

BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK

CABINET

**Minutes of the Meeting of the Cabinet held on
Tuesday, 1 July 2014 at 5.30pm in the Committee Suite, King's Court,
Chapel Street, King's Lynn**

PRESENT: Councillor N J Daubney (Chairman).
Councillors A Beales, Lord Howard, A Lawrence, B Long,
Mrs E Nockolds, D Pope and Mrs V M Spikings.

CAB19: **MINUTES**

RESOLVED: The Minutes of the Meeting held on 11 June 2014
were approved as a correct record and signed by the Chairman.

CAB20: **URGENT BUSINESS**

There was no urgent business.

CAB21: **DECLARATIONS OF INTEREST**

None

CAB22: **CHAIRMAN'S CORRESPONDENCE**

None.

CAB23: **MEMBERS PRESENT PURSUANT TO STANDING ORDER 34**

Councillor D J Collis attended for item CAB33: A Boards.

CAB24: **CALLED IN MATTERS**

None

CAB25: **FORWARD DECISIONS LIST**

The forward decision list was noted.

CAB26 **MATTERS REFERRED TO CABINET FROM COUNCIL BODIES**

i) **Resources and Performance Panel: 24 June 2014**

The Panel made the following recommendations to Cabinet, which were dealt with when Cabinet considered the reports on the agenda:

RP24: Cabinet Report: Business Rates and Council Tax Amendments In Flooding Reliefs

RESOLVED: That the Panel support the recommendations to Cabinet as follows:

1. Cabinet recommend to Council to extend the council tax discount for properties adversely affected by flooding from three months to an indefinite time in line with Central Government guidance.
2. Cabinet recommend to Council to agree in advance to an amended business rates discount if Central Government subsequently amend their guidance.

ii) **Regeneration, Environment and Community Panel – 25 June 2014**

The Panel made the following recommendations to Cabinet, which were dealt with when Cabinet considered the reports on the agenda:

REC21: Cabinet Report – Residential Caravan Site Licensing

RESOLVED: That the Regeneration, Environment and Community Panel support the recommendation to Cabinet as follows:

Members approve the external consultation in respect to the proposed review and amendment of site licence conditions for residential sites across the Borough.

REC22: Cabinet Report – A Boards Enforcement

RESOLVED: That the Regeneration, Environment and Community Panel make the following recommendations to Cabinet:

- (i) That Cabinet approve the guidelines as detailed in the attached Appendix 2 and delegate authority to the Executive Director, Commercial Services in consultation with the Portfolio Holders for ICT, Leisure and Public Space and Housing and Community to amend the guidelines as required.

(ii) That Cabinet implement a £50 charge for the licence to cover a period of three years.

CAB27: AWARD OF THE HONORARY FREEDOM OF THE BOROUGH: NO 42F (KING'S LYNN) SQN, AIR TRAINING CORPS

Councillor Daubney presented a report which invited Council to consider the award of the Honorary Freedom of the Borough following the receipt of a letter of nomination, supported by a number of referees, for the No 42F (King's Lynn) Sqn Air Training Corps to be awarded the Honorary Freedom of the Borough during 2014, the 75th year of their existence. Councillor Daubney drew attention to the civic activity undertaken by the Corps, the role played by them within the town in assisting at many events, and to the positive impact that membership of the Corps had on the young people who were members of it. He had a book showing the history of the Corps which showed their development and work over the years.

Councillor Mrs Spikings in supporting the recommendation commented how proud she was to see the youngsters involved in the Corps, which could only be beneficial for their future careers.

Councillor Beales commended the outstanding contribution the Corps gave to the area and supported the recommendation.

RECOMMENDED: 1) That an Extraordinary Meeting of the Council be held prior to the Council meeting on 25 September 2014 in order to approve the award of the Honorary of Freedom of the Borough to the No 42F (King's Lynn) Sqn Air Training Corps, under s249 of the Local Government Act 1972, in recognition of the eminent services that the Corps has given to the Borough over the last 75 years.

2) That the common seal of the Council be affixed to a certificate to be presented to Corps at a formal ceremony at The Town Hall on the evening of 2 October 2014 at a cost of approximately £2,000 which will be met from the Corporate Events Budget.

CAB28: BENEFITS AND REVENUES FRAUD POLICY – INTRODUCTION OF CIVIL PENALTIES FOR COUNCIL TAX

The Fraud and Investigations Manager presented a report reminding Members that the Investigations Unit, undertook work to prevent and detect benefit, Council Tax Support, Council Tax and Business Rates fraud. The report provided information regarding the proposed use of Civil Penalties for Council Tax only and the proposed use of Prosecution and a sanction of a Simple Caution, for Council Tax and Business Rates.

The report explained that Civil Penalties for Council Tax within the existing Benefits & Revenues Fraud Policy would be used when a person failed to supply information requested, knowingly supplied

inaccurate information, or failed without reasonable excuse to notify that relevant circumstances had changed, which affected the Council Tax account.

Councillor Daubney reminded Members that Fraud was a national issue, it affected the Council Tax base and the levels of collection, and as the margins for District Councils became thinner it was important to be able to apply such measures against such fraud.

RECOMMENDED: 1) That the proposal for the use of Civil Penalties for Council Tax only be approved.

2) That the proposal for the use of Prosecution and a sanction of a Simple Caution, for Council Tax and Business Rates be approved.

3) That the inclusion of the investigation of Council Tax and Business Rates fraud be noted.

CAB29: **DELEGATION OF APPROVAL OF THE COUNCIL TAXBASE TO THE S151 OFFICER IN CONSULTATION WITH THE COUNCIL LEADER**

Councillor Daubney presented a report which explained that Full Council had historically been asked to approve the annual Council Taxbase for council tax setting purposes. This was a purely administrative exercise as the items that affected the Taxbase, such as the Council Tax Support Scheme and council tax discounts for second homes and long term empty properties, would already have been approved at previous Council meetings.

Following the introduction of the new arrangements for Council Tax Support, requiring Council approval for the Council Taxbase put considerable pressure on the timescales for agreeing the Council Tax Support Scheme and Council Tax Discounts as these had to be ratified before the Taxbase could be set. The report suggested delegating authority to approve the Taxbase to the s151 Officer, in consultation with the Leader of the Council, which would allow significantly more time for these items to be prepared.

Cabinet was reminded that the requirement for Council to approve the Borough's overall council tax was unaffected.

Councillor Beales sought clarification that the reasoning behind the proposal was because of the Council Tax Support Scheme calculations being the main issue. The Revenues and Benefits Manager confirmed that this was the case as to bring all the figures into the equation to calculate the final figure took time to do and the timeframes around the Council meeting were too tight to be able to spend the time required on them.

RECOMMENDED: That delegated authority be granted to the Council's s151 Officer in consultation with the Council Leader to approve the annual Council Tax Base for the Borough.

CAB30: **COUNCIL TAX – AMENDMENTS TO FLOODING RELIEFS**

Councillor Daubney presented a report which explained that Council agreed on 24 April 2014 to an updated Discretionary Relief policy including reliefs for properties adversely affected by the December 2013 floods. Since the meeting Central Government had amended their guidance and the Council could now extend the period of relief for council tax from three months to an indefinite period.

The Revenues and Benefits Manager reminded Members that the scheme was fully funded by the Government.

Councillor Long welcomed the changes and commented that it was important to do whatever possible to help those affected by the flood.

RECOMMENDED: That the council tax discount be extended for properties adversely affected by flooding from three months to an indefinite time in line with Central Government guidance.

CAB31: **ANNUAL TREASURY REPORT 2012/13**

The Principal Accountant presented a report which reminded Cabinet that the Council had formally adopted the Chartered Institute of Public Finance and Accountancy's Code of Practice on Treasury Management (2009) and it remained fully compliant with its requirements.

The primary requirements of the Code included:

- Creation and maintenance of a Treasury Management Policy Statement which sets out the policies and objectives of the Council's treasury management activities.
- Receipt by Council of an annual strategy report (including the annual investment strategy report) for the year ahead, a mid year review report and an annual review report of the previous year

This Annual Treasury Report looked backwards at 2013/2014 and covered:

- the Council's overall borrowing need
- the Council's treasury position/performance;
- the strategy for 2013/2014;
- the economy in 2013/2014;
- borrowing rates in 2013/2014;
- the borrowing outturn for 2013/2014;
- compliance with treasury limits and Prudential Indicators;

- investment rates for 2013/2014;
- investment outturn for 2013/2014;
- debt rescheduling;

During the year the Council maintained a cautious approach to investment and management of debt. Investments returned a percentage of 0.79% exceeding the 7 day LIBID benchmark rate of 0.35%. Interest on debt averaged 2.82% in 2013/2014. It was further explained that advice had just been received from the Council's Treasury Advisers that the interest rates predicted were being revised to show that the Bank of England rate would increase to 0.75% in March 2015, and to 1.00% in June 2015.

The Principal Accountant explained that amendments were proposed to the Treasury Management Strategy to extend the period of time investments of up to £10m could be placed with the Nationalised and Part Nationalised institutions to a 2 year period.

Councillor Daubney asked whether the outcome of the Scottish Independence Referendum would have any effect on the banks rates. The Principal Accountant explained that the Royal Bank of Scotland was 85% owned by the Government so there were no issues expected.

Councillor Lord Howard asked why there was the level of long term debt when the rates were less advantageous. It was explained that the penalty clauses in redeeming the long term debts were greater than the rewards gained in shorter term investments. Those Loans would be reviewed in 2017.

Councillor Pope asked if there had been any move on the ratings of the different institutions over the last 12 months. It was confirmed that there had been some movement, and the Principal Accountant agreed to provide the historical information to show the changes.

Councillor Beales asked whether the proposal for the 2year investments was a guess at what was the best way forward. It was explained that all investments were made following consultation with the Council's Treasury Advisers Capita and deemed right for that time.

Councillor Pope asked if the Council's Treasury Advisers had changed and if they still gave forecasts for the coming years. It was confirmed that the Advisers were the same but had changed their name. They also gave forecasts for rates for the future. The Chief Financial Officer agreed to circulate their recent forecasts to Cabinet Members.

Councillor Beales asked whether, as investments had been at a historically low level, where the Council was with looking at other forms of investment and whether a proportion of funds if not earmarked could be used for the purchase of commercial property. The Deputy Chief Executive stated that as opportunities arose, they would come

before Cabinet and Council as required, although the fact was that the higher the reward the higher the risk which had to be borne in mind. Capita had reviewed the balance sheet which had identified earmarked reserves for using for investment.

RESOLVED: 1) That the actual 2013/2014 prudential and treasury indicators in this report be approved, and the report be noted.

2) That the amendment to the strategy for 2014/2015 be approved.

CAB32: **RESIDENTIAL CARAVAN SITE LICENSING**

The Housing Services Operations Manager presented a report which explained that the Council had a statutory responsibility for the licensing and regulation of residential caravan sites within the Borough. Existing policy determined that caravan site licence conditions were reviewed on a regular basis and as part of this process an external consultation was proposed.

The external consultation was proposed to be undertaken with the following bodies; the National Park Homes Council, the Independent Park Homes Advisory Service, the National Caravan Council, the Park Homes Residents Action Alliance, the Environment Agency, Anglian Water, Norfolk Fire & Rescue Service and the Norfolk & Suffolk Gypsy, Roma & Traveller Liaison Service.

It was also proposed that consultation be undertaken with the gypsy & traveller community within the Borough and the 9 park home Licensees in order to ensure that the implications arising from any proposed amendments to the standard licence conditions were considered adequately.

A plan would be produced to ensure that the consultation be undertaken in accordance with best practice and that all consultees will be afforded the opportunity to make representations to the Council in advance of any proposed amendments being subsequently proposed for adoption.

Following consultation a further report would be presented to Cabinet/Council to include a review of the site licence conditions and a proposed fees policy associated with this licensing function.

Councillor Pope expressed concern that the Gypsy and Traveller sites were often those that required regulation, and he felt they should have a site manager from their own community running each site.

The Housing Services Operations Manager explained that there were a wide variety of sites, some of which were family sites where older

members of the family took on that role, it was important to ensure that whatever was proposed was enforceable and legal.

Councillor Long commented on the 6m gap between caravans, which he understood because of the fire risk, he drew attention to the fact that some sites where there currently wasn't that gap between caravans may lose some van numbers. It was explained that this was the challenge with some existing sites, but there was good reason for the requirements which were put in because of the fire risk, following liaison with the Fire Service. The matter was part of the consultation.

Councillor Mrs Spikings drew attention to the issue of fire safety which had recently been raised at the Planning Committee where sheds were in very close proximity to the caravans. There was also often low water pressure which would be hazardous should there be a fire. She expressed the hope that the Council would work with the owners of the sites to improve the situation and remove the dangerous sheds and other hazards. The Housing Services Operations Manager commented that following the discussions at the Planning Committee the landlords of the site in question were willing to work with the Council and they had been asked to provide a plan to rectify the issues.

Councillor Lawrence stated that the public safety was paramount, so hence the consultation, the results of which would be analysed. The Housing Services Operations Manager reassured Cabinet that just because the document was out to consultation, officers would still be working to improve matters and help people in the mean time.

The Regeneration, Environment and Community Panel had supported the recommendations.

RESOLVED: That the external consultation in respect to the proposed review and amendment of site licence conditions for residential sites across the Borough be approved.

CAB33: **“A” BOARDS ENFORCEMENT**

Councillor Pope presented a report which set out proposals for the management of A Boards on the highway. He explained that Norfolk County Council had delegated to the Borough Council the ability to licence and enforce the issue of A Boards. The matter had previously been brought to the Regeneration Environment and Community panel who had identified that implementing the arrangements for management of A-Boards had the potential to create conflict in meeting the needs of different bodies. The proposal was to enable retailers to position A-Boards in a suitable position while balancing the needs of pedestrians, in particular, those with disabilities.

Councillor Pope explained that the guidelines would be that no more than 1 A Board could be displayed for each property and there would be a maximum size for each board and time limited display. The business owner would also have to hold public liability insurance for the board.

Councillor Pope drew attention to the comments at the Regeneration Environment and Community Panel which suggest that the proposed price of the licence was high and should therefore be set at £50 for a three year period, non-transferable. He proposed that the fee set for the licence should be £25 per annum, which reduced the cost of the licence, but still maintained the ability for officers to inspect the public liability insurance on renewal.

Under Standing Order 34, Councillor D J Collis commented that the issue of A Boards was important in the town centre, and the management of them had been unsatisfactory for some time. He had received a number of reports from disabled people who had issues with some A Boards which were being put in inappropriate places and had walked the town with County Council officers to look at the issue. He reminded Members that although the guidance gave a maximum size the A Boards could be, that did not prevent them being smaller. He felt that the issue was best dealt with by the Borough.

Councillor Collis explained that he had proposed the amendment at the Panel which was supported to the licencing conditions as he felt there was no need for the licence to be renewed annually if it was non transferable, and he stated he was anxious not to see costs too high.

Councillor Long commented that public liability insurance was not issued for 3 year periods, so it would be required to be checked annually.

Councillor Beales, in agreeing that the issue of A Boards in the town was an important one expressed some concern over the level of delegation being made to change the arrangements without Cabinet approval. He suggested that amendments delegated should be minor in nature.

Councillor Pope accepted the point regarding minor amendments, and commented that he felt the inspections and insurance documentation should remain annual, which would also allow for checks on transfer of licences.

Councillor Daubney stated that he felt it would be welcomed by many traders as he had held a number of conversations with traders regarding this. He felt it would provide a measure of protection for the public in the town where there had been chaos on this front, and also prevent the occurrences of A Boards being removed en masse as was currently the case. He agreed that it was right to decrease the level of fee, but did see the benefit of annual inspections.

RESOLVED: That the guidelines as detailed in the Appendix 2 to the report, (with the amendment to the fees to £25 per annum) be approved, and authority be delegated to the Executive Director, Commercial Services in consultation with the Portfolio Holders for ICT, Leisure & Public Space and Housing & Community to make minor amendments to the guidelines as required.

CAB34: **LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007 – REQUESTS FOR VARIATIONS OF NUMBER OF PARISH COUNCILLORS**

Cabinet considered a report which sought to address the requests by three Parish Councils to vary their number of Parish Councillors. The recommendations were in line with the scale of parish councillors per electorate. The request from Shouldham Parish to increase their numbers was not within the agreed scale so therefore it was recommended that their level remain at 8.

RECOMMENDED: That those variations within the Council's scale be approved as follows:

Burnham Market – to 9 Councillors
Shouldham – 8 Councillors
Welney – to 8 Councillors.

The Meeting closed at 6.28 pm