



GREAT YARMOUTH
BOROUGH COUNCIL

Council

Date: Thursday, 07 November 2019
Time: 19:00
Venue: Council Chamber
Address: Town Hall, Hall Plain, Great Yarmouth, NR30 2QF

AGENDA

Open to Public and Press

1 APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2 DECLARATIONS OF INTEREST

You have a Disclosable Pecuniary Interest in a matter to be discussed if it relates to something on your Register of Interests form. You must declare the interest and leave the room while the matter is dealt with.

You have a Personal Interest in a matter to be discussed if it affects

- your well being or financial position
- that of your family or close friends
- that of a club or society in which you have a management role
- that of another public body of which you are a member to a greater extent than others in your ward.

You must declare a personal interest but can speak and vote on the matter.

Whenever you declare an interest you must say why the interest arises, so that it can be included in the minutes.

3 ITEMS OF URGENT BUSINESS

To consider any items of urgent business.

4 MAYORS ANNOUNCEMENTS

To consider any announcements from His Worship the Mayor.

5 MINUTES

5 - 13

To confirm the minutes of the meeting held on the 12 September 2019.

6 PUBLIC QUESTION TIME

Council to consider a question from Mr R Hudson :-

Can the Leader of the Council explain how the proposed sculpture of a herring, will improve and enhance the town ?

7 OUTSIDE BODIES REPRESENTATION

To consider changes to the following Outside Body representation :-

Great Yarmouth Town Centre Partnership

Great Yarmouth Transport and Infrastructure Steering Group.

8 ST GEORGES - MEMBER LIAISON BOARD

On 12th June 2018 the Policy and Resources Committee resolved to bring together a politically balanced Member Working Group consisting of 5 members to consider the contents of a consultants (David Clarke Associates - DCA) report and its recommendations on the Trusts operations, governance and business plan. This working group met a number of times with the Trust, other officers, the Arts Council and Seachange Arts.

On the 10th January 2019 Policy and Resources Committee resolved to provide the Trust with a £25,000 management fee for both 19/20 and 20/21 and that a formal grant agreement be prepared and agreed between the two parties. At that same meeting members resolved to change the Member Working Group to a Member Liaison Board where quarterly reports should be provided by the Trust, outlining the progress made against their business plan

and Key Performance Indicators to assure the Council that sufficient progress was being made to deliver the activities proposed.

Council are now asked to consider the appointment of two Members to the Member Liaison Board.

9 REVIEW OF MARKET CHARGES 14 - 17

Report attached.

10 AMENDMENTS TO THE CONSTITUTION REGARDING MOTIONS ON NOTICE 18 - 21

Report attached.

11 PHOENIX POOL & GYM CAR PARK EXTENSION 22 - 28

Report attached.

12 EXCLUSION OF PUBLIC

In the event of the Committee wishing to exclude the public from the meeting, the following resolution will be moved:-

"That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part I of Schedule 12(A) of the said Act."

13 CONFIDENTIAL - COMPULSORY PURCHASE ORDER

Details

14 CONFIDENTIAL - LOAN REQUEST REPORT

Details

15 CONFIDENTIAL SERVICE COMMITTEE DECISION LIST FOR THE PERIOD 5 SEPTEMBER TO 17 OCTOBER 2019

Details

16 CONFIDENTIAL MINUTES

Details

Council

Minutes

Thursday, 12 September 2019 at 19:00

Present :

His Worship the Mayor Councillor Jeal (in the Chair); Councillors Annison, Bensly, Bird, Borg, Cameron, Candon, G Carpenter, P Carpenter, Cordiner- Achenbach, Fairhead, Flaxman-Taylor, Freeman, Galer, Grant, Hacon, D Hammond, P Hammond, Lawn, Martin, Mogford, Myers, Plant, Robinson-Payne, Scott-Greenard, Smith, Smith-Clare, Stenhouse, Talbot, Thompson, Wainwright, B Walker, C Walker, C M Walker, Waters-Bunn, Wells, Williamson, B Wright, T Wright.

Also in attendance at the above meeting were: Mrs S Oxtoby (Chief Executive), Ms C Whatling (Monitoring Officer), and Mrs S Wintle (Corporate Services Manager)

1 APOLOGIES FOR ABSENCE

There were no apologies for absence received.

2 DECLARATIONS OF INTEREST

Councillor Talbot declared a personal interest in item 9 as she had been a former employee of Aileen Mobbs.

3 MAYOR'S ANNOUNCEMENTS

His Worship the Mayor advised Members of the sad passing of Mr Ernie Childs.

4 ITEMS OF URGENT BUSINESS

His Worship the Mayor announced that he had been made aware of and agreed to take forward an urgent item of business which would be heard at the end of the meeting as it had been proposed as a confidential item.

His Worship advised that the reason for urgency was that the financial business case for the proposal forecasted that a tea room facility would be operational from the start of the next financial year. There were therefore, time constraints arising from the project delivery timetable. i.e. the decision needed to be made this month in order to permit the project to progress in accordance with that timetable.

5 MINUTES

The minutes of the Council meeting held on the 11 July 2019 were confirmed.

Councillor Wainwright questioned in relation to the previous motions that had been considered, whether any response had been received from those that had been written to. The Corporate Services Manager advised that to date no response had been received but that these would be chased and Members would be advised when a response had been received.

Councillor Robinson-Payne made reference to item 10, fees and charges and commented on the the Jetty Plaque.

6 QUESTIONS FROM THE PUBLIC

Council considered the following question which had been submitted to the Leader of the Council from Mr J Cannell, Great Yarmouth & District Trades Union Council :-

In view of the growing development of land for housing throughout the Borough is the Council satisfied with the existing sewage disposal facility at Caister-on-sea and the treatment that takes place before it is pumped into the sea.

The Leader provided Mr Cannell with the following response :-

There is current dry weather flow capacity at Caister Pump Lane Water Recycling centre to accept flows from known growth within the Water Recycling Centre catchment. Known growth is defined as sites which are allocated in the current adopted plan, sites being proposed in the Draft Local Plan and those sites with planning permission. Anglian Water has developed long term strategies which are adaptable to change, and we monitor planning applications and local plans to ensure we understand where growth is

happening and when. The Borough Council also consults with Anglia Water on drafts of the Local Plan.

We undertake engagement with a number of partners including the Environment Agency, Local Planning Authorities and developers to ensure we capture need and plan effectively for future demand.

In line with the Council's constitution, Mr Cannell was given the opportunity to ask a supplementary question to the Leader.

Mr Cannell responded with the following supplementary question :-

The Trades Union Council are to launch a campaign with a number of companies and asked if the Borough Council would join the campaign to show their support.

The Leader commented that he would respond to the supplementary question at a later date.

7 NOTICE OF MOTION

Council considered the following motion on notice which had been submitted by Councillors Wainwright, Waters-Bunn, Robinson-Payne, Williamson, T Wright and B Walker.

This Council resolves to :

- Support the pay claim submitted by Unite, GMB and UNISON on behalf of council and school workers for a £10 per hour minimum wage and a 10% uplift across all other pay points in 2020/21.
- Call on the Local Government Association to make urgent representations to central government to wholly fund the National Joint Council (NJC) pay claim.
- Write to the Chancellor and Secretary of State to call for a pay increase for Local Government workers to be funded with new money from Central Government.
- Meet with Local NJC union representatives to convey support for the pay claim.
- Communicate with all local Government workers encouraging them to join trade union.

A recorded vote on the motion was taken as follows :-

For the motion :

Councillors Borg, Cordiner-Achenbach, Fairhead, Jeal, Martin, Robinson-Payne, Scott-Greenard, Smith-Clare, Wainwright, B Walker, C Walker, C M Walker, Waters-Bunnn, Williamson, B Wright and T Wright.

Against the motion :-

Councillors Annison, Bensly, Bird, Cameron, Candon, G Carpenter, P Carpenter, Flaxman-Taylor, Freeman, Galer, Grant, Hacon, D Hammond, P Hammond, Lawn, Mogford, Plant, Smith, Stenhouse, Thompson and Wells.

Abstentions :

Councillors Myers and Talbot

The Motion was LOST.

8 MOTION TO GRANT THE HONORARY FREEDOM OF THE BOROUGH TO AILEEN MARGARET MOBBS

Council considered the following motion :-

That in recognition of the eminent and valuable services rendered to the people of the Borough of Great Yarmouth over a period of 30 years that the Honorary Freedom of the Borough is presented to :-

AILEEN MARGARET MOBBS

During which time Aileen has been a founder Member of the Greater Yarmouth Tourist Authority which was formed in 1987 and now a Honorary Director of the Greater Yarmouth Tourist and Business Improvement District. A member of the talking Newspaper "Grapevine" since 1988, Created the Maritime Festival in 1999 and was its chairman of the Maritime Festival for 18 years. Has been a member of the board of the Great Yarmouth Chamber of Commerce and a Governor of Great Yarmouth College of Further Education. I therefore propose that The Council hereby confers upon the said Aileen Mobbs the Honorary Freedom of the Borough of Great Yarmouth and hereby admits her to be an Honorary Freeman of the Borough.

The motion was CARRIED.

9 MOTION TO GRANT THE HONORARY FREEDOM OF THE BOROUGH TO RAMBOUILLET TOWN COUNCIL

Council considered the following motion :-

That in recognition of the eminent and valuable services rendered to the people of the Borough of Great Yarmouth for over a period of 64 years that the Honorary Freedom of the Borough is Presented to the

TOWN COUNCIL OF RAMBOUILLET

The Twinning Agreement between the Borough of Great Yarmouth and Rambouillet was formed in 1956 and signed by Councillor Laura Gillham this twinning agreement is now the second longest in the country. During this time

linguistic, cultural, touristic, economic and social exchanges that have occurred between the inhabitants of Great Yarmouth and Rambouillet, furthermore there have been many school, college, sporting exchanges, friendships and marriages. Opportunities to share ideas and have a better understanding of our two towns has been so important over the years. I therefore propose that the council hereby confers upon the said Town Council of Rambouillet the Honorary Freedom of the Borough of Great Yarmouth and hereby admits elected officials who hold office within the Town Council of Rambouillet to be Honorary Freemen of the Borough for so long as they hold said office.

The Motion was CARRIED.

10 AMENDMENTS TO THE CONSTITUTION REGARDING MOTIONS ON NOTICE

Council received and considered the Monitoring Officer's report which proposed a number of amendments to the Constitution regarding Motions on Notice.

Councillor Williamson commented that in his opinion the report should have been taken to the Constitution Working Party ahead of the meeting in order for the constitution process to be followed. The Monitoring Officer advised that it was her responsibility as Monitoring Officer for the efficient running of business tot he Council and the Constitution and in light of previous business that had been taken to Council it had been necessary to bring the report forward for consideration.

Councillor Smith-Clare raised concern that he would not be able to represent his residents appropriately if time was limited or opportunities removed and he commented that he felt this would remove the openness of the Council.

Councillor Wainwright proposed and amendment to the recommendations that the item be referred back to Constitution Working Party for consideration, this amendment was then seconded.

Councillor C M Walker raised further concern as to the report not being taken to the Constitution Working Party and stated that her in her opinion the correct procedure should have been followed. The Chief Executive Officer reminded Members that the Constitution Working Group were not a decision making group and could therefore only make recommendations to Council.

Councillor Myers commented that he would support the proposal to take this back the Constitution Working Party prior to consideration by Council to provide an opportunity for the changes to be fully discussed and explained.

Councillor Robinson Payne and Martin both commented and reiterated the concerns that had been raised with regard to the proposals and both felt that

Members should be given the free right of speech.

A recorded vote was now taken on the amendment to refer the item back to the Constitution Working Party as follows :-

For the amendment :

Councillors Borg, Cordiner-Achenbach, Fairhead, Jeal, Martin, Myers, Robinson-Payne, Scott-Greenard, Smith-Clare, Talbot, Wainwright, B Walker, C Walker, C M Walker, Waters-Bunnn, Williamson, B Wright and T Wright.

Against the motion :-

Councillors Annison, Bensly, Bird, Cameron, Candon, G Carpenter, P Carpenter, Flaxman-Taylor, Freeman, Galer, Grant, Hacon, D Hammond, P Hammond, Lawn, Mogford, Plant, Smith, Stenhouse, Thompson and Wells.

The amendment was LOST.

Councillor Candon commented that in his opinion the amendments were being proposed to ensure the smooth running of Council business.

Councillor Wainwright commented that he could not support the recommendations en bloc as he felt that some of the proposals would see a backward step in the encouraging of public attendance at Council meetings. Councillor Cordiner-Achenbach reiterated concerns that had been raised.

Councillor Williamson commented that he felt the proposals if approved would exclude any Independent Members being able to submit or speak on a motion. Councillor Talbot agreed with Councillor Williamson's comments and stated that she felt if the proposals were approved there would be no voice for Independent Members.

The Chief Executive Officer suggested that recommendation 4.1.2 within the Monitoring Officer's report be removed and confirmed that recommendation 4.1.3 would see Members able to speak for 25 minutes on a Motion.

Councillor Plant proposed that recommendation 4.1.2 be removed from consideration and this proposal was seconded.

Clarification was sought as to the length of time available for debate if proposals were approved and it was advised that 20 minutes would be given for debating.

RESOLVED :

That the following be approved:-

(1) Motions on notice should be heard towards the end of a Council meeting, just before 'Any Other Business'

(2) Debate on any single motion on notice, including amendments thereto shall be restricted to 20 mins, after which the Mayor shall move to a vote

(3) Any speech in support of or against a motion on notice or in support of or against an amendment thereto shall be restricted to 3 minutes.

(4) An Amendment to a motion must be relevant to the motion, and may either be:

- (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
- (ii) to leave out words (but not whole sentences);
- (iii) to leave out words (but not whole sentences) and insert or add words (but not whole sentences); or (iv) to insert or add words (but not whole sentences)

provided that the effect of (i) to (iv) is not to negate the motion, substantially change or replace the motion or bring a new subject matter before Council.

(NB – a member may not move as an amendment the insertion or deletion of the word “not”)

(5) Save for budget meetings and the exceptions in Rule (d), amendments to recommendations or motions set out in the Council Agenda for a meeting shall only be put forward if they have been delivered in writing to Democratic Services by noon on the day preceding the meeting (or 9.00 am in the case of the Annual Meeting) for the purpose of checking compliance with rule (a). If the Monitoring Officer finds the proposed amendment does not comply with rule (a) the amendment shall not be put forward.

(6) The exceptions to Rule (b) are:

- Technical amendments may be moved to correct arithmetical, factual or grammatical errors or to improve the clarity of a motion or recommendation.
- Where the Monitoring Officer finds an amendment to be compliant with rule (a) the Mayor shall have discretion to permit late amendments from members when satisfied that the need for the amendment could not have been anticipated before the deadline. The Mayor should also be satisfied that advance notice of such amendments was given as soon as reasonably practical, and not left to the day of the meeting unless this was unavoidable.

(7) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

(8) If an amendment is not carried, other amendments to the original motion may be moved.

(9) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

(10) After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

(11) The Constitution be amended by the following insertion at 31.13.6 (h)
“When an amendment is first proposed, the Mayor will ask whether any member wishes to speak on the original motion, and provided there is no applicable restriction on the duration of the debate or the number of speakers, will hear those members speak in relation to the original motion before the motion to amend is put to the floor.”

CARRIED

A Member hereby advised of the Constitution article 27.2 which detailed Changes to the Constitution will only be approved by the full Council after consideration of the proposal by the Monitoring Officer and the Constitutional Working Party and it was therefore advised that the vote that had just taken place be revoked and that this matter would be taken back to the Constitution Working Party for consideration first.

11 SERVICE COMMITTEE DECISION LIST FOR THE PERIOD 15 TO 25 JULY 2019

Proposed : Councillor Smith
Seconder : Councillor P Carpenter

That the Service Committee Decision List for the period 15 to 25 July 2019 be noted.

CARRIED

12 ANY OTHER BUSINESS

His Worship the Mayor advised that there were no items of any other business to be considered.

13 EXCLUSION OF PUBLIC

RESOLVED :

That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part I of Schedule 12(A) of the said Act

In relation to the 'exempt' information, it has been determined that the public interest in maintaining the exemption outweighs the public interest in disclosing the information because disclosure would adversely affect the authority's

ability to manage its commercial financial business affairs.

CARRIED

14 CONFIDENTIAL URGENT ITEM OF BUSINESS - CREMATORIUM TEA ROOM BUSINESS CASE

(Confidential Minute on this Item)

The meeting ended at: 21:00

Subject: Review of the Two-Day Market Fees and amendments to Market Policy

Report to: Management Team – 1st October 2019
Policy and Resources Committee – 15th October 2019
Council – 7th November 2019

Report by: Head of Property and Asset Management

RECOMMENDATIONS

Amendment following Policy and Resources 15th October 2019

Two Day Market Fees & Charges

To recommend to Full Council the following:

- January 2019 – April 2020/21 fees and charges for two day Markets. Rate for permanent traders of £0.50 per foot (depth calculations will remain unchanged) with a 50% addition for casual traders.
- Fixed rate daily electricity charge of £3.

1. Introduction

- 1.1 Great Yarmouth Market continues to be recognised as an important part of Great Yarmouth's Town Centre and one of the key priorities for the Council as part of the Town Centre Masterplan and the Future High Street Fund.
- 1.2 This report looks at the fees and charges for the two day market in addition to addressing issues around operational times of the six day market and holiday payments.
- 1.3 The six day market has seen stable occupation over recent years with some vacancies taken up by traders renting stalls rather than purchasing but some stalls have already changed hands through market sale.
- 1.4 Trader numbers on the two day market have reduced this year due to a number of issues including long term traders retiring and casual traders leaving. Overall numbers are clearly significantly down on years past although this is representative of many markets.
- 1.5 Policy and Resources Committee of January 2019 received a report recommending a rate for permanent traders of £1 per foot on the two day market and this was introduced from April 2019.

- 1.6 As part of the Full Council meeting in November 2017 a range of benefits were agreed for both the two and six day traders including: reduced price parking permits, 5% discount for payment in advance or by direct debit and holiday allocation for the equivalent of two weeks per year for both areas of the market.
- 1.7 The Market Policy agreed by Economic Committee in October 2017 mentions the operation of the six day market on Sundays by agreement with the Council this will also be considered as part of this report to provide clear guidance for all traders.

2. Current Position – Two Day Market

- 2.1 The following table presents an average over the last three and a half years in relation to attendance and booked footage:

Two Day Market Occupation levels			
Year	Overall Number of Permanent Traders	Overall Number of Casual Traders	Total footage occupied by permanent traders
2016/17 (prior to rent reduction)	26	16	468
2017/18 (prior to rent reduction)	18	16	428
2017/18 (winter period following rent reduction)	25	18	583
2018/19	23	31	565
2019/20 (April to September)	15	19	417

- 2.2 The current rate for two day traders is £1 per foot for permanent traders and £1.30 per foot for casual traders. We have seen two of our casual traders move over to permanent during this financial year. Number of permanent traders has however reduced with traders retiring.
- 2.4 Below is a table of other local market pricing:

Location	Price per foot
North Walsham	Permanent - £0.85p per foot (no restriction on depth)
Dereham	Permanent – £0.87 per foot plus £2.67 per day electricity Casual - £1.09 per foot plus £2.67 per day electricity
Fakenham	3mx3m pitch - £10
Bury St Edmunds	Permanent - £2.23 per foot plus £3 per day electricity (none catering units) £5 per day (catering units)

- 2.5 Going forward based on evidence above from markets within the Norfolk and Suffolk area the rate of £1 per foot as an all inclusive rate may benefit from a different approach.
- 2.6 Markets charge separately in some cases for electricity, the option would therefore be to mirror this approach to incorporate a reduced footage rate and charge individually for electricity should it be required.
- 2.7 Based on the information above the suggestion would be as follows:
- Permanent Traders £0.50 per foot
 - Casual Traders £0.75p per foot (increase from 30% to 50% additional charge for casual traders)
 - Daily electricity charge £3.00

3. Current Position – Six Day Market

- 3.1 The current six day market rate has reduced by 8% based on the 2016/17 charges. A further 5% reduction can be obtained by traders when paying in advance by direct debit therefore representing an overall 13% reduction.
- 3.2 In addition to the above savings there is the opportunity for traders to claim a holiday allocation which offers a rent free period for the equivalent of up to two weeks per year.
- 3.3 In reviewing fees and charges comparisons have again been taken with the nearest permanent market location. Overall rates remain similar to those of other markets.
- 3.4 Occupation on the six day market continues to be stable and interest in pop-up facilities has increased in recent months with the opportunity to use additional space produced through the removal of two units which were beyond their useful life. During 2016/17 the occupation rate was 86% (31 of 36 stalls occupied) this then increased to 92% (33 of 36 stalls occupied) and is currently 91% (31 of 34 stalls occupied) with two of the 31 occupied stalls taken on a rental rather than ownership basis.

4. FINANCIAL AND RISK IMPLICATIONS

- 4.1 There are financial implications in relation to the two day market proposals and they are detailed below.
- 4.2 The proposed changes in relation to the two day market rate would result in an annual loss to the Council of £32k an element of this cost may be able to be mitigated by additional stall holders and the use of pop-up stalls in the six day market area although this cannot be guaranteed.

- 4.3 The current footage in use by traders of the two-day market is considerably less than the budgeted footage, there may be an additional budgetary impact should additional usage not be forthcoming.
- 4.4 Inclusion of Sunday trading is not suggested to generate additional income however will enable the traders to benefit from additional opening hours at no additional charge should they wish.
- 4.5 At a time when the Council is facing funding reductions and future budget gaps where there are forecast to be reductions in income and/or expenditure growth options to mitigate these need to be considered. Based on the assumed reduction of income of £32k per annum there would need to be an increase in the number of stall holders and use of pop-up stalls to offset the impact to the revenue account. The actual number of increased stall holders will depend on the size of the stalls, as an example an average of 20 foot stalls would require an additional 10 stall holders per week to offset the reduction of income. With a reduced stall frontage the numbers would need to be greater. The overall impact to the revenue account will be monitored to understand the impact of the reduction in fees.

5. CONCLUSIONS AND RECOMMENDATIONS

- 5.1 That the Committee considers the content of this report and recommends to Full Council the Fees and Charges for the two-day market from January 2020 to March 2021.

Recommendation for Two Day Market Fees & Charges

To recommend to Full Council the following:

- January 2020 – March 21 fees and charges for two day Markets a year-round rate for permanent traders of £0.50 per foot (depth calculations will remain unchanged) with a 50% addition for casual traders.
- Fixed rate daily electricity charge of £3 if required.

Area for consideration	Comment
Monitoring Officer Consultation:	
Section 151 Officer Consultation:	Considered
Existing Council Policies:	Considered
Financial Implications:	Considered
Legal Implications (including human rights):	No
Risk Implications:	N/A
Equality Issues/EQIA assessment:	N/A
Crime & Disorder:	N/A
Every Child Matters:	N/A

Report of: Monitoring Officer

Report to: Council, following consultation with Constitution Working Party

Date: 7 November 2019

Subject: Amendments to the Constitution regarding Motions on Notice

1. PURPOSE

To clarify and improve the procedure for Motions on Notice at Council meetings. Members are asked to consider and vote on each proposal individually.

2. RECOMMENDATIONS

2.1 That Council separately consider and approve each of the proposals at 4.1.1, 4.1.2, 4.1.3, 4.2.1

2.2 That Council authorise the Monitoring Officer to make any consequential amendments to the Constitution.

3. INTRODUCTION

At several Council meetings over the past year, motions on notice brought by members have not proceeded efficiently. The impacts of this are:

- (a) dealing with motions on notice takes up a disproportionate part of the meeting time, which on occasion has detracted from the key operational and strategic matters which come before Council as part of the forward plan;
- (b) members are unclear about what constitutes a valid and appropriate amendment to a motion; and
- (c) members are not clear about whether they are speaking on the original motion or an amendment thereto, and sometimes feel they lose the opportunity to speak on the original motion once an amendment has been proposed.

The rules on motions on notice appear at Article 31.11 of the Council's Constitution. The rules on amendments to motions appear at Article 31.13.6

4. MAIN BODY

4.1 To address impacts (a) and (b) the recommended actions are as follow:

4.1.1 Motions on notice should be heard towards the end of a Council meeting, just before 'Any Other Business'.

4.1.2 Discussion on any single motion on notice, including amendments thereto, proposal and summing up shall be restricted to 30 mins, after which the Mayor shall move to a vote.

4.1.3 Any speech in support of or against a motion on notice or in support of or against an amendment thereto shall be restricted to 3 minutes (with the length of speech proposing the original motion and right to sum up remaining at 5 minutes).

4.2 To address impact (c) the following actions are recommended:

4.2.1 That Article 31.13.6 "Amendments to Motions" be amended as set out in bold below:

(a) An Amendment to a motion must be relevant to the motion, and may either be:

- (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
- (ii) to leave out words **(but not whole sentences)**;
- (iii) to leave out words **(but not whole sentences)** and insert or add words **(but not whole sentences)**; or
- (iv) to insert or add words **(but not whole sentences)**

provided that the effect of (i) to (iv) is not to negate the motion, **substantially change or replace the motion or bring a new subject matter before Council.**
(NB – a member may not move as an amendment the insertion or deletion of the word "not")

(b) **Save for budget meetings and the exceptions in Rule (d), amendments to recommendations or motions set out in the Council Agenda for a meeting shall only be put forward if they have been delivered in writing to Democratic Services by noon on the day preceding the meeting (or 9.00 am in the case of the Annual Meeting) for the purpose of checking compliance with rule (a). If the Monitoring Officer finds the proposed amendment does not comply with rule (a) the amendment shall not be put forward.**

(c) The exceptions to Rule (b) are:

- **Technical amendments may be moved to correct arithmetical, factual or grammatical errors or to improve the clarity of a motion or recommendation.**

- Where the Monitoring Officer finds an amendment to be compliant with rule (a) the Mayor shall have discretion to permit late amendments from members when satisfied that the need for the amendment could not have been anticipated before the deadline. The Mayor should also be satisfied that advance notice of such amendments was given as soon as reasonably practical, and not left to the day of the meeting unless this was unavoidable.
- (d) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
 - (e) If an amendment is not carried, other amendments to the original motion may be moved.
 - (f) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
 - (g) After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

5 FINANCIAL IMPLICATIONS

None

6 LEGAL IMPLICATIONS

None particular, but general risk of legal procedural challenge as set out in the Risk Implications section.

7 RISK IMPLICATIONS

- 7.1 That if procedures are not changed to restrict time spent on motions on notice, less time will be spent on considering and debating key decisions, which may make the handling of such matters prone to misunderstanding or error, and may give rise to challenge.
- 7.2 That if procedure on amendments is not made clear, invalid decisions or procedural errors may be made.

8 CONCLUSIONS

That amendment to the Constitution is required to improve procedure on motions on notice and facilitate the efficient conduct of Council meetings.

9 BACKGROUND PAPERS/EXISTING COUNCIL POLICIES:

Members may wish to make reference to the current version of the Constitution.

APPENDICES: None

Checklist

Area for consideration	Comment
Monitoring Officer Consultation:	n/a
Section 151 Officer Consultation:	n/a
Environmental Implications:	n/a
Equality Analysis: is Equality Impact Assessment required?	n/a

Subject: Phoenix Pool & Gym Car Park Extension

Report to: Council

Report by: Lindsay Barker – Strategic Director

EXECUTIVE SUMMARY

The success of the Phoenix Pool & Gym has resulted in additional car parking pressures which have impacted on neighbouring residential properties. In addition to this the footfall through the Phoenix is set to further increase due to the planned closure of the Marina Centre on 31st October 2019.

Therefore, this paper recommends the following to address the issue of car parking at the Phoenix site:

Committee is asked to approve that;

RECOMMENDATIONS

- 1) the proposed car park extension detailed within this report is approved subject to agreed terms between the Borough Council, Sentinel Lesuire Trust with Lyn Grove School and subject to planning permission.
- 2) a planning application for this car park extention is submitted, once the final specification for works is confirmed.
- 3) maximum funding of £130,000 is allocated to progress this project as a capital project.
- 4) the project is overseen by the Council's Partnership Board, which meets regularly with Sentinel Leisure Trust.

1. BACKGROUND

- 1.1 Since the Phoenix Pool & Gym reopened, following its refurbishment in 2016, the site has thrived in regard to fitness members, fitness class attendees and swimming lesson customers. Due to this and the timings for peak business of these

revenue streams, the existing car park of just 63 spaces (inc. 3 disabled bays) has struggled to cope with demand. As a result, customers often try and park in the surrounding areas which is impacting on local residents.

- 1.2 Sentinel Leisure Trust and the Council have therefore tried to mitigate this issue in several ways. There have been notices/letters to members and casual customers to promote the use of accessing the centre via foot, cycles and buses where possible to try and reduce the amount of vehicle traffic in the area, specifically trying to relieve pressure on the Phoenix car park and Widgeon Close (car park access road).
- 1.3 Widgeon Close has, on occasions, been fully parked with cars on one side of the road and in the early days of the re-opening some resident's driveways have been blocked or partially blocked by Phoenix Pool & Gym customers using Widgeon Close to park and/or turn their vehicles. White lines ('H' bars) have since been introduced in front of resident's drive way access points to stop such access issues, but the road still receives heavy parking issues during peak hours of operation (circa 1600-1930).
- 1.4 The Phoenix pool car park itself has just 63 spaces, and is often clogged due to not having a one-way system and cars 'double parking' using the chevron areas and also the cycle rack area.
- 1.5 Therefore, as well as impacting on residents, there are also health and safety risks in relation to pedestrian movements, especially as pedestrians move to and from the site and their vehicles.

2 INTRODUCTION

- 2.1 Sentinel Leisure Trust, officers of the Great Yarmouth Borough Council and representatives from the Lynn Grove Academy (part of the Creative Education

Trust) have been looking at options of extending the current Phoenix Pool & Gym car park onto the adjacent school playing field land.

- 2.2 Only one viable access option has been identified (please see the appendix for the site diagram) that gives access from the current car park around the back of the site to the east side where a 30 metre x 30 metre section of land could be used as overflow during the main peak hours of 1530-2030 weekdays and for any other events or as the business continues to grow, especially during the closure period of the Marina Leisure Centre. This land would create between 35 – 40 additional spaces, depending on the number of disabled and parent and toddler spaces required.
- 2.3 Lynn Grove Academy has agreed to lease this land to the Borough Council subject to access being given to their students to use some timetabled sporting facilities through Sentinel Leisure Trust.
- 2.4 Whilst the land will be leased to the Borough Council, works are required to enable the grass area to then be used as a carpark. Specifically, the area will need to be fenced and lit. Furthermore, the surface of the carpark also needs to be considered.

3 OPTIONS APPRAISAL FOR CARPARK SURFACE

- 3.1 A grass option for parking was considered but deemed not to be suitable given the amount of traffic, type of movement of traffic and the conditions throughout winter when the site is at its busiest that would churn up the area and soon turn into a quagmire. Therefore, the option of leaving the grass as the parking surface has been discounted.
- 3.2 A tarmac / concrete / block-weave parking area was considered but deemed not suitable due to the additional works required for drainage and the costs involved for the larger excavation works required to lay a sub base. This would also provide

a permanent hard standing which, if required, would not lend well to future use and potentially less likely to receive planning approval.

- 3.3 An interlocking cellular porous plastic paving grid system was considered and it is proposed that this approach is best for ground reinforcement which can be installed with either a grass or gravel filled surface. Manufactured in the UK from UV stabilised 100% recycled waste plastic this grid system is strong, chemically inert and non-toxic. It resists lateral movement, improves traction and allows expansion and contraction whilst promoting optimum grass growth, root protection and surface stabilisation. Its porous paving provides a durable, safe and environmentally friendly surface for trafficked areas with a very low carbon footprint compared to traditional paving solutions. This is the recommended surface solution.

4 COSTS & TIMESCALES

- 4.1 Estimations for the works have been obtained by SLT and include the cost of materials for the site, equipment hire and soil removal, along with lighting and fencing. As such it is recommended that a maximum capital budget of £130,000 is allocated for the progression of this project.
- 4.2 The timescale for these works is as follows;
- Lead in from order placement; 4 weeks
 - Schedule of works; 4 weeks
 - Snagging; 12 months

NOTE – Planning approval is required and must also be considered within the project timeline.

5. FINANCIAL & LEGAL CONSIDERATIONS

- 5.1 The car park extension will not drive any new revenue streams, however, it will enable current revenue streams to maintain the levels they have achieved and reduce risk of losing customers due lack of parking provision, especially due to the

increase in participation from patrons during the Marina Leisure Centre closure period.

5.2 In return for the use of the site the Lynn Grove Academy and Sentinel Leisure Trust will enter into a contract for usage of the Phoenix Pool and Gym along with discussions around the usage of other facilities within Sentinel's operations. The heads of terms are being developed but will be centered around;

- Lease for use of the land to the Borough Council for 10-20 years (preferred 20 years due to the investment).
- Free student classes / access to the gym at the Phoenix Pool and Gym (program being devised).
- Free student classes / access to other sites within the SLT Group to further benefit the Academy, the community and so not to cause greater impact on the usage of just the Phoenix Pool and Gym.

5.3 The report recommends a capital budget of £130,000 to be included in the capital programme for 2019/20, this will be funded from borrowing for the capital programme and will result in growth of approximately £6,000 per annum to the annual revenue account from 2020/21.

6. PLANNING CONSIDERATIONS

6.1 Early engagement with planning officers has indicated that the extension to the car park utilising existing grassed areas from the Lyn Grove playing field would not be within current planning policy however, due to the nature of the agreement with Lyn Grove for additional sporting activities at Phoenix and potentially other sites as well as the additional 'green space' achieved through the installation of the school's 3G pitch, it is felt a fair and balanced case can be proposed to achieve permission.

7. CONCLUSIONS AND RECOMMENDATIONS

7.1 To protect current business and potentially grow this business alongside servicing the increased usage of the carpark due to the Marina closure it is recommended that;

- the proposed car park extension detailed within this report is approved subject to agreed terms between the Borough Council, Sentinel Lesuire Trust with Lyn Grove School and subject to planning permission.
- a planning application for this car park extension is submitted, once the final specification for works is confirmed.
- maximum funding of £130,000 is allocated to progress this project as a capital project.
- The project is overseen by the Council's Partnership Board, which meets regularly with Sentinel Lesuire Trust.

Area for consideration	Comment
Monitoring Officer Consultation:	Through ELT
Section 151 Officer Consultation:	Through ELT
Existing Council Policies:	Sports, Play & Leisure Strategy
Financial Implications:	Detailed within report
Legal Implications (including human rights):	Detailed within report
Risk Implications:	To be managed within the project
Equality Issues/EQIA assessment:	Disabled parking to be provided
Crime & Disorder:	N/A
Every Child Matters:	N/A

Appendixes:

A – Block site plan (proposed extension area)

