

# Cabinet

## Agenda

### Date

Tuesday 10 March 2020

### Members of the Cabinet

Mr S A Vincent Chairman (Leader)	Policy
Mrs T M Mancini-Boyle (Deputy Leader)	Finance

### Portfolio holders

Mrs J K Copplestone	Economic Development
Mr J J Emsell	Transformation and Organisational Development
Mrs L H Hemsall	Planning
Mrs J Leggett	Environmental Excellence
Mr F Whymark	Housing and Wellbeing

### Time

6.00 pm

### Place

Trafford Room  
Thorpe Lodge  
1 Yarmouth Road  
Thorpe St Andrew  
Norwich

**If any Member wishes to clarify details relating to any matter on the agenda they are requested to contact the relevant Director / Assistant Director**

### Contact

James Overy tel (01603) 430540

Broadland District Council  
Thorpe Lodge  
1 Yarmouth Road  
Thorpe St Andrew  
Norwich NR7 0DU

E-mail: [james.overy@broadland.gov.uk](mailto:james.overy@broadland.gov.uk)



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Under the above Regulations, any person may take photographs, film and audio-record the proceedings and report on all public meetings. If you do not wish to be filmed / recorded, please notify an officer prior to the start of the meeting. The Council has a protocol, a copy of which will be displayed outside of each meeting room and is available on request.

**The Chairman will ask if anyone wishes to  
film / record this meeting**

**A G E N D A**

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<b>1</b>	<b>To receive declarations of interest under Procedural Rule no 8</b>	
<b>2</b>	<b>Apologies for absence</b>	
<b>3</b>	<b>Minutes of meeting held on 11 February 2020</b>	<b>6</b>
<b>4</b>	<b>Matters arising therefrom (if any)</b>	
<b>5</b>	<b>Public Speaking</b>	
	To consider representation from the members of the public who have expressed the wish to convey their views on items on this Agenda.	
	In accordance with the Constitution a period of 3 minutes is allowed per member of the public.	
<b>6</b>	<b>Representations from Non-Cabinet Members</b>	
	To receive the views from non-Cabinet Members on items on this agenda. Members are reminded to advise the Leader if they wish to attend and speak at the meeting.	
	In accordance with the Constitution a period of 3 minutes is allowed per non-Cabinet Member.	
<b>7</b>	<b>Overview and Scrutiny Committee</b>	
	The Cabinet will be advised of views expressed by the Committee at its meeting on 3 March 2020 in relation to items on this Agenda.	
<b>8</b>	<b>Community Lottery</b>	<b>17</b>
<b>9</b>	<b>Development Management Charging for Pre-Application Advice</b>	<b>28</b>
<b>10</b>	<b>Public Sector Equality Duty Annual Update</b>	<b>43</b>
<b>11</b>	<b>Bure Valley Railway and Path</b>	<b>60</b>
<b>12</b>	<b>Exclusion of Press and Public</b>	
	The Chairman will move that the press and public be excluded from the meeting for the remaining items of business because otherwise, information which is exempt information by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by The Local Government (Access to Information) (Variation) Order 2006, would be disclosed to them.	

Trevor Holden  
Managing Director

## DECLARATIONS OF INTEREST AT MEETINGS

When declaring an interest at a meeting Members are asked to indicate whether their interest in the matter is pecuniary, or if the matter relates to, or affects a pecuniary interest they have, or if it is another type of interest. Members are required to identify the nature of the interest and the agenda item to which it relates. In the case of other interests, the member may speak and vote. If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed. If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting. Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.

Have you declared the interest in the register of interests as a pecuniary interest? If Yes, you will need to withdraw from the room when it is discussed.

Does the interest directly:

1. Affect yours, or your spouse / partner's financial position?
2. Relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner?
3. Relate to a contract you, or your spouse / partner have with the Council
4. Affect land you or your spouse / partner own
5. Affect a company that you or your partner own, or have a shareholding in

If the answer is "yes" to any of the above, it is likely to be pecuniary.

Please refer to the guidance given on declaring pecuniary interests in the register of interest forms. If you have a pecuniary interest, you will need to inform the meeting and then withdraw from the room when it is discussed. If it has not been previously declared, you will also need to notify the Monitoring Officer within 28 days.

Does the interest indirectly affect or relate any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?

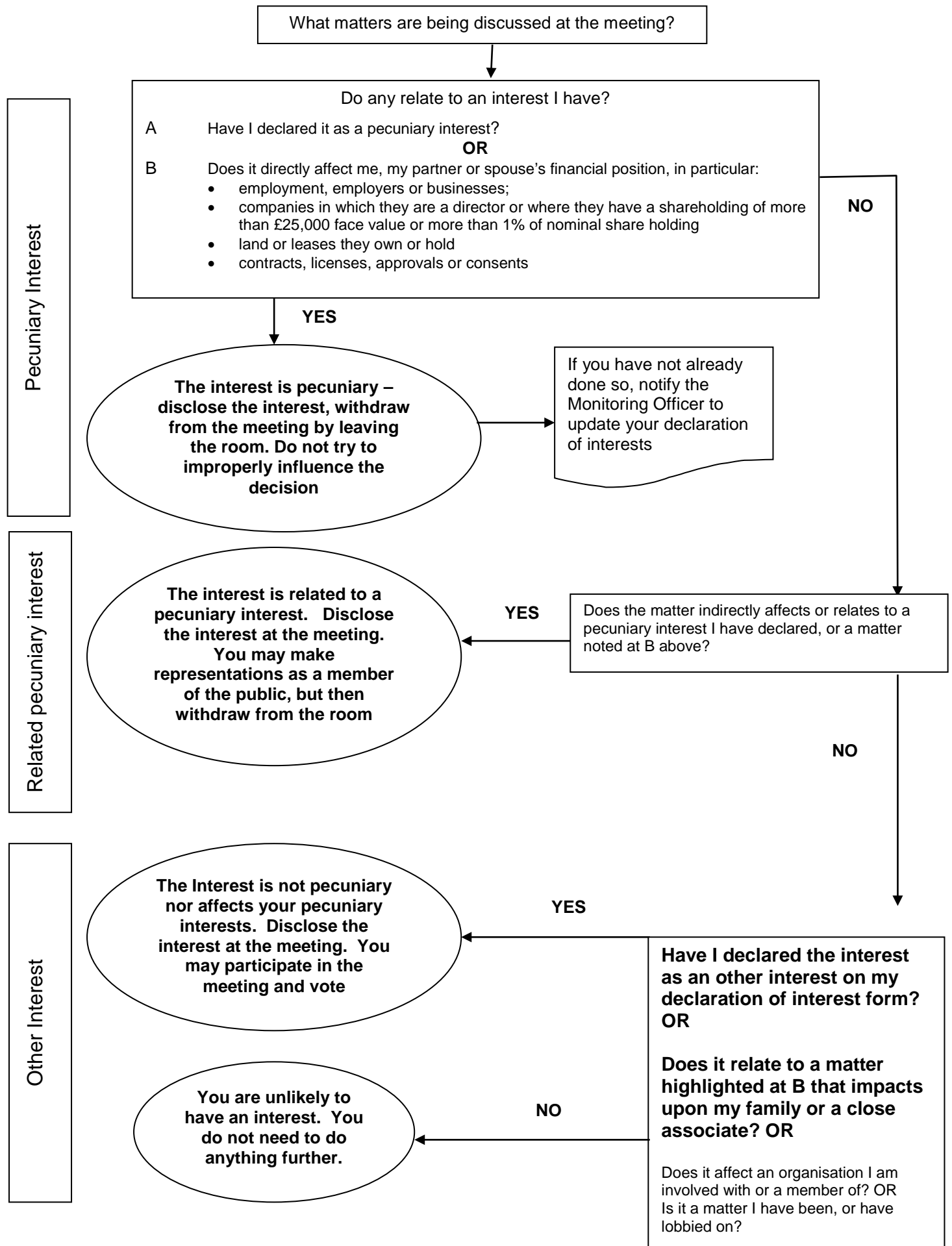
If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.

Is the interest not related to any of the above? If so, it is likely to be another interest. You will need to declare the interest, but may participate in discussion and voting on the item.

Have you made any statements or undertaken any actions that would indicate that you have a closed mind on a matter under discussion? If so, you may be predetermined on the issue; you will need to inform the meeting, and when it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.

**FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF  
PLEASE REFER ANY QUERIES TO THE MONITORING OFFICER IN THE FIRST  
INSTANCE**

# DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



Minutes of a meeting of the **Cabinet** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on **Tuesday 11 February 2020** at **6.00pm** when there were present:

Mr S A Vincent – Policy (Chairman)

Portfolio holders:

Mrs J K Copplestone	Economic Development
Mr J J Emsell	Transformation and Organisational Development
Mrs L H Hempsall	Planning
Mrs J Leggett	Environmental Excellence
Mrs T M Mancini-Boyle	Finance
Mr F Whymark	Housing and Wellbeing

Mr Adams, Mr Murrell, Mr Riley and Mrs Vincent also attended the meeting for its duration.

Also in attendance were the Managing Director, Director Place, Director Resources, Assistant Director Finance, Assistant Director Governance and Business Support (Monitoring Officer), Principle Infrastructure and Planning Policy Officer, Strategy and Programme Manager, Transformation, Innovation and Internal Consultancy Manager, Housing and Wellbeing Senior Manager, Housing and Benefits Manager and the Committee Officer (JO).

## **73 MINUTES**

The Minutes of the meeting held on 14 January 2020 were confirmed and signed by the Chairman as a correct record.

## **74 REPRESENTATIONS FROM NON CABINET MEMBERS**

The Chairman agreed that, at his discretion, all non-Cabinet Members in attendance be allowed to join the debate at the relevant point of the proceedings on request.

## **75 OVERVIEW AND SCRUTINY COMMITTEE**

Cabinet received the Minutes of the meeting of the Overview and Scrutiny Committee held on 28 January 2020.

The Chairman of the Overview and Scrutiny Committee advised Members on

the views expressed by the Committee when it reviewed the Cabinet Agenda on 4 January 2020, as each item was considered.

**76 ENVIRONMENTAL EXCELLENCE PANEL**

Cabinet received the Minutes of the meeting of the Environmental Excellence Panel held on 16 January 2020.

The Chairman of the Panel drew Members' attention to the Smart Meter project which had been promoted via officers attending flu clinics, which had been a very effective means of engaging with a large number of residents.

**77 ECONOMIC SUCCESS PANEL**

Cabinet received the Minutes of the meeting of the Economic Success Panel held on 22 January 2020.

The Chairman of the Panel advised the meeting that the Panel had considered the Investment Proposal for the Food Innovation Centre, which would be determined later in this meeting.

**78 CAPITAL STRATEGY AND CAPITAL PROGRAMME 2020/21 TO 2024/25**

The Assistant Director Finance presented the Capital Strategy, which set out the Council's approach to the use of its capital assets and resources. It also outlined the Capital Programme, which detailed the capital expenditure being undertaken by the Council over the next five years.

A key element in the Capital Programme was Disabled Facilities Grants, these would total £4.5m over five years and were fully funded from the Better Care Fund.

The five-year Capital Programme was ambitious, with a budget of £28.8m, and Members were asked to note that a number of projects would require their approval before they were brought forward. These projects were: Waste Depot Refurbishment/Replacement; Waste Collection Vehicles; Bure Valley Railway; the Food Hub Project and Investment Borrowing. A programme of work for ICT infrastructure was also proposed in the report for approval.

External borrowing was anticipated to be required from 2021/22. However, it was also likely that there would be slippage over the life of the programme which could delay the need to borrow.

The Portfolio Holder for Finance advised the meeting that the Capital

Strategy and Programme demonstrated a level of ambition from the Council that had previously not been seen. This should be embraced and taken forward to expand areas such as the operations of Broadland Growth Ltd to deliver housing and generate income.

The Leader thanked the Assistant Director Finance and the Portfolio Holder for Finance for their work in developing the very ambitious Capital Programme.

### **RECOMMENDED TO COUNCIL**

To agree the Capital Programme for 2020/21-2024/25(attached at Appendix 1 to the signed copy of these Minutes) and the Capital Strategy (attached at Appendix 2 to the signed copy of these Minutes).

### **RESOLVED**

To approve the programme of work for 2019/20 to align key elements of ICT infrastructure and corporate systems in use across Broadland District Council and South Norfolk Council as set out within Appendix 3 (attached to the signed copy of these Minutes).

### **Reasons for decision**

The report was a factual account.

## **79 REVENUE BUDGET AND COUNCIL TAX 2020/21**

The Assistant Director Finance presented the report, which summarised the Council's draft Revenue Budget for 2020/21 and contained details of the proposed fees and charges for the same period.

The proposed Revenue Budget sought to advance the Council priority areas.

These were:

- Growing the Economy
- Supporting individuals and empowering communities
- Protecting the natural and built environment, whilst maximising quality of life
- Moving with the times, working smartly and collaboratively.



Members were asked to note that the Council was receiving significantly less funding from central Government than it had in the past. Moreover, the pilot scheme for 75 percent business rates retention was to come to an end in 2020/21 and would revert to 50 percent. New Homes Bonus was also going to end after 2022/23.

The Final Local Government Financial Settlement had been confirmed on 6 February 2020 and was unchanged from the provisional figure announced on 20 December 2019.

Fees and Charges were to be raised in line with inflation, with two exceptions: all Tots2Teens prices would increase by 15 percent from 1 April 2020 and there would be no increase in the garden waste brown bin service.

The Medium Term Financial Strategy showed a funding gap developing in 2021/22 of £1.1m, mainly due to the loss of the New Homes Bonus. However, commercial activities might mitigate the funding gap, as would the 3.61 percent increase in Council Tax, which would help protect the Council's income base and prevent future service cuts.

#### **RECOMMENDED TO COUNCIL**

1. The approval of the base budget; subject to confirmation of the finalised Local Government Finance Settlement figures which may necessitate an adjustment through the General Revenue Reserve to maintain a balanced budget. Authority to make any such change to be delegated to the Assistant Director of Finance.
2. The use of the earmarked reserves as set out in Appendix 4 (attached to the signed copy of these Minutes).
3. That any surplus at the end of the 2019/20 financial year is transferred to a new earmarked reserve to help fund the future capital programme, particularly the IT and waste services investment.
4. That the Council's demand on the Collection Fund for 2020/21 for General Expenditure shall be £5,827,894 and for Special Expenditure shall be £141,112.
5. That the Band D level of Council Tax be £125.52 for General Expenditure and £3.04 for Special Expenditure.

#### **RESOLVED**

to agree

1. Changes to the proposed fees and charges as set out in section 5.
2. To note the advice of the Section 151 Officer with regard to section 25 of the Local Government Act 2003, contained in section 10 of this report; and
3. To note the future budget pressures contained in the Medium Term Financial Strategy.

### **Reasons for decision**

The report was a factual account.

## **80 TREASURY MANAGEMENT STRATEGY STATEMENT 2020/21**

The report set out the Treasury Management Strategy for 2020/21 and associated policies, which were drafted in line with the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice on Treasury Management 2017.

Three main treasury reports were presented to Members each year: Prudential and Treasury Indicators and Treasury Strategy; a mid-year Treasury Management Report and an Annual Treasury Report.

The primary objective of the Council in its treasury management activities was the security of its cash above the liquidity of the investment. The Investment Strategy, therefore, remained prudent, reflecting the Council's risk appetite and legal obligations.

In respect of borrowing the Council would ensure that it would be affordable, sustainable and prudent. The authorised limit for external debt was £4m for 2020/21. The Public Works Loan Board had increased their loan rate, therefore, alternative financial institutions would be considered as a source of loans at cheaper rates, if needed.

The Portfolio Holder for Finance confirmed that the Council's finances complied with the prudential indicators in the Treasury Management Strategy and that alternatives sources for borrowing would be looked at to fund the Council's ambitious plans.

### **RECOMMENDED TO COUNCIL**

1. The Treasury Management Strategy Statement.
2. The Treasury Management Policy Statement 2020/21 (attached at Appendix 5 to the signed copy of these Minutes).

3. The Annual Investment Strategy 2020/21 (attached at Appendix 6 to the signed copy of these Minutes).
4. The Treasury Management Practice (TMP1) Credit and Counterparty Risk Management (attached at Appendix 7 to the signed copy of these Minutes).
5. The Treasury Management Scheme of Delegation (attached at Appendix 8 to the signed copy of these Minutes).
6. The Minimum Revenue Provision (MRP) Statement (Section 8) that sets out the Council's policy on MRP.
7. The Prudential Indicators and Limits for the next 5 years contained within the report.

**Reasons for decision**

The report was a factual account.

**81 COUNCIL TAX REDUCTION 2020/21**

The Council was required to review its Council Tax assistance arrangements annually and the report proposed a revised scheme, which would be effective from 1 April 2020.

It was proposed to adopt a tolerance scheme that would protect vulnerable residents from financial difficulties, due to changes in their Universal Credit entitlement.

At present a claimant receiving Universal Credit was assessed each time their income changed. If they were claiming Council Tax Assistance from the Council, the Council was notified each time of the change to the claimant's award and where necessary, their Council Tax bill would be recalculated.

To prevent frequent changes to a claimants' bill, which might create personal budgeting issues, it was proposed that if a claimants' Universal Credit increased or decreased by a tolerance of £20 the change would not be reassessed.

The proposed scheme had received a largely favourable response during a consultation undertaken in October 2019. Those that disagreed with the introduction of a new scheme, wanted the process to be simplified, which was the aim of the new scheme.

It was also proposed to amend the wording to part of the Council Tax Assistance Scheme to reduce the paperwork required from a Universal Credit claimant to apply for Council Tax Assistance.

Members were advised that the proposed changes were fairly straightforward and would simplify the scheme for claimants and staff. An aligned scheme for Broadland and South Norfolk would be looked at in the future, which would be developed through a Member workshop to be arranged in due course.

The Leader noted that the new process would help smooth out the financial peaks and troughs for vulnerable residents.

### **RECOMMENDED TO COUNCIL**

To approve the proposed amendments and that the Council Tax Reduction scheme for 2020/21 be updated accordingly.

### **RESOLVED**

To note the work officers will continue to undertake across the two Councils on processes to mitigate the wider impact of Universal Credit on Council Tax billing and collection.

### **Reasons for decision**

To introduce a simplified scheme that would reduce the impact of Universal Credit on Council Tax Assistance claimants.

## **82 GREATER NORWICH GROWTH BOARD: JOINT FIVE-YEAR INVESTMENT PLAN**

The Principal Infrastructure and Planning Policy Officer presented the draft Greater Norwich Joint Five Year-Infrastructure Investment Plan 2020/5. The five-year plan included: progress reports on previously approved projects; proposals for new projects to be funded by the Community Infrastructure Levy in 2020/21; updated forecasts of CIL income; and information on future project priorities.

Twelve new projects totalling £2.85million has been recommended to be supported through the 2020/21 Annual Growth Programme. In Broadland these were: Aylsham Sports Hub Stage 3; North-West Woodlands Project and Plumstead Road Roundabout.

In addition, it was proposed that Norfolk County Council Education receive £2m to support the development of their capital programme within Greater Norwich.

The Portfolio Holder for Environmental Excellence welcomed the Green Infrastructure schemes that were coming forward in the District.

### **RECOMMENDED TO COUNCIL**

To

1. Agree the Greater Norwich Joint Five Year Infrastructure Investment Plan 2020-2025; and,
2. Approve the allocation of CIL to 12 specified projects, these projects will form the 2020/21 Annual Growth Programme; the allocation of £2M to support the Education Capital Programme within Greater Norwich; payment of the previously committed CIL funding of £561,760 to the Hemphall Crossroad project within 2020/21; and, the full reinstatement of the £2M IIF cash reserve.

**Reasons for decision**

To support the provision of infrastructure in the District

**83 BROADLAND DISTRICT COUNCIL AND SOUTH NORFOLK COUNCIL – STRATEGIC PLAN AND DELIVERY PLAN**

The Committee was advised that a key element of the Feasibility Study, agreed by Members in 2018, had been the ambition to develop joint strategic priorities and delivery plans to enable a common focus for the new one joint officer team.

The report, therefore, presented a new four-year Strategic Plan for Broadland and South Norfolk Councils, which set out the vision, ambitions and priorities for the organisations. It also proposed the adoption of a one-year interim Delivery Plan (to be two years after the interim Plan) which outlined the different activities and projects the Councils would be undertaking to meet the priority areas outlined in the Strategic Plan.

Adopting these Plans would allow for a shared strategic ambition and effective delivery of different services across the two Councils, both collaboratively and autonomously.

Following recommendations from the Joint Lead Members Group amendments would be made to the plans to place a greater emphasis on the environment and the delivery of the Environmental Strategy.

The Leader noted that the Plans would allow the single officer team to work towards strategic outcomes that would deliver the ambitions and objectives of both Councils.

**RECOMMENDED TO COUNCIL**

To

1. Approve the adoption of the Strategic Plan 2020-2024; subject to the inclusion of reference to the environment and the Environmental Strategy; and
2. Approve the adoption of the Interim one-year Delivery Plan for 2020/21.

**Reasons for decision**

To deliver the ambitions of Broadland and South Norfolk Councils through one officer team.

**84 ECONOMIC SUCCESS PANEL EXEMPT MINUTE 22 JANUARY 2020**

Cabinet received the exempt Minutes of the meeting of the Economic Success Panel held on 22 January 2020.

**85 INVESTMENT PROPOSITION FOR THE FOOD INNOVATION**

The Strategic Economic Growth and Funding Manager presented her report, which recommended an investment proposal to fund a project which would deliver a Food Innovation Centre located within the Food Enterprise Park (Honingham) and an innovation support programme for the agri-food sector. The proposal would act as a catalyst for unlocking the site, as well as enhancing the agri-food sector to provide economic benefits including new jobs, business growth and an increased spend on research and development.

In addition, the proposals would support the delivery of the ambitious Food Enterprise Zone (FEZ), which had been established in March 2015 to create additional value from the Norfolk's agricultural base. Detailed evidence had been secured by the Food and Drink Forum and by a number of partner organisations which identified the lack of provision for food grade space for rent for food and drink businesses as well as the need for bespoke innovation support for this sector.

Following work to improve the robustness of the business case for the project, an expression of interest funding application had been submitted and approved by the Ministry for Housing Communities and Local Government for European Regional Development Funding (ERDF). A full application, demonstrating that the project was achievable and fit for purpose was due by March 2020. Due to the tight timescales involved, some elements of the proposal were incomplete at this moment in time or still to be finalised and were subject to change. Work was ongoing to develop the project, rework the building design and costings to create a viable funding proposition. A number of potential tenants had already been identified.

The Portfolio Holder for Economic Development commended the work that

the Strategic Economic Growth and Funding Manager had put into this project and noted that this would be the last opportunity to access ERDF funding.

The Funding Manager outlined a number of risks associated with the project which would need to be carefully considered if the project was to proceed to the contract and delivery phase. These included potential claw back of ERDF funding (with interest) as well as tight margins associated with operating the centre.

In response to a query, it was confirmed that the funding Broadland was contributing for pre-contract work was included in the total being allocated from capital reserves for the Council's contribution to the whole project.

It was also confirmed that the total sum allocated included a ten percent contingency/risk element.

### **RECOMMENDED TO COUNCIL**

1. Allocate from capital reserves, the sum as set out in the report, for the delivery of Food Innovation Centre project.
2. Final costings and funding agreements will be signed off through delegated authority by the Director of Resources in consultation with both the Portfolio Holder for Economic Development and the Portfolio Holder for Finance.
3. Use the European Regional Development Fund (ERDF) compliant Scape Procurement Framework to design and build the Food Innovation Centre giving delegated authority to the Director of Resources to initiate all pre contract work.
4. Continue propriety work, up to and including but not beyond the signing of the funding contracts with the Ministry for Housing Communities and Local Government (MHCLG) and other funders.
5. To front fund up to the sum set out in the report for pre contract work which is not eligible under ERDF and therefore 100% at risk if ERDF funding is not secured from MHCLG.

### **Reasons for decision**

To invest in the delivery of infrastructure and innovation to support the agri-food sector.

**86 REVIEW OF LEGAL SERVICES PROVISION**

The Leader thanked the Chairman of the Overview and Scrutiny Committee, for giving permission for this additional item to be considered as a matter of Special Urgency. The reason for urgency was due to the deadline imposed by Nplaw, with regard to any new future agreement.

The Assistant Director Governance and Business Support (Monitoring Officer) advised the meeting that due to the legal services contracts of both Council expiring during 2020/21 Cabinet were being asked to look at options for a joint legal service across both Councils.

The Council had a Service Level Agreement with nplaw, whilst South Norfolk was a stakeholder in nplaw. Following discussions the Board of nplaw had invited Broadland to join as a stakeholder and an agreement had been drafted. However, there were issues with the agreement that needed consideration and, therefore, a number of other options were outlined in the report that Members were asked to look at before determining a preferred course of action for officers.

Following discussion and consideration of all of the options in the report it was:

**RESOLVED**

To agree the contract as set out in Option 1 of the report, subject to the removal of the restrictive clause, with final sign off to be delegated to the Assistant Director Governance and Business Support (Monitoring Officer), in consultation with the Portfolio Holder for Policy.

*The meeting closed at 7.55pm*



## **COMMUNITY LOTTERY**

**Report Author:** Mike Pursehouse  
Assistant Director  
01508 533861  
[mpursehouse@s-norfolk.gov.uk](mailto:mpursehouse@s-norfolk.gov.uk)

**Portfolio:** Economic Development

**Wards Affected:** All

### **Purpose of the Report:**

To gain agreement to the launch of an on-line Community Lottery (“the Lottery”) to help fund discretionary support for the local voluntary and community sector, and to enable such organisations to raise funds which will directly benefit local people and communities.

### **Recommendations:**

That Cabinet agrees to:

1. The establishment of the Community Lottery for the purpose of raising funds to support good causes that benefit our residents;
2. Approves the procurement of an External Lottery Manager to run the operational side of the Lottery;
3. Authorises the Assistant Director of Individuals and Families, in consultation with the Portfolio Holder for Economic Development and Economic Development team to establish criteria for determining which good causes can participate in the Lottery, and apply those criteria;
4. Nominates the Assistant Director of Individuals and Families and Assistant

Director of Finance as the personal licence holder for the Lottery and authorises them to apply for the personal licence and delegate the running of the Lottery to them.

## **1 SUMMARY**

- 1.1 Community lotteries have been increasing over the last few years with around 80 community lotteries now in operation. Officers have been exploring the possibility of a community Lottery for Broadland Council to increase funding into our communities to build capacity and resilience.

## **2 BACKGROUND**

- 2.1 As budget pressures continue to increase, there has inevitably been an impact on the funding available for partnerships with local voluntary and community organisations (referred to in this report as ‘good causes’). In order to alleviate some of those budget pressures, a number of other councils have introduced a local Lottery as a potential new source of income to provide funding to good causes.
- 2.2 Lotteries have long been a way of smaller organisations raising income, for which they are regulated under the Gambling Act 2005 (“the Act”). The Act creates eight categories of permitted Lottery. The Act includes, as a permitted category of lottery, a “local authority lottery”. Local authority lotteries are lotteries promoted by the authority and require the authority to be licensed by the Gambling Commission. The net proceeds from a local authority lottery may be used for any purpose for which the authority has the power to incur expenditure.
- 2.3 Local Authority lotteries have to deliver a minimum of 20% of proceeds to purposes for which the authority has the power to incur expenditure – this report proposes to deliver up to 60% of the Lottery proceeds to good causes.
- 2.4 Until a few years ago, local authorities had not entered into this form of fundraising due to perceived risks to a council’s reputation, contradictions with anti-poverty work, and concerns about the gambling aspects of such a service. However, things have moved on in the last few years, and there is now a clear precedent set for local authorities to get involved in this kind of activity, as long as the marketing material is clear that it is principally a fundraising platform for local good causes, the lottery is properly regulated, and supports the licensing objectives set out in the Act which 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 people from being harmed or exploited by gambling.

- 2.5 Local authority lotteries can be run in-house or in partnership with an External Lottery Manager (ELM). An ELM is defined in section 257 of the Act as someone that is a person or a body who makes arrangements for a lottery on behalf of a society or local authority, but is not a member, officer or employee of the society or authority. All ELMs must hold a lottery manager's operating licence before they can manage a lottery on behalf of a local authority. This is in addition to the operating licence held by the local authority. It is important to note that whilst ELMs may run a lottery on behalf of the local authority, it is the responsibility of the local authority to ensure that the lottery is conducted in such a way as to ensure that it is lawful, and fully complies with the Act, all licence conditions and licensing codes of practice.
- 2.6 In addition to operating licences from the Gambling Commission, a local authority is required to have at least one Personal Management Licence (PML) holder for the authority, even if the lottery is run by an ELM. The ELM will have their own PML holders.
- 2.7 Investigations into options have been undertaken and a meeting with a leading ELM "Gatherwell" has been held to understand the workings of a lottery in practice. Information from Gatherwell feeds through this report, as best practice. It should be noted that although Gatherwell are not the only ELM in operation, Gatherwell are identified as a specialist and leading provider of local authority lottery schemes, and are identified as low risk by the Gambling Commission. They are licensed by the Gambling Commission to run lotteries on behalf of good causes and local authorities across the UK. Starting in 2015 with Aylesbury Vale, they launched the first on-line local authority lottery in the UK and now have 65 local authority awarded contracts with 51 live websites and 14 in development, as well as over 1,000 schools across the UK using 'Your School Lottery' platform (which is where they evolved from).
- 2.8 There are four well-known national lotteries running in England and Wales – the Euromillions, the National Lottery, the Health Lottery, and the Postcode Lottery. Set out in the table below are some background statistics regarding those providers for comparison:

Provider	Odds of jackpot win	Odds of any prize win	% share to good causes	% share to operator/owner
Euromillions	1:140m	1:13	28%	22%
National Lottery	1:45m	1:54	28%	22%
Health Lottery	1:2m	1:209	20%	22%
Postcode Lottery	Unclear	Unclear	27.5%	32.5%

### 3 PROPOSAL

3.1 It is proposed that the Council establish a Community Lottery in the following way:

#### Aims of the Lottery

3.2 The Lottery would need to have a set of aims or unique selling point that resonates with local players. Officers believe that there is a place for a lottery that is focused on:

- Delivering the proceeds locally – a Community Lottery would deliver benefits to local causes only i.e. players can be assured that the proceeds will stay within Broadland district.
- Maximising benefits to the community – to bolster support and to help in continuing the good work that the Council already does. The proposal in this report has up to 60% of proceeds being given to good local causes.
- Minimising costs – whatever delivery route is adopted it will need to minimise set-up costs, meaning the lottery will need to be largely self-financing, and any funding distribution mechanism should tap into existing distribution routes.
- Delivering winners locally – whilst anyone could play, it is likely that players will be locally based, and hence it will be easier to maximise the value from winners' stories and encourage more participation.
- Facilitating a wider benefit – whilst the lottery will help current funding of good causes, it will also enable local good causes to fundraise in partnership with us. This can be seen as the Council *enabling* good causes to help themselves, by reducing the barriers to lottery type funding i.e. the costs of licensing and administration. It will also open up a way for good causes to create new links with repeat donors.
- Helping to shift resident's perceptions – of what the Council can do and is here for, in line with our commercial approach taking the authority from *provider* to *enabler*.

3.3 One overriding issue regarding the form is that the Lottery will have to be online. This is due to the costs of distribution and sales which would be incurred in any other way. This fits with the Council's digital approach and the lottery will be able to be accessed via a desktop, mobile, or tablet. In order to comply with the Act the Council will need to hold a remote lottery operating licence to have this type of lottery.

#### Form of the Lottery

3.4 The suggested model would enable groups to 'sign up' to take part in the lottery specifically raising the 50% share for their good causes. By signing up they would

have their own web page for the lottery helping them in engaging players and raising income. This option removes a number of hurdles for groups who might struggle to take part in their own lotteries (e.g. holding their own licence and setting up infrastructure to enable the lottery to run). This 50% is distributed to the specific good causes that sign up to the scheme, and the use of the remaining 10% (of the 60% proceeds) would be determined by the Council.

- 3.5 The Council would be the overall licence holder and control the good causes joining the scheme. Players buying tickets through specific web pages would know that the proceeds are for that specific good cause. This in turn motivates the group to gain more players to support their specific cause. This option in effect operates as an 'umbrella' scheme within the main Community Lottery.
- 3.6 The Council would need to define eligibility criteria against which applications for good causes wishing to join the lottery would be assessed. It is proposed that the development of these criteria, and the ultimate determination on which good causes will receive proceeds, be delegated to the Assistant Director of Individuals and Families in consultation with the relevant Portfolio Holder and economic development team.
- 3.7 All sales for the lottery would operate via a dedicated website (specific good causes would have their own landing pages), and be funded via an online Direct Debit or payment card for tickets. This approach is needed to keep operating costs at a minimum and also mitigates against the issues related to addictive gambling as payment is at specified times for specified amounts.

#### Delivery Options

- 3.8 In essence the options for delivery of a lottery are either in-house or through an External Lottery Manager (ELM).
- In-house – this option would see the setting up of the necessary posts and systems to run a lottery in-house. This has not been fully costed, but it is considered to be circa £80k-100k for set-up costs alone. This would include a lottery manager and the necessary development of software systems to enable the lottery to run.
  - External Lottery Manager – this option would see a contract arrangement with an existing deliverer of lotteries in the market place. This in effect means 'buying-in' the skills and expertise of an existing provider and sharing the risk with them to deliver the lottery. The ELM will deliver all aspects of running the lottery, from ticket payments, prize management and licensing, and share with the Council and the good causes, the role of marketing.
- 3.9 It is proposed that rather than allocating officer time and significant cost to setting up and managing an in-house lottery, an ELM is used to oversee the operations of the local lottery. There are very few ELM's in the marketplace, and as indicated, Gatherwell are specialists in delivering local authority lotteries. It is therefore proposed to utilise Gatherwell as an ELM for the lottery, initially with an agreement for a two year period with an option to extend to a third year.

- 3.10 Gatherwell already perform this operation for 51 councils so far, including districts, metropolitans, counties and unitary councils, and their remit is to increase funding to good causes. No other quotes have been obtained from lottery providers as there does not appear to be any other company that can facilitate this type of local authority lottery.

#### How the Lottery Operates

- 3.11 The lottery focuses on enabling local good causes to raise additional funding for their services, and would operate as set out below:
- 3.12 All day to day management will be conducted by the ELM. This includes processing new players, distributing prizes and income for good causes. The ELM will also provide significant tailored marketing support to good causes and the Council, and assist players should they experience difficulties. However, it is the Council's decision as to whom it identifies as a good cause.
- Each ticket costs £1 of which 50p goes solely to the specific good causes signed up to take part in the lottery, a further 10p provides funding for the Council to determine its use, which provides funding to other good causes making a total of up to 60p available. In comparison, the Health lottery allocates 20% to good causes and the UK Lotto allocates 28%.
  - Players select which good cause they want their money to go to, and each 50p amount is directly paid over to that specific good cause on a periodic basis by the ELM.
  - Of the remaining balance, 20p is allocated for prize money, 17p goes to the External Lottery Manager, and 3p is VAT, which is reclaimable by the Council.
  - Participation is on-line (or telephone for those who don't have access to the internet), and no tickets are sold in shops, offices or on the street.
  - Tickets have to be bought in advance and payment is via credit/debit card or Direct Debit. Evidence from other participating local authorities has shown that over 50% of supporters use Direct Debit as a recurring payment method, creating a degree of income stability. The remaining 50% buy blocks of tickets in either 1, 3, 6 or 12 month blocks. It is not possible to buy individual tickets each week as the focus of the lottery is to provide rolling funding for good causes.
  - The Lottery is based on a different principle to the UK Lotto. The numbers used are the results of the Australian Super 66 which is a combination lottery that uses only the numbers 0 to 9 which are then randomly drawn by a computer. As the Super 66 is drawn weekly on a Saturday morning (UK time) the deadline for participating in the local lottery is midnight Friday.
  - Players (aged 16 or over) are able to choose 6 numbers, and to win the weekly jackpot they must match both the numbers and sequence as drawn. Players can also win a prize if the ticket matches the sequence of the first or last 2, 3,

4, or 5 numbers drawn.

- Multiple tickets are able to be purchased, and numbers can be changed by players.
- Players also have the option to donate their winnings to their chosen good cause if they so wish (other local authority experience has shown that circa 10% of winners have donated their prize back to the good cause).
- The jackpot is an insured prize, and is a guaranteed pay out of £25,000 per winner (even if multiple people win the jackpot it is not shared or rolled over). The ELM takes out insurance to cover all prizes and the risk of ticket sales not being sufficient to cover the prize pay-out lies with ELM.

	Winning Odds	Prize
6 numbers	1: 1,000,000*	£25,000
5 numbers	1: 55,556	£2,000
4 numbers	1: 5,556	£250
3 numbers	1: 556	£25
2 numbers	1:56	3 free tickets
<b>Overall odds of winning any prize</b>	<b>1:50</b>	<b>n/a</b>

\* Note: The odds of winning the Health lottery jackpot is 1:2m and the Euromillions jackpot is 1:140m

- 3.13 The ELM will send newsletters to all good causes signing up to the lottery providing updates on their lottery. The Council will help publicise the Lottery and support its take up. Apart from licensing and marketing costs, the lottery will be self-funding.
- 3.14 The process of setting up a local authority lottery normally takes about six months from the date of agreement to approval by the Gambling Commission.

#### Responsible Gambling

- 3.15 Lotteries are the most common type of gambling activity across the world, and considered to be a 'low risk' form with respect to the emergence of problem gambling. This is due to its relatively controlled form. The Lottery will help mitigate against many of the issues related to addictive gambling by:
- Being only payable via pre-arranged sign up (not 'spur of the moment') and non-cash methods (as players have to pay in advance via card or Direct Debit).

- There is no ‘instant gratification’ or ‘instant reward’ to take part, due to the midnight deadline whilst the results are released the following day.
  - Promotion of the lottery will be mainly via the good causes to their supporters.
  - The lottery will be fully compliant with the Gambling Commission’s licensing code of practice, which includes self-exclusion and links with support organisations.
  - It is proposed that the council becomes a member of the Lotteries Council, which provides a range of services for its members, including acting as independent arbitrator for lottery providers should a dispute arise, free access to advice from specialists, and representation with regulators and legislators. The Lotteries Council will also make a contribution to the Responsible Gambling Trust on behalf of each of its members.
  - The minimum age for participation in a local authority lottery is 16 years. A person commits an offence if they invite or allow a child (someone under 16) to enter such a lottery. The Council will ensure that appropriate written policies are in place to help prevent and deal with cases of under-age play. Gatherwell, when acting as ELM, require players to declare their age as 16 or over and undertake back office and random checks to verify dates of birth and ensure no under-age players. As part of the licensing objectives the Council are required to ensure that children and other vulnerable people are not harmed or exploited by the lottery.
  - The Council, as licence holder will take all reasonable steps to ensure that information about how to gamble responsibly and how to access information for help in respect of problem gambling is readily available.
- 3.16 Due to these factors it is reasonable to believe that the Community Lottery as proposed, will not significantly increase problem gambling, and that the benefits to good causes in the borough from the proceeds of the lottery outweigh the possible negative issues.
- 3.17 In order to comply with the licensing requirements under the Act it is suggested that the authority to apply for any operating licences on behalf of the Council be delegated to the Assistant Director for Individuals and Families.
- 3.18 It is suggested that the Assistant Director for Individuals and Families and Assistant Director of Finance be nominated as the Personal Management Licence holder for the Lottery and be given authority to apply for such a licence.
- 3.19 The name of the proposed lottery will be agreed through consultation with the portfolio holder, Leader and Deputy Leader. A suggestion of Community at Heart lottery has been put forward.



## **4 OTHER OPTIONS**

- 4.1 The proposal could be rejected and we continue with the same arrangements that are currently in place.

## **5 ISSUES AND RISKS**

- 5.1 The estimated cost of setting up the lottery is around £7,300 as follows:

- Gatherwell set up fee - £5,000 which will include:
  1. Website design, hosting, maintenance and development;
  2. Payment gateway investments (dedicated Direct Debit and payment card accounts);
  3. Dedicated support telephone number, email and social media accounts;
  4. Marketing strategy support and generic design creation;
  5. Gambling licence application support;
  6. Training for licence holders.
- Gambling Commission licence - £692 per year plus £244 application fee;
- Lotteries Council membership - £350 per year plus £25 application fee;
- Launch event – costs of circa £1,000 but will be kept as low as possible.

- 5.2 Once launched, the ongoing costs will be as follows:

- Gatherwell will not charge a set annual fee, as their costs will be covered by the 17p service charge from each £1 ticket. The full set of services outlined above will still be provided.
- Gambling Commission licence and Lotteries Council membership, which together currently cost £1,042.
- Ongoing marketing of the lottery will mainly be the responsibility of individual good causes who will promote the lottery to their supporters and the general public in anticipation of raising income. The Council will provide additional support by placing promotional material and press releases in relevant publications and on-line. It is anticipated that this will be a minimal cost, both in terms of officer time and money as this type of support will only occur 3 or 4 times per year, at most.

- 5.3 The costs of the set up will initially be funded from an increased budget in 2020/21. The ongoing costs will be paid out of the Council's 10p share.

- 5.4 The Council's proceeds from the lottery will initially be used to pay for the ongoing costs of the lottery. Any further use of the proceeds has yet to be determined, as this will be entirely dependent upon the number of players and tickets sold. However it would not be unreasonable to estimate a return for the council of a

minimum of £5,000 per annum after two years. An annual review will be undertaken to ensure that the lottery is running in line with the aims set out in this report.

- 5.5 Although exact returns for the Community Lottery cannot be guaranteed, other well established local authority lotteries are achieving an average of 1,600 to 2,800 tickets per week. Based on 52 weeks per year x 50p contribution, monies raised directly for good causes over the year could be within the range £41,600 to £72,800.
- 5.6 Given the estimated ticket sales above, the amount retained by Gatherwell from ticket sales could be in the range of £272 - £476 per week, so there is an estimated contract value for contracting with Gatherwell of £14,144 - £24,752 per year. The initial contract period will be for two years with an option to extend for a further year, depending on the success of the Lottery and the value of proceeds each financial year.
- 5.7 **Resource Implications** – The running of the lottery will be coordinated within the Communities team through existing resource. There will be an initial increase in budget to cover set up fees, however all monitory costs in future will be paid for through income.
- 5.8 **Legal Implications** – Lottery will be registered and we will comply with all legal requirements.
- 5.9 **Equality Implications** – Minimal – work will be undertaken by the Council and the ELM to minimise gambling addiction.
- 5.10 **Environmental Impact** – None
- 5.11 **Crime and Disorder** – None
- 5.12 **Risks** – that the lottery does not take off in Broadland. The initial contract will be 12 months and so there is no ongoing risk if we decide to come out of the scheme.

## 6 CONCLUSION

- 6.1 To help in addressing the potential budgetary pressures facing the Council and its funded partnerships in the future, and to help organisations become more adept at different models of fundraising with the ultimate aim of becoming more self-sufficient.

## 7 RECOMMENDATIONS

Cabinet agrees to:

- 7.1 The establishment of the Community Lottery for the purpose of raising funds to support good causes that benefit our residents.

- 7.2 Approving the procurement of an External Lottery Manager to run the operational side of the lottery.
- 7.3 Authorises the Assistant Director of Individuals and Families, in consultation with the Portfolio Holder for Economic Development and Economic Development team to establish criteria for determining which good causes can participate in the Lottery, and apply those criteria.
- 7.4 Nominates the Assistant Director of Individuals and Families and Assistant Director of Finance as the personal licence holder for the Lottery and authorises them to apply for the personal licence and delegate the running of the lottery to them.

### **Background Papers**

None

## **DEVELOPMENT MANAGEMENT CHARGING FOR PRE-APPLICATION ADVICE**

**Report Author:** Helen Mellors  
Assistant Director - Planning  
01603 430149  
Helen.Mellors@broadland.gov.uk

**Portfolio:** Planning

**Wards Affected:** All

### **Purpose of the Report:**

To set out proposals for the introduction of a range of charges for the provision of pre application advice to customers

### **Recommendations:**

1. To introduce charging for pre-application advice as outlined in the proposed charging schedule, attached at Appendix 1, from 1 April 2020; and
2. To review the charging schedule after 12 months.

## **1 SUMMARY**

- 1.1 To consider and agree the approach for the introduction of charging for pre-application advice as detailed in this report and proposed in the charging schedule attached as Appendix 1, from the 1 April 2020.

## **2 BACKGROUND**

- 2.1 The development management function is a key statutory role for the Council as the Local Planning Authority (LPA) for its area. Planning fees are generated for most planning applications and for the discharge of conditions.
- 2.2 This report sets out how applicants will benefit from the availability of a paid-for pre-application advice service that will meet their need for early engagement in the planning process. It details how high-quality pre-planning advice can help applicants avoid delay and cost that can result from poorly prepared planning applications.
- 2.3 Government has long advocated the benefits of a pre-application service, in terms of improving the quality of applications (and development), enabling early local engagement and speeding up the process of determination by identifying and resolving contentious issues. This is supported by current published Planning Practice Guidance and the National Planning Policy Framework (NPPF).
- 2.4 As part of the development of the single planning team, we have sought customer feedback and have developed a joint Planning Agents' Forum. From this we know applicants value having a quality pre-application service as it results in better outcomes for them by speeding up the planning application process. It also helps to ensure the correct information is submitted and gives applicants an opportunity to address officer concerns before the application is submitted, thus avoiding the need for them to submit revisions as part of the application process.
- 2.5 The fees for planning applications are set nationally by Government at a level designed to enable councils to recover a proportion of the costs of processing those applications
- 2.6 Section 93 of the Local Government Act 2003 introduced a discretionary provision enabling local planning authorities to charge for pre-application advice. These charges must seek only to recover the costs incurred in providing the service and should be assessed on a rolling, break-even calculation over a 3-5 year period.
- 2.7 The Feasibility Report in June 2018 and the Planning Service Review has identified the potential for the pre-application service to generate an income and as an opportunity to offer an enhanced pre-application service with reasonable costs attached. We have talked to local agents and reviewed the service and costs offered by neighbouring Councils to look at how these fees should be set. It has also enabled us to evaluate the level of service that applicants expect and the value they attach to receiving this in a timely and professional advice. Attached as

appendix 2 is a list of pre-application charges other local planning authorities have introduced.

- 2.8 We understand our customers, particularly local agents, feel that pre-application advice plays a significant part in avoiding unnecessary delay and cost at planning applications stage. Furthermore, a review of other Councils shows that charging is widely applied and accepted.
- 2.9 The Place Shaping Panel considered a proposal to introduce charging for the full range of preapplication services, including householder enquiries and from small housing developments and small commercial developments. Following the Place Shaping Panel, further discussions have taken place with the Portfolio holder to strike a balance between recovering officer costs and supporting households, small developers and businesses. The charge for major proposals (51 dwellings or more and for 10,000sq.m or more) has also been increased. The proposed charging schedule has been amended to reflect these changes.

### **3 CURRENT POSITION**

- 3.1 The Council currently offers pre-application advice to both domestic and commercial customers on a free-of-charge basis, including meetings in the office and on site. The current service is a relatively informal arrangement.
- 3.2 As part of the proposal to charge for pre-application advice and as part of the review of the planning service, a new team structure has resulted in the creation of multi-disciplinary development management teams and a development team approach in the Majors team. This will ensure that all internal consultee comments (design, conservation, ecology, planning policy and environmental services) are received in a timely manner and all the issues which are material to a development proposal can be considered at the same time. This enables the planning officer to make key judgements on the proposals at an early stage in the process. We also invite representatives from Norfolk County Council Highways to an initial meeting to seek their views early on in the process.
- 3.3 For the customer this means that proposals will be dealt with in an efficient and comprehensive manner. If a proposal is required to be amended then a co-ordinated request is made to address all the issues, saving the customer time and money.
- 3.4 This will result in the focus being on providing an advice service that meets the expectations of customers in terms of the quality of both output and timely delivery.
- 3.5 The key benefit will be speeding up the planning application process for the customer and should reduce the need to ask for amendments as part of the application process. It should also speed up the validation process with the correct information being submitted to register the application on day one.

## 4 PROPOSED ACTION

- 4.1 It is proposed that initial high-level advice and permitted development advice will still be available to customers free of charge, both on the phone and in person in the office. However, to enable a more comprehensive response that involves further research or the input from a range of officers / consultees, it is proposed to introduce a range of charges for the pre-application advice.
- 4.2 The following categories allow the charges to be proportionate to the nature of the development and will allow allocation to the most suitable officer for the nature of the enquiry. Initial advice and follow up discussions will be covered by the single fee.

Enquiry type	Categories	Charge
Householder	All works to existing dwelling and garden buildings	FREE
Enquiry	<ul style="list-style-type: none"> <li>• Adverts</li> <li>• Change of use</li> <li>• Advice relating to trees</li> <li>• Advice relating to listed building considerations</li> <li>• Prior notifications</li> </ul>	FREE
Small Scale Minor Enquiry	<ul style="list-style-type: none"> <li>• Residential development of between 1 or 2 dwellings or less than 0.2 Hectare</li> <li>• Non-residential development of less than 250 sq. m floorspace or 0.5 Hectare</li> </ul>	FREE
Small Scale Minor Enquiry with meeting in office		FREE
Small Scale Minor Enquiry with meeting on site		FREE

Enquiry type	Categories	Charge
Minor Enquiry	<ul style="list-style-type: none"> <li>• Residential development of between 3 and 9 dwellings or less than 1 Hectare</li> <li>• Non-residential development of 251 to 1275 sq. m floorspace or 1 Hectare</li> </ul>	£200
Minor Enquiry with meeting in office		£300
Minor Enquiry with meeting on site		£400
Medium Enquiry	<ul style="list-style-type: none"> <li>• Residential development of between 10 and 50 dwellings or between 1 and 2 Hectare</li> </ul>	£900
Medium Enquiry with meeting in office		£1,200
Medium Enquiry with meeting on site		£1,500

Enquiry type	Categories	Charge
	<ul style="list-style-type: none"> <li>Non-residential development of between 1275 and 9,999 sq. m floorspace or between 1 and 2 Hectares</li> </ul>	
Major Enquiry	<ul style="list-style-type: none"> <li>Residential development of 51 dwellings or more</li> <li>Non-residential development greater than 10,000 sq. m floorspace</li> <li>Proposals requiring Environmental Impact</li> </ul>	£3,500
Major Enquiry with meeting in office		£4,000
Major Enquiry with meeting on site		£4,300

4.3 The charges set out above, require an expected level of information to be submitted as detailed, in full, in appendix 1. The response will also be enhanced, and the information provided back to the applicant will include, for each category, the following information:

4.4 Householder development

- Any relevant previous planning decisions
- Summary of the main planning considerations and objectives of relevant policies
- Comments on the design and relationship to neighbouring uses
- Any restrictions which should be considered (Tree preservation Order etc)

With a conclusion on the likely outcome of any application if it is submitted and to outline amendments that may be required. Please note, as is current practice, officers will also need to put a caveat on all advice to say that the advice given is without prejudice to the submission of a formal planning application

4.5 Enquiries

As for 4.4

4.6 Small scale minor development

- As for 4.4 plus
- Comments on the mix of development and need for affordable housing
- Transport and highway issues (when/if received)
- Financial contributions – CIL
- Additional bodies you may wish to consult before submitting an application

4.7 Minor development

As for 4.6

4.8 Medium development



As for 4.6 plus

- Comments on sustainability
- Comments on Building for Life

4.9 Major development

As for 4.8 plus

- Information relating to Environmental Impact Assessment Regulations

4.10 With respect to these costs, it is anticipated the Council's cost will include all internal consultees and the Highway Authority. If other consultees responses are required at the request of the applicant, then this may incur an additional cost. At present most statutory consultees (Environment Agency, Natural England, Historic England) give standing advice and charge direct. Links to their web site will be provided in our response

4.11 The introduction of a scheme to charge for pre-applications advice presents an opportunity to recover some of our costs. The paper which was considered by the Place Shaping Panel set out the potential to generate additional revenue of £280,627 phased over four years as follows:

Year 1: £48,280

Year 2: £60,350

Year 3: £75,437

Year 4: £96,560

4.12 These predictions were based on current levels of enquiries:

Enquiry type	Current Numbers (2018/19)	Predicted income
Householder	249	£14,940
Enquiry	69	£5,520
Small Scale Minor Enquiry	176	£17,600
Minor Enquiry	30	£6,000
Medium Enquiry	25	£22,500
Major Enquiry	10	£30,000
Total	559	£96,560

4.13 To reflect a prudent approach to projecting the level of new revenue from this source, the first-year volume was assumed to be only 50% of the current level. Subsequent years were projected using a 25% year-on-year growth in enquiry volumes.

4.14 Following the proposed revisions in relation to householders, enquiries and small-scale minor enquiries, the predicted income would be £184,725 phased over four years, as follows:

Year 1 : £31,750

Year 2 : £39,867

Year 3 : £49,608  
Year 4 : £63,500

4.15 These predictions are based on current levels of enquiries:

Enquiry type	Current Numbers (2018/19)	Predicted income
Householder	249	FREE
Enquiry	69	FREE
Small Scale Minor Enquiry	176	FREE
Minor Enquiry	30	£6,000
Medium Enquiry	25	£22,500
Major Enquiry	10	£35,000
Total	559	£63,500

4.16 It is proposed that the service should be monitored for 12 months from introduction to assess the number of enquiries received by category and to then review whether further changes should be made to the schedule, including whether charges should be introduced for further categories.

## 5 OTHER OPTIONS

5.1 The alternative option available to the Council is to charge for all categories or to do nothing. If this option were pursued, the Council would continue to incur a net annual cost for providing this service.

## 6 ISSUES AND RISKS

6.1 Service standards may not rise to the level expected for a paid-for service. It should be acknowledged that agents/developers may choose not to use this paid-for service, but the risks associated with this will hopefully be mitigated with regular develop/agents forum meetings to encourage the use of this service, outlining the benefits of doing so, as already detailed in this report. If an agent/developer submits a scheme without the appropriate fee, it will not be dealt with as this will be a compulsory fee

6.2 **Resource Implications** – the service currently provides a pre application service and the implementation of charges should be capable of delivering an improved service with current resources as it is anticipated that there will be a reduction in the number of small-scale enquiries.

6.3 **Legal Implications** – None directly arising from this report.

6.4 **Equality Implications** – The service will be available to all customers; however, it is proposed that there will be exemptions for the following:

- Adaptations for disabled people will be free
- Enquiry relating to a refused or withdrawn planning application will be free

- Follow up enquiry within 6 months of the original will be free

And reduced fees for:

- Parish Councils, Charities, Voluntary Groups, exception affordable housing sites would only pay 50% of the pre application fee

#### 6.5 **Environmental Impact** – No

#### 6.6 **Crime and Disorder** – pre application advise will comment on design and layout which will help reduce crime and disorder

#### 6.7 **Risks** – No

### 7 **CONCLUSION**

7.1 The focus of introducing charging will be on the benefits this will deliver for customers as detailed in this report with the key benefits being a guaranteed response time, given by a senior planning officer in a development team approach. The level of detail in the response is also being expanded on, resulting in an enhanced level of service.

7.2 Change management around this development will continue to be introduced and will focus on providing a more responsive, streamlined and efficient service that enables customers to get demonstrably better outcomes from the whole planning process

7.3 For the Council and customers, the development of the service will:

- Provide benefits to the customer as detailed in this report.
- Leverage the provision of high quality and timely pre-application advice to encourage better quality planning applications that will be easier to process.
- Meet customer need and provide a better and more cost-effective planning service.
- Speed up the planning process with an effective pre-application service on major applications.
- Create efficient and effective service delivery, partly facilitated by a reduced volume of enquires.
- Use online guidance to improve quality of submissions which will enable a faster response.
- Reduce and offset the current and future costs of providing the service.

### 8 **RECOMMENDATIONS**

8.1 To introduce charging for preapplication advice as outlined in the proposed charging schedule, attached at appendix 1, from 1 April 2020.

8.2 To review the charging schedule after 12 months.

## **Pre application fees**

The following sets out the details that you need to submit for us to be able to answer your enquiry and identifies the information which is essential and additional information which will help us to give a fuller response.

The tables set out the fee (which include VAT) for each of the 6 pre application categories.

### **Exemptions**

- Adaptations for disabled people = free
- Enquiry relating to a refused or withdrawn planning application
- follow up enquiry within 6 months of the original = free

### **Reductions**

- Parish Councils, Charities, Voluntary Groups, exception affordable housing sites = 50% of the pre application fee

\* Where it is not possible to secure a comment from external consultees within the above timescales, the Council will respond and forward the consultee comments separately

### **1) Works to an existing dwelling (extensions or outbuildings)**

To formally establish whether the proposed can be undertaken without the need to submit an application for planning permission you should submit an application for a Certificate of Lawfulness – Proposed. Fee £103

For an informal officers opinion on the need for planning permission and / or the likely outcome of such a planning application you can use the following service :

Information we need from you	
Essential	<ul style="list-style-type: none"> <li>• Location plan showing where the site is</li> <li>• Plan showing the position of the proposal in the site</li> </ul>
Desirable	<ul style="list-style-type: none"> <li>• Sketch drawings showing what the proposal looks like from each side, ideally including the dimensions</li> <li>• Photographs of the site and its surroundings</li> </ul>

Information we'll provide in our reply	
<ul style="list-style-type: none"> <li>• Any relevant previous planning decisions</li> <li>• Summary of the main planning considerations and objectives of relevant policies</li> <li>• Comments on the design and relationship to neighbouring uses</li> <li>• Any restrictions which should be considered (Tree preservation Order etc)</li> </ul>	

Costs and time taken for reply		
	Cost	Final response
Written reply	FREE	Within 15 working days or an agreed extension of time

## 2) Flat rate fee

- Adverts
- Change of use
- Advice relating to trees
- Advice relating to listed building considerations
- Prior notifications :
  - Telecommunications,
  - Agricultural buildings / works
  - All Part 3 prior notifications (Class C, J, M, N, O, P, Q, R, S, T)

Information we need from you	
Essential	<ul style="list-style-type: none"><li>• Location plan showing where the site is</li><li>• Plan showing the position of the proposal in the site</li></ul>
Desirable	<ul style="list-style-type: none"><li>• Sketch drawings showing what the proposal looks like from each side, ideally including the dimensions</li><li>• Photographs of the site and its surroundings</li></ul>

Information we'll provide in our reply	
<ul style="list-style-type: none"><li>• Any relevant previous planning decisions</li><li>• Summary of the main planning considerations and objectives of relevant policies</li><li>• Comments on the design and relationship to neighbouring uses</li><li>• Any restrictions which should be considered (Tree preservation Order etc)</li></ul>	

Costs and time taken for reply		
	Cost	Final response
Written reply	FREE	Within 15 working days or an agreed extension of time

### 3) Small Scale Minor Development.

- Residential development of between 1 or 2 dwellings or less than 0.2 Hectare
- Non residential development of less than 250 sq m floorspace or 0.5 Hectare

Information we need from you	
Essential	<ul style="list-style-type: none"> <li>• Location plan showing where the site is</li> <li>• Plan showing the position of the proposal in the site</li> </ul>
Desirable	<ul style="list-style-type: none"> <li>• Sketch drawings showing what the proposal looks like from each side, ideally including the dimensions</li> <li>• Photographs of the site and its surroundings</li> <li>• Project brief / Design and Access Statement</li> </ul>

Information we'll provide in our reply
<ul style="list-style-type: none"> <li>• Any relevant previous planning decisions</li> <li>• Summary of the main planning considerations and objectives of relevant policies</li> <li>• Comments on the mix of development and need for affordable housing</li> <li>• Transport and highway issues *</li> <li>• Comments on the design and relationship to neighbouring uses</li> <li>• Any restrictions which should be considered (Tree preservation Order etc)</li> <li>• Financial contributions – CIL</li> <li>• Additional bodies you may wish to consult before submitting an application</li> </ul>

Costs and time taken for reply				
	Cost	Initial contact	meeting	Final response
Written reply	FREE			Within 20 working days or an agreed extension of time
Meeting in office and written reply	FREE	Within 5 working days	Within 15 working days	Within 10 working days of meeting or an agreed extension of time

#### 4) Minor Development.

- Residential development of between 3 and 9 dwellings or less than 1 Hectare
- Non residential development of 251 to 1275 sq m floorspace or 1 Hectare

Information we need from you	
Essential	<ul style="list-style-type: none"><li>• Location plan showing where the site is</li><li>• Plan showing the position of the proposal in the site</li></ul>
Desirable	<ul style="list-style-type: none"><li>• Sketch drawings showing what the proposal looks like from each side, ideally including the dimensions</li><li>• Photographs of the site and its surroundings</li><li>• Project brief / Design and Access Statement</li></ul>

Information we'll provide in our reply	
<ul style="list-style-type: none"><li>• Any relevant previous planning decisions</li><li>• Summary of the main planning considerations and objectives of relevant policies</li><li>• Comments on the mix of development and need for affordable housing</li><li>• Transport and highway issues *</li><li>• Comments on the design and relationship to neighbouring uses</li><li>• Any restrictions which should be considered (Tree preservation Order etc)</li><li>• Financial contributions – CIL</li><li>• Additional bodies you may wish to consult before submitting an application</li></ul>	

Costs and time taken for reply				
	Cost	Initial contact	meeting	Final response
Written reply	£200			Within 20 working days or an agreed extension of time
Meeting in office and written reply	£300	Within 5 working days	Within 15 working days	Within 10 working days of meeting or an agreed extension of time
Meeting on site and written reply	£400	Within 5 working days	Within 15 working days	Within 10 working days of meeting or an agreed extension of time

## 5) Medium development

- Residential development of between 10 and 50 dwellings or between 1 and 2 Hectare
- Non residential development of between 1275 and 9,999 sq m floorspace or between 1 and 2 Hectares

Information we need from you	
Essential	<ul style="list-style-type: none"> <li>• Location plan showing where the site is</li> <li>• Plan showing the position of the proposal in the site</li> <li>• Project brief / Design and Access Statement</li> </ul>
Desirable	<ul style="list-style-type: none"> <li>• Sketch drawings showing what the proposal looks like from each side, ideally including the dimensions</li> <li>• Photographs of the site and its surroundings</li> </ul>

Information we'll provide in our reply
<ul style="list-style-type: none"> <li>• Any relevant previous planning decisions</li> <li>• Summary of the main planning considerations and objectives of relevant policies</li> <li>• Comments on the mix of development and need for affordable housing</li> <li>• Comments on sustainability</li> <li>• Comments on Building for Life</li> <li>• Transport and highway issues *</li> <li>• Comments on the design and relationship to neighbouring uses</li> <li>• Any restrictions which should be considered (Tree preservation Order etc)</li> <li>• Financial contributions – CIL</li> <li>• Additional bodies you may wish to consult before submitting an application</li> </ul>

Costs and time taken for reply				
	Cost	Initial contact	meeting	Final response
Written reply	£900			Within 25 working days or an agreed extension of time
Meeting in office and written reply	£1,200	Within 5 working days	Within 20 working days	Within 15 working days of meeting or an agreed extension of time
Meeting on site and written reply	£1,500	Within 5 working days	Within 20 working days	Within 15 working days of meeting or an agreed extension of time



## 6) Major development

- Residential development of 51 dwellings or more
- Non residential development greater than 10,000 sq m floorspace
- Proposals requiring Environmental Impact

Information we need from you	
Essential	<ul style="list-style-type: none"> <li>• Location plan showing where the site is</li> <li>• Plan showing the position of the proposal in the site</li> <li>• Project brief / Design and Access Statement</li> </ul>
Desirable	<ul style="list-style-type: none"> <li>• Sketch drawings showing what the proposal looks like from each side, ideally including the dimensions</li> <li>• Photographs of the site and its surroundings</li> </ul>

Information we'll provide in our reply
<ul style="list-style-type: none"> <li>• Any relevant previous planning decisions</li> <li>• Summary of the main planning considerations and objectives of relevant policies</li> <li>• Comments on the mix of development and need for affordable housing</li> <li>• Comments on sustainability</li> <li>• Comments on Building for Life</li> <li>• Transport and highway issues *</li> <li>• Comments on the design and relationship to neighbouring uses</li> <li>• Any restrictions which should be considered (Tree preservation Order etc)</li> <li>• Financial contributions – CIL</li> <li>• Additional bodies you may wish to consult before submitting an application</li> <li>• Information relating to Environmental Impact Assessment Regulations</li> </ul>

Costs and time taken for reply				
	Cost	Initial contact	meeting	Final response
Written reply	£3,500			Within 25 working days or an agreed extension of time
Meeting in office and written reply	£4,000	Within 5 working days	Within 20 working days	Within 15 working days of meeting or an agreed extension of time
Meeting on site and written reply	£4,300	Within 5 working days	Within 20 working days	Within 15 working days of meeting or an agreed extension of time

## Appendix 2

	Scale range	Broadland	South Norfolk Council *	Norwich	North Norfolk	Kings Lynn	Great Yarmouth	Breckland
		cost	* Subject to review in 2020/2021	cost	cost	cost	cost	cost
ENQ			0	Lawful certificate or £108				
Householder Permitted Development	(FREE)		0					
Householder Extension	(FREE)		£42	£180	£95	£50 +VAT	£110.40	
					£195			
Small scale Minor	1 - 2 dwell < 250 sqm or 0.5Ha (FREE)		See Minor	See Minor	See Minor	15% of statutory fee + VAT (20% with consults)  1 dwell = £69.30 + VAT	See Minor	
Minor	3 - 9 dwellings 251 - 1275 sqm or 1Ha (£200)	FREE	1 - 9 dwell < 0.5 Ha 1000sqm or 1H £253	commercial extension£240 commercial new £540 1 - 9 basic advice £360 1 - 9 detailed advice £960  Follow up advice £120	basic advice (no opinion) commercial <50 sqm £95 detailed advice £195  <500sqm £195 detailed advice £395  1 - 9 dwell basic advice £295 detailed advice £595	15% of statutory fee + VAT (20% with consults)  3 dwell = £207.90 + VAT  9 dwell £623.70 + VAT	£507.60	FREE
	Change of Use	FREE	£253	£192				FREE
Minor with meeting	3 - 9 dwellings 251 - 1275 sqm or 1Ha (£300 / £400)	FREE	1 - 9 dwell < 0.5 Ha 1000sqm or 1Ha£379 / £442	commercial extension£240 commercial new £540 1 - 9 basic advice £360 1 - 9 detailed advice £960  Follow up advice £120	basic advice (no opinion) commercial <50 sqm £95 detailed advice £195  <500sqm £195 detailed advice £395  1 - 9 dwell basic advice £295 detailed advice £595 + £95 meeting	15% of statutory fee + VAT (20% with consults) meeting + £50  3 dwell = £207.90 + VAT  9 dwell £623.70 + VAT	£627.6 / £698.4	FREE
Medium	10 - 50 dwell or 1 - 2 Ha 1275 - 9999 sq m or 1 - 2Ha (£900)	FREE	10 - 199 dwellings 0.5 - 4Ha £1895	bespoke advice	see fee sheet	15% of statutory fee + VAT (20% with consults)  10 dwell = £693 + VAT  50 dwell = £3465 + VAT	10 - 199 dwellings 0.5 - 4Ha £1377.6	FREE
Medium with meeting	10 - 50 dwell or 1 - 2 Ha 1275 - 9999 sq m or 1 - 2Ha (£1200 / £1500)	FREE	10 - 199 dwellings 0.5 - 4Ha £2210 / £2270	bespoke advice	see fee sheet	15% of statutory fee + VAT (20% with consults)  10 dwell = £693 + VAT  50 dwell = £3465 + VAT	10 - 199 dwellings 0.5 - 4Ha £1670.40 / £1951.20	FREE
Major	51 + dwell 10,000 sqm + (£3500)	FREE	200 dwellings 10,000 sq m £3160	bespoke advice	see fee sheet	15% of statutory fee + VAT (20% with consults) 51 dwell = £3534.30 + VAT	200 dwellings 10,000 sq m £2836.8	FREE
Major with meeting	51 + dwell 10,000 sqm + (£4000 / £4300)	FREE	200 dwellings 10,000 sq m £3790 / £3915	bespoke advice	see fee sheet	15% of statutory fee + VAT (20% with consults) 51 dwell = £3534.30 + VAT	200 dwellings 10,000 sq m £3174 / £3511.20	FREE
<b>post decision</b>								
non material amendment				5% statutory fee or £100		N/A		
conditions				£360		N/A		
refusal			free	£498	household or <50 sqm £195, 50 - 499 sqm £395, 1 - 9 dwell £595			
listed buildings			free	£180	free	free		
exemptions	parish council / voluntary group / charity		50%		50%	free		
	disabled		free	free	free			
	adverts		free					
	removal of permitted development			free				
	trees				free			

## **PUBLIC SECTOR EQUALITY DUTY ANNUAL UPDATE**

**Report Authors:**

Victoria Parsons  
Policy & Partnerships Officer  
01603 430457  
[victoria.parsons@broadland.gov.uk](mailto:victoria.parsons@broadland.gov.uk)

Sarah Oldfield  
Policy & Partnerships Officer  
01603 430121  
[sarah.oldfield@broadland.gov.uk](mailto:sarah.oldfield@broadland.gov.uk)

**Portfolio:**

Transformation and Organisational Development

**Wards Affected:**

All

**Purpose of the Report:**

To summarise progress made by Broadland District Council and South Norfolk Council during 2019 in meeting the Public Sector Equality Duty, introduced in the Equality Act 2010.

**Recommendations:**

1. Cabinet to consider and approve the appended report for publication, or
2. Cabinet to consider the appended report, make amendments and approve for publication, or
3. Cabinet to take any other course of action, keeping in mind the requirements of the Public Sector Equality Duty as detailed in paragraph 1.1.

## **1 SUMMARY**

- 1.1 The Equality Act 2010 requires public bodies to publish an annual report demonstrating how they have complied with the Public Sector Equality Duty. It is proposed to make publicly available the report at Appendix A to fulfil that duty and enable service users, staff, the Equality and Human Rights Commission, regulators and other interested parties to assess the equality performance of Broadland and South Norfolk Councils

## **2 BACKGROUND**

- 2.1 The Equality Act 2010 introduced a Public Sector Equality Duty (PSED). This Duty requires Broadland and South Norfolk Councils in addition to other public sector organisations, to have due regard to the need to:
- i. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - ii. Advance equality of opportunity between people who share a protected characteristic and those who do not.
  - iii. Foster good relations between people who share a protected characteristic and those who do not.
- 2.2 This duty covers nine protected characteristics: Age, Disability, Gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation, marriage and civil partnership.

## **3 CURRENT POSITION**

- 3.1 This reports marks the first year that Broadland and South Norfolk Councils are reporting on their shared equality objectives:
- i. Ensure we are inclusive employers, identifying any underrepresented groups in the workforce
  - ii. Ensure that Broadland and South Norfolk Councils continue to provide accessible and inclusive services for all our customers.
  - iii. Active engagement with those service users who have one, or more of the protected characteristics
  - iv. Implement increased awareness of equality issues across the councils
- 3.2 The report at Appendix A highlights activities and work undertaken by the councils not just to work towards completing our actions and comply with the Public Sector Equality Duty but also to achieve what we, as councils should do in order to realise our vision for our place.

## **4 PROPOSED ACTION**

- 4.1 It is proposed that Cabinet approves the appended report for publication in order to meet the statutory duties placed on the Council by the Equality Act 2010.

## **5 OTHER OPTIONS**

- 5.1 Cabinet may wish to take another course of action, keeping in mind the requirements of the Public Sector Equality Duty as detailed in paragraph 1.1.

## **6 ISSUES AND RISKS**

- 6.1 **Resource Implications – Resource implications** – There are no resource implications associated with the publication of this report.
- 6.2 **Legal implications** – If the appended report is not published Broadland District Council will be in breach of their statutory duties under the Equality Act 2010.
- 6.3 **Equality implications** – The publication of this annual report is the key mechanism through which the Council fulfils its accountability to the Broadland community, demonstrating that equality issues are taken seriously and evidencing the progress that has been made. Should this report not be published, as well as not meeting statutory duties, it could have the effect of undermining the importance of equalities to Broadland communities.
- 6.4 **Environmental impact** – There are no environmental impacts associated with the publication of this report.
- 6.5 **Crime and disorder** – There are no impacts to crime and disorder associated with the publication of this report.
- 6.6 **Risks** – If statutory duties are not met, action could be taken against Broadland District Council by the Equality and Human Rights Commission with legal, financial and reputational risks for the Council.

## **7 CONCLUSION**

- 7.1 The appended report details the Council's successful work in demonstrating compliance with our Public Sector Equality Duty. Not all of the examples relate to the agreed Equalities actions for 2019 and this demonstrates that Equalities considerations are a constituent of everything we do at Broadland and South Norfolk

- 7.2 Publication of the appended report will not only fulfil our duty but also celebrate the examples of good work undertaken by the councils, either internally or in partnership with others, including:
- i. The adoption of the International Holocaust Remembrance Alliance working definition of Antisemitism.
  - ii. Continuing to support the Pride celebrations in July 2019
  - iii. The launch of First Step to engage with rough sleepers across the two districts

## **8 RECOMMENDATIONS**

- 8.1 To Cabinet to consider and approve the appended report for publication, or
- 8.2 Cabinet to consider the appended report, make amendments and approve for publication, or
- 8.3 Cabinet to take any other course of action, keeping in mind the requirements of the Public Sector Equality Duty as detailed in paragraph 1.1.

### **Background Papers**

There are no background papers

# **Equalities at Broadland District Council and South Norfolk Council**



**Public Sector Equality Duty Annual Report 2019**

## 1. Introduction

The Equality Act 2010 gave a formal requirement to all Local Authorities to comply with the Public Sector Equality Duty (PSED). That is, in the exercising of our functions, Broadland District Council and South Norfolk Council must have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it.
- Foster good relations between people who share a relevant protected characteristic and those who do not share it.

There are nine protected characteristics contained within the Act; Age, Disability, Gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation, marriage and civil partnership.

In order to comply with this we believe as Councils, that we should;

- Treat people fairly, justly and with respect in both employment and service provision
- Find ways to support those who are disadvantaged or excluded
- Promote inclusion and celebrate diversity.

### A Single Officer Team

In July 2018, following an in-depth feasibility study, it was agreed that Broadland and South Norfolk Councils would work towards the goal of a single paid service. 2019 saw a period of restructure culminating in two autonomous councils with services being delivered by a shared officer team from January 2020.

In preparation for this, equality focussed joint working took place throughout 2019 with the development and formal adoption of shared Equality Objectives, a joint Equality and Diversity policy and a shared Equalities and Communities Impact Assessment. The latter of these seeks those completing it to not only consider impacts on those with a protected characteristic but also issues relating to Health, Place and Low Income & Poverty.

During 2020, a Joint Corporate Equalities Group will be formed which will act as the main mechanism through which equalities issues and equality related activities and work can be disseminated, discussed and devised. The Joint Corporate Equalities Group will take ownership of the Joint Objectives and Actions. These are listed below as thematic categories through which examples describing our Equalities work and Activities are detailed.

This Equalities report for 2019 marks the first Joint annual Equalities report for Broadland and South Norfolk Councils.

## 2. The State of Broadland and South Norfolk

The following section provides a snapshot of the Broadland and South Norfolk populations; the data is taken from the 2011 Census unless otherwise indicated.

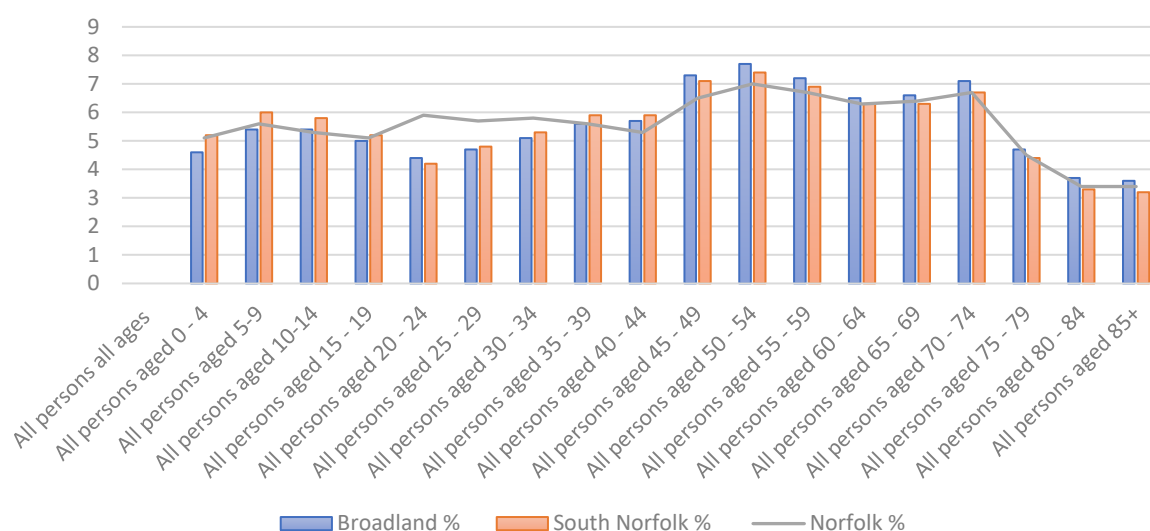
Figures from Norfolk Insight state that the population figure in 2018 for Broadland is 129,464 and for South Norfolk it is approximately 138,017. It is estimated that 51% of the population across both districts identify as female and 49% identify as male.

### Population by age

The chart below demonstrates a breakdown of the population by age category.



## Broadland and South Norfolk Population Breakdown by Age Category



(Norfolk Insight 2020)

The age bracket featuring the highest number of residents across both districts is the 50-54 age group, as with last year.

Approximately 54.2% of Broadland's and 53.8% of South Norfolk's population is of working age which is about the same as the Norfolk average of 54.8%. For those aged 0-19, the Norfolk average is 21.1%, Broadland's population at 20.4% is slightly lower, whilst South Norfolk's at 22.2% is slightly higher. For those aged 65+ the Norfolk average is 24.4%, Broadland's 65+ population is slightly higher at 25.7% and South Norfolk's is slightly lower at 23.9%.

In Broadland female life expectancy is 84.5 years with males at 81.1 years a slight increase on the previous year. In South Norfolk female life expectancy is 84.8 with male life expectancy at 81.3 years, also a slight increase on previous year. These figures for both districts are slightly higher than the Norfolk, East of England and England averages. However, it should be noted that in the most deprived areas of Broadland, life expectancy is 3.5 years lower for females and 4.0 years lower for men than in the least deprived areas. In South Norfolk's most deprived areas life expectancy is 3.8 years lower for women and 4.4 years lower for men, than in the least deprived areas.

In terms of living in good health, 2019 statistics show that in Norfolk men can now expect to live to age 64.7 in good health which is an increase on previous years and women to age 64.4 which is a decrease from the previous. There is no district level data available on this indicator.

## Ethnicity

Broadland	White	Mixed	Asian or Asian British	Black or Black British	Other Ethnic Group
Figures in %	97.7	0.9	1.0	0.3	0.1
Total no of people	121,795	1064	1,265	331	191

South Norfolk	White	Mixed	Asian or Asian British	Black or Black British	Other Ethnic Group
Figures in %	97.6	1.0	1.0	0.3	0.1
Total no of people	120,981	1214	1270	378	169

Publish date: March 2020

95.8% of Broadland and 95% of South Norfolk residents were born in the United Kingdom.  
5.6% of Broadland residents and 4.5% of South Norfolk residents were born outside the UK.

## Religion and Belief

Religious diversity is more prevalent in Broadland as a wider range of faiths are being observed by the population.

Broadland	Christian	Buddhist	Hindu	Jewish	Muslim	Sikh	Other religion	No religion	Not stated
Percentage %	63.3	0.3	0.2	0.1	0.3	0.1	0.4	28	7.4
Total No. of people	78,938	342	252	117	377	72	508	34,845	9,195

South Norfolk	Christian	Buddhist	Hindu	Jewish	Muslim	Sikh	Other religion	No religion	Not stated
Percentage %	62.3	0.3	0.2	0.1	0.3	0	0.4	28.7	N/K
Total No. of people	77,234	364	235	126	403	49	493	35,601	N/K

Census 2011 data

Christianity remains as the majority religion for Broadland and South Norfolk residents and this is a moderately higher Christian population compared to the Norfolk average of 61%. All religions, other than Christianity, are broadly commensurate with the percentage totals for Norfolk with the exception of 'Muslim' being 0.6% compared to South Norfolk and Broadland's 0.3%.

## Adoption of the Adoption of the International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism

During November 2019, Councillors across both Broadland and South Norfolk councils agreed to adopt the International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism. We view this as an enhancement of our Public Sector Equality Duty under the Equality Act.

The working definition is:

"Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities."

While Broadland and South Norfolk statistically have small Jewish Communities, we believe no one should experience hatred of any form, including for their religion or beliefs. Home Office statistics show that 18% of religiously motivated hatred is targeted at Jewish People. In adopting the working definition we are sending a strong signal in support of our Jewish communities and demonstrating that we will not tolerate this, or any, form of hatred.

## Marriage and Civil Partnership, Gender Reassignment, Sex and Sexual Orientation

Broadland	Single, (Never married)	Married	Same Sex Civil Partnership	Separated	Divorced	Widowed
Percentage %	24.5	55.7	0.2	2.0	9.5	8.1

Publish date: March 2020

<b>Total No. people</b>	25,397	57,687	189	2,088	9,885	8,411
<b>South Norfolk</b>	<b>Single, (Never married)</b>	<b>Married</b>	<b>Same Sex Civil Partnership</b>	<b>Separated</b>	<b>Divorced</b>	<b>Widowed</b>
<b>Percentage %</b>	25.4	55.5	0.3	2.2	9.4	7.3
<b>Total No. people</b>	25,795	56,458	257	2,223	9,528	7,456

*Census 2011 data*

The 2011 Census shows that of populations in Broadland and South Norfolk who are legally old enough to marry, 55% entered into a heterosexual marriage. In addition to this, 11.5% of the population has been married previously but are no longer and approximately a quarter have never been married.

At the time of the 2011 Census the data informs us that there were 189 people in Broadland and 257 in South Norfolk who had entered into a same sex Civil Partnership, although assumptions cannot be made that this data means that 0.2% of the Broadland population and 0.3% of South Norfolk population are lesbian, gay or bisexual.

We do not currently have up to date statistics on the number of same-sex marriages that have been entered into by Broadland residents. However the Office for National Statistics (ONS) states that in England & Wales in 2016 there were 7,019 marriages between same-sex couples with 56% of those between female couples. This was an 8% increase on the previous year. In addition a further 1,663 same-sex couples converted their civil partnership into a marriage. The low number of conversions in 2016 compared with 2015 may be because couples who wished to convert their existing civil partnership to a marriage chose to do so as soon as possible, with most conversions taking place in 2019.

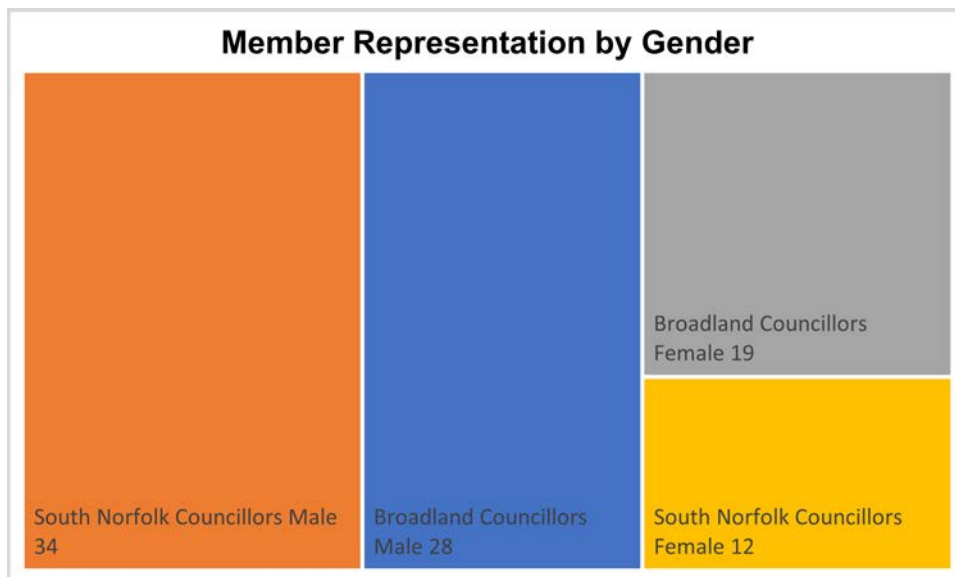
At present we do not have data on the sexualities and genders the populations of Broadland and South Norfolk identify as. Obtaining those statistics has historically been difficult due to under-reporting.

The Office for National Statistics (ONS) states the proportion of the UK population identifying as lesbian, gay or bisexual (LGB) has increased from 1.5% in 2012 to 2.0% in 2017, which is unchanged from 2016.

In 2017, there were an estimated 1.1 million people aged 16 years and over identifying as LGB out of a UK population aged 16 years and over of 52.8 million. Regionally, people in London were most likely to identify as LGB (2.6%), with people in the North East and East of England the least likely (both 1.5%). This would equate to approximately 4012 residents across Broadland and South Norfolk.

### 3. Members

Broadland and South Norfolk have a total of 93 members across the two district areas with an age range of 28-88 for Broadland and 20-80 for South Norfolk. The table below provides information on the gender representation of our member cohort.



In terms of Cabinet representation, in Broadland, 4 out of 7 Portfolio Holders are female, in South Norfolk, this figure is 4 out of 6 Portfolio Holders.

## 4. Our Equalities Work

The following section illustrates some of the work and activities we have undertaken to have a positive impact on our staff and customers in relation to our agreed shared Equality Objectives.

### **Objective 1: Ensure we are inclusive employers, identifying any under-represented groups in the workforce**

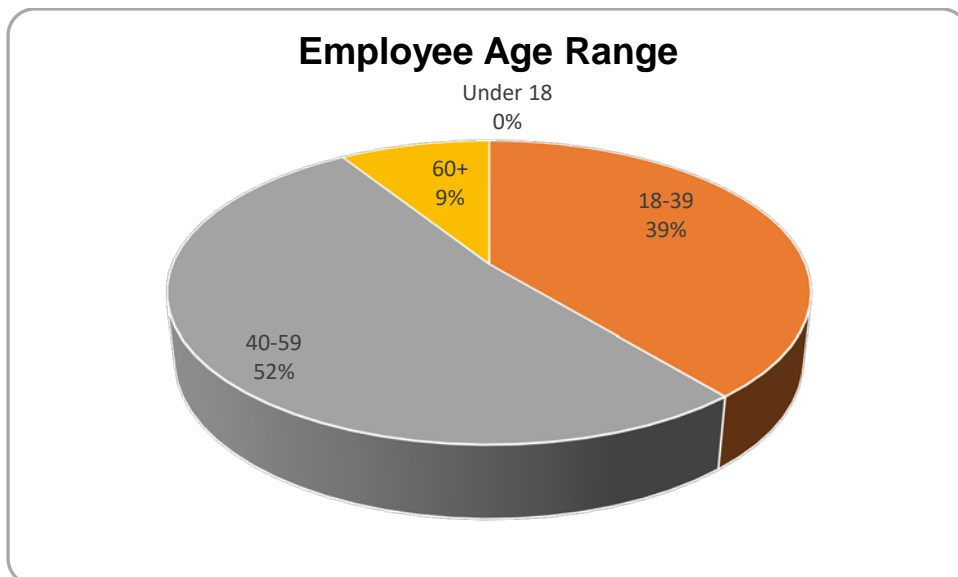
Broadland and South Norfolk now have a combined workforce of 699 employees.

As of 31<sup>st</sup> December 2019 these comprised as following:

December 2019	Full time	Part time	Total
<b>All employees</b>	447	252	<b>699</b>
<b>Male</b>	267	62	<b>329</b>
<b>Female</b>	180	190	<b>370</b>

These include eight Apprentices and one Graduate Scheme member.

### **Age Profile**



### Staff Turnover

Broadland District Council	10.8%
South Norfolk District Council	12.54%

Staff sickness for both councils was recorded as 2.76 days lost per full-time equivalent (FTE) for short term absence only and 5.12 days lost per FTE for all absences.

### Staff Ethnicity Profile

African	0.1% (7)
Any other mixed or multiple ethnic background	0.3% (21)
Any other White background	1.9% (133)
English, Welsh, Scottish, Northern Irish or British	55.8% (392)
Irish	0.4% (29)
Prefer not to say	1.4% (10)
White & Asian	0.3% (21)
White & Black African	0.1% (7)
Not known/blank	39.7% (278)

### Disability Profile

Broadland and South Norfolk employs 14 disabled members of staff (approximately 2% of total employees). Both councils have received the Disability Confident Employer award.

### Armed Forces Covenant – Bronze award



## EMPLOYER RECOGNITION SCHEME

### BRONZE AWARD

Proudly supporting those who serve.

Broadland and South Norfolk Councils are signatories of the Norfolk Armed Forces Covenant, which was signed at an official ceremony on 7 March 2012.

An Armed Forces Covenant is a voluntary statement of mutual support between a civilian community and the local armed forces community.

In December 2019 the councils were awarded the Bronze Award from the Ministry of Defence's Employer Recognition Scheme in national recognition of our commitment to support the armed forces community through our employment practices, this includes promotion of the councils as being armed forces-friendly and that we are open to employing reservists, armed forces veterans, cadet instructors and military spouses/partners

Both Broadland and South Norfolk Councils have created a Covenant Pledge to demonstrate its support, as an employer of choice, to the armed forces community. The pledge can be viewed at: <https://www.south-norfolk.gov.uk/residents/communities/armed-forces-community-covenant>

In 2020 we will be working towards our Silver award.

**Objective 2: Ensure that Broadland and South Norfolk Councils continue to provide accessible and inclusive services for all our customers.**

#### FIRST STEP



First Step is a collaborative project between South Norfolk and Broadland District Councils, designed to address the needs of rough sleeping across the two districts.

The service includes two Rough Sleeper Coordinators who are able to provide a rapid response to reports of people sleeping rough. This can include people sleeping, or bedded down, in the open air (such as on the streets, or in doorways, parks or bus shelters), people in buildings or other places not designed for habitation (such as barns, sheds, car parks, cars, derelict boats, stations or "bashes").

Their role is to establish contact, assess the needs of anyone found to be rough sleeping, provide the necessary support to engage with services seek more settled accommodation They'll check places that people have been known to bed down, to ensure that those who are homeless get the help they need.

#### Support

In addition to helping customers access accommodation to get off the streets, they provide support for a wide range of issues and tailor the assistance to the needs of each individual

customer. This may include help with transport, access to emergency accommodation, help to access benefits and to maximize income, provision of emergency food and clothing

## **Accommodation**

First Step Coordinators have access to accommodation for those verified as rough sleeping, to help anyone rough sleeping to get off the streets immediately.

The service works with a local supported housing provider to operate a Somewhere Safe to Stay (SSStS) hub which has emergency crash beds for customers accessing the FIRST Step service. This is normally available for a maximum of three nights. From the service can be able to support customers into medium-term "Staging Post" accommodation while working with the Housing Solutions team to support customers into long-term, sustainable accommodation.

Access to this accommodation is available through the FIRST Steps project and our Rough Sleeper Coordinators only.

In the six months since the service was implemented, the First Step Service have; undertaken 72 verification visits following reports of rough sleeping; placed 19 individuals into accommodation, either through the Somewhere Safe to Stay Hub (SSStS), Interim accommodation or spot purchased accommodation; supported those individuals with 46 instances of personal budget spend; and have referred 23 individuals into Supported Accommodation or Long term accommodation.

## **Community Connectors**

Community Connectors cover the whole of South Norfolk. If residents have something that is troubling them they can contact a Community Connector who will meet with them and help them to; be part of their community, have positive relationships, gain skills and feel confident, have a warm and safe home, be free from money worries.

Community Connectors can also put residents in touch with activities and groups in their area or help with setting up projects, groups or events.

Community Connectors are working from all GP surgeries across South Norfolk delivering social prescribing. This is a non-medical solution to social, emotional and practical issues that may be causing health problems, or making them worse. Residents can also access the service through South Norfolk Council offices or via the website

## **Long Stratton Breast Screening Clinic**

During August and September 2019, South Norfolk Council supported the NHS Breast Screening Programme by hosting a breast screening unit at Long Stratton Leisure Centre. Breast screening aims to find breast cancers early using an X-ray test called a mammogram that can spot cancers when they are too small to see or feel and women between the ages of 50 and 70 registered with Long Stratton Health Centre were invited to attend a screening. Facilitating the breast screening unit at the Leisure Centre enables those in Long Stratton and the surrounding area to access a vital testing programme locally without having to travel further afield. Each year the NHS Breast Screening Programme prevents around 1,300 deaths, so it's critical those at risk have the opportunity to be checked.

## **Objective 3: Active engagement with those service users who have one, or more of the protected characteristics**

### **Falls Prevention**

The Local Public Health Offer funds have been used to extend the remit of the Community Activities Co-ordinator to enable them to spend one day per week on falls prevention exercises and initiatives during 2019 and into 2020.

Referrals are received from the Handyperson service. An initial appointment is booked and the Exercise Co-ordinator visits the resident in their home. During this initial visit baseline measurements are taken and a range of seated/standing exercises are demonstrated. If participants wish to continue then another four follow up visits approximately 6-8 weeks apart will be arranged. Further assessments will be taken after six and nine months.

Residents taking part are noticing differences, such as finding their confidence has improved and that's it's easier to get around. Some really embrace the help that is available and small changes such as changing their footwear, thinking of ways to make their home safer, accessing support to help with adaptations, have made it easier to remain independent in their home.

The Project currently has 45 residents taking part, it will continue in 2020 and the final outcomes will be evaluated by Public Health.

## Help Hubs

Both South Norfolk and Broadland were early adopters of the Help Hub approach, although the two models currently differ slightly, as can be seen in the table below. The ambitions of the hubs are aligned in the desire to work in a highly connected way that ensures individuals get the right help, from the right people, at the right time which maximises all opportunities for them to achieve their potential without the need for long-term support or interventions.

Broadland Help Hub	South Norfolk Help Hub
<ul style="list-style-type: none"> <li>• Collaborative working environment made up of multiple partners</li> <li>• Some based permanently in hub such as children's services, police and 0-19 health services, others are outreach based and also hot-desking</li> <li>• Based in BDC building alongside housing teams and welfare/debt advice.</li> <li>• Weekly meetings attended by over 20 partner services.</li> <li>• Partners bring cases to weekly meetings for discussion and problem solving. Partner retains responsibility for the case, not the hub</li> <li>• Good partnership working in between weekly collaboration meetings. Partners are proactive in seeking advice rather than waiting for meetings and the co-location enables this.</li> <li>• Key issues <ul style="list-style-type: none"> <li>○ Unintentional self-neglect</li> <li>○ Mental Health</li> <li>○ Housing</li> <li>○ Vulnerability in older people</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Multi-agency partnership of approximately 30 organisations.</li> <li>• Some based permanently in hub such as children's services, police and 0-19 health services.</li> <li>• Others outreach based and hot desk.</li> <li>• Other agencies work externally but operate as part of the partnership.</li> <li>• Shared referral system for all agencies and multi-agency case allocations process.</li> <li>• Public facing with referrals from partner agencies, families and self-referrals.</li> <li>• Administered by a support team with officers from NCC and SN&amp;BC</li> <li>• Community connectors based in all GP surgeries providing social prescribing service and direct access into the hub services.</li> <li>• Key issues on RFSs include: <ul style="list-style-type: none"> <li>○ Finance</li> <li>○ Housing</li> <li>○ Mental health</li> <li>○ Support with the needs of a child</li> </ul> </li> </ul>

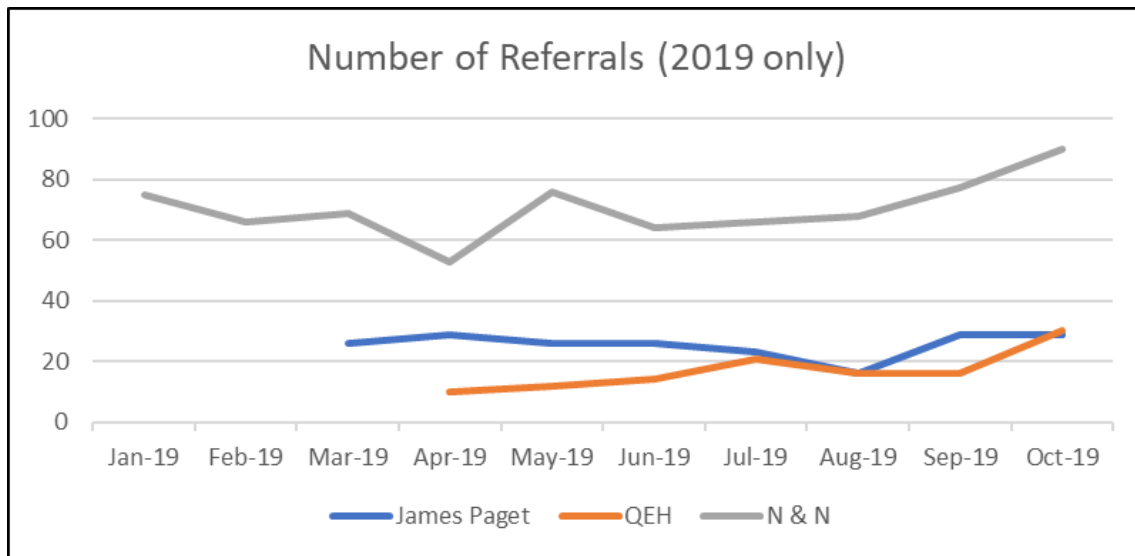
## District Direct

District Direct is a service that helps hospital in-patients with problems that may affect their return home. Housing Officers are based in the Discharge Offices at Norfolk & Norwich University Hospital, Queen Elizabeth Hospital and James Paget Hospital.



They can help with offering support to suitable housing and welfare benefits, co-ordinating actions required to ensure the home environment is suitable and provide key safe installation and adaptations as needed. They can also give advice about access to food banks and community projects and support to access assistive technology such as Lifeline and Careline.

Referrals during 2019 have continued to grow



In South Norfolk approximately 10 residents a month have been helped, and in Broadland this is approximately 9 residents per month. In both districts, most help offered is for 'access and adaptations', reflecting the older demographics and that a greater proportion of referrals come from owner occupiers.

The impact of the service has shown an average daily saving of 5 bed days and reduced length of stay by 36% saving £1,250 per day. 83% of referrals would not have known how to access the help they received without the District Direct Service.

60% did not visit A&E again in the 3 months since the assistance provided by District Direct and 75% felt confident about their continuing independence as a result of the District Direct service.

### Future Booster

During 2019 Broadland District Council offered a service to support wellbeing, self-esteem and raise confidence in young people aged 11-18 to schools within Broadland. Future Booster was a package of 3 workshops to help groups of young people aged 11-18 to identify and manage barriers to success. Target topics were improving self-esteem, dealing with bullying, creating healthy relationships, self-image and acceptance and creating resilience. This was delivered by Lola Stafford Consulting Ltd, a Norfolk Social Enterprise, with extensive experience of working with young people focusing on positive outcomes and wellbeing.

Workshops for 6-8 pupils at a time were delivered in Hellesdon High School, Reepham High School and Reepham College, with a plenary session for teachers and support workers being delivered at the end of each workshop package.

Feedback from workshops has included:

*'It has been amazing to just be able to sit and talk things through without judgement.'*

*'This has been hugely beneficial to them and we would love you to work with another group.'* (staff member)

*'I feel I could be braver now'*

*'I wish you could come every week'* (staff member)

Publish date: March 2020

## **Objective 4: Implement increased awareness of equality issues across the councils**

### **Safeguarding**

As part of the collaboration between Broadland and South Norfolk Councils, Designated Safeguarding Officers from across the two districts met towards the end of 2018 to share safeguarding activities and procedures.

Although these differed due to different approaches to Safeguarding in some service areas, for example, provision of Leisure Centres in South Norfolk, there was a common underlying approach to a thorough and easy to access safeguarding offer at Broadland and South Norfolk.

During 2019 staff from both local authorities worked together on a shared Safeguarding reporting process which is now on-line and can be accessed via the intranet on both sites. Broadland and South Norfolk also have a shared Designated Safeguarding Officer group and Safeguarding referrals will be reported to the Senior Management Board on a quarterly basis.

### **Pride 2019**

In 2019, and in partnership with The Ancient House Museum in Thetford and Norfolk Museum Service a touring exhibition was launched to engage with residents across South Norfolk and Broadland. The display, which was launched at South Norfolk on Show during the summer of 2019 then went on tour for 6 months, aiming to raise awareness of LGBTQ+ rights, and included an explanation of queer terminology, and a timeline charting the changes in the legal framework of the country around LGBTQ+ issues. The exhibition has also served to promote the Norfolk LGBT project and we have distributed posters for display in public areas directing people to the contact helpline.

The exhibition was toured to the following locations: South Norfolk Council Offices , Broadland District Council Offices, Poringland Library, Long Stratton Library, Post Mill Medical Centre Wymondham, Harleston Library, Aylsham Library, Long Stratton Medical centre and is currently on display in Kings Lynn. However the tour will be resumed across both districts in the summer 2020.

Additionally, South Norfolk council hoisted the Pride Flag for the first time in July 2019, joining with Broadland Council in showing our support of LGBTQ+. It has been agreed to continue to fly the flag in conjunction with the annual LGBT Pride Celebration every year, during the month of July, and at South Norfolk on Show on July 5<sup>th</sup> 2020.



## 5. Looking forward

This report details some of the activities undertaken by Broadland and South Norfolk Councils that during 2019 as we have worked towards developing a single management and officer team structure and which demonstrate compliance with our Public Sector Equality Duty

The report for 2020 will feature results of equalities work as the joint officer team is embedded, including the roll out of a programme of staff Equality and Diversity training, the Corporate Equalities Group is established and service redesign is progressed giving an excellent opportunity for Equalities to be written through everything we do at Broadland and South Norfolk.

## **BURE VALLEY RAILWAY AND PATH**

**Report Author:** Annie Sommazzi  
Infrastructure Officer  
01603 430503  
[ann.sommazzi@broadland.gov.uk](mailto:ann.sommazzi@broadland.gov.uk)

**Portfolio:** Place, Economic Development

**Wards Affected:** Aylsham, Buxton, Coltishall, Wroxham

### **Purpose of the Report:**

To summarise the current position regarding the Bure Valley Railway and Path (BVR/BVP) and to provide details on the ongoing maintenance and management costs associated with retaining the freehold asset.

### **Recommendations:**

- 1 For Cabinet to agree to separate budgets for the BVR/BVP and Marriott's Way and to increase the annual budget allowance for the BVR/BVP to £29,000 per annum, as contained within 4.6 of this report.
- 2 For Cabinet to agree to a separate budget and allowance of £9,000 per annum for the Marriott's Way, as contained within section 4.7 of this report.
- 3 For Cabinet to reallocate the £30,000 per annum rental income from the BVR Ltd into the asset to cover all annual maintenance costs for the site. Under this proposal any under spends could also be allocated into the reserve for 'large-capital' items.
- 4 Cabinet to approve the additional funding required to make good the outer-fence along the Bure Valley Railway line and to delegate the procurement strategy for these works to the Director of Place in consultation with the Portfolio Holder for Economic Development.

- 5 For Cabinet to approve the annual overspend, as outline in 4.19 of this report, incurred in the period 2019-2020 on the combined BVR/BVP and Marriott's Way budget.

## **1 SUMMARY**

- 1.1 In June 2017 Cabinet resolved to agree the conditional transfer of the asset of the Bure Valley Railway and Path (BVR/BVP) to the Bure Valley Railway Ltd (BVR Ltd) with vacant possession.
- 1.2 The implementation of this decision was delayed due to a legal requirement for the Light Railway Order to be transferred from the Council to the BVR Ltd through an act of parliament. During this delay it has become apparent that the sale of the asset may not be the most suitable approach in order to secure its future as a key environmental asset, walking and cycling link, and a top Norfolk tourist attraction.
- 1.3 In August 2019 the Council agreed to sign a Public Service Cooperation Agreement with Norfolk County Council (NCC) for a 10-year period to enable £1.2m of funding from an Interreg Visitor Economy fund to be drawn down as investment in the BVR/BVP. Discussions with NCC on how this funding will be delivered across the site are ongoing.
- 1.4 In September 2019 the Council resolved to retain the freehold asset of the BVR/BVP and to enter into negotiations to establish a partnership agreement with BVR Ltd and Norfolk County Council which would enable a new business model with the view to addressing the longer-term challenges involved in managing and maintaining the asset. These negotiations are ongoing.
- 1.5 Moving forward Cabinet need to consider the full costs associated with retaining ownership of the BVR/BVP.
- 1.6 Appendix One shows a diagrammatical representation which summarises the Council's current position regarding retention of the asset, BVR/BVP

## **2 BACKGROUND**

- 2.1 Since the Council opened the BVR/BVP to the public in 1991 regular maintenance has taken place along the route including works to the internal fence-line, path, access points, and verges as well as tree work and pest control
- 2.2 In 2015, when initial discussions took place between the BVR Ltd and the Council to sell the asset it was decided that routine maintenance works along the BVR/BVP were to be reduced, the budget was reallocated to focus on additional Council owned assets (woodland sites), and a 'bare-minimum' approach adopted. As seen in the table below, the annual sum spent on routine maintenance works (excluding bridge maintenance) along the route significantly reduced during this time:

2012	2013	2014	2015	2016	2017	2018
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£18,000	£15,400	£22,980	£7,400	£7,500*	£5,440	£6,340
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*\*Figures for 2016 are based on estimates as the site was being managed by the Norwich Fringe Project*

- 2.3 The rental income under the current lease agreement with the BVR Ltd to the Council is £30,000 per annum. Due to ongoing sale negotiations the 2016 rent review did not take place. The next rent review is due in September 2021.

### **3 CURRENT POSITION/FINDINGS**

- 3.1 As the Council now intends to retain the BVR/BVP, a series of works are required across the site to bring it back up to pre-sale-negotiation standards and address the series of dilapidations that have occurred over the last five years whilst the 'bare-minimum' approach was adopted.
- 3.2 Historically the outer-fencing along the 9 mile length of the Bure Valley Railway has not been maintained since it was originally installed in 1991. As a result the entire length of the fence is in need of replacement. This is something that the Council is contractually obliged to carry out as per the terms of the 1991 lease agreement between Broadland District Council and Bure Valley Railway (1991) Ltd (a summary of the Council's contractual obligations can be found in 4.9 to 4.12 of this report)
- 3.3 Previous estimates for replacing the external fencing have significantly underestimated the full costs involved. Due to a loss of expertise within the Council, the unique nature of carrying out works adjacent to a railway line, access issues, on site conditions, removal of existing fencing and the labour involved, current quotations for the works are significantly higher than previously anticipated.
- 3.4 Replacing the outer-fencing and addressing the dilapidations along the route will allow the Council to fully meet their contractual obligations within the 1991 lease agreement, but also to proactively manage the entire site as an important walking and cycling route, environmental asset, and a key Norfolk tourist attraction.

### **4 PROPOSED ACTION**

- 4.1 This section of the report outlines the proposed actions for the BVR/BVP regarding:
- General maintenance budgets
  - Funding for the replacement of the outer-fencing
  - Bridge maintenance
  - Approval of current annual overspends.

#### **General Maintenance budget proposals**

- 4.2 A unique BVR/BVP maintenance budget is proposed. This will make ongoing management more straight forward as it will allow council officers to streamline the process of awarding contracts for the maintenance of the site and to forecast budget requirements for future works.

- 4.3 At present there is a combined BVR/BVP and Marriott's Way maintenance budget. This budget was reduced to £12,000 per annum when the Council entered into sale negotiations with the BVR Ltd in 2015. Extracting the maintenance budget for the BVR/BVP from the current budget will result in the Marriott's Way also requiring a separate budget.
- 4.4 The newly proposed BVR/BVP maintenance budget will include an annual sum of £5,000 that will be set aside into a reserve which will enable 'large-capital' items to be paid for without impacting on the Council's base reserves, therefore future proofing the ongoing maintenance of the asset. Examples of 'large-capital' items are bulk fencing repairs, significant storm damage, landslides etc...
- 4.5 It is proposed that the £30,000 per annum rental income from the BVR Ltd could be reallocated into the asset to cover all annual maintenance costs for the site. Under this proposal any under spend could also be allocated into the reserve for 'large-capital' items.
- 4.6 Detailed quotes for the general maintenance costs associated with managing the BVR/BVP have been obtained, the full details of which are contained within Appendix Two, 1.1, of this report. To summarise the overall annual costings, including a £5,000 annual reserve, which this report proposes are as follows:

<b>Bure Valley Railway and Path proposed annual costings</b>	<b>Year 21-22</b>	<b>Year 22-23</b>	<b>Year 23-24</b>	<b>Year 24-25</b>
TOTAL	32,740	28,560	28,560	28,560

- 4.7 As stated in 4.3 of this report the extraction of the BVR/BVP from the current combined BVR/BVP and Marriott's Way maintenance budget will have implications for the future Marriott's Way budget. Full details of costings for the Marriott's Way are contained within Appendix Two, 1.2, of this report but to summarise the proposed costings for the Marriott's Way are as follows:

<b>Marriott's Way revised annual costings</b>	<b>Year 21-22</b>	<b>Year 22-23</b>	<b>Year 23-24</b>	<b>Year 24-25</b>
TOTAL	10,660	8,910	8,910	8,910

- 4.8 The overall uplift in the current combined BVR/BVP and Marriott's Way budget will therefore be:

<b>BVR and MW</b>	<b>Year 21-22</b>	<b>Year 22-23</b>	<b>Year 23-24</b>	<b>Year 24-25</b>
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Overall annual budget for <b>both</b> BVR/BVP and Marriott's Way	43,400	37,470	37,470	37,470
Annual increase in spend for <b>both</b> BVR/BVP and Marriott's Way based on existing budget (£12,000 per annum)	31,400	25,470	25,470	25,470

### Outer-fencing repairs

- 4.9 Broadland District Council and the Bure Valley Railway Ltd entered into a lease agreement in September 1991. Clause 4(3) of this lease agreement states that the tenant (BVR Ltd) will be responsible for repairing any damage to the fences on the land if they have caused it themselves. Clause 5(5) of this lease agreement states that the Council will repair the fences on the land unless they have been damaged by the tenant (BVR Ltd) in accordance with clause 4(3).
- 4.10 As the damage to the outer-fencing has not been caused by the tenant (BVR Ltd) the responsibility for repairing the fencing falls to the Council.
- 4.11 In addition to the 1991 lease agreement, Regulation 3 of the Railway Safety (Misc Provisions) Regulations 1997 states that there is a duty to maintain an outer-fence between adjacent land and a railway line.
- 4.12 Clause 4(15) of the 1991 lease agreement requires the tenant (BVR Ltd) to comply with statutory legislation (such as Regulation 3 of the Railway Safety (Misc Provisions) Regulations 1997 ) in respect of the railway. This includes maintaining an outer-fence between adjacent land and the railway line. However, the Occupiers Liability Act 1984, means that the Council has contractually agreed under the lease to repair the fences in the event that the tenant has not caused the damage (as per 4.10 of this report). In this respect the contractual agreement that the Council has entered into, under the 1991 lease agreement, supersedes BVR Ltd duties towards the fencing even though they are the railway operator. Therefore, and as a result, the duty to fence the railway line, as per the 1991 lease agreement between the Council and BVR Ltd, falls exclusively to the Council.
- 4.13 The outer-fence line has been unmanaged for many years, has never had significant funding invested into it since it was originally installed in 1991, and in many places is dilapidated or non-existent
- 4.14 Quotes have been obtained for repairing the outer-fencing along the 9 mile length of the Bure Valley Railway line. Carrying out these works would ensure that the Council are meeting their contractual obligations as per the 1991 lease agreement. Full details of these quotes are contained with Appendix Two, 2.2 of this report.
- 4.15 The fencing, for which quotes have been obtained, has a thirty year expected life-span.



- 4.16 The capital budget for 2020-2021 which was approved by Council on the 20<sup>th</sup> February 2020 allocated £200,000 towards addressing the outer-fencing along the Bure Valley Railway line. Despite this allocation, most recent quotations now indicate that additional funds are now required to address the outer. Full details of this quotes are contained with Appendix Two, 2.2 of this report.
- 4.17 Once carried out the proposed annual maintenance budget and reserve, as outlined within section 4.4 to 4.6 of this report, would cover any future works to the outer-fence therefore mitigating the requirement for future lump-sum amounts for this item.

### **Bridge maintenance**

- 4.18 In light of previous Council resolutions there are no further decisions to be made regarding budget allocation for the BVR/BVP bridges however, for the sake of completeness, further information regarding existing bridge budgets can be found within section 3 of Appendix Two.

### **Current annual overspends**

- 4.19 The accumulation of dilapidations along the BVP have meant that in the year 2019-2020 spending has increased well in excess of the current maintenance budget - to date the spend this year against the current budget of £12,000 is £30,005, which equates to an overspend of **£18,005**

## **5 OTHER OPTIONS**

- 5.1 Should Members choose to replace the fencing along the Bure Valley Railway line the following options may be considered with regards to a procurement strategy:

**Option 1** - Commence a fully compliant open OJEU tender for the replacement and installation of fencing along the Bure Valley Railway line.

**Option 2** - Consider using Frameworks that the Council can legally use for the replacement and installation of fencing (to date supply only raw materials frameworks available). Contact was made with the Forestry Commission to establish a suitable framework and no response received to date – as such no additional works have been carried out to explore this option.

**Option 3** – Broadland District Council to procure the raw materials and use the preferred contractor, as per item 2.2 of Appendix Three, to provide the labour for the replacements and installation of the fencing. Broadland District Council has access to frameworks that supply only “raw materials “and would conduct a further competitive competition with suppliers in the framework. The raw materials would be provided free issue by Broadland District Council to the preferred contractor. The project would be contract managed by Broadland District Council. Due to the current absence of fencing along significant sections of the Bure Valley Railway line the Councils Contract Procedure Rules Section 22 Waivers of Contract Procedure Rules would be permitted in this instance.

- 5.2 Members may want to consider not replacing the outer-fencing along the Bure Valley Railway line.

- 5.3 Members may want to consider not increasing the annual maintenance budgets and thus continue with the current combined £12,000 per annum budget for the BVR/BVP and the Marriott's Way.

## 6 ISSUES AND RISKS

- 6.1 Dilapidations along the route, that are the result of a five years 'bare-minimum' approach and a decreased annual budget allowance (£12,000 per annum), have meant that there are issues across the site with trees and vegetation, access steps and ramps, gates, path surfacing and the internal-fence line. Moreover the current state, and existing budgets, means that the Council is unable to make the most of this key environmental asset, walking and cycling route and top Norfolk tourist attraction.
- 6.2 As established in 4.9 to 4.12 of this report, the Council is contractually obliged to maintain an outer-fence line between the Bure Valley Railway line and adjacent land. Existing dilapidations along the entire length of this fence line mean that the Council is not meeting this contractual duty.
- 6.3 The issues and risks, as outlined within 6.1 and 6.2, also expose the Council to potential reputational damage.
- 6.4 **Resource Implications** – See appendix Three
- 6.5 **Legal Implications** – See Appendix Two
- 6.6 **Equality Implications** – No implications
- 6.7 **Environmental Impact** – No implications
- 6.8 **Crime and Disorder** – No implications
- 6.9 **Risks** – See 6.1, 6.2 and 6.3

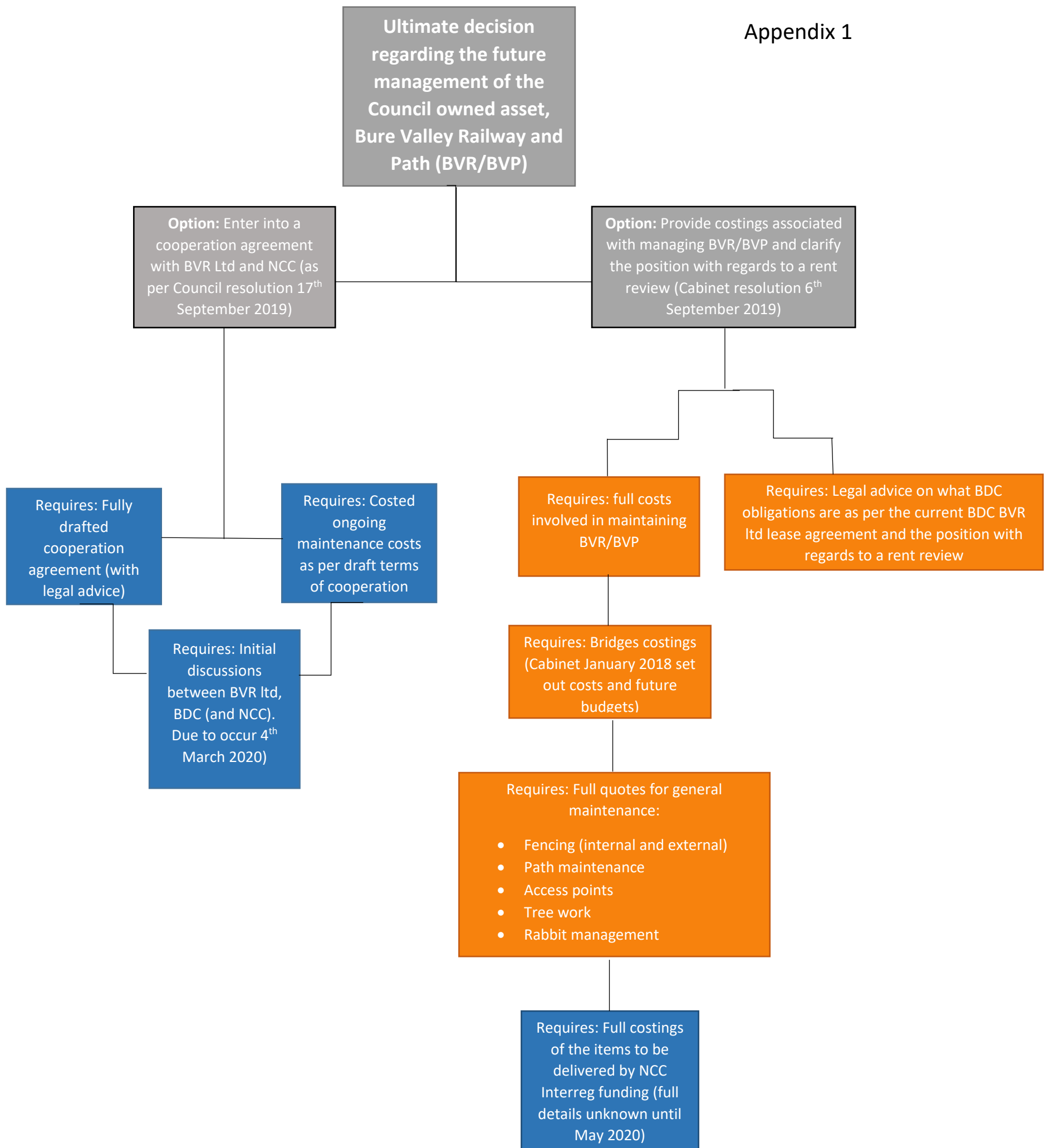
## 7 RECOMMENDATIONS

- 7.1 For Cabinet to agree to separate budgets for the BVR/BVP and Marriott's Way and to increase the annual budget allowance for the BVR/BVP to £29,000 per annum, as contained within 4.6 of this report (figures have been rounded up).
- 7.2 For Cabinet to agree to a separate budget and allowance of £9,000 per annum for the Marriott's Way, as contained within section 4.7 of this report (figures have been rounded up).
- 7.3 For Cabinet to reallocate the £30,000 per annum rental income from the BVR Ltd into the asset to cover all annual maintenance costs for the site. Under this proposal any under spends could also be allocated into the reserve for 'large-capital' items.

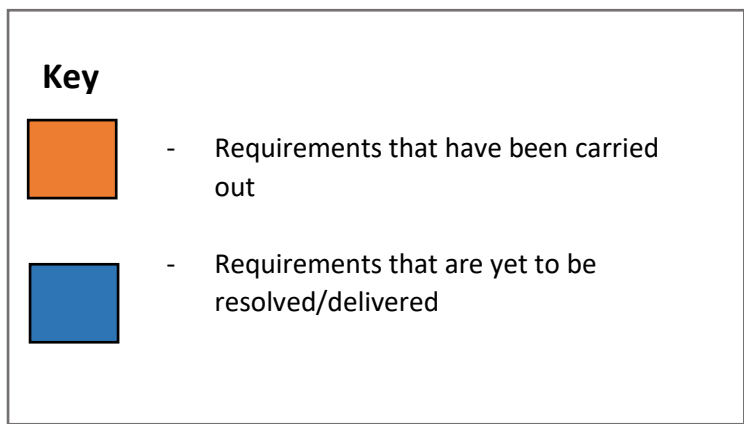
- 7.4 Cabinet to approve the additional funding required to make good the outer-fence along the Bure Valley Railway line and to delegate the procurement strategy for these works to the Director of Place in consultation with the Portfolio Holder for Economic Development.
- 7.5 For Cabinet to approve the annual overspend, as outline in 4.14 of this report, incurred in the period 2019-2020 on the combined BVR/BVP and Marriott's Way budget.

### **Background Papers**

None



Broadland Council decision to retain asset, Bure Valley Railway and Path (Council decision 17<sup>th</sup> September 2019)



NOT FOR PUBLICATION BY VIRTUE OF SCHEDULE 12A OF PART 1 PARAGRAPH 3 OF THE LOCAL GOVERNMENT ACT 1972 (AS AMENDED) BY THE LOCAL AUTHORITIES (ACCESS TO INFORMATION) (VARIATION) ORDER 2006 (contains information relating to the financial or business affairs of any particular person (including the authority holding that information))

Pages 69 to 79 are not available to the public because the information is confidential as it includes exempt information about the financial or business affairs of a person