While £600,000 is a significant amount to invest in a non-statutory service there is an expectation from residents and visitors alike that there is good provision of public conveniences across the District.
- 6.2 However, this level of investment will see a significant improvement to a number of public convenience facilities provided by the Council across the District and will have a beneficial impact in terms of ongoing revenue costs and reactive works, which are far more costly by their very nature than planned works. The improved facilities will be more efficient to operate and there are opportunities outlined within this report, such as the automatic closing, that can be considered in the future in terms of further efficiencies. It is therefore recommended that these works be funded through the Invest to Save Reserve.
- 6.3 There is a risk that if the Council does not invest in these assets that the buildings and facilities will continue to deteriorate leading to increased responsive maintenance costs, undermining the Council's reputation and ambition as a quality tourism destination of choice.

7.0 Sustainability:-

- 7.1 It would be proposed that any development of new build facilities or major refurbishment of existing facilities would incorporate sustainable development principles of passive lighting, low water and energy use, reducing the ongoing revenue costs associated with the service.

8.0 Equality and Diversity:-

- 8.1 It would be proposed that any development of new build facilities or major refurbishment of existing facilities would incorporate enhanced provision of inclusive facilities such as improved accessible toilets (including Changing Places facilities in each of the District's principal towns); gender-neutral facilities and baby-changing facilities.

9.0 Section 17 Crime and Disorder considerations:-

- 9.1 It would be proposed that any development of new build facilities or major refurbishment of existing facilities would incorporate features designed to reduce vandalism and anti-social behaviour often associated with public toilets.

APPENDIX 1 - LOCAL AUTHORITY PUBLIC TOILETS

LOCAL AUTHORITY	NUMBER OF PUBLIC TOILETS AND INFORMATION
NORTH NORFOLK	39
Norfolk and Suffolk authorities	
Breckland	9
Broadland	5
East Suffolk (Waveney and Suffolk Coastal)	62 (2 Changing Places both in Felixstowe)
Great Yarmouth	18 + 1 Changing Place (transfer of some to parish councils)
Ipswich	19
King's Lynn & West Norfolk	20
Mid Suffolk / Babergh	15
Norwich	6 city centre, 12 in parks
St Edmundsbury / Forest Heath	11 (9 in St Edmundsbury and 2 in Forest Heath)
South Norfolk	5 (divestment strategy transfer to parish councils)
Other district authorities with strong tourism offer	
Allerdale	9
East Devon	27 (cleaned / serviced 3 x day summer, 2 x day winter)
East Lindsey	24
Eastbourne / Lewes	20 Eastbourne / 16 Lewes
Fylde / Wyre	12 Fylde / 20 Wyre (20p charge – operated by Danfo)
Harrogate	24
Lancaster	19 (includes Morecambe - operated by Danfo)
Purbeck	4 (plus community provision)
Scarborough	45 (6 of which have been transferred to Whitby Town Council and operated by Danfo Ltd)
South Hams	15? (With a 20p charge)
South Lakeland	? (many transferred to parish councils with charges)
Teignbridge	22
Tendring	32
West Dorset	26
Weymouth	19
Unitary authorities with strong tourism offer	
Blackpool	17
Cornwall	14 (transfer to parish councils, charging at busy sites)
East Yorkshire	35
Northumberland	52 plus 13 parish council operated
Torbay	28

NNDC PUBLIC CONVENIENCES

Town/Parish	SITE_NAME	Address	Opening Hours	Accessible	Baby Change
Bacton	PC Bacton Coast Road	Public Conveniences, Coast Road, Bacton, NR12 0AA	November - Mid March: Weekends; Mid March - October: Daily (locked at 7pm)	Yes	No
Blakeney	PC Blakeney Quay	Blakeney Point, The Quay, Blakeney, NR25 7NF	November - Mid March: Daily (locked at 5pm); Mid March - October: Daily (locked at 9pm)	Yes	Yes
Cromer	PC North Lodge Park	North Lodge Park, Overstrand Road, Cromer, NR27 0AH	November - Mid March: Daily (locked at 6pm); Mid March - October: Daily (locked at 8pm)	No	Yes
Cromer	PC Rocket House	Rocket House Cafe, Promenade, Cromer	All year (locked at Cafe closing)	Yes	Yes
Cromer	NNIC PC	North Norfolk Information Centre, Loudon Road, Cromer, NR27 9EE	November - Mid March: Daily (locked at 6pm); Mid March - October: Daily (locked at 8pm)	Yes	Yes
Cromer	PC Cadogan Road	Cadogan Road, Cromer, NR27 9HT	November - Mid March: Daily (locked at 6pm); Mid March - October: Daily (locked at 8pm)	Yes	Yes
Cromer	PC Cromer Pier	The Pier, Promenade, Cromer, NR27 9HE	November - Mid March: Daily (locked at 6pm); Mid March - End of August: Daily (locked at 9pm); September - October: Daily (locked at 8pm)	Yes	Yes

Cromer	PC West Promenade Cromer	(West Prom), Promenade, Cromer, NR27 9HE	November - Mid March: Daily (locked at 6pm); Mid March - End of August: Daily (locked at 9pm); September - October: Daily (locked at 8pm)	Yes	Yes
Cromer	PC Runton Road	Runton Road, Cromer, NR27 9AU	November - Mid March: Weekends; Mid March - October: Daily (locked at 9pm)	Yes	Yes
East Runton	PC East Runton	Beach Road, East Runton, NR27 9PA	November - December: Daily (locked at 5pm); January - Mid March: Closed; Mid March - October: Daily (locked at 8pm)	Yes	Yes
Fakenham	PC Bridge Street Fakenham	Bridge Street, Fakenham, NR21 9AG	November - Mid March: Daily (locked at 5pm); Mid March - October: Daily (locked at 6pm)	Yes	Yes
Fakenham	PC Highfield Road	Highfield Road, Fakenham, NR12 9DH	November - Mid March: Daily (locked at 5pm); Mid March - October: Daily (locked at 6pm)	Yes	No
Fakenham	PC Queens Road	Queens Road, Fakenham, NR21 8BS	November - Mid March: Daily (locked at 5pm); Mid March - October: Daily (locked at 6pm)	Yes	No
Happisburgh	PC Cart Gap	Cart Gap Road, Happisburgh, NR12 0QL	Mid March - October: Daily (24hrs)	Yes	No
Hickling	PC Hickling Staithe	Staithe Road, Hickling, NR12 OYJ	All Year: Daily (24hrs)	Yes	Yes

Holt	PC Albert Street	Albert Street, Holt, NR25 6HX	November - Mid March: Daily (locked at 5pm); Mid March - October: Daily (locked at 6pm)	Yes	Yes
Holt	PC Holt Country Park	Norwich Road, Holt, NR25 6SW	All Year: Daily (24hrs)	Yes	Yes
Horning	PC Swan Hotel Car Park	Lower Street, Horning, NR12 8AA	All Year: Daily (24hrs)	Yes	No
Hoveton	PC Station Road	Station Road, Hoveton, NR12 8UT	November - Mid March: Daily (locked at 5pm); Mid March - October: Daily (locked at 7pm)	Yes	Yes
Ludham	PC Ludham Bridge	Ludham Bridge, Ludham, NR29 5NX	November - Mid March: Weekends; Mid March - October: Daily (24hrs)	Yes	Yes
Ludham	PC Womack Staithe	Horsefen Road, Ludham, NR29 5QE	November - Mid March: Closed; Mid March - October: Daily (24hrs)	Yes	Yes
Mundesley	PC Marina Road/Beach Road	Marina Road Public Conveniences, Beach Road, Mundesley, NR11 8BG	November - Mid March: Daily (locked at 5pm); Mid March - October: Daily (locked at 8pm)	Yes	Yes
Mundesley	PC Mundesley Promenade	Beach Road, Mundesley, NR11 8BQ	November - Mid March: Closed; Mid March - October: Daily (locked at 8pm)	Yes	Yes
North Walsham	PC New Road	New Road, North Walsham, NR28 9DE	November - Mid March: Daily (locked at 5pm); Mid March - October: Daily (locked at 6pm)	Yes	Yes
North Walsham	PC Vicarage Street	Vicarage Street, North Walsham, NR28 9DQ	November - Mid March: Daily (locked at 5pm); Mid March - October: Daily (locked at 6pm)	Yes	Yes
Overstrand	PC Overstrand Promenade (Seasonal)	Promenade, Overstrand, NR27	Seasonal	No	No

Overstrand	PC Pauls Lane Car Park	Pauls Lane, Overstrand, NR27 0PF	November - Mid March: Weekends; Mid March - October: Daily (24hrs)	Yes	Yes
Potter Heigham	PC Bridge Road Potter Heigham (adj QD s	Bridge Road, Potter Heigham, NR29 5JD	End of October - mid March: Daily (locked at 5pm), mid March - end of October: Daily (locked at 8pm)	Yes	Yes
Sea Palling	PC Beach Road, Sea Palling	Beach Road, Sea Palling, NR12 0AL	November - Mid March: Daily (locked at 5pm); Mid March - October: Daily (locked at 8pm)	Yes	Yes
Sheringham	PC The Lees & Archway	The Lees, 2 The Promenade, Sheringham, NR26 8LG	November - Mid March: Daily (locked at 5pm); Mid March - October: Daily (locked at 8pm)	Yes	Yes
Sheringham	PC Lushers Passage	Public Conveniences,High Street,Sheringham,NR26 8JP	November - Mid March: Daily (locked at 5pm); Mid March - October: Daily (locked at 8pm)	Yes	Yes
Sheringham	PC East Promenade Sheringham	The Promenade, Sheringham, NR26 8BH	All year: Daily (locked at 8pm)	Yes	Yes
Stalham	PC High Street Stalham	High Street, Stalham, NR12 9BB	All Year: Daily (locked at 5pm)	Yes	No
Walcott	PC Walcott Coast Road	Coast Road, Walcott, NR12 0AP	All Year: Daily (locked at 7pm)	Yes	No
Walsingham	PC High Street Walsingham	Adj 46 High Street, Walsingham, NR22 6AA	All Year: Daily (24hrs)	No	Yes
Wells-next-the-Sea	PC Wells Quay	The Quay,Beach Road, Wells next the Sea, NR23 1DR	November - Mid March: Daily (locked at 5pm); Mid March - October: Daily (locked at 8pm)	Yes	Yes

Wells-next-the-Sea	PC Stearmans Yard	Freeman Street, Wells-next-the-Sea, NR23 1BW	November - Mid March: Daily (locked at 5pm); Mid March - October: Daily (locked at 8pm)	No	No
Wells-next-the-Sea	PC Newgate Lane	Newgate Lane, Wells-next-the-Sea, NR23 1DT	November - Mid March: Daily (locked at 5pm); Mid March - October: Daily (locked at 8pm)	Yes	No
West Runton	PC West Runton	The Gangway, Water Lane, West Runton, NR27 9QP	November - Mid March: Closed; Mid March - October: Daily (24hrs)	No	No

Call in of Item 15 Cabinet 3rd September 2018 : Egmore Business Zone Project as follows:

DECISIONS RESOLVED:

1. To progress the final lease arrangements with Walsingham Estates on the basis outlined within the exempt appendix and that that authority is delegated to the Head of Paid Service (Steve Blatch) in consultation with the Portfolio Holder for Business & Economic Development and Tourism to sign off agreement of the final terms

2. To progress the final lease arrangements with the prospective tenant for the first unit on the basis outlined within the exempt appendix and that that authority is delegated to the Head of Paid Service (Steve Blatch) in consultation with the Portfolio Holder for Business & Economic Development and Tourism to complete this agreement

3. That an additional budget requirement of £360,000 is approved to support the construction of the road infrastructure and first unit

4. To award the construction contract to the preferred contractor as identified within exempt appendix D subject to completion of a value engineering exercise

To include the annual income and running costs as identified within exempt appendix D within the revenue budget and future forecasts

6. That authority is delegated to the Head of Paid Service (Steve Blatch) to agree governance and financial arrangements for the Egmore Enterprise Zone on a similar basis as that agreed for Scottow in consultation with the Head of Finance, Leader of the Council and Portfolio Holder for Business & Economic Development and Tourism to ensure the Enterprise Zone is developed out as planned.

We, the undersigned, wish to Call In the aforementioned decisions for the following reasons:

1. Cabinet overrode critical information with regards to the current risks associated with this project and do not have the support of the majority of Members to spend public money on this scheme. The original 2015 report from BE Group (used as

one evidence source) states in relation to Egmore *'leave to market. No NNDC intervention'* (Page xi), yet Cabinet have ignored this advice. It also quotes a regional agent as stating 'Unsure as to whether development at Egmore will be successful – more likely that businesses associated with wind power will base themselves at the operational ports' (Page 71) and indeed this is what has happened in practice. No evidence was presented to the O&S AMWG which demonstrated an improvement in market conditions since 2015.

2. The Scheme upon which the decision was made has projected returns of only 1.62% and a payback period of 50 years. This information was not available when this scheme was considered by the O&S AMWG in pre-scrutiny and was only produced as a result of Scrutiny questions. It begs the question what other information has not been fully considered in evaluating this scheme. These projected returns and lengthy payback period means that the Decision made is therefore outside the Policy Framework (Asset Management and Treasury Management) and is therefore subject to section 4.1 of the Constitution whereby it is a 'Departure Decision' and 'may only be taken by the Council'.
3. We have spoken to a source close to the investigation at Northampton Council to understand how that Council came to be in such a parlous state. The conclusion was that Members and Officers took action on optimistic forecasts and did not sufficiently stress test the assumptions underpinning those forecasts. We fear we are in similar territory. The business case, which underpins this decision, appears to offer positive returns of over 5%. Yet the reality is that we only have a **guarantee** of returns of less than 2%. The evidence presented to the AMWG on the potential upside opportunities were not compelling and as a result, we conclude they are based on optimism and hope, rather than robust analysis of the prevailing market conditions. We remain open to evidence to the contrary.

Alternative Course of Action/Recommendation: To submit this project's business case for Independent Scrutiny to stress test the risk assumptions made by Cabinet and to rule whether this investment is in the interest of the public purse and in accordance

with Policy & Budgetary Framework. The independent reviewer must be agreed with the O&S AMWG Chair.

Signed: 

Cllr. Nigel Lloyd, Chair of O&S Asset Management Working Party

Signed: 

Cllr. John Rest, Member O&S Asset Management Working Party

Signed: 

Cllr. Angie Fitch Tillett, O&S Member

Dated..... 11TH SEPT 2018

Ms. Karen Ward
Chair of Overview & Scrutiny Committee
North Norfolk District Council
Friday 17th August 2018

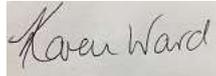
Dear Cabinet,

Due to the restricted timescales available, you will not have the benefit of the minutes of the recent meeting of the Asset Management Working Group. I therefore wanted to provide context to our recommendations.

It is clear that considerable effort had been expended by Officers in preparation of the papers for this proposal and a very full conversation on the commercial risks and benefits took place.

As noted in the recommendations, the AMWG is mindful of the need for economic development and aware of the reputational risks in addition to commercial risks, which were explored at length. If Cabinet is minded to approve the scheme against the advice of Scrutiny, a comprehensive press briefing and subsequent marketing campaign will be required. Neither of these had been prepared for consideration by the AMWG, so we cannot provide feedback on these aspects of the proposal.

Yours Sincerely

A rectangular box containing a handwritten signature in cursive script that reads "Karen Ward".

Chair of Overview & Scrutiny Committee

Asset Management Working Group – Egmore Enterprise Zone

Recommendations

Egmore Enterprise Zone Primary Recommendations:

- 1) The Asset Management Working Group recommends that Cabinet do not progress with the proposed plans for Egmore Enterprise Zone.

-The recommendation was reached on the basis that:

- a. Whilst the AMWG is fully supportive of the need for economic development in the district and accepts the fact that public money is required to this end, there is little substantive evidence to suggest that the site would generate additional job creation or economic development. In contrast, it is apparent that the project in its current form would purely act to relocate jobs already based in North Norfolk.
 - b. The rate of return in the worst case scenario of a single tenant on the site would equate to a significant loss of investment income at an estimated 1.62%, whilst the comparative average rate of return from the treasury management fund is approximately 3%, as such this would be contrary to the NNDC Asset Management Plan.
 - c. The location of the site means there is limited supporting infrastructure such as major road links that may limit the ability of NNDC to attract new tenants to the site.
- 2) Head of Finance and Asset Management to establish the payback period in the worst case scenario of securing a single tenant for the site to compare against the 22 year payback period representing the best case scenario.

Egmore Enterprise Zone Secondary Recommendations:

If the Cabinet makes the decision to approve plans for the Egmore Enterprise Zone the Asset Management Working Group proposes the following recommendations:

- 1) That the Egmore Local Development Order (ELDO) be immediately renegotiated to remove the restrictions put in place limiting the site's benefits to offshore wind energy businesses only.
- 2) A communications plan to be established that justifies NNDC's reasons for choosing to spend £15k per annum (including an annual rent increase) on a private land lease lasting 99 years (with a minimum contract of 15 years) unless the lease is otherwise sold. This must be taken into consideration alongside the issues that were raised by the similar private land lease arrangements of NNDC's Gypsy and Traveller sites.
- 3) Expression of interest is submitted to the EZ Accelerator Fund to explore the potential for the development of an additional unit.

EGMERE BUSINESS ZONE PROJECT UPDATE

- Summary: This report provides an update to Cabinet of progress regarding the Egmore Business Zone (EBZ) project and seeks authority to now proceed and enter into a lease agreement for 99 years with the Walsingham Estate to lease an area of land into which road and utility services will be provided by the Council and for the Council to build a first unit within the development for lease to an identified business occupier.
- Options considered:
1. The Council could take the decision not to progress any further with the potential development of this site.
 2. The Council could progress with the construction of the infrastructure for the site but not with the proposed industrial unit.
 3. The Council could progress with both the construction of the infrastructure and with the proposed industrial unit.
- Conclusions:
- The development of the Egmore Business Zone is important to the district as it will create growth and enterprise within the district including supporting jobs within the offshore wind industry, businesses that work alongside this sectors and the construction industry during the development phases.
- The proposed development meets the Council's objective of creating a district with a thriving economy and offer better jobs and prospects for local people.
- The project would allow businesses occupying the site to benefit from five years without having to pay business rates due to the Enterprise Zone status and will also enable the continued development of the site as some of the rates obtained from central government can be used to continue fund this development.
- Recommendations:
- It is recommended that Cabinet agrees;
- to progress the final lease arrangements with Walsingham Estates on the basis outlined within the exempt appendix and that that authority is delegated to the Head of Paid Service (Steve Blatch) in consultation with the Portfolio Holder for Business & Economic Development and Tourism to sign off agreement of the final terms
 - to progress the final lease arrangements with the prospective tenant for the first unit on the basis

outlined within the exempt appendix and that that authority is delegated to the Head of Paid Service (Steve Blatch) in consultation with the Portfolio Holder for Business & Economic Development and Tourism to complete this agreement

- that an additional budget requirement of £360,000 is approved to support the construction of the road infrastructure and first unit
- to award the construction contract to the preferred contractor as identified within exempt appendix D subject to completion of a value engineering exercise
- to include the annual income and running costs as identified within exempt appendix D within the revenue budget and future forecasts
- that authority is delegated to the Head of Paid Service (Steve Blatch) to agree governance and financial arrangements for the Egmore Enterprise Zone on a similar basis as that agreed for Scottow in consultation with the Head of Finance, Leader of the Council and Portfolio Holder for Business & Economic Development and Tourism to ensure the Enterprise Zone is developed out as planned.
- that the ELDO is reviewed prior to its expiry in 2019 with a view to extending it and considering the removal of the current restrictions to business operating within the wind industry to maximise the potential success of the development
- It is recommended that, subject to support for the development moving forward, that an Expression Of Interest is submitted to the EZ Accelerator Fund to explore the potential development and delivery of an additional unit on a similar basis to those outlined for unit 1. A further report and business case would then be developed to establish the budget requirements.

Reasons for
Recommendations:

To maximise the opportunities presented by the Enterprise Zone status awarded to the Egmore Business Zone site, supporting new job-creating investment within the District.

Cabinet Member(s)	Ward(s) affected Walsingham
Renata Garfoot, Asset Strategy Manager Tel: 01263 516086 Email: Renata.Garfoot@north-norfolk.gov.uk	

1. Introduction

- 1.1 An original report outlining this potential development opportunity was reported to Cabinet in October 2014 and, following further work, additional reports have been brought forward to Cabinet in January 2016 and March 2017 with Full Council agreeing the current works budget of £1.895m at its meeting in March 2017.
- 1.2 This report now provides a further update to previous reports regarding the proposed Egmere Business Zone project, particularly detailed terms proposed for the Council to lease an area of land from the Walsingham Estate into which to provide road and utility services, informed by an understanding of tender prices for these works reflecting over three years work to get this scheme to the current stage.

2. Background

- 2.1 The Egmere Business Zone site is situated North of Edgar Road, Egmere. The site is to be developed as a Business Zone in 2 phases, with Phase 1 comprising infrastructure to create a serviced site extending to approximately 8.10 acres (3.278 ha) of developable land and structure planting and landscaping to include the first unit comprising a workshop, warehouse and office accommodation for a named occupier. A plan indicating the layout of the proposed development can be found in Appendix A.
- 2.2 Through the New Anglia Local Enterprise Partnership (NALEP), the Government designated the Egmere Business Zone as an Enterprise Zone and this designation will operate for the five years from 1st April 2017 through until 31st March 2022. This status attracts business rate incentives (up to 100% business rate relief), simplified planning process (previously established by the District Council through agreeing a Local Development Order for the site) and superfast broadband to occupiers at the Business Zone.
- 2.3 Local partners (the District and County Councils and NALEP) will also benefit from the Business Zone designation as they are able to retain 100% of business rate growth from the development over a 25-year period and invest a proportion of this income back into the development, as detailed below.
 - Pot A1 – collection authority share, to be spent however the authority sees fit (NNDC in this instance)
 - Pot A2 – Held by NCC
 - Pot B – site delivery fund
 - Pot C – to enable the NALEP to deliver the Strategic Economic Plan (SEP) across Norfolk and Suffolk
- 2.4 In addition to the above there is also an incentive to businesses who take up occupation on the site within the first five years of their operation from the site through the provision of business rates relief up to a maximum annual value of £55k. This equates to £275k over five years and is capped at this level due to the requirements of State Aid.

2.5 While no formal agreement has yet been reached in respect of the Egmere site a report on the pot allocations was considered and agreed by Cabinet in October 2017 in relation to the pot splits for the Scottow Enterprise Park EZ site, with the final pot allocations being as follows;

- Pot A1 – 20% (NNDC)
- Pot A2 – 5% (NCC)
- Pot B – 45% (site delivery fund)
- Pot C – 30% (NALEP)

3. **Land Agreement**

3.1 The Walsingham Estate are the owners of the land the Business Zone forms part of and have accepted a proposal from the Council to lease 8.10 acres (3.278 ha) of land as shown on the attached plan. The proposed lease would be for a period of 99 years which would enable the Council to construct infrastructure to create serviced plots which can then be let and developed by other occupiers or potentially the Council. The Council is also proposing to develop a first unit within the development for a named occupier and Heads of Terms have been agreed for the lease of this unit.

3.2 The Heads of Terms for the lease of the land can be found within the exempt appendix B.

3.3 A draft lease for the land has been prepared and it is proposed that the lease will be completed assuming Cabinet indicate their support for the proposed project. Once the lease agreement is completed the Council will be able to complete the agreement to lease with the proposed tenant of the first unit and to appoint a contractor to undertake the construction works.

4. **Construction**

4.1 At the time of the previous report provisional construction costs had been obtained to establish the viability of the scheme and expressions of interest from contactors had been obtained. A two stage procurement exercise was undertaken during 2017 which resulted in three tenders being received. These tenders were reviewed by the Council's advisors Daniel Connal Partnership who are acting as architects and cost consultants to the Council to ensure quality and value for money is obtained. Whilst the tender for construction was split into two distinct elements as described below, it is intended to commence the works in tandem:

- Construction of infrastructure including roads, footways, drainage and installation of utilities to create a "serviced site" to enable other units to be developed more quickly;
- Unit 1 comprising 3 bay workshop and office premises. Approximately 773m² of floor space with associated parking and landscaping.

- 4.2 As some time has passed since the initial tender process, the Council has obtained updated construction costs and these are shown within exempt Appendix D.
- 4.3 Assuming Cabinet gives its consent to proceed with the project, it is anticipated that Contractors would be appointed under a formal JCT contract and start on site this autumn. Completion of the infrastructure and first unit will take in the region of 33 weeks.
- 4.4 A number of detailed site investigations surveys and assessments have previously been undertaken by the Council on the site in preparation for the start of the construction phase, which include, CCTV of drainage, ecology surveys, site investigations, explosive ordnance threat assessment, utility services investigations, topographical, contamination, arboriculture implications assessment and archaeology survey.
- 4.5 Superfast Broadband is also anticipated to be delivered to the site through the Better Broadband Scheme during 2018/19.

5. **Unit 1 – Proposed Tenant**

- 5.1 During 2015 the Council received an enquiry from an established business operating in the UK and European offshore wind sector, expressing an interest in relocating their main office and workshops facility to Egmere. Since this time, officers have negotiated proposed lease terms, with this business. The lease proposed is a Full Repairing and Insuring Lease (FRI) for a 10-year term. The Heads of Terms with further details can be found in Appendix C.
- 5.2 Whilst the design of Unit 1 has been developed to meet the operational and business needs of this company, it is not a bespoke unit and is considered to be a marketable asset, if for any reason, the initial occupier's circumstances changed such that they were to vacate the unit. In this respect, the Council has had consideration of the report on commercial property prepared for the authority in 2016 by the BE Group which concluded that there was a shortage of good quality commercial floor space across the whole of the North Norfolk District, although it is acknowledged that the location of this development, along with any development, might potentially impact upon its ultimate success. Certainly there is little speculative investment being taken forward in the provision of office, warehouse and factory accommodation anywhere in the District and it is therefore believed that investment by the Council would generate interest beyond the named occupier identified for the initial unit proposed within the Egmere Business Zone development.
- 5.3 A draft agreement for under lease has been prepared by East Law in readiness. This would secure the tenant whilst the Council undertakes the construction of the unit and once the building is complete a lease will be finalised.

6. **Remaining serviced plots**

- 6.1 The remaining land within the site will provide serviced plots to potential occupiers. It is anticipated that there will be 4 other plots, however there will be some flexibility on size so that there is opportunity to meet potential tenant's requirements.
- 6.2 The Business Growth and Investment Study prepared by the BE Group in 2015, found through a review of employment land in the District that (at the time) that there was circa 50 ha of employment land available. However, they found that a significant level was considered to be undeliverable with approximately 34.4 hectares of employment land considered to be available and deliverable. Currently within the District, there is land advertised for sale at Holt totally approx. 2.5 hectares and a small parcel of land at North Walsham (data source: EGI Property Link. A professional website for marketing of commercial property nationwide).
- 6.3 The report also found that the level of vacant premises in North Norfolk is low, with limited choice of industrial and office stock. The largest agglomerations of built vacant stock was found in former RAF bases. A more recent review indicates that there are 16 industrial, storage and workshop units within the District, with 11 of these at Scottow Enterprise. The bulk of the available properties are of a very low quality (data source: EGI Property Link. A professional website for marketing of commercial property nationwide).
- 6.4 The report identified Energy including off shore industries as a key regional industry with growth potential. It considered a number of opportunities to support these industries including, construction of major regional projects and maintenance, engineering and servicing to service the sector. The Egmore Business Zone would offer space to businesses that deliver these services and assist in facilitating these opportunities.
- 6.5 The report recommended also, that the Council should seek to intervene where appropriate in order to develop employment sites to encourage business growth.
- 6.6 In terms of completed lease transactions, over the last 2 years we are aware of 8 industrial lets within the vicinity at Holkham, West Raynham Business Park, Fakenham and Holt. In the same period, we are also aware of 8 industrial building sales in the same locations and at Syderstone Business Park (data source: Radius Data Exchange – Occupation Deals Report). This indicates an even split between leased properties and freehold acquisitions. This may be as a result of the area having a limited supply of property and land giving business restricted opportunities and freedom of choice. The Council would seek to let the serviced plots for others to develop, however the Council may consider (subject to a business case) developing and letting of additional premises as an alternative option.
- 6.7 In terms of office accommodation in the vicinity, Holkham Estate have recently developed a 50,000 sqft business hub at Longlands, which was originally one of the estate's principal former farmstead and workshops. This development provides of a range of office space and would not compete with the industrial nature of Egmore Business Zone.

- 6.8 Due to some previous uncertainty regarding the land agreement, the Council did not actively market the site to attract additional tenants, however, taking into account the findings of the BE report and that there is still very limited available industrial units or land available to develop industrial units, it is believed that with proactive marketing, that there would be demand for the serviced plots at Egmere.

7. **Next Steps**

- 7.1 Officers have previously reported enquiries from three further businesses seeking accommodation at the Egmere Business Zone, but to date these enquiries have not been progressed or developed because of uncertainty around delivery of the project. Following any approval of the project it would be proposed to open, further negotiations to secure further occupiers, including revisiting previous enquiries.
- 7.2 A marketing strategy will also be developed to promote the site locally and include the appointment of a Commercial Agent to promote the site through a variety of mediums, on both a local and national level to maximise exposure of the site to potential tenants. Support from the LEP Enterprise Zone Coordinator will be available to help promote the site to potential tenants. The Coordinator will also provide access to other area of support for business seeking to take space at the Egmere.
- 7.3 Businesses that operate within the offshore wind industry will be able to develop accommodation on the site under the Egmere Local Development Order (ELDO) without the need of planning consent subject to the conditions as specified in the ELDO. Other businesses that do not comply with the ELDO can seek to acquire planning consent to develop units on the site through the usual planning processes.
- 7.4 The ELDO was for an initial period of five years from the date of adoption in August 2014. When this expires in 2019, any development that has commenced, under the order will be allowed to be completed in the event the order is revoked or revised. A review of the ELDO will be required prior to the expiry of the existing order with the opportunity for the LDO designation to be extended if considered appropriate.
- 7.5 As part of this review process consideration could be given to widening or removing the current restriction in relation to businesses operating within the wind industry which could help to increase the attractiveness of the site to other businesses.

8. **Conclusion**

- 8.1 Egmere is considered to be a good location for a Business Zone to serve the Wells / Fakenham area, as it is situated outside of the area designated as the Norfolk Coast Area of Outstanding Natural Beauty and can accommodate new development that will drive growth and

enterprise without creating pressure on the sensitive environmental designations, impacting on tourism and biodiversity values.

- 8.2 The scheme offers a range of benefits to the district, including attracting inward investment and economic growth through allowing offshore wind energy business and their suppliers, sub-contractors and support businesses to invest in the district and benefit from co-location /cluster development.
- 8.3 This development will also open up other a further area of land within the EBZ for future development.
- 8.4 The proposed development meets the Council's Corporate Plan objectives of creating a district with a thriving economy and offer better jobs and prospects for local people.

9. **Financial Implications and Risks**

- 9.1 The Council has secured a grant for £0.45m for the Norfolk Growth Group Business Rate Pool fund towards the cost of infrastructure. Full Council approved the total scheme budget of £1.895m on 6th March 2017 for construction of the infrastructure and unit 1. If the scheme is not progressed the Council will be required to advise the Business Rate Pool that it will not be utilizing the funding meaning the loss of these monies to the District.
- 9.2 If the Council did not draw down the £0.45m this money would go back into the Business Rate Pool and the Council would have the opportunity to bid for it again. However, there is no guarantee of this and it would be subject to the merits of any alternative business case submitted by NNDC and final agreement by the Board.
- 9.3 The rent for unit 1 is based on market rents within the area and provisions within the proposed lease allows for rent reviews to be undertaken during the term. Due diligence and assessments have been undertaken on the business to establish the covenant strength of the tenant is adequate. A parent company guarantee is also being sought as a matter of course.
- 9.4 There is a specific enterprise zone business rate relief, which is an attractive incentive to businesses taking space at the Egmere Business Zone. This incentive can help support businesses who are seeking to expand or relocate to the area. The business will need to apply for the relief, which will only available for a period of 5 years. At the end of this period, the business will either need to pay the appropriate business rate charge, if they do not qualify for other business rate relief. When letting the site, the Council will undertake the necessary due diligence to ensure the rent is affordable to the tenant and will seek to establish the future business growth plans of the tenant to cover the period after the business rate relief period has ended, however this will not guarantee that the tenant will be able to continue to afford the rent in the future as there may be unforeseen circumstances. This scenario is typical of other enterprise zones.

9.5 Further financial implications and risks can be found within exempt Appendix D.

10. Risks

10.1 There are a number of risks associated with taking this project forward but equally there are also risks with not undertaking the scheme. A risk register can be found in Appendix E

10.2 The risks associated with not taking the scheme forward are as follows;

- The Council would lose access to the £0.45m for the Norfolk Growth Group Business Rate Pool fund towards the cost of infrastructure. Not only would this mean the loss of the funding but it would also impact on the Council's reputation in terms of both the Growth Group and the LEP and might damage future bids if the Council is seen as being unable to deliver;
- There would also be reputational issues in terms of the negotiations with both Walsingham Estates and the potential anchor tenant for unit one;
- There is a risk that the tenant secured for unit one cannot find suitable accommodation elsewhere in the locality and moves his business out of the area which would result in jobs lost to this part of north west Norfolk;
- The opportunity for stimulated growth and additional business rates generation would be lost.

10.3 The risks associated with taking the scheme forward are as follows;

- The infrastructure will be developed along with the first unit to create serviced plots, but there may be no take up of these plots by occupiers. This is however felt to be unlikely as the main barrier to the development is the initial infrastructure which this scheme would deliver. The 5-year business rate holiday would also be extremely attractive for businesses;
- While the Council has been successful in attracting £0.45m in external funding the balance of funding is provided by the Council and using it on this scheme would mean it was not available for other schemes although again this could be overcome by borrowing if required;
- The tenant could go bust during the term of the lease, however the relevant due diligence has been undertaken and this is unlikely but remains a risk non-the-less. The unit could however be re-let if there was an interested tenant;
- The business case assumes a certain level of income from ground rents from additional businesses developing on site from year 3 and assumes 4 businesses at a rate of 1 new business per year. There is a risk that that interest levels will not reach these anticipated levels within the period assumed although it is felt that an estimate of 1 per year is fairly prudent given the incentives as regards business rate savings with the EZ designation offers to businesses.

- The scheme could come in over budget, however the Council is now in receipt of firm tenders and numerous ground condition and associated surveys so this, along with the value engineering exercise to be undertaken, is again able to be managed.

11. **Sustainability**

- 11.1 This project supports the renewable energy sector at a national level and contributes to the Council's Corporate Plan objectives of wanting to support business growth and new employment opportunities in the district.
- 11.2 The site will be constructed utilising sustainable drainage and building solutions and systems in accordance with Planning and Building Control requirements.

12. **Equality and Diversity**

- 10.1 The site, unit 1 and any subsequent development will be in accordance with relevant regulations, Planning and Building Control requirements.

13. **Section 17 Crime and Disorder considerations**

- 11.1 There are no Section 17 Crime and Disorder implications arising from the consents of this report.

Appendix A – Site plan

Appendix B - Land Agreement (exempt)

Appendix C - Unit 1 Heads of Terms (exempt)

Appendix D – Financial Implications (exempt)

Appendix E – Risk Register (exempt)



Map Key

-  Lease Outline
-  Access Road
-  Structural Planting
-  Surveyors Pit

OS MasterMap ©



Egmere Plan

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Scale = 1:2500

MOC

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