



NOTICE OF MEETING

AND SUMMONS TO ATTEND

The meeting of Sprowston Town Council
will be held in the St. Quintin Room, at Sprowston Diamond Centre, School Lane
Sprowston on Wednesday 19 July 2017 at 7.30pm

AGENDA

Item No.

1. To receive declarations of interest
2. To receive apologies for absence (proforma enclosed).
3. To confirm the minutes of the Council meeting held on 28 June 2017. Pages 1 - 6
4. To receive any Police Liaison Officers Report.
5. To receive correspondence & agree action/response arising from the minutes.
 - (i) Norfolk County Council Local Members Highway Budget Pages 7 - 8
 - (ii) Cricket Square Enhancement Funding Pages 9 - 10
 - (iii) Play Equipment Wilks Farm Drive
6. To receive any written/verbal reports from Sprowston County and District Councillors. Page 11
7. To adjourn the meeting to allow members of the public & Councillors with prejudicial interests to speak¹.
8. To consider registering the council with Sprowston Dementia Friendly Community as 'working towards becoming a dementia friendly organisation' and to agree at least 3 pledges to that end - Mr K Lashley.
9. To receive the report of the Town Clerk and make decisions on: Pages 12 - 35
 - 1.1 Transfer of Land at Gurney Drive Sprowston
 - 1.2 Elcons Health and Safety Report
 - 4.5 Grant Aid - Norfolk Accident Rescue service
10. Adjourn the meeting for a short break.
11. To consider planning applications to 19 July 2017. Page 36
12. To receive any written/verbal reports from the Council's Working Groups.
13. To receive any written and verbal reports from Members representing the Council on or at outside organisations. (proforma enclosed)
Broadland Dementia Alliance Group - report from Mrs S L England
14. To confirm the payment of accounts to 19 July 2017. Pages 37 - 39
15. To receive the schedule of credit card payments. Page 40
16. To receive the schedule of direct debits Page 41

June Hunt

**June Hunt
Town Clerk**

14 July 2017

Council Office. Sprowston Diamond Centre . Sprowston . Norwich.NR7 8TR
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Footnote:

¹ Members have a statutory legal duty under the Local Government Act 2000, to declare any personal or prejudicial interest they have in items contained in the above agenda. Failure to do so may result in the individual Councillor being reported to the Standards Board for England.

Planning Applications listed above are those in the office at the time of publication of the Agenda. The Council may consider others received up to the date of the meeting if appropriate. Plans may be viewed in the Council office during office hours, and are available from 7 pm on the date of the meeting. Alternatively, to view on line please go to www.broadland.gov.uk and follow the links through to planning.

It should be noted that Councillors Mr Knowles, Mr Moncur (Chairman) and Mr Ward will or could be making comments on the planning applications at this meeting as a non-statutory consultee on behalf of the Town Council. However, as all three Councillors are on the Planning Committee of Broadland District Council they would like it made clear that their views could change at those meetings when more information could lead them to a differing view than that expressed at this meeting. To this end they will be abstaining from voting on planning matters, apart from in the case of a tied vote when the Chairman will make the casting vote.

This Meeting is open to the Public and the Press. Copies of this Agenda and Draft Minutes referred to above are available from the Council Office. Signed copies of the Minutes may also be downloaded from the Council's website www.sprowston-tc.gov.uk (go to Agenda and Minutes page). They are available (unless marked confidential) for public inspection at the Council Offices during public opening hours.

In the interests of openness and transparency, Councillors and members of the public are reminded that the law permits any person to film, record, photograph or use social media in order to report on the proceedings of a meeting of the Council. The Council request that anyone wishing to record the meeting lets the Council know beforehand so appropriate arrangements can be made to facilitate the recording.

COUNCIL MEETING – 28 JUNE 2017

At the meeting of the Sprowston Town Council held at Sprowston Diamond Centre, School Lane, Sprowston on Wednesday 28 June 2017, the following Members were present:-

Mr I Moncur – Chairman

Mr W F Couzens	-	Mrs B J Lashley
Mrs S L England	-	Mr K Lashley
Mr R A Fowkes	-	Mrs J Leggett
Mr R J Knowles	-	Mr J H Mallen
Ms G Landamore	-	Mr B Osborne
Mr T Landamore	-	Mrs J Poynter

Mr J M Ward

In attendance

Mrs J Hunt	-	Town Clerk and Responsible Financial Officer
Mrs E Elliot	-	Committee Officer

No members of the public were present

17/159. DECLARATIONS OF DISCLOSABLE PECUNIARY AND OTHER INTERESTS

No declarations of disclosable pecuniary and other interests were received.

17/160. APOLOGIES FOR ABSENCE

Verbal apologies for absence were received and accepted by the Council from Mr N Shaw.

17/161. MINUTES

The Minutes of the Council meeting held on 7 June 2017, having previously been circulated to all Members were, subject to the following amendments

Minute 17/144, last line **delete** 31 March 2017 and **insert** 31 March 2018

Minute 17/146, last paragraph **delete** diversity and **insert** inclusiveness

Minute 17/148, third paragraph **delete** would be and **insert** maybe

confirmed and signed by the Chairman of the Council.

17/162. POLICE LIAISON OFFICER'S REPORT

Members noted the incidences recorded in the crime statistics for Sprowston from 6 June to 27 June 2017 and requested the Town Clerk thank PC Roberts on behalf of the Council for preparing them.

Mrs J Leggett reported that she had spoken to Lorne Green, Police and Crime Commissioner in person expressing her dissatisfaction at the change in reporting procedures to Town and Parish Councils.

17/163 BEESTON PARK PROGRAMME BOARD

Further to Minute 17/148, the Town Clerk reported that she had been advised by Broadland District Council that the Beeston Park Programme Board had not

17/163 BEESTON PARK PROGRAMME BOARD (CONTINUED)

recently met as there had been nothing new to discuss or progress. However, should there be a fundamental change to the development a meeting would be called.

Mr R A Fowkes commented that it was even more important for the board to meet following the change in phasing and parcels of land being sold separately. He could see a situation, during completion of the last phases, where a developer would be saddled with building the infrastructure and village centre. He felt there should be more discussion with Broadland District Council to ensure these facilities were provided.

Mr K Lashley remarked that it was a Programme Board not a Planning Committee and expressed an interest in their terms of reference to which Mr I Moncur agreed to ascertain.

Mr W F Couzens expressed concern regarding affordable housing, questioning if the last developer will be responsible for the provision of all affordable housing on this development.

It was noted that the Norwich Northern Distributor Road would be complete before this development yet the through road, infrastructure for other developments in Sprowston i.e. Blue Boar Lane, had not been constructed but housing continued to be built.

Mrs J Leggett advised that when she had raised this issue with Broadland District Council she had been assured that the link road would be built.

Mrs B J Lashley suggested that Town gave the Council a presentation on their intentions regarding development.

The Town Clerk agreed to contact Town and offer an open invitation.

Mr I Moncur agreed to speak to Phil Courtier, Broadland District Councils Head of Planning for an update.

17/164. REPORTS FROM COUNTY AND DISTRICT COUNCILLORS

A written report was received from Mr J M Ward.

Referring to Minute 17/146, and in response to Mrs B J Lashley's enquiry regarding grants available to encourage inclusiveness, Mr Ward advised that no grants were available as this was already provided via other sources.

Mr Ward also verbally reported that:

- (i) Parana Road would be closed from the junction with Lindsay Road for 30 metres north-west from 11 to 13 July 2017 for Anglia Water pipe relaying.
- (ii) due to reducing Government grants and rising demand for services, the Policy and Resources committee will ask services to find the following additional savings, totalling £100m, over four years:-

Adult Social Care £31m
Children's Services (non-schools) £23.5m
Community and Environmental Services £31.2m,
Managing Directors Department £1.3m
Finance and Commercial Services £3.6m

17/164. REPORTS FROM COUNTY AND DISTRICT COUNCILLORS (CONTINUED)

Finance general which includes pension and grants £9.4m

The Councils gross budget for 2017/18 is £1.46 billion but a third of this is passed directly to schools.

- (iii) Norfolk County Council and Barnardo's have this month joined forces to create the "New Directives" service which will provide intensive support to families and help return children home from care wherever this is safe and in their best interests.
- (iv) the Parish Partnership Scheme will be repeated in the financial year 2018/19. The County Council has allocated £300,000 on a 50/50 basis to fund schemes put forward by Town and Parish Council's.
- (v) a new fund had been created to provide each local Member with an annual budget of £6,000 to be used on highway work within each financial year. This offers flexibility to progress small high way projects at Members discretion based upon local need. Mr Ward listed highway aspects that the fund could be spent on and welcomed ideas from Councillors for projects in Sprowston.

Mr K Lashley suggested grass verges.

Mr W F Couzens expressed concern that the Hewett School would no longer offer the study of A level subjects.

Mr Ward explained there was insufficient numbers of students to support a sixth form.

Mr W F Couzens asked what Norfolk County Council was doing about the closure of Open's special unit.

Mrs J Leggett responded that it was run by the Diocese.

Mrs J Leggett verbally reported that:

- (i) the next Safer Neighbourhood Action Panel meeting would be held on 17 July 2017 at Gage Road Chapel.
- (ii) the Corporate Equalities Group was searching for residents who knew of people involved in the Suffragette movement.

17/165. RESIDENT'S QUESTIONS

On the motion of Mr K Lashley, seconded by Mr J M Ward it was **RESOLVED**, that the meeting be adjourned to receive residents' questions on matters concerning the town. Residents were reminded that their questions should be addressed to the Chairman who would, assisted by the Town Clerk, reply.

Claire Lincoln of Sprowston Youth Engagement Project (SYEP) asked if a site had become available for the erection of a skatepark or if a skatepark in Sprowston was no longer an option.

The Town Clerk advised that a site had not been identified but two sites were being discussed, neither of which were in the Town Council's ownership.

17/166. REPORT OF THE TOWN CLERK

COMMUNITY BUILDINGS, ALLOTMENTS, PARKS AND OPEN SPACES

1.1 Play Equipment Wilks Farm Drive

The Chairman moved this item of business to later in the meeting.

1.2 Sprowston Recreation Ground

Members considered an offer from the Development Director of Norfolk Cricket Board Limited for a £12,000 enhancement to the cricket square at Sprowston Recreation Ground, at no cost to the Council, to install a non-turf pitch including a small amount of funding for promotion and initial maintenance.

Following debate Councillors agreed that Sprowston Recreation Ground was not the most suitable location and suggested Barkers Lane open space as an alternative.

RESOLVED that the Town Clerk contact the Development Director of Norfolk Cricket Board Limited to discuss the feasibility of Barkers Lane as an alternative location and invite him to a future meeting of the Council.

CEMETERY

2.1 No matters were reported

STREET LIGHTING

3.1 No matters were reported

CENTRAL ADMINISTRATION AND PERSONNEL

4.1 Councillor Dispensation

The Town Clerk granted a dispensation to Mr Barrie Osborne to participate in matters pertaining to finance concerning Sprowston Town Council.

4.2 Photocopier

Having considered the report of the Town Clerk it was

RESOLVED to accept the quotation from Copy IT for the lease of a Sharp MX3050 photocopier on a five year contract.

4.3 Resignation of Caretaker / Cleaner

Members noted the resignation of Mark Durrant from the post of Caretaker/Cleaner.

PLANNING AND TRANSPORTATION

5.1 Appeal against Broadland District Council decision

Members noted the appeal made against the decision of Broadland District Council to refuse permission for a first floor south-west side extension at 156, Wroxham Road.

17/167. MEETING ADJOURNMENT

On the motion of Mr K Lashley, seconded by Mr J Ward it was **RESOLVED** to adjourn the meeting for a short break.

The meeting was reconvened.

17/168. PLANNING

The Town Clerk reported that observations had been requested by the District Council's Head of Planning on applications received since the last meeting.

Having considered each application and the accompanying plans the Council

RESOLVED

(a) to raise no objection to the following applications:

2017/0896 - two storey side and first floor rear extensions at 52, Rosemary Road

2017/0915 - proposed single storey side and rear extensions at 25, Rushmore Road

2017/0921 - single storey side and rear extension at 7, Foxburrow Road

2017/0932 - single storey rear extension at 30, Blenheim Crescent

2017/0968 - first floor front extension & single storey rear extension at 57 St. Marys Grove

2017/0978 - single storey rear extension at 68, St. Marys Grove

2017/0995 - rear conservatory at 195, North Walsham Road

2017/1000 - single storey side/rear extension at 67, Foxburrow Road

(b) to strongly oppose the granting of planning application 2017/0956 - erection of an extension to existing residential accommodation block to provide 2 No. flats with parking at 2, Clover Road on the grounds that it is a gross over development of the site, detrimental to neighbours amenities, insufficient parking provision, out of keeping with surrounding area and contrary to the Sprowston Neighbourhood Plan.

17/169. REPORTS FROM COUNCIL'S COMMITTEES AND WORKING GROUPS

No written reports were received.

17/170. REPORTS FROM MEMBERS REPRESENTING THE COUNCIL ON OUTSIDE ORGANISATIONS

A written report was received from Mr W F Couzens on the Sprowston Dementia Friendly Community Steering Group meeting held Tuesday 27 June 2017 and circulated at the meeting.

17/171. PAYMENT OF ACCOUNTS

The Town Clerk and Responsible Financial Officer presented the schedule of accounts to 28 June 2017 totalling £15,855.47 and answered Members' questions arising therefrom.

On the motion of Mr K Lashley, seconded by Mr R A Fowkes it was

RESOLVED that payment of the accounts to 28 June 2017 totalling £15,855.47 be approved and the schedule authorising payment signed by Mr R A Fowkes and Mr J H Mallen.

17/172. SCHEDULE OF CREDIT CARD PAYMENTS

The schedule of credit card payments totalling £239.06 was approved and noted.

17/173. SCHEDULE OF DIRECT DEBIT PAYMENTS

The schedule of direct debit payments totalling £4,643.02 was approved and noted.

Mr R J Knowles left the meeting following this item of business.

17/174. PLAY EQUIPMENT WILKS FARM DRIVE

Having considered play schemes and quotations from five playground equipment suppliers it was

RESOLVED to accept, in principal, the scheme from Wicksteed subject to modifications to include a higher slide, tables and seating, increasing the surface area of the site and clarifying the lack of a kite mark on the rocking horse.

There being no other necessary business the Chairman of the Council thanked Members for their attendance and declared the meeting closed.

19 July 2017

CHAIRMAN

Local Member Highways Budget

Background

A new fund has been created to provide each local Member with an annual budget of £6,000 to be used on highway work within each financial year. This offers flexibility to progress small highway projects at Members discretion based upon local need.

What can the money be spent on?

The funding can be spent on a wide variety of highway related aspects. Typical uses could include:

- Advisory signs i.e. "Unsuitable for HGV's and advisory speed limits i.e. 20mph signs outside schools would be possible.
- Small footway extensions and modifications
- More significant work to public rights of way
- Minor drainage work
- New non regulatory signs and replacement of existing signs and road markings. Possibly some new road markings such as "SLOW".
- Feasibility work or investigations that cannot be resourced by existing front line budgets.
- Minor traffic management projects including Traffic Regulation Order related works. However, it should be noted that these works can cost between £3,000 and £5,000 each and may be difficult to deliver within a 12 month timescale.
- Day rates for gangs to carry out additional maintenance to areas of the highways that a local Member would like improved i.e. public footpaths or verges.
- Other highway improvements – improved visibility splays, junction improvements, kerbing, work in conservation areas.
- Capital grants to parish councils for highway maintenance related equipment such as grasscutting or footway gritting equipment.

What is excluded from the fund?

Illuminated signs, street lighting or reflective bollards are not included in this initiative. This aligns with NCC energy saving objective of 50% by 2020, based on 2007 baseline.

In addition, the budget of £6,000 is not to be exceeded. Any schemes which are likely to exceed this amount will not be taken forward, unless other funding streams are confirmed.

Who can help provide advice on what can be delivered and how?

Your local Highways Area team can provide the necessary help and advice on what the engineering solutions to any given problem may be. These options will be location specific and will usually involve a site visit to fully understand the issues and identify the optimum solution.

Who records and monitors spend?

Your local Highways Area team will provide an initial cost estimate and if delivery is agreed, will then monitor construction / installation costs. Given the nature of construction, there may be unexpected or unforeseen costs which will need to be managed within the £6,000 allocation.

Who can deliver the proposals?

It is expected that the majority of works would be undertaken by Norfolk County Council and its approved supply chain. Grants made to direct to Town and Parish Councils would follow that Councils procurement rules.

JHunt

From: Kieron Tuck <kieron.tuck@norfolkcricket.co.uk>
Sent: 05 July 2017 11:33
To: JHunt
Subject: RE: Non Turf Cricket Pitch Funding Opportunity

Hi June,

Thanks for the reply. I have added my replies to your questions on your original email below.

No problem in coming along to a meeting. Just let me know when and I'll see if I can fit it in to my diary. Alternatively I can of course meet with one or two senior council members separately if required and they can relay the information.

Kind regards
Kieron

Kieron Tuck | Development Director | Norfolk Cricket Board Limited
t: 07785 722281 | 01603 486250
e: kieron.tuck@norfolkcricket.co.uk
w: www.norfolkcricket.co.uk
a: c/o Horsford Cricket Club, Manor Park, Holt Road, Horsford, Norwich, NR10 3AQ



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From: JHunt [mailto:JuneHunt@sprowston-tc.gov.uk]
Sent: 03 July 2017 15:30
To: Kieron Tuck <kieron.tuck@norfolkcricket.co.uk>
Subject: RE: Non Turf Cricket Pitch Funding Opportunity

Dear Kieron

Further to our correspondence I have discussed your offer with my Council which has resulted in many more questions than I could answer. My Council would like to invite you to a future meeting to discuss this offer further.

Some of the questions were

Whether the recreation ground was the best place for a pitch ie has Barkers Lane field or Wilks Drive field been considered; also there is new development at Blue Boar Lane ? *Not aware of any development at Blue Boar Lane – sporting facilities I presume? Also I don't know Wilks Drive. Barkers Lane as the home of Sprowston CC is not suitable and not needed for this Non Turf Pitch project – this is for casual play and won't fit well around the existing commitments that the club has. Also the funding is geared to local authorities and councils, not clubs*

The Recreation Ground has a lot of dog walkers and there was concern that dogs off leads would interfere with play and the implications of safety for all. *Yes this could be an issue, however at Eaton Park, and existing club grounds where there is public right of way this rarely causes a significant problem as most dog walkers are considerate to ongoing activities. Appropriate signage usually does the trick. At these venues a brief survey of the pitch prior to a match to clear any dog mess is usually needed, although I don't know if fouling on the field is a problem at Sprowston Rec.*

The concept of free cricket was considered and it was unclear how this would work. *Any cricket bookings do not have to be free, indeed we (and ECB) would encourage there to be a charge, firstly to allow the operator to generate revenue and incorporate this as part of their maintenance budget, but also to ensure that there is a value placed on the booking for the users. This is similar to Eaton Park who charge approximately £60 per booking*

Could there be some form of nets to encourage coaching of cricket on the new pitch; more information on this would be most useful. *Cricket Coaching and nets are outside the remit of this funding I'm afraid. I would also argue that this is where Sprowston CC come in, as they have the trained coaches, and also have existing good quality net facilities to cope with this local need. Nets would not make a difference to the outcomes for this project in terms of getting more casual / friendly matches played.*

I am sure at a future meeting more questions would be potentially raised.

I look forward to hearing if you would be able to attend a future meeting of the Council with the view to taking this incentive further.

Regards June
June Hunt
Town Clerk

9th July 2017

Report from Councillor John Ward

Broadland District Council

Due to increasing local house building, the Head of Planning has been authorised by Cabinet to recruit an additional Planning Office and a Planning Technician/ Graduate Apprentice.

BDC currently own 340 parcels of land and it was agreed by Cabinet to appoint an external land agent to explore potential income generation from these land assets with an initial focus on sites suitable for development.

Norfolk County Council

Norfolk Museums Service has secured major investment from Arts Council England for the next 4 years totalling £6.5m (£1.7m of this will go to Share Museums East), this will enable the Service to move forward with its plans for the transformation of Norwich Castle Keep as well as to enhance the programme of temporary exhibitions and permanent galleries, extend the events programme across all museums and create opportunities for skills development of all age groups.

Ofsted Inspectors visited the Council in June for its 3rd quarterly check-up on the Council's progress in improving services for children and young people. They found continued improvement in leadership, staffing, support for care leavers and the Council's response to child sexual exploitation. This progress means that the County will no longer face monitoring from Ofsted and their next visit will be a full inspection of Children's Services.

"In Good Company" a new quality mark has been launched this month for local businesses, community groups and parish councils who can demonstrate a strong commitment to combating loneliness in the county. Details at www.norfolk.gov.uk/ingoodcompany

Road Closure 10pm-6am 31/7-13/8 except for access, Wroxham Rd jcn Beeston Lane to jcn Green Lane.

Carriageway Closure 11wks from 10th July Plumstead Rd East due to drainage works.

Norfolk Trading Standards reminds people of the importance of registering new electrical appliances so they can be notified of any product recalls. All product recalls can be checked at www.electricalsafetyfirst.org.uk and click on Product Recall tab.

The Government have set up a Veterans Gateway to provide a national one-stop service with website, online chat, phone and text services available to any veteran anywhere in the world 24/7. It is run by a consortium of charities including the RBL, SSAFA, Combat Stress and PoppylandScotland.

COUNCIL MEETING – 19 JULY 2017

Report of the Town Clerk

COMMUNITY BUILDINGS, ALLOTMENTS, PARKS AND OPEN SPACES

1.1 Transfer of Land at Gurney Drive Sprowston

Members will recall that the Town Clerk was requested to progress the transfer of community land and woodland, shown on the attached plan, from the West Norfolk Tomatoes Limited ownership to that of the Council, for no cost.

Birketts Solicitors engaged by the Council to complete the transfer on behalf of the Council have submitted for signature a transfer agreement together with Land Registry transfer of whole of registered title to which the Chairman of the Council would affirm his signature.

Attached, is the report from Birketts for Council's information with particular attention drawn to the Executive Summary at 4, which details the West Norfolk Tomatoes Limited request that indemnity covenant in respect of the entries referred to in the charges register of the title to the Property are included in the transfer. The summary explains 4.2 and 4.3 that these covenants and right of way 8.2 are highly unlikely due to the development of roads that has already taken place in this location, but nevertheless are contained within the transfer.

The benefits of retaining woodland for community use would outweigh the cautionary note contained in the Solicitors report, but nevertheless must be adhered to under legal guidance.

Recommendation: for Council to agree to the signing of the transfer of land registry documentation to acquire this land.

1.2 Elcons Health and Safety Audit Report

Attached, for Members consideration is our health and safety advisor, Elcons, audit report carried out during a visit to the Council's premises on 14 June 2017.

Recommendation: for Council to consider the health and safety audit report.

CEMETERY

2.1 No matters to report.

STREET LIGHTING

3.1 No matters to report.

CENTRAL ADMINISTRATION AND PERSONNEL

4.1 Health and Safety Audit

Elcons have conducted a health and safety audit as part of our contract the resultant report is submitted to the Council for consideration.

The identified actions will be programmed into the work of the Council before the next yearly health and safety audit in 2018.

4.2 Barclays Bank PLC

This Council has been informed that as of 13 October 2017 the nearest branch of Barclays Bank PLC at Sprowston Road will close.

The loss of this branch will not only have an impact on Sprowston residents but personally on the Council's banking practices with the nearest paying in facility being the Post Office on Wroxham Road or Barclays branch at Whitefriars, Norwich.

4.3 2017 Norfolk Community Biodiversity Awards

Each year, the Norfolk Biodiversity Partnership organises the Community Biodiversity Awards to recognise outstanding community efforts to conserve biodiversity across Norfolk. The work of this Council under the "Parish and Town Councils" award category sponsored by The Landscape Partnership, for work to manage Harrison's Wood for wildlife and public access has been entered into this Norfolk County Council initiative.

An award ceremony will take place on Tuesday 18 July when your Chairman will be presented with a framed certificate to commemorate this Council's success, details of which will be announced at the Council meeting.

4.4 Claim for compensation against the Council

A resident of Church Lane has submitted a claim, for damage to a car from a falling branch, to the Council's Insurance Company, Zurich.

4.5 Grant Aid – Norfolk Accident Rescue Service

Attached is an application letter from Norfolk Accident Rescue Service, Mandy Moore, Fundraiser requesting the Council to assist in this charity providing support assistance to the residents of Sprowston.

Recommendation: to consider a donation to Norfolk Accident Rescue Service.

PLANNING AND TRANSPORTATION

5.1 Norfolk County Council Parish Partnership Scheme Initiative

Attached, is a letter from Norfolk County Council giving details of the 50/50 above scheme for 2018/19.

Option: for Members to identify any highway improvements as part of this 50/50 scheme as detailed in the letter from Norfolk County Council.

June Hunt

**June Hunt
Town Clerk**

DATED

23

June

2017

REPORT ON TRANSFER AND TITLE

**to land on the south side of Birch Court and the east side of
Blithewood Gardens, Norwich for
Sprowston Town Council**

Birketts

www.birketts.co.uk

Offices in : Cambridge, Chelmsford, Ipswich and Norwich

Birketts LLP is registered in England under no. OC317545 and authorised and regulated by the Solicitors Regulation Authority.
Registered office at: 24-26 Museum Street, Ipswich, Suffolk, IP1 1HZ.
A list of members may be inspected at any of our offices. The term 'Partner' is used to refer to a Member of Birketts LLP.

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1. **PARTICULARS**

Property	Land on the south side of Birch Court and on the east side of Blithewood Gardens, Norwich.
Price	No consideration
Land Registry fees payable	£40.00
Title	Registered freehold absolute
Searches	Nothing adverse revealed but see paragraph 9 of the report
Enquiries	Not applicable

2. **INTERPRETATION**

2.1 The following terms are used in this report:

Benefits	any right, easement, restriction, stipulation, restrictive covenant, mining or mineral right, franchise or other interest that benefits the Property;
Incumbrances	any right, easement, restriction, restrictive covenant, other similar interest to which the Property is subject;
Property	The property known as Land on the south side of Birch Court and on the east side of Blithewood Gardens, Norwich. A plan of the Property taken from the Land Registry details is attached as Appendix 1. See our comments in paragraph 6;
Seller	West Norfolk Tomatoes Limited (Company Registration Number 01127258) whose registered office address is 82 St John's Street, London, EC1M 4JN;

3. **SCOPE OF THE REVIEW AND LIMITATION OF LIABILITY**

- 3.1 This report has been prepared for the sole benefit of you, Sprowston Town Council, in connection with your proposed purchase of the Property from the Seller and for no other purpose.
- 3.2 The contents of this report are private and confidential. It must not be relied on by or made available to any other party without our written consent.
- 3.3 The report is based on our review of the title documents, search results, planning documents and replies to pre-contract enquiries given by the Seller.

4. **EXECUTIVE SUMMARY**

This is a summary of the major issues that we think should be brought to your attention:

- 4.1 You have been sent a copy of the filed plan, which showed that the land to be transferred included roads as well as land. On the basis of that, a Highways search was undertaken and the results of this were forwarded to you, as the results showed that the roads on the Property were, in fact, adopted. On our advice, you undertook a survey of the roads on the Property and confirmed that you were happy that the roads as outlined on the Property and as shown on the Highways search correlated and were therefore maintainable at the public expense and that no liability rested with Sprowston Town Council.
- 4.2 The Seller's solicitor has requested that Sprowston Town Council gives the Seller an indemnity covenant in respect of the entries referred to in the charges register of the title to the Property. We did argue that, in fact, there were no covenants or restrictions that required such an indemnity covenant and, therefore, this should be dropped from the transfer. However, the Seller's solicitors argued that, as their client had given an indemnity covenant, Sprowston Town Council should also give one to their client. You were consulted on this and agreed in the circumstances that Sprowston Town Council was prepared to give such a covenant in the transfer.
- 4.3 There is a right for the owner of the land adjoining the Property to the east and the south to construct access ways across the Property from this land to connect to Birch Court and Blithewood Gardens. The access road to Birch Court would now be difficult to construct as Gurney Drive has now been constructed so there is only a very small strip to the north of the Property which now adjoins Birch Court but there is still a possibility that the access road to Blithewood Gardens could be constructed along the southern boundary. It is likely that this right was retained by the owner of the adjoining land so the western part did not become inaccessible as the eastern part adjoins Blue Boar Lane and so could be accessed from that road. However,

there is ambiguity as to whether the right to specify the routes of these roads still pertains as the estate roads have already been constructed and we would refer you to paragraph 8.1 as to this right to specify the routes.

Please note that until the access roads maybe constructed there is a right of way (see paragraph 8.2) on foot only over unspecified routes from respectively Birch Close and Blithewood Gardens to the adjoining land, although the Highways Search did not reveal any existing rights of way, but if there are any such, then this may fetter any development of the Property if they do exist and cannot be identified.

5. PURCHASE PRICE AND OTHER CONTRACT TERMS

5.1 The purchase price is at nil consideration as this is a gift by the Seller to Sprowston Town Council.

6. THE PROPERTY

6.1 The Property is freehold land.

6.2 Please check the plan attached at Appendix 1 carefully to ensure that it accurately reflects the extent of the land that you believe you are buying. The plan may not show the exact location of the boundaries of the Property. You should inspect the Property and let us know if there are any discrepancies between the plan and the site inspection.

6.3 The Property is registered at the Land Registry under title number NK63360. The class of title is absolute freehold title. Absolute title is the best class of title available.

6.4 The registered owner of the Property is the Seller.

7. MATTERS BENEFITING THE PROPERTY

The Property enjoys the following Benefits:

7.1 By way of a Transfer dated 3 December 1986:-

7.1.1 the right of passage and running of surface water to and from the Property through the drains where were or may be installed within 80 years from the date of this conveyance be under or passing through the Retained Land (being the land adjoining the eastern and southern boundaries of the Property), the approximate line of such drain is shown by a brown broken line on the filed plan (the "Existing Drain").

7.1.2 the right to make one connection to that section of the Existing Drain at a point where it passes under the Property;

7.1.3 the right to enter the Retained Land and to break up the surface of the same to lay a surface water drain from the Property to the Existing Drain at the point where it passes under the Retained Land and the right to make one connection to the Existing Drain at the point and the right to repair, cleanse, maintain or renew the Existing Drain and any surface water drain connected, subject to it causing as little disturbance as possible and making good any damage caused;

7.2 Further, by way of the said Transfer dated 3 December 1986 it was agreed and declared that the Transferee of this Transfer and its successors in title should not become entitled to any rights of light or air which would or might prejudicially affect the use of the remainder of the land comprised in Title No. NK518. Please note that the land that was registered with Title No. NK 518 does adjoin the Property on the south and eastern boundaries of the Property.

7.3 On the filed plan there are various properties shown edged green with different title numbers, and these have been removed from the Property's title. However, these separately registered properties do include parts of shared accessways, over which rights of way are reserved, but please see paragraph 4.1 above.

7.4 The Property may also have the benefit of rights which arise by law and which are not noted on the title entries. These may include, for example:

7.4.1 rights of light;

7.4.2 rights of services

7.4.3 rights over boundary structures.

We have been unable to obtain any information about the existence or otherwise of such rights

8. **MATTERS BURDENING THE PROPERTY**

The Property is subject to the following Incumbrances:

8.1 By way of the said Transfer dated 3 December 1986:-

8.1.1 the right to connect to and use with or without vehicles, at all times and for all purposes, the estate roads (but as advised above, these are now adopted);

8.1.2 the right to connect into and use all drains and gravity sewers, pipes, wires, cables and other services media which were or may have been laid within 80 years of the date of the Transfer in under or over the

Property together with the further right (with the prior written consent of the local authority and the relevant water authority) within the said period of 80 years to connect into and use any pumps or sewers on or under the Property making good all damage to the Property in the exercise of this right.

8.1.3 the right to enter on the Property with or without workmen at all reasonable times for the purpose of laying, constructing, inspecting, maintaining, repairing or renewing any pipes, sewers, drains, channels, manholes, stopcock, wire, cable, inspection chamber, electricity or telegraph pole or stay, or similar apparatus in or over the Property making good all damage caused.

8.1.4 the right within the said 80 year period to enter on the Property and to construct two vehicular accessways or roads (together call the "Access Road") of a width similar to and no less than Blithewood Gardens and Birch Court and to an adoptable standard, one of which should lead from Birch Court to a point, the precise location of which shall be specified by the owners of the Retained Land, but which would lie between the points A and B on the filed plan and the other of which will lead from Blithewood Gardens to a point marked E to G on the filed plan and the right to use the Access Road with or without vehicles at all times and for all purposes to gain access to the Retained Land from Birch Court and Blithewood Gardens and this right includes the following ancillary rights (at the expense of the person exercising the rights);

8.1.4.1 the right to procure the adoption of the Access Road by the Highways Authority;

8.1.4.2 the right to remove any fencing which may have been erected at the point where the Access Road abut the boundary of the Property;

8.1.4.3 the right to erect vehicular and pedestrian gates at those points, which gate shall belong to and be the responsibility of the person exercising the right;

8.1.4.4 the right to enter with or without workmen, vehicles and machinery to repair, replace or maintain the Access Roads once constructed but prior to their adoption;

8.1.4.5 the right to clear away undergrowth, trees and other erections or obstructions with five metres of each side of the

Access Road in order to comply with the requirements of the Highways authority regarding visibility and road safety.

8.1.5 if at the time when the above rights are exercised, the estate road or roads shall have been constructed (see above) then the owners of the Retained Land shall exercise their rights of way as far as practical over the estate roads and shall construct any spurs which may be required from the estate roads to the boundaries of the Property in positions which shall cause as little disruption as possible to any development which may have been carried out on the Property or for which detailed planning consent has been obtained and the following provisions relating to the specification of the proposed routes of such roads referred to in the paragraph above shall apply (N.B the following rights were dependent on whether the estate roads were constructed within 5 years of this Transfer, the estate roads would appear now to have been constructed, but is not known when the actual construction took place but based on the fact they have been constructed, these rights are now spent):

8.1.5.1 if the estate road or roads were laid out or constructed within five years from the date of this Transfer, then the owners of the Retained Land had various rights as regards specifying of the proposed routes;

8.1.5.2 if the estate road or roads had not been constructed within 5 years, again the owners of the Retained Land had various rights as regards the specification of the routes of the Access Road in accordance with the paragraph above. In addition, there was an obligation on the transferee to fence the routes of the Access Road against the adjoining land, such fences to be three feet post and rail to the intent that title to the land over which the Access Road will run should not be acquired by adverse possession.

8.2 Before the construction and adoption of the Access Road referred to above, a right of way for the owners and all persons authorised by them on foot only leading from Birch Court to a point of access to the Retained Land between the points A and B on the filed plan and a right of way leading from Blithewood Gardens to a point of access to the Retained Land between points E and G.

8.3 By way of a Transfer dated 25 April 1988, the Property is subject to rights granted to the Eastern Electricity Board in respect of the substation site which is on Title No. NK72638, but the rights reserved are on land which now forms public adopted highway, but are as follows:-

8.3.1 a right of way over the land shown with blue hatching on the filed plan;

8.3.2 the right for the electricity board to lay, maintain, inspect, renew, use, alter or remove electric cables and lines and conduits or pipes, where necessary, under the land shown tinted blue on the filed plan and to enter and break up the surface so far as is necessary for the purpose of laying such apparatus and as occasion demands, relaying, repairing, maintaining, altering and removing the apparatus, subject to causing as little inconvenience as possible and making good as soon as possible and paying for any such damage caused in the exercise of this right;

8.3.3 the right to open the gate outwards over the land shown hatched blue.

8.4 The roads and footpaths are subject to rights of way and the land is subject to rights of drainage and rights in respect of water, gas, electricity, telecommunication and other services and ancillary rights of entry and other parts of the Property which adjoin the other titles edged and numbered in green are subject to rights of overhang, protrusion, entry for maintenance and repair and rights of way over shared accessways.

8.5 The Property may also be subject to rights and obligations which arise by law and which are not noted on the title entries. These may include, for example:

8.5.1 rights of light;

8.5.2 rights of services

8.5.3 rights over boundary structures.

We have been unable to obtain any information about the existence or otherwise of such rights .

9. **SEARCH RESULTS**

9.1 **Highways search**

A highways search was undertaken and the results dated 19 April 2017 were provided to you.

The results identified the highways maintainable at public expense as defined under Section 36 of the Highways Act but, otherwise, did not show anything adverse.

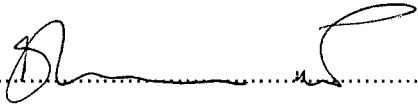
9.2 **Company search**

A company search against a seller company is used to verify that the company exists and that there is nothing registered against the company that would affect the Property.

A company search will be undertaken against the Seller immediately prior to the completion of the transfer, to ensure that nothing adverse is revealed.

10. **CONCLUSION**

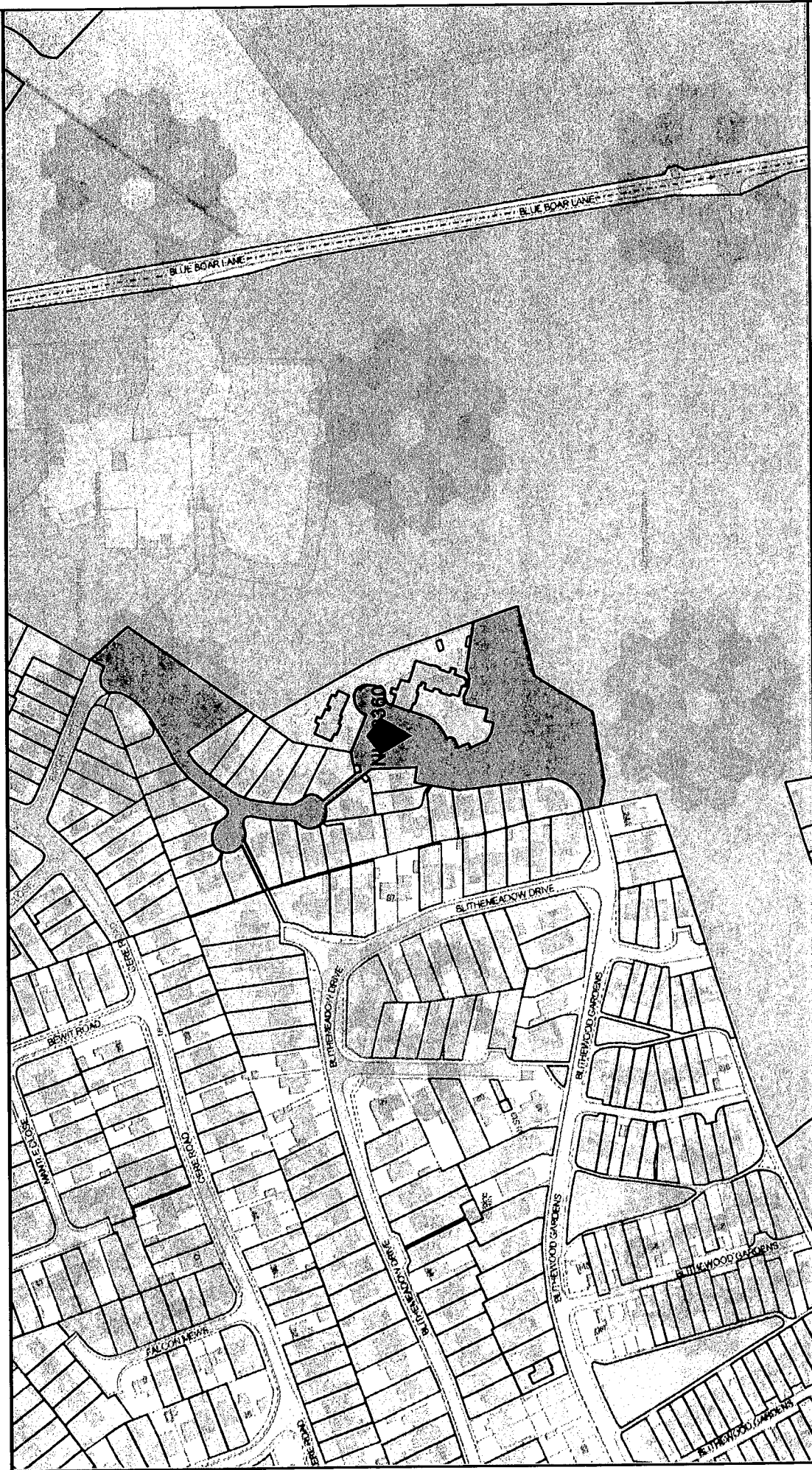
Subject to the matters referred to in this Report (subject to the matters referred to in paragraph 4) we are of the opinion that upon completion of the purchase of the Property and registration at the Land Registry you will obtain a good and marketable title to the Property.



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Signed Birketts LLP

Dated..... 23/06/17.....



Map scale 1:2500



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