

AGENDA



CABINET

MONDAY, 12 APRIL 2010

11.00 AM

**COUNCIL CHAMBER, COUNCIL OFFICES, ST PETERS HILL,
GRANTHAM**

Beverly Agass, Chief Executive

MEMBERS: Councillor Mrs. Linda Neal (Leader/ Portfolio: Strategic Partnerships), Councillor Ray Auger (Portfolio: Access & Engagement), Councillor Paul Carpenter (Deputy Leader & Portfolio: Corporate Governance & Housing), Councillor Mrs Frances Cartwright (Portfolio: Economic Development) and Councillor John Smith (Portfolio: Healthy Environment); and Councillor Mike Taylor (Portfolio: Assets & Resources).

Committee Support Officer: Lucy Bonshor 01476 40 61 20
e-mail: l.bonshor@southkesteven.gov.uk

Members of the public are entitled to attend the meeting of the Cabinet at which key decisions will be taken on the issues listed on the following pages. Key decisions are marked *.

1. APOLOGIES

2. MINUTES

Minutes of the Cabinet meeting held on 8 March 2010. (**Enclosure**)

3. DECLARATIONS OF INTEREST (IF ANY)

4. *LINCOLNSHIRE FLOOD RISK AND DRAINAGE MANAGEMENT FRAMEWORK
Report AFM0144 by the Healthy Environment Portfolio Holder.
(Enclosure)

5. *ADDITION TO THE SKDC OFF STREET PARKING PLACES ORDER 2002 RESPONSE TO CONSULTATION
Report number AFM0137 by the Economic Development Portfolio Holder.
(Enclosure)

6. THE TRANSFER OF STAMFORD RECREATION GROUND TO STAMFORD TOWN COUNCIL
Report number AFM0142 by the Assets and Resources Portfolio Holder and the Healthy Environment Portfolio Holder.
(Enclosure)

7. MATTERS REFERRED TO CABINET BY THE COUNCIL, SCRUTINY COMMITTEE OR THE POLICY DEVELOPMENT GROUPS

8. ITEMS RAISED BY CABINET MEMBERS INCLUDING REPORTS ON KEY AND NON KEY DECISIONS TAKEN UNDER DELEGATED POWERS.

9. REPRESENTATIONS RECEIVED FROM MEMBERS OF THE PUBLIC ON MATTERS WITHIN THE FORWARD PLAN (IF ANY)

10. REPRESENTATIONS RECEIVED FROM NON CABINET MEMBERS

11. ANY OTHER BUSINESS WHICH THE CHAIRMAN, BY REASON OF SPECIAL CIRCUMSTANCES, DECIDES IS URGENT

13. ANY OTHER BUSINESS WHICH THE CHAIRMAN, BY REASON OF SPECIAL CIRCUMSTANCES, DECIDES IS URGENT



MEETING OF THE CABINET **8 MARCH 2010 - 11.00 AM – 11.21 AM**

PRESENT:

Councillor Ray Auger
Councillor Paul Carpenter
Councillor Mrs Frances Cartwright
Councillor John Smith
Councillor Mike Taylor

Councillor Mrs. Linda Neal - Chairman

Chief Executive (Beverly Agass)
Interim Strategic Director (Tracey Blackwell)
Section 151 Officer / Corporate Head Finance & Customer Services (Richard Wyles)
Corporate Head Sustainable Communities (Teena Twelves)
Corporate Head Partnerships & Organisational Improvements (Robert Moreland)
Interim Corporate Head Healthy Communities (Bob Whewell)
Monitoring Officer / Legal Services Manager (Lucy Youles)
Transport & Operations Manager Street Scene (Pat Swinton)
Cabinet Support Officer (David Lambley)

Non-Cabinet Members : Councillor Nick Craft

CO68. APOLOGIES

There were no apologies.

CO69. DECLARATIONS OF INTEREST (IF ANY)

No declarations of interest were made.

CO70. MINUTES

The minutes of the meeting held on 1 February 2010 were approved as a correct record.

CO71. *WASTE AND RECYCLING POLICIES

DECISION:

That the existing policies set out in Appendix 1 of report PS001 be confirmed with the following amendments:

- a) That residents be offered the option of purchasing an additional silver bin at a cost of £26 per bin and additional clear sacks at a cost of £1.25 per pack of 15 sacks, all prices including delivery.**
- b) That the joining fee for the green waste service be increased to £26 to reflect the cost of bins and delivery charges.**
- c) That residents be offered the option of purchasing an additional green bin at a cost of £26 per bin, including delivery.**
- d) That all schools and colleges in the district are offered a recycling service subject to a successful Capital Assets Management Group bid for capital funding for bins, and no additional revenue costs, from April 2010.**
- e) That there be no change to the policy in respect of charging for green waste collection.**

That a further report on the feasibility of providing a direct commercial waste/recycling collection service in competition with the private sector be prepared.

That all litter bins be replaced over a 20 year programme with combined recycling/litter bins of varying capacity.

That these policies be reviewed on an ongoing basis as the need arises.

Considerations / reasons for decisions:

- (1) Report number PS001 by the Portfolio Holder for Healthy Environment.**

- (2) Comments from the Interim Corporate Head for Healthy Environment that all the recommendations were designed to encourage recycling within the district.
- (3) Comments that further consideration be given to providing commercial waste and recycling services in the future.
- (4) Comments previously made by the Communities Policy Development Group.
- (5) Comments made by Cabinet Members recognizing that there had been a slight dip in recycling levels since the removal of bring sites and the need to address this.

Other options considered:

Appendix 1 of report PS001 set out various options considered as part of this review. Some of these options were clearly retrograde steps, but were options available to the Council and were identified for completeness.

C072. *GRANTHAM GROWTH POINT: SINGLE CONVERSATION LOCAL INVESTMENT PLAN HCA

DECISION:

To approve the joint Local Investment Plan as the basis for a future investment agreement which will provide a detailed financial plan for delivery of the Grantham Growth Point project.

Considerations / reasons for decision:

- (1) Report number CHSC0022 by the Portfolio Holder for Economic Development.
- (2) Comments from the Corporate Head for Sustainable Communities that the document was part of the overarching strategy for key projects in the Grantham Growth Point programme and that the plan was aligned with the Good For Business priority.
- (3) Comments from Cabinet Members regarding the hard work that had gone into the Local Investment Plan and noting that the Council had been asked to share its information with other Growth Points.

Other options considered:

An alternative option would be to not sign up to the Local Investment Plan. However it was not felt that this would be an appropriate way forward, as engagement in the pilot phase of the Single Conversation has offered an opportunity to promote the Grantham Growth Point which would otherwise be missed.

C073. FINANCIAL REPORTS FOR 2009/10 – MONITORING INFORMATION AND FORECAST OUTTURN

DECISION:

To note the comments and figures contained in report CHFCS91.

Considerations / reason for decision:

- (1) Report number CHFCS91 by the Corporate Head Finance and Customer Services (Section 151 officer).
- (2) Comments made by the Section 151 officer at the meeting, noting that since the report had been produced the Council had seen an increase in some income streams.
- (3) Comments from the Section 151 officer noting that the variance on the General Fund Capital Budgets would reduce by around £400k due to the acquisition of property within the Bourne Core Area since the report was written.
- (4) Comments from Cabinet Members.

C074. PRIORITY ACTIONS AND PERFORMANCE PROGRESS REPORT (TO END OF DECEMBER 2009)

DECISION:

To note the progress made on delivering the council's key priority actions, the performance highlights and exceptions, and the steps being taken to address below target performance following the third quarter of 2009/10.

Considerations / reason for decision:

- (1) Report number POI44 by the Portfolio Holder for Access and Engagement.
- (2) Comments by the Corporate Head for Partnerships and Improvements and noting that the Scrutiny Committee would also review the report.
- (3) Comments from Cabinet Members that whilst there were some slippages, overall the Council was meeting its targets.

C075. DOG CONTROL ORDER

DECISION:

That formal public consultation is commenced in relation to the adoption of Dog Control Orders within South Kesteven.

Considerations / reason for decision:

- (1) Report number SS0008 by the Portfolio Holder for Healthy Environment.
- (2) Comments made by the Interim Corporate Head for Healthy Environment.
- (3) Comments from Cabinet Members regarding the fact that there is considerable public concern about dog fouling within the district and that it was important to be in line with current regulations.
- (4) Comments noting that a number of Parish Councils were keen to use wardens, which would be allowed with the adoption of Dog Control orders.

Other options considered:

Currently, authorised officers use powers arising from the Dogs (Fouling of Land Act) 1996 to enforce against dog fouling.

Officers consider that the powers offered by Dog Control Orders will enhance the quality of the environment for residents and visitors. Through the Dog Control Orders, both dog owners and non-dog owners will have a clear understanding of their roles and the areas where they can enjoy open spaces.

DATE DECISIONS ARE EFFECTIVE

Decisions CO71-CO75 as made on 8 March 2010 can be implemented on 17 March 2010 unless subject to call-in by the Scrutiny Committee Chairman or any five members of the Council from any political groups.

South Kesteven District Council, Council Offices, St. Peter's Hill, Grantham, Lincolnshire NG31 6PZ

Contact: Cabinet Support Officer - David Lambley
Tel: 01476 40 62 97
e-mail: d.lambley@southkesteven.gov.uk

REPORT TO CABINET

REPORT OF: Healthy Environment Portfolio Holder

REPORT NO: AFM0144

DATE: 26th March 2010

TITLE:	Lincolnshire Flood Risk & Drainage Management Framework	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	n/a	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Councillor John Smith Healthy Environment Portfolio Holder	
CONTACT OFFICER:	Paul Stokes – Corporate Head Resources and Organisational Development 01476 406410 p.stokes@southkesteven.gov.uk Susie McCahon – Team Leader Asset and Facilities 01476 406423 s.mccahon@southkesteven.gov.uk	
INITIAL IMPACT ASSESSMENT:	Carried out and Referred to in paragraph (7) below:	Full impact assessment Required: n/a
Equality and Diversity		n/a
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Local Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	Flood and Water Management Bill http://services.parliament.uk/bills/2009-10/floodandwatermanagement/documents.html	

1. RECOMMENDATIONS

- 1.1 Cabinet is recommended to adopt the Lincolnshire Flood Risk and Drainage Management Framework on behalf of South Kesteven District Council, allowing for confirmation of details of representation on the partnership groupings by the framework Strategy Group.

2. PURPOSE OF THE REPORT/DECISION REQUIRED

- 2.1 This report advises Cabinet of the development of a new partnership framework to provide improved co-ordination of flood risk management in Lincolnshire and to meet the requirements of the forthcoming Flood and Water Management Act.

3. DETAILS OF REPORT (SUMMARY – USE APPENDICES FOR DETAILED INFORMATION)

3.1 The Pitt Review, published in 2008, recommended significant changes to the way that flood risk is managed in England and Wales. Principally, it recommended greater clarity over responsibility and accountability for managing flood risk from all sources, stronger leadership, and better information for the public and for public bodies. The Government accepted all the conclusions of the Review, and is implementing key aspects through the Flood Risk Regulations 2009 and the Floods and Water Management Bill.

3.2 The Flood and Water Management Bill creates a new leadership and accountability framework for flood risk management, as well as providing new powers and responsibilities to Flood Risk Management Authorities, defined as

- The Environment Agency
- Lead Local Flood Authorities (County and Unitary Authorities)
- District Councils
- Internal Drainage Boards
- Water Companies

3.3 The Bill gives the Environment Agency responsibility for national overview and leadership on flood and coastal erosion risk management through a new national strategy. It also gives County and Unitary Councils the new role of Lead Local Flood Authority, with responsibility for leading co-ordination of local flood risk management, for establishing effective partnership arrangements, and for developing, applying and monitoring a strategy for local flood risk management. Local flood risk means

- Surface run-off
- Groundwater
- Ordinary watercourses

3.4 This lead role has partially been enacted already through the Flood Risk Regulations 2009, which make the Lead Local Flood Authority responsible for providing

- Preliminary flood risk assessments (building on existing district-level flood risk assessments) for local areas by June 2011 and nationally by December 2011
- Flood risk maps by 2013
- Flood risk management plans by 2015

3.5 The key implications of the Bill for flood risk management authorities are summarised in Appendix A. A fuller breakdown of these new roles, together with ongoing responsibilities that will remain the remit of these authorities, is provided in the table on pages 13-18 of Appendix B, the draft Flood Risk and Drainage Management Framework.

3.6 There are a number of provisions that will affect all flood risk management authorities. These include a duty to co-operate with each in providing a better

co-ordinated approach to flood risk management and a duty to have regard to, or act consistently with, the new national and local flood risk management strategies. It is a requirement that arrangements should be put into place for Local Authority scrutiny of flood risk management activity by all flood risk management authorities

- 3.7 Operationally, as Lead Local Flood Authority, Lincolnshire County Council will effectively become a drainage authority, taking on the Environment Agency's consenting and enforcement powers on ordinary watercourses outside Internal Drainage Board areas. This is a significant addition to existing activities, and includes responsibilities such as investigating flooding incidents and identifying their causes, maintaining a register of flood risk management assets, and formally designating features as assets.
- 3.8 The County Council will become a statutory consultee on all planning applications with flood risk implications, while the Bill also makes provision for the Lead Local Flood Authority to become the body that approves, adopts and maintains sustainable drainage systems – for which national design criteria are currently being prepared. As such, there are also clear implications for District Councils as planning authorities, with a key role in shaping delivery of local flood risk and drainage solutions through Local Development Frameworks
- 3.9 In Lincolnshire the County Council has worked closely with its partners to develop a partnership framework that will enable effective implementation of these new arrangements. Local Authority Leaders and Chief Executives have agreed that the framework should be developed in advance of the legislation, and it has been shaped through a succession of dialogues and workshops with all partner organisations. The process of development has recently been published on the IDeA website as an exemplar of national good practice.

<http://www.idea.gov.uk/idk/core/page.do?pagId=17242169>

- 3.10 The structure of the proposed framework is described in detail in Appendix B. In brief, the framework establishes a new strategic group to manage linkages between the Environment Agency's lead role and that of the Lead Local Flood Authority and its partners. An Operational Management group will undertake implementation of an integrated strategy for flood risk and drainage management across the county, while partnership delivery will be managed through Local Flood Risk and Drainage Management Groups. These will work to Local Development Framework boundaries, and will be a development of the existing district level local drainage groups.
- 3.11 Cabinet is asked to adopt the framework as the partnership approach to implementing improved flood risk management in Lincolnshire. Following adoption of the framework, the partnership groupings will be convened in order to drive a detailed implementation plan including delivery, resourcing and governance arrangements. It is anticipated that this will be completed by October 2010, when the first provisions from the Bill are likely to come into force. The Local Authority scrutiny function will be developed during this phase with the aim of being in place by the time the first provisions of the Flood and Water Management Act come into force.

CONCLUSION

3.12 The Lincolnshire flood risk and drainage management framework is recognised as national best practice by the LGA and IDeA. It has been developed through extensive consultation with officers and members from all flood risk management authorities within Lincolnshire. It provides a means for improving flood risk management in the county in general terms, as well as preparing in advance, specifically, for the provisions of the Flood and Water Management Bill. Cabinet is asked to adopt the framework on behalf of South Kesteven Council, allowing for confirmation of details of representation on the partnership groupings by the framework Strategy Group.

CONSULTATION

3.13 Consultation has been undertaken informally and in workshop sessions led by Lincolnshire County Council with the following:

Local Authority Leaders and Chief Executives
District Councils – nominated lead officers, portfolio holders
County and District members through individual and group briefings and workshops
Environment Agency
Anglian Water
Severn Trent Water
All Internal Drainage Boards within Lincolnshire and Lincolnshire Branch of the Association of Drainage Authorities

4. OTHER OPTIONS CONSIDERED

4.1 Not to adopt the Flood Risk and Drainage Management Framework

5. RESOURCE IMPLICATIONS

5.1 There are no direct material financial consequences from adoption of this Drainage Management Framework. It is likely that financial consequences will arise in implementing the Framework.

6. RISK AND MITIGATION (INCLUDING HEALTH AND SAFETY AND DATA QUALITY)

6.1 There is likely to be an issue regarding potential lack of funding available from Central Government to support the work required to deliver the framework.

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

7.1 None are specifically identified

8. CRIME AND DISORDER IMPLICATIONS

8.1 None are specifically identified

9. COMMENTS OF SECTION 151 OFFICER

The framework that is appended to the report identifies roles and responsibilities each Authority will be undertaking but does not specify any direct financial resources that may be necessary. Therefore I have no specific financial comments to make but members should be made aware that there may potentially be financial implications for the Authority arising from the forthcoming Flood and Water Management Act.

10. COMMENTS OF MONITORING OFFICER

To be reported at the meeting.

12. APPENDICES

12.1 These are listed below and attached at the back of the report.

- APPENDIX A - Summary of key provisions in Flood and Water Management Bill
- APPENDIX B - Draft Lincolnshire Flood and Water Management Framework

Implications of Flood and Water Management Bill & Flood Risk Regulations 2009

This is an outline summary of the key implications for each flood risk management authority arising from the Flood and Water Management Bill and the Flood Risk Regulations 2009. It is not a comprehensive listing of the full range of activities currently undertaken by each flood risk management authority, or that may be undertaken in the future by them. For a fuller list, see the table on pages 13-18 of the Lincolnshire Flood and Drainage Framework.

Environment Agency

- National overview of flood and coastal erosion risk management
- Develop, apply and monitor national strategy for flood and coastal erosion risk management
- Provide national preliminary flood risk assessment by December 2011
- Provide national flood risk and hazard maps by 2013
- Establish Regional Flood and Coastal Committees in each English region
- Existing consenting, enforcing and works powers on ordinary watercourses removed
- Duty to have regard to Local Flood Risk Management Strategy
- Duty to co-operate with other flood risk management authorities
- Power to request information
- New reservoir management regime

Lincolnshire County Council

- Becomes Lead Local Flood Authority - responsible for leading management of surface water flood risk across Lincolnshire
- Develop, apply and monitor local flood risk management strategy
- Provide preliminary flood risk assessment for the county by June 2011
- Provide flood risk and hazard maps by 2013
- Establish flood risk management plans (such as Surface Water Management Plans) by 2015
- Acquires enforcing and consenting powers on ordinary watercourses outside IDB areas
- Duty to investigate flooding incidents (where reasonable), to ascertain cause and responsibility, and to publish
- Form partnerships to manage local flood risks
- Carry out works for management of flood risk
- Designation of structures and features as flood risk management assets
- Establish and maintain register of flood risk management assets
- Becomes SUDS Approving Body (SAB) - approve, adopt and maintain sustainable systems, if constructed in accordance with national standards

- Statutory consultee on planning applications with flood risk management implications
- Duty to act consistently with National Flood and Coastal Erosion Risk Management Strategy
- Duty to co-operate with other flood risk management authorities
- Power to request information
- Power to delegate functions to other flood risk management authorities (except for Local Lead Flood Authority role and Local Flood Risk Management Strategy)

District Councils

- Contribute to development of preliminary flood risk assessments through existing work to develop Strategic Flood Risk Assessments
- Key role in agreeing and delivering Local Flood Risk Management Strategy, particularly through Local Development Frameworks
- Consultation with Lead Local Flood Authority on planning applications with flood risk and drainage management implications
- Works powers on ordinary watercourses outside IDB areas
- Duty to act consistently with national and local flood risk management strategies
- Duty to co-operate with other flood risk management authorities
- Power to delegate functions to other flood risk management authorities

Internal Drainage Boards

- Removal of EA concurrent enforcing and consenting powers on ordinary watercourses in IDB areas
- Duty to act consistently with national and local flood risk management strategies
- Duty to co-operate with other flood risk management authorities
- Power to delegate functions to other flood risk management authorities

Water Companies

- Extension of hosepipe ban powers
- End of automatic right to connect to public sewer – SAB approval required first
- Maintenance of private sewers transferred to Water Companies
- Duty to have regard to national and local flood risk management strategies
- Duty to co-operate with other flood risk management authorities

LINCOLNSHIRE FLOOD RISK AND DRAINAGE MANAGEMENT FRAMEWORK

Draft 3.1



PARTNER ORGANISATIONS

The Environment Agency
Lincolnshire County Council
West Lindsey District Council
East Lindsey District Council
City of Lincoln Council
North Kesteven District Council
South Kesteven District Council
Boston Borough Council
South Holland District Council
ADA (Lincolnshire Branch)
Gainsborough IDB
Newark Area IDB

Ancholme IDB
Lindsey Marsh DB
Witham First District IDB
Upper Witham IDB
Witham Third IDB
Witham Fourth District IDB
Black Sluice IDB
Welland and Deepings IDB
South Holland IDB
North Level IDB
Anglian Water
Severn Trent Water

OVERVIEW

This partnership framework is designed to provide co-ordinated management and delivery of flood risk and drainage functions of all relevant organisations across Lincolnshire.

The framework implements the recommendations of the Pitt Review and the provisions of the Flood and Water Management Act 2010 in a way that is tailored to suit the geographical, social, economic and environmental characteristics of Lincolnshire.

Its purpose is to ensure that local communities and infrastructure are better protected from flood risk, and that improved resilience towards flooding is built into all aspects of planning and service provision in the future.

The **Strategy Group** is an initiative unique to Lincolnshire. Its purpose is to ensure that we integrate the strategic direction of the Environment Agency's flood and coastal risk management overview role with that of the new leadership role of the lead local flood authority. It will also act as a key point of contact with the **Lincolnshire Resilience Forum**. It will be chaired by the Environment Agency.

The **Operations Group** delivers the responsibilities of the lead local flood authority. It will be chaired by Lincolnshire County Council with support from the Environment Agency, District Councils, Anglian Water and Internal Drainage Boards through the Lincolnshire branch of the Association of Drainage Authorities. Its role is to co-ordinate key countywide functions, empowering the **Local Flood Risk and Drainage Management Groups** to deliver flood risk management and drainage solutions at the local level.

The **Local Flood Risk and Drainage Management Groups** will build on the existing local drainage groups. Their function is to provide flood risk management and drainage solutions developed by the consensus of partner organisations and tailored to meet local circumstances. They are the delivery arm of the Lincolnshire Flood Risk and Drainage Management Framework. They are based on Local Development Framework boundaries.

Detailed arrangements for **Local Authority Scrutiny**, as required under the Floods and Water Management Act, will be developed during 2010, while linkages with the Regional Flood and Coastal Committee will be defined as the role of that body is clarified by the Act.

A **communications strategy** will be developed and implemented during 2010, building on work in progress through the Lincolnshire coastal change pathfinder. Its purpose will be to improve communications between agencies in the partnership and between service providers and local people. It will be linked to effective management of data through the flood risk management asset register and reporting arrangements developed to support delivery of improved flood risk management for local communities.

STRATEGY GROUP

Role

The group's role will be to take a strategic overview of the entirety of flood risk and drainage management across Lincolnshire, including from all inland flooding sources and from the coast. It will ensure effective integration of flood risk planning and response at a strategic level in the county. The group will be chaired by the Environment Agency, and will meet twice a year. It will consist of senior officers and Members from each of the organisations that deliver flood risk and drainage services within Lincolnshire.

Tasks

- Strategic guidance to the Operational Management Group
- Regular reviews of partnership roles and performance
- Promote co-ordinated approaches to flood and coastal risk management investment, planning and delivery across Lincolnshire, integrated with arrangements for emergency response
- Assess the implications of flood, coastal and drainage risk management strategies for Lincolnshire and agree appropriate joint approaches to their development (for example Shoreline Management Plans, Catchment Flood Management Plans, the Coastal Study, Multi-Agency Flood Plans, and the Regional Spatial Strategy). This will need to take account of outcomes and developments at Regional and local level, particularly in relation to planning policy
- Promote risk-based investment strategies and plans for flood risk and drainage management across Lincolnshire
- Maximise opportunities to influence partner strategies and resource allocation and to maximise external funding
- Guide the development of joint strategies for promoting public awareness and confidence in flood, coastal and drainage risk management arrangements, ensuring effective linkage with communications developed through the Lincolnshire Resilience Forum in respect of emergency situations
- Exchange and develop policy with the Operational Management Group

Membership

- Environment Agency (Area Manager) (Chair)
- Lincolnshire County Council (Director/Assistant Director & Portfolio Holder)
- District Councils (A Chief Executive or Director and a Portfolio Holder)
- Internal Drainage Boards (To be agreed with IDBs)
- Anglian Water (Catchment Manager)
- Lincolnshire Resilience Forum (TBC)
- Regional Flood and Coastal Committee (Chair of RFCC)

Frequency

Every six months

Secretariat

Environment Agency

Key Links

- Operational Management Group
- Regional Flood Defence Committee (to become Regional Flood and Coastal Committee)
- Local Authority Scrutiny
- Lincolnshire Resilience Forum

OPERATIONAL MANAGEMENT GROUP

Role

The group's role is to implement the roles and responsibilities of the lead local flood authority. It will produce the local flood and coastal flood risk strategy and co-ordinate delivery by partner organisations.

The group's principal output will be the establishment of a single integrated strategy for local flood risk management. This will be achieved through a work programme implementing key strategies and plans and determined by the group.

As well as ensuring that countywide strategic resources are in place, such as the flood risk asset register and shared information systems, the group will work to resolve specific issues as they arise. This will include addressing uncertainties over individual partners' flood risk and drainage management roles and responsibilities, strategic issues in respect of a particular development, or local issues as and when referred by a local delivery group.

The operations management group will be chaired by Lincolnshire County Council. It will meet initially at least every two months, and will consist of senior operational officers from each of the organisations that deliver flood and surface water risk and drainage services within Lincolnshire.

Initial Tasks

To co-ordinate mapping of partners' resources and responsibilities, currently and under proposed legislation against anticipated future requirements and local needs

To establish an on-going register of all strategies and plans on flood risk held within the county. This could be linked to flood risk management information in the domain. This would enable developers and other parties undertaking work that could affect flood risk to access comprehensive information on relevant strategies and plans, as well as technical work carried out and planned within the county.

To ensure development of the flood risk management asset register.

Ongoing Tasks

Core

- Develop and implement local flood risk management strategies and plans, ensuring appropriate monitoring and reporting arrangements
- Focus delivery functions and funding on surface water, groundwater and ordinary watercourses
- Oversee the delivery of partners' flood risk management work and funding

- Commission and co-ordinate development of Surface Water Management Plans
- Support implementation of action plans for (eg), SMPs, CFMPs, Coastal Study options, relevant elements of the countywide Sustainable Community Strategy and Local Area Agreement. This will include ensuring effective liaison with established groups such as the Eastern Coastal Authority Group and the North East Coastal Group with their aim to influence the strategic management of the risk from sea flooding and coastal erosion.
- Prioritise available funding and resource for partnership initiatives and co-ordinate bids for additional funding, supporting the Lead Local Flood Authority to deploy resources where needed
- Ensure data sharing and communications mechanisms meet the needs of partner organisations and local communities
- Provide a focal point for liaison with the delivery arms of all relevant partner organisations within Lincolnshire, including the County Council and District Councils (particularly highways, planning and building control services), Environment Agency, Internal Drainage Boards, water and sewerage companies, developers, statutory undertakers, emergency services, riparian landowners and developers, in order to facilitate enhanced joint working between partners
- Provide reports to Local Authority scrutiny committee and manage and co-ordinate flow of requests for information for scrutiny and other purposes
- Liaise with the Regional Flood and Coastal Committee on the production of local strategies
- Ensure that elected Members are fully briefed on all aspects of flood, coastal and drainage risk management affecting Lincolnshire
- Resolve problems referred by Local Flood Risk and Drainage Groups
- With regards to SUDS and other drainage solutions work with local planning authorities and building control to establish common objectives and outcomes

Additional

- Provide a forum for local planning authorities to provide a consistent view for developers proposing major development within Lincolnshire, including informing developers of key aspects such as SUDS design criteria
- Support the Lincolnshire Resilience Forum, ensuring lessons learned from emergency incidents inform approach to long-term flood and drainage management, particularly with regard to resilience and planning
- Co-ordinate and support development of commissioning arrangements that may be established between partners
- Provide an arbitration role on responsibility for assets and for roles and responsibilities arising from new arrangements
- Support preparation of joint flood risk management asset register and associated asset management plans
- Exchange and develop local policy ideas with Strategy Group

Membership

- Environment Agency (Flood and Coastal Risk Manager)
- Lead Local Flood Authority (Assistant Director) (Chair)
- District Councils (Director or Head of Service)
- Internal Drainage Boards (Clerk or Chief Executive of one or more Boards - to be agreed with IDBs)
- Anglian Water (Catchment Manager)
- Highways Authority (Assistant Director)
- Lincolnshire Resilience Forum (Secretary)
- One member from each local flood risk and drainage management group

Frequency

Every two months

Secretariat

Lincolnshire County Council

Key Links

- Strategy Group
- Local Delivery Groups
- Local Authority Scrutiny
- Lincolnshire Resilience Forum

LOCAL FLOOD RISK AND DRAINAGE MANAGEMENT GROUPS

Role

Local Flood Risk and Drainage Management Groups will deliver local projects and solutions to flood and surface water risk and drainage management. They will maximise opportunities to co-ordinate partner resources with the objective of providing an integrated approach to managing flood risk for local communities.

They will take a proactive approach towards identifying and solving local flood risk issues, and will provide a first point of contact for members of the public and local members. They will work to develop and maintain effective working partnerships with all relevant partner agencies delivering flood risk and drainage services at local level.

The Local Flood Risk and Drainage Management Groups will be based on Local Development Framework boundaries. They will build on the existing local drainage groups, with enhanced support provided through the framework, including a coherent strategic and policy environment and a greater capacity to co-ordinate opportunities for funding and provision of resources.

Local Flood Risk and Drainage Management Groups will meet as often as necessary to conduct their business, and will consist of service managers from all relevant partner agencies with responsibility for delivery within the local area. They will be chaired by the Lead Local Flood Authority.

Tasks

- Deliver work programmes/action plans as directed by the Operations Management Group
- Integrate and share partners knowledge concerning flood risk and drainage issues
- Improve co-ordination at local delivery level between a range of partners, including use of enforcement and consenting powers on ordinary watercourses
- Improve effectiveness of use of partners' resources
- Maintain joint flood risk management asset register and associated asset management plans
- Monitor minor works for reporting on an exception basis to the Operational Management Group
- Provide training and advice to planning committees on all aspects of flood risk and drainage management in order to assist the decision-making process with regard to development control
- Provide a single point of contact for developers to consult with local planning authorities on SUDS and other drainage solutions
- Inform local planning authority processes through engaging with long-term development of Local Development Frameworks

- Enable organisations that are not statutory consultees in the planning process to have a voice concerning assets they may have to adopt in the future and avoid problems currently faced
- Inform development plans, infrastructure planning, asset operation and maintenance
- Assess planning applications for large, new developments and identify the most appropriate mechanism of drainage for the site
- To identify and deliver bespoke solutions to flooding problems experienced by local communities on a day-to-day basis
- Where solutions cannot be found quickly at local level, to refer such situations to the Operations Management Group for resolution
- Investigate local flooding incidents with all relevant parties to identify the source of a flooding incident and the responsibility for addressing it.
- To implement learning from emergency situations to ensure that resilience and mitigation measures as locally appropriate are adopted by private, public and commercial landowners
- Manage communications flow with local communities on day-to-day basis, including cascading necessary information to Operations Management Group

Membership

- Environment Agency (As determined by Flood and Coastal Risk Manager)
- Lead Local Flood Authority (Area Manager)
- District Council(s) (Head of Service or Service Manager)
- Anglian Water (Senior Asset Planner)
- Severn Trent Water
- Internal Drainage Board(s) (To be agreed with IDBs)
- Lincolnshire Resilience Forum (Emergency Planning Officer)
- Developers and consultants as appropriate

Frequency

As often as required to conduct the business of the group

Secretariat

To be decided by Groups

Key Links

Operations Management Group
Lincolnshire Resilience Forum

Organisational Membership of Local Flood Risk and Drainage Management Groups

Central Lincolnshire

Environment Agency
Lincolnshire County Council
West Lindsey District Council
City of Lincoln Council
North Kesteven District Council
Joint Central Lincolnshire Planning Authority
North-East Lindsey IDB
Ancholme IDB
Gainsborough IDB
Witham First IDB
Upper Witham IDB
Witham Third IDB
Newark Area IDB
Black Sluice IDB
Anglian Water
Severn Trent Water
Lincolnshire Resilience Forum

East Lindsey

Environment Agency
Lincolnshire County Council
East Lindsey District Council
Lindsey Marsh IDB
Witham Third IDB
Witham Fourth IDB
Anglian Water
Lincolnshire Resilience Forum

South Kesteven

Environment Agency
Lincolnshire County Council
South Kesteven District Council
Upper Witham IDB
Black Sluice IDB
Welland and Deepings IDB
Anglian Water
Severn Trent Water
Lincolnshire Resilience Forum

Boston & South Holland

Environment Agency
Lincolnshire County Council
Boston Borough Council
South Holland District Council
Witham Fourth IDB
Black Sluice IDB
Welland and Deepings IDB
South Holland IDB
North Level IDB
Kings Lynn IDB
Anglian Water
Lincolnshire Resilience Forum

SCRUTINY

Under the Flood and Water Management Bill, Lead Local Flood Authorities are required to ensure that robust local authority elected member scrutiny is put in place. This is reinforced by specific provisions that require flood risk management authorities to provide information or reports to the Scrutiny Committee, and to have regard to recommendations made by the Committee.

While local authorities will wish to make arrangements to ensure appropriate internal controls and scrutiny over their own flood risk management resource, it is anticipated that the role envisaged in the Bill will be performed by newly established scrutiny arrangements. The experience gained from the operation of the joint Health Scrutiny Committee may provide guidance in this regard. The nature of these arrangements will be determined by elected Members.

LOCAL RESILIENCE FORUM

The Lincolnshire Resilience Forum has played an active role in promoting aspects of the Pitt Review recommendations in relation to flooding emergencies. Effective partnership working is in place to develop the multi-agency flood plan setting out the roles and responsibilities of all partners in response to specific emergency situations across Lincolnshire. In particular attention has been focused on the challenge of potential evacuation scenarios for the East Coast.

While the core role of the Resilience Forum is to prepare for and respond to emergency situations, there are very strong links between the day to day management of flood risk and drainage and preparedness for flooding emergencies. In many ways they can be seen as two sides of the same coin, depending upon the same datasets and risk information.

It is anticipated that the flood risk and drainage management framework and the multi-agency flood plan will be mutually reinforcing through shared communications channels, data management systems, support for strategic development and promoting resilience to flood risk through day-to-day operations of the partner flood risk management authorities.

The Resilience Forum is represented within the partnership framework on the Strategy Board and the Operational Management Group, and plays a significant role in the local drainage groups, not least through supporting the provision and development of shared data on local incidents of flooding.

REGIONAL FLOOD AND COASTAL COMMITTEE

The Flood and Water Management Bill replaces Regional Flood Defence Committees with Regional Flood and Coastal Committees (RFCCs). It is the responsibility of the Environment Agency to ensure that RFCCs are established in each of the Agency's regions.

Environment Agency and elected Member representation on the partnership framework will provide links with the RFCC, including ensuring that elected Members on the RFCC are fully briefed on current issues. The partners to the framework will liaise with the RFCC on key policy developments, such as the national and local Flood Risk Management Strategies.

DATA MANAGEMENT AND COMMUNICATIONS

Data management and sharing will be fundamental to effective operation of the partnership framework. Initiatives are currently in progress to deliver this function. These are being developed in respect of emergency response requirements in the first instance but have been designed to consider long-term 'day-to-day' requirements and the provisions of the Flood and Water Management Bill.

Communications provisions for emergency warning and response purposes are quite different from those required for normal conditions. There is clearly a need for community engagement to improve awareness of flood risk and access to information about forthcoming emergency situations. However, there is also a need for a more long-term approach to engaging with communities across Lincolnshire to promote a more informed attitude to living with flood risk and to embed mitigation of flood risk as a normal consideration for property owners, developers and insurance companies.

This will be fully explored during 2010 through the coastal change pathfinder for Lincolnshire, which has been awarded in order to establish best practice in supporting local communities adapt to the long-term impacts of climate change. Although designed for the coastal zone, it is likely that methodologies successful on the coast will be adaptable for use across the county.

ROLES AND RESPONSIBILITIES OF FLOOD RISK MANAGEMENT AUTHORITIES WITHIN THE PARTNERSHIP FRAMEWORK

The table below summarises the roles and responsibilities incumbent on Flood Risk Management Authorities, in terms of specific tasks and related to the most relevant partnership groupings.

Strategy Group	Role/Responsibility	Organisation
	Prepare National Flood and Coastal Erosion Risk Management Strategy	Environment Agency
	Provide guidance to other flood risk management authorities	Environment Agency
	Duty to act consistently with National Flood and Coastal Erosion Risk Management Strategy	LLFA District Councils IDBs Water Companies
	Prepare local flood risk management plans (eg SMPs, CFMPs) for coasts & main rivers	Environment Agency
	Contribute to local flood risk management plans and strategies – e.g. SMPs, CFMPs, Coastal Study	All flood risk management authorities
	Prepare national preliminary flood risk assessment & flood risk maps	Environment Agency
	Duty to co-operate with other risk management authorities	All risk management authorities
	Strategic leadership for all surface water issues in Lincolnshire	LLFA
	Duty to have regard to Local Flood Risk Management Plan	Environment Agency Water Companies
	Duty to act consistently with Local Flood Risk Management Plan	District Councils IDBs
	Establish and maintain local authority scrutiny function	LLFA
	Provide information to local authority scrutiny and have regard to recommendations	All flood risk management authorities
	Flood warning	Environment Agency
	Local Authority Scrutiny	LLFA District Councils
	Liaison with Regional Flood and Coastal Committee	All flood risk management authorities
	Liaison with Lincolnshire Resilience Forum (strategic)	All flood risk management authorities

Operational Management Group	
Duty to act consistently with National Flood and Coastal Erosion Risk Management Strategy	EA LLFA District Councils IDBs Water Companies
Prepare local flood risk management plans (eg SMPs, CFMPs) for coasts & main rivers	Environment Agency
Contribute to local flood risk management plans and strategies – e.g. SMPs, CFMPs, Coastal Study	All flood risk management authorities
Prepare local flood risk management strategies (eg Lincshore Strategy, Witham Strategy)	Environment Agency
Prepare national preliminary flood risk assessment & flood risk maps	Environment Agency
Duty to co-operate with other risk management authorities	All risk management authorities
Strategic leadership for all surface water issues in Lincolnshire	LLFA
Prepare Local Flood Risk Management Plan	LLFA
Provide guidance on working with local flood risk management plan	LLFA
Contribute to developing Local Flood Management Strategy	Environment Agency District Councils IDBs Water Companies
Duty to have regard to Local Flood Risk Management Plan	Environment Agency Water Companies
Duty to act consistently with Local Flood Risk Management Plan	District Councils IDBs
Preliminary flood risk assessment & flood maps	LLFA
Power to request information from risk management authorities	Environment Agency LLFA
Compile & maintain flood risk management asset register	LLFA
Provision of asset management data	All flood risk management authorities
Developing Surface Water Management Plans	LLFA District Councils IDBs Water Companies
Strategic spatial planning – statutory consultation on flood risk and drainage aspects of planning applications	LLFA District Councils
Establish and maintain local authority scrutiny function	LLFA
Provide information to local authority scrutiny and have regard to recommendations	All flood risk management authorities
Flood warning	Environment Agency
Liaison with Regional Flood and Coastal	All flood risk management authorities

Committee	
Liaison with Lincolnshire Resilience Forum (strategic)	All flood risk management authorities
Capital Improvement Work National Grant in Aid (G.I.A.)	Environment Agency
Capital Work –Local Levy incl General Drainage Charge	Environment Agency
Administer Grants for IDBs and Las e.g. GIA Capital , Property Resilience grant, SWMP grant	Environment Agency
Duty to act in accordance with principles of sustainable development (incl. biodiversity & environmental protection duties)	All flood risk management authorities
Delegate works and maintenance to other flood risk management authorities, incl. commissioning, contract management &c	Environment Agency LLFA District Councils IDBs
Respond to Regional Spatial Strategy flood risk policies	LLFA District Councils
Advising on and determining planning applications in flood risk areas	District Councils LLFA
Advice and guidance to planning authorities	Environment Agency IDBs LLFA
Data management & development of core resources for flood risk management & emergency response	All flood risk management authorities & LRF

Local Flood Risk and Drainage Management Groups	
Duty to act consistently with National Flood and Coastal Erosion Risk Management Strategy	LLFA District Councils IDBs Water Companies
Contribute to local flood risk management plans and strategies – e.g. SMPs, CFMPs, Coastal Study	All flood risk management authorities
Duty to co-operate with other risk management authorities	All risk management authorities
Strategic leadership for all surface water issues in Lincolnshire	LLFA
Contribute to developing Local Flood Management Strategy	Environment Agency District Councils IDBs Water Companies
Duty to have regard to Local Flood Risk Management Plan	Environment Agency Water Companies
Duty to act consistently with Local Flood Risk Management Plan	District Councils IDBs
Provision of asset management data	All flood risk management authorities
Developing Surface Water Management Plans	LLFA District Councils IDBs Water Companies
Strategic spatial planning – statutory consultation on flood risk and drainage aspects of planning applications	LLFA District Councils
Provide information to local authority scrutiny and have regard to recommendations	All flood risk management authorities
Flood warning	Environment Agency
Raise flood risk awareness – coastal and rivers	Environment Agency
Prepare & review Strategic Flood Risk Assessments	District Councils
Raise flood risk awareness – surface water	All flood risk management authorities
Raise flood risk awareness – coastal and rivers	Environment Agency
Implement local flood risk management plans (eg SMPs, CFMPs) for coasts & main rivers	Environment Agency
River and Coastal Maintenance	Environment Agency
Asset & infrastructure surveys, inspections & maintenance – maintain databases	All flood risk authorities
Inspect & maintain EA reservoirs	Environment Agency
Enforcement on third party reservoirs	Environment Agency
Investigate incidents of flooding and assign responsibility where necessary	LLFA
Enforcement, consent and works on coast	Environment Agency

and main rivers	
Enforcement and consenting on ordinary watercourses	LLFA IDBs
Works powers on ordinary watercourses	District Councils IDBs
Undertake flood risk management schemes & maintain existing flood risk management measures	All flood risk management authorities
Enforcement on riparian owners	LLFA District Councils IDBs
Designation of features as flood risk management assets, with enforcement powers, incl. third party assets	Environment Agency LLFA IDBs District Councils
Land drainage & irrigation	IDBs
Water level management	IDBs
Manage areas of special flood risk	IDBs
Flood risk management works outside IDB areas	LLFA
Own and maintain public sewers	Water Companies
Emergency Call out and responses, sandbags and materials – first response work.	All flood risk management authorities
Data management & development of core resources for flood risk management & emergency response	All flood risk management authorities & LRF
Approve, adopt & maintain sustainable drainage systems	LLFA
Detailed negotiation with developers on SUDS	District Councils
SUDS enforcement and contractual management	LLFA
Consult LLFA on all flood risk and drainage aspects of planning applications	District Councils
Technical consultancy; site investigation/surveys [S38 & S278 design checks, technical and expert advice to others including pre planning app. meetings, resourcing/directing drainage investigations, feasibility reports, drainage design including major projects, hydraulic analysis & modelling, maintaining/revising design guides, training	LLFA
Develop flood risk planning policies for LDF in line with local flood risk management plan	District Councils
Respond to Regional Spatial Strategy flood risk policies	LLFA District Councils
Site specific flood risk appraisals and consultation with partners	LLFA District Councils IDBs Water Companies

Advising on and determining planning applications in flood risk areas	District Councils LLFA
Advice to public	LLFA District Councils IDBs
Advice and guidance to planning authorities	Environment Agency IDBs LLFA



Agenda Item 5

REPORT TO CABINET

REPORT OF: Cllr Frances Cartwright – Economic Development

REPORT NO: AFM0137

DATE: 12th April 2010

TITLE:	ADDITION TO THE SKDC OFF STREET PARKING PLACES ORDER 2002 RESPONSE TO CONSULTATION	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	YES	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	CLLR FRANCES CARTWRIGHT – ECONOMIC DEVELOPMENT	
CONTACT OFFICER:	L.Banner – Service Manager Asset and Facilities – l.banner@southkesteven.gov.uk . Tel: 01476 406411 M.Smith – Team Leader Operations – m.smith@southkesteven.gov.uk Tel: 01476 406425	
INITIAL IMPACT ASSESSMENT:	Carried out and Referred to in paragraph (7) below:	Full impact assessment Required:
Equality and Diversity		
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Local Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	AFM0082 – Report to Cabinet - Addition to the South Kesteven District Council Off-Street Parking Places Order 2002 – approval for consultation	

1. RECOMMENDATIONS

It is recommended:

- a. That the authority proceed with the proposed South Kesteven District Council Off-Street Parking Places Order 2009, following the consultation period;
- b. The making of the Order.

2. PURPOSE OF THE REPORT/DECISION REQUIRED

This report provides an update on response following the consultation period required to consider a new order to be made in addition to the SKDC Off Street Parking Places Order 2002. The purpose of the new order is to prevent unauthorised use of the Council's non pay and display car parks at Trent Road, Arnoldfield, Dysart Park and the area to the entrance to Dysart Park off Bridge End Road, Wyndham Park the entrance and parking area off Hill Avenue.

3. DETAILS OF REPORT (SUMMARY – USE APPENDICES FOR DETAILED INFORMATION)

A new order relating to non-pay and display car parks in and around Grantham is proposed to alleviate the unauthorised use of the named car parks. The process for making a new order requires statutory consultation and consideration of objections before any order can be ratified by Council.

Following the consultation period, whereupon notices have been displayed in all the named car parks and the local press, it can be confirmed that the Council has not received objections with regard to the proposals and the alterations of the new car parking orders that relate to the named car parks.

The authority has received letters of support in respect of our proposals from both the Lincolnshire Road Safety Partnership and Lincolnshire County Councils Highways Department who have raised no objections to our proposals.

4. OTHER OPTIONS CONSIDERED

Other options considered to alleviate the unauthorised use included the Police verbally communicating with the people misusing the car parks and written communication with the people involved. Despite both the options being carried out, there are still recurrent problems. Possession action can only be taken against the registered owner. The registered owner is not the person operating the car sales. Once proceedings have been started the vehicle has been sold or moved from the Council land and different vehicles are put in their place. Possession action in respect of each vehicle is not an effective remedy.

The DVLA have been contacted to pursue un-taxed vehicles. Although the DVLA have acquired powers to impound untaxed vehicles found both on and of the highway, they have been unable to take any action in respect of the car parks referred to in this report. In any event some of the vehicles being left on Council car parks are taxed.

5. RESOURCE IMPLICATIONS

The enforcement of any order made will have resource implications for the Council in respect of officer time, vehicle removal and storage costs. Although every effort will be made to pursue the vehicle owner for those costs. This cost recovery cannot be guaranteed.

6. RISK AND MITIGATION (INCLUDING HEALTH AND SAFETY AND DATA QUALITY)

Risk

The main risk to the Council is the health and safety implications, which are detailed below.

Health and Safety

Considerations are taken into account regarding the health and safety of those imposing the order and all necessary risk assessments will be carried out.

Data Quality

Every effort is undertaken to ensure rigid data quality checks are carried out.

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

As referred to on page 1 of this report.

8. CRIME AND DISORDER IMPLICATIONS

There are crime and disorder implications owing to the nature of the problem; however, these should be mitigated through the introduction of the new order.

9. COMMENTS OF SECTION 151 OFFICER

The proposals contained in the report will enable the Council to undertake enforcement action where necessary as part of its car parking management responsibility. Any enforcement action will need to be undertaken within existing budgetary provision and should complement existing enforcement control measures on the pay and display car parks.

10. COMMENTS OF MONITORING OFFICER

The matter of a new off-street car parking order was considered by the Communities Policy Development Committee at its meeting on the 14th May 2009. The Committee endorsed and recommended to Cabinet the making of the new order as detailed in this report.

The Council is unable to vary the existing car parking order 2002 order as it is not proposed to use the car parks referred to in the proposed order as pay and display car parks. The provisions of the proposed new order are, with the exception of the prohibition on sale of vehicles, contained in the existing order.

The proposed new order relates to non pay and display car parks in Grantham only and in no other town in the district.

Agenda Item 6

REPORT TO CABINET

REPORT OF: Cllr Mike Taylor – Assets and Resources
Cllr John Smith – Healthy Environment

REPORT NO: AFM0142

DATE: 12th April 2010

TITLE:	The Transfer of Stamford Recreation Ground to Stamford Town Council	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:		
PORTFOLIO HOLDER: NAME AND DESIGNATION:	CLLR MIKE TAYLOR – ASSETS AND RESOURCES CLLR JOHN SMITH – HEALTHY ENVIRONMENT	
CONTACT OFFICER:	L.Banner – Service Manager Asset and Facilities L.banner@southkesteven.gov.uk . Tel: 01476 406 411	
INITIAL IMPACT ASSESSMENT:	Carried out and Referred to in paragraph (7) below:	Full impact assessment Required:
Equality and Diversity		
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Local Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	Report references AFM0110 - approval to advertise proposed transfer and AFM0123 – authority to transfer	

1. RECOMMENDATIONS

- 1.1 To consider the comments received on further advertisement of the proposed transfer of the freehold ownership of Stamford Recreation Ground shown edged red on the attached plan at Stamford (“the Property”) to Stamford Town Council and
- 1.2 To confirm authority to transfer the freehold of the Property at a nominal purchase price to be used for recreational purposes only subject to the Town Council paying the cost of transfer incurred by the District Council following final consultation as detailed within this report.

2. PURPOSE OF THE REPORT/DECISION REQUIRED

- 2.1 The purpose of the report is to inform Cabinet of the position relating to the proposed transfer of the Property since report AFM123 made to Cabinet on the 4th January 2010, consider all comments received following advertisement of the proposed transfer in accordance with s.123 of the local Government Act

1972 and obtain confirmation of authority to proceed with the transfer of the Property to Stamford Town Council to maintain the Property for community use as a recreation ground. The provision of recreational facilities is a function of town and parish council as well as that of district councils.

3. DETAILS OF REPORT

- 3.1 Stamford Town Council has expressed an interest in both obtaining the Property through transfer and maintaining the site as an area of recreation for use by the public.
- 3.2 It is possible, subject to contract, to transfer the site to the Stamford Town Council as a public authority with responsibility for provision of recreational facilities for use by the public. Any transfer of the site must be done in accordance with the provisions of Section 123 of the Local Government Act 1972. The proposal is to transfer the land at a nominal consideration subject to payment of the District Council costs associated with the proposed transfer.

Section 123(2A) of the Local Government Act 1972 requires the proposed transfer to be advertised in a local newspaper for a period of two consecutive weeks. Previous adverts did not run for two consecutive weeks and the proposed transfer has been re-advertised in the Stamford Mercury. As a result of the re-advertisement, further comments were received. These comments must be considered by Cabinet and in light of the comments received, Cabinet must consider whether or not the proposed transfer should proceed. All comments received are attached to this report as Appendix A.

- 3.3 It is a requirement of the proposed transfer that the Town Council pay all associated costs of the District Council, whether or not the matter proceeds to completion.
- 3.4 The Property will be transferred subject to all matters affecting the District Council's title to the Property including existing leases, licences, covenants, restrictions and easements. It is the District Council's intention to transfer the land to be used as a recreational ground only.
- 3.5 The District Council, currently contracts with a grounds maintenance contractor for the maintenance of the site. Any proposed transfer will be made subject to the provisions of that service unless the District Council can negotiate a variation to that contract without any penalty. The Town Council have agreed to take on the existing grounds maintenance contract, if the District Council is unable to seek a variation without penalty.

4. OTHER OPTIONS CONSIDERED

- 4.1 Other options relating to the Property are:
 - a) To retain the Property in District Council ownership. All current maintenance would continue as a cost on the general fund ;

b) To sell this land on the open market. Part of the Property is bound by a restriction to use the land for recreational purposes. This use can be best achieved by the transfer to another public authority which has the power to own land for that purpose.

5. RESOURCE IMPLICATIONS

5.1 In the event that the freehold transfer of the Property proceeds then the Town Council will be financially responsible for the maintenance and upkeep of the Property and the District Council will no longer be responsible for such costs and future budgets will be removed.

6. RISK AND MITIGATION (INCLUDING HEALTH AND SAFETY AND DATA QUALITY)

Risk

There is a risk that the Property will not be used for recreational purposes. It is proposed the land be transferred subject to a covenant to use the Property for recreational purposes only with a right of pre-emption in favour of the District Council in the event that the Property is not used for that purpose.

Health and Safety

By virtue of a transfer of the freehold ownership, the Council will transfer all liability for health and safety issues relating to the Recreation Ground to the Town Council from the date of completion of the transfer.

Data Quality

The data contained in the appendix to this report has been redacted to protect the personal data of those who have commented on the proposed transfer.

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

As referred to on page 1 of this report.

8. CRIME AND DISORDER IMPLICATIONS

The proposed transfer of the Property to the Town Council should not affect the District Council's duty in accordance with s.17 of the Crime and Disorder Act 1998.

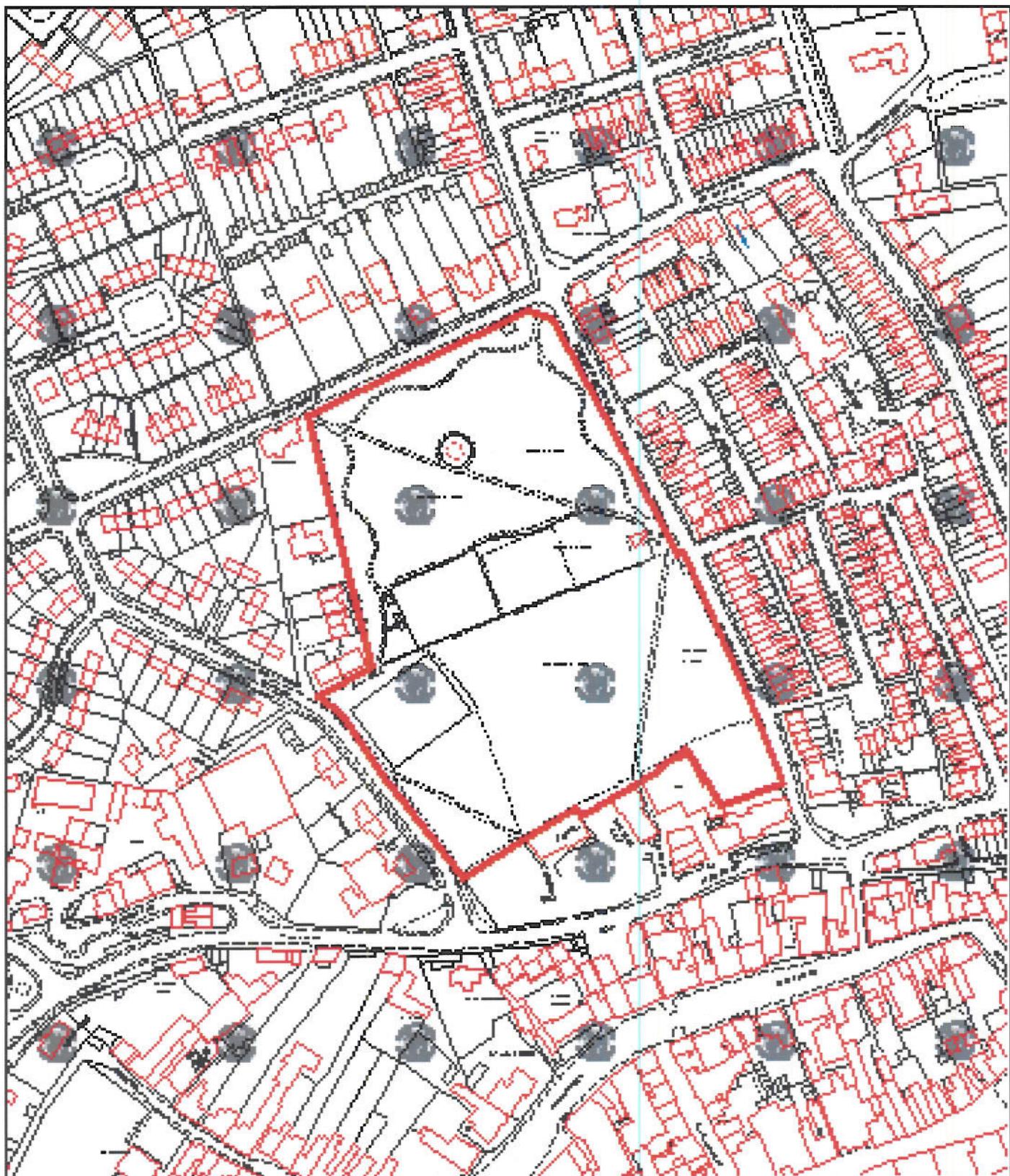
9. COMMENTS OF SECTION 151 OFFICER

In accordance with the approved Council budget for 2010/11 no revenue budget provision is available for the Stamford Recreation Ground running costs. The costs incurred after the 1st April 2010 will be charged to the Stamford Special Expense Area (SEA) and met from the revenue reserve for that particular SEA. However it must be noted that there is a limited reserve resource available for this purpose and therefore the transfer, if agreed to proceed, must be undertaken at the earliest opportunity.

10. COMMENTS OF MONITORING OFFICER

It is appropriate the Cabinet reconsider the proposed transfer of the Property following the re-advertisement in accordance with s.123 of the Local Government Act 1972 and take into account all the comments received.

The transfer to the Town Council is proposed at nominal consideration. This is permitted in accordance with the General Disposal Consent 2003 where the difference in value between the consideration received and the value of the Property does not exceed £2million and there is a community benefit arising from the transfer. The more local management and control of the Property by the Town Council will benefit the local provision and will remove the cost of maintenance from a district level to a more local level.



SOUTH KESTEVEN DISTRICT COUNCIL 	Scale 1:2500	Stamford Recreation Ground Description
<small>Based on the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. See & Information: District Council: 01664 621 2661.</small>		

APPENDIX A

Note the following are objections by residents all living within close distance of the Recreation Ground, Stamford:

Objection 1

May I thank you for your letter of 5th January 2010 regarding the transfer of Stamford Recreation Ground to Stamford Town Council.

I would wish to record my objection to this transfer taking place on the grounds summarized below.

1. There is no business plan to show the preparedness of the Town Council for appropriate and ongoing management of this space;
2. No benefits to the local community have been detailed – a key requirement of the Government in returning assets to parish councils;
3. The Town Council do not have the resources, either financial or of personnel expertise, to manage this complex recreational space;
4. No safeguards appear to have been put in place to ensure that this space is solely for recreational purposes. This would protect the Recreation Ground from the proposed underground car park and the proposed skate park;
5. The transfer is purely political as recorded in Minute 351 of the Town Council Meeting held on the 16th December 2008. No short or long term aims are in place and no effective consultation with the local residents, community organizations or with the Friends of the Recreation Ground has taken place.

Stamford Recreation Ground is finally becoming a green space in the heart of the town enjoyed by a large number of organizations, families and individuals of all ages as well as hosting community occasions throughout the year. This has been possible because of the willing and diverse support provided by so many SKDC personnel and organizations.

SKDC has a duty of care not to jeopardize the exciting progress that has been made in improving this space over the past few years. Please advise what action you propose to take on each of the points above before enabling a transfer.

Objection 2

I am one of those people most deeply affected by the proposals for the future of Stamford Recreation Ground, since my house is barely 100 metres from the skate board park and my windows overlook the area which it is proposed to desecrate for the sake of a car park. Faced with the complete lack of regard for the life and amenities of those most closely affected, since in spite of protestation the same aims are being followed with no deviation, all one is left with is a feeling of total helplessness. The peace and security that returned to the place on the closure of the last effort at a skate board park is about to be shattered again. Those who are determined to go through with these plans, come what may and in face of every objection do not live here and consequently are quite happy to destroy the lives of other people. The offer of consultation is just a sham to conform with regulations.

Objection 3

With regards to an item in the local Stamford Mercury asking if there were any objections to the Skate Park being placed on the recreation ground.

Over the past few years I have thought about why my attachment to this 'place' is real.

The past 30 years processes of social care to this space of the recreation ground and the surrounding roads has been debatable ,ie planning regulations flouted, ie Chapel Court, vandalism and lack of council funding to support services i.e. gardeners etc.

If this place is a meeting point, how do we make better meeting points and this raises another big issue, we have to think in terms of relations, between people and between 'place', we need to think both how we negotiate the mixing and internal differentiation of this space and take responsibility to how this place relates to the bigger picture i.e. quality of life to the surrounding population i.e. local residents.

We all have rules that we abide by, understood ways of behaviour, how we behave together? Negotiate pavements spaces etc. Social rules which govern life within the neighbourhood one reason why rules work is because of the continuity they do not change over time, what I mean is the idea what a good neighbour should behave like-he should be unobtrusive, respectable of privacy of others while at the same time being helpful, and being there for other residents this stable across time ,there is some nominal understanding about what boundaries between privacy and community, between private households and neighbourhoods should be so harmony in the neighbourhood depends on continuity, so everyone can have some reasonable expectation about how others will behave and what is expected of them, at the same time these rules are being constantly questioned and evaluated often as a result of social change. Neighbourhoods develop different ways of dealing with issues. When issues of noise arise within a neighbourhood we call local council and mediators to resolve the disputes, methods differ from era to era and location to location.

We do need to hang on to the notion of 'place' as unique as having something special, greater senses of insecurity awareness of social changes place identity is very important for us all and to pay attention to the timelessness of this market town has to be carefully looked at and not taken advantage of for short term quick fixes ie Stamford Vision Red Lion Square, where are the instigators of this 'shared space' now?

Over the past ten years Stamford has been taken advantage of, even though public discourse has been against you, the Councils opinion.

The meeting of various issues in time and space, the local is related to the wider relations and the processes within this town. In the surrounding local there is pressure through urbanisation.

Population wants stability in their lives but we are all having to deal with various issues, this is a contested space what is quality to one social group may collide with another.

Colliding discourse is of this time, space, tranquility a zone of possible problem freeness? So understanding we are a child centric nation, people in authority are authorizing the concreting over of a green space that was used by all, for the sake of the few which will become many, and produce more human and car traffic.

Skate Park, housing policy i.e. Derby and Joan, Stamford Court, Kings Rd, these are politics, local and national this relationship of urban space is becoming more relevant.

How do we make better 'places' meet well social capital and how people connect to people is not the way this narrative is being played out. 'Disconnection' is a more relevant concept to how these social groups/identities are being forced together.

Personal View

In conclusion the skate park in the beginning was brought about by a petition that was signed by a majority who were mostly from Stamford College (not local and not local rate payers) and they had a personal interest in this sport.

The older skate park that was next to the cattle market was vandalised and left derelict; it also was the successor to the municipal swimming pool which had more relevance to the population not a certain group within the community.

The social policies for Stamford Leisure facilities I believe are non existent and long term planning within any of Stamford's future developments is dubious (Leisure&Property): thinking through all of the externalities that come with this leisure and housing development has not been considered and for this reason I am against this site and any space that does not match the people who will use and frequent the site.

So as a quiet voice in the middle of a town that does not know how to say no because of political correctness always saying yes to every desire just to keep in favour and be a vote winner, I am saying no

to the transfer of power to the Stamford Council and no to the Skate Park and no to the urbanisation of this green space that has not been ruined so far. This is my formal objection to you.

Objection 4

Thank you for the flyer received on 8 February regarding Stamford Recreation Ground.

I live at Chapel Court, on the edge of Stamford Recreation Ground and am writing to state my objection of the disposal of the site to Stamford Town Council.

I can confirm that I have not been informed or consulted about transference of ownership and would object to this based on the desires of Stamford Town Council to support the Chamber of Commerce in building an underground car park and re-introduce the skate park

I have seen no business plan or an explanation as to how an underground car park could bring any benefit whatsoever to Stamford

I have seen no evidence of financial or personnel resources to manage this or the necessary expertise to undertake this plan.

I've seen no information about the additional costs - I certainly do not intend to pay for any of this in any way whatsoever.

When the skate park was open before it brought nothing but trouble, noise and rubbish and as for an underground car park!!! This beggars belief - what on earth do we need this for, what is the justification for it? The lime trees are beautiful - a green space in town that is well used and loved.

North Street already experiences severe congestion during rush hours and on a Friday and is a busy road, another car park will make matters worse and make getting in and out of my property more dangerous and difficult. I can't think where they're getting the money from to deliver this ridiculous proposal.

Objection 5

Thank you for your letter of 5th. January 2010.

My husband and I strongly oppose the transfer of the Recreation Ground from SKDC to Stamford Town Council.

In recent years the "Rec" has been much improved by both the maintenance company and "Friends of the Rec" and has obviously had a professional guiding hand from SKDC.

Money has been well spent on Belton Gardens, on the bandstand, the children's play area and more recently, planting of some well chosen trees.

The remainder of the "Rec" takes quite a beating many times each year with several fairs and functions but has recovered quickly mainly due to clement weather, good preparation, speedy and sensitive repair. The removal of the skate boarding area has contributed greatly to this space as an area for all to enjoy for a variety of activities if only to sit and eat a lunchtime sandwich.

Stamford Town Council appear to be of a mind to allow a replacement skate park to be erected on the same spot as before, indeed this would seem to be their reason for seeking control over the park. They may be able to play politics but we fear that they lack the skills to manage the park without ongoing professional management. They should be aware that those of us, who have had to endure the previous skate boarding on our doorstep, will fight against its replacement all the way.

Objection 6

Thank you for your letter of 5th. January and we did not see the advert in the Mercury which you refer to.

I would confirm that I still object very strongly to the Transfer being proposed on the following grounds :-

First of all I consider that SKDC have looked after the Recreation Ground very well. They have a fair and considered view that it should be maintained for all residents in Stamford.

The Stamford Town Councillors seem to have a main objective to turning the Recreation Ground into a playground for Children. They do not take into account the views of the Residents who live around the Recreation Ground. They have the one main objective in taking over the Recreation Ground and that it to allow the construction of a major Skatepark, regardless of the fact that the houses around will be adversely effected by noise and antisocial behaviour, as indicated in reports and guidelines on Skateparks obtained by Residents. In a recent survey of Residents living around the Recreation Ground 84% expressed the view that the proposed Skatepark should not be constructed on the Recreation Ground and the favoured alternative site was Uffington Road playing fields.

We have lived in the same house overlooking the Recreation Ground for 30 years and my wife and I are over 70 years old now. We prefer to see our views taken into account, where we are looking to see our pleasant environment retained. If the Town Council obtain control then it is inevitable that we will see considerably more Noise and antisocial behaviour, as happened when the previous Skatepark was operating.

Note the following objection is made by a member of the public not within close distance of the Recreation Ground, Stamford:

Objection 7

A Freedom of Information Act to the Stamford Town Council.