

BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK

CABINET MINUTES

**Minutes from the Meeting of the Cabinet held on
Tuesday, 3 September 2013 at 5.30pm in the Committee Suite,
King's Court, Chapel Street, King's Lynn.**

PRESENT: Councillor B Long (Vice-Chairman in the Chair)
Councillors A Beales, Lord Howard, A Lawrence,
Mrs E Nockolds, D Pope and Mrs V Spikings.

An apology for absence was received from Councillor N J Daubney
(Chairman)

CAB48: **MINUTES**

RESOLVED: The Minutes of the Meeting held on 30 July 2013
were approved as a correct record and signed by the Chairman.

CAB49: **URGENT BUSINESS**

There was no urgent business.

CAB50: **DECLARATIONS OF INTEREST**

There were no declarations of interest.

CAB51: **CHAIRMAN'S CORRESPONDENCE**

None.

CAB52: **MEMBERS PRESENT PURSUANT TO STANDING ORDER 34**

None.

CAB53: **CALLED IN MATTERS**

None.

CAB54: **FORWARD DECISIONS LIST**

The Forward Decision List was noted.

CAB55: **MATTERS REFERRED TO CABINET FROM COUNCIL
BODIES**

i) **Resources and Performance Panel: Audit Committee – 27
August 2013**

The Committee made the following recommendations to Cabinet,

which were dealt with when Cabinet considered the report on the agenda:

ARC41: Cabinet Report – Updated Terms of Reference for the Audit and Risk Committee

RESOLVED: That Cabinet be informed that the Resources and Performance Panel – Audit and Risk Committee supports the recommendations as set out in the report to Cabinet.

ARC42: Cabinet Report: Business Continuity Management Policy Statement and Strategy

RESOLVED: That Cabinet be informed that the Resources and Performance Panel – Audit and Risk Committee supports the recommendations as set out in the report to Cabinet.

ii) Regeneration Environment and Community Panel: 28 August 2013

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

REC46: Cabinet Report – Ensuring Proportionate Enforcement

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

(1) That the Corporate Enforcement Policy be adopted by Cabinet and forwarded to Council for approval.

(2) Any future administrative amendments to the policy be approved by the Head of Legal Services and the appropriate portfolio holder.

REC49: Cabinet Report – Empty Property Strategy

RESOLVED: That the Regeneration, Environment and Community panel support the recommendations to Cabinet as follows:

Cabinet is requested to:

(1) Approve the Empty Homes Strategy and Action Plan.

(2) Delegate authority to make minor amendments to the Empty Homes Strategy and Action Plan to the Chief Executive in consultation with the Portfolio Holder with responsibility for housing.

REC50: Cabinet Report – King’s Lynn Enterprise and Innovation Centre – Ground Improvement Works

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

That Cabinet agrees to allocate £150,000 in the capital programme 2013-2014 and £100,000 in 2014-2015 for ground improvement works on the Enterprise Centre site.

CAB56: **EMPTY PROPERTY STRATEGY**

Councillor Lawrence presented an updated version of the Empty Homes Strategy and Action Plan which had been updated for clarification purposes following consideration and comments made at the Regeneration, Environment and Community Panel. The document outlined the Borough Council’s approach to bringing long term empty properties back into use and set out an action plan for the future detailing how this was to be carried out.

The Regeneration Environment and Community Panel had considered the report and accepted the recommendations.

Councillor Lord Howard proposed the following amendment as he believed that a six month period was too short and in the space between 6 and 12 months a number of properties may have already disappeared from the list.

- Page 3, 1, 2nd para, 2nd line – change six months to twelve.

The Senior Housing Standards Officer explained that when the DCLG collected their Empty Property statistics, they used the 6 month timeframe. She clarified that when investigating empty properties, in order to focus the limited resources available, those that had been empty for many years were concentrated on from an enforcement point of view.

The Strategic Housing Manager further explained that there could be a situation where a property had been empty for less than 12 months, but was impacting on the neighbourhood.

Councillor Mrs Spikings commented that it should be a case of when a property blighted an area and caused a problem. The situation could occur where for example a family was leaving a deceased family member’s property empty for another family member to eventually move into.

The Chief Executive re-iterated the fact that, except in exceptional circumstances, officers would not be concentrating on the 6-12 month empty properties, but the longer term empty properties.

Councillor Lord Howard confirmed that it was right that a property should not cause blight on surrounding households, but felt that when taking proactive action it should be limited to a 12 month timescale.

The amendment was agreed.

Councillor Lord Howard then proposed the following amendment as he felt that it was not in line with Government advice, and quoted a statement made by Eric Pickles:

- Page 3, 1, 5th (inserted) para– delete whole para.

The Chief Executive explained that the wording had come from a paper published by the Government. But it appeared the two documents did not seem to be totally in line with each other.

The amendment was agreed.

Councillor Lord Howard proposed the following amendments, with regard to the second amendment below he commented that where a property owner chose to leave a property empty (when it was not causing a blight on the neighbourhood), the State should not be able to take enforcement action to take their property.

- Page 12, 3.3, 1st para, 2nd line insert .after properties “causing a problem”....
- Page 14, 4.0, 1st para rewording of last sentence as follows: ...enforcement options will only be considered in cases where a property is showing clear signs of creating problems for others in the neighbourhood and then, as a last resort.

The Senior Housing Standards Officer explained that only when a property had ceased to be in probate would it be listed as an empty property and it was only when a questionnaire was sent out to the owner that the relevant information, such as it was being left empty for a family member, could be acquired. However, if a property wasn't a problem to the neighbours it would not be deemed as a priority.

Councillor Beales commented that the amendment referred to enforcement, and did not preclude a polite enquiry from the Council using discretion. The matter could always be re-visited at a later date if it proved to be a problem.

The Chief Executive explained that it was often helpful to those who owned properties and didn't know what their options were when the Council contacted them with the offer of helpful advice.

Councillor Lord Howard confirmed that the amendment would not preclude the Council sending a polite letter to the owner with the offer of help and advice.

Councillor Lord Howard proposed the following amendments:

- Page 16, 4.2, 1st para, insertion of the word “continuously” in the 6th line to read “... have been continuously empty...”
- Page 17, 2nd para, 2nd line delete “6 months” and insert “12 months”.

These amendments were approved.

Councillor Mrs Spikings proposed the following amendment stating that the service was not required as that was the job of estate agents:

- Page 17, delete last para starting “Empty Property Matching Service.”

The amendment was agreed.

Councillor Lord Howard proposed the following amendments which were approved:

- Appendix C – removal of the word “annually” in 3rd column of Raise awareness of empty homes.
- Appendix C – deletion of “6 months” and insertion of “12 months” in 2nd column of To adopt a systematic approach to tackling empty homes.

RECOMMENDED 1) That the updated version of the Empty Homes Strategy and Action Plan be approved subject to the following further amendments:

- Page 3, 1, 2nd para, 2nd line – change six months to twelve.
- Page 3, 1, 5th para (inserted) – delete whole para.
- Page 12, 3.3, 1st para, 2nd line insert .after properties “causing a problem”....
- Page 14, 4.0, 1st para rewording of last sentence as follows: ...enforcement options will only be considered in cases where a property is showing clear signs of creating problems for others in the neighbourhood and then, as a last resort.
- Page 16, 4.2, 1st para, insertion of the word “continuously” in the 6th line to read “... have been continuously empty...”
- Page 17, 2nd para, 2nd line delete “6 months” and insert “12 months”.
- Page 17, delete last para starting “Empty Property Matching Service.”
- Appendix C – removal of the word “annually” in 3rd column of Raise awareness of empty homes.

- Appendix C – deletion of “6 months” and insertion of “12 months” in 2nd column of To adopt a systematic approach to tackling empty homes.

2) That delegated authority be given to the Chief Executive in consultation with the Portfolio Holder with responsibility for Housing to make minor amendments to the Empty Homes Strategy and Action Plan.

CAB57: ENSURING PROPORTIONATE ENFORCEMENT

Councillor Lawrence presented a report which proposed minor amendments to the Corporate Enforcement Policy to take into account minor legislative changes and changes to the Council’s management structure. The report clarified that the Council was seen to be taking a sensible approach to regulation. The policy demonstrated that any enforcement action required was as a last resort and was applied in a fair and consistent manner to reduce the regulatory burden on businesses and individuals.

The Regeneration Environment and Community Panel had considered the report and accepted the recommendations.

RECOMMENDED: 1) That the Corporate Enforcement Policy be adopted.

2) That any future administrative amendments to the policy be approved by the Legal Services Manager and the appropriate portfolio holder.

CAB58: BUSINESS CONTINUITY MANAGEMENT POLICY STATEMENT & STRATEGY

The Deputy Chief Executive presented a report which explained that the Council was a Category 1 responder under the Civil Contingencies Act 2004, which placed a duty on it to develop and maintain plans to ensure that if an emergency occurred, the authority was able to continue to perform its critical activities and key services.

The Council’s Policy Statement on Business Continuity Management was agreed by full Council in November 2011; the Policy Statement had been updated to reflect the changes to the Council’s Management structure with effect from April 2013.

Whilst updating the Policy Statement, the whole document, including progress made against the council’s strategy and approach had been refreshed.

The Audit Committee had considered the report and accepted the recommendations.

RECOMMENDED: 1) That the new version of the Business Continuity Policy Statement and Strategy be approved.

2) That delegated authority be granted to the Deputy Chief Executive, in consultation with the Leader, as Portfolio Holder for Business Continuity, to make further minor changes if deemed necessary.

CAB59: **KING'S LYNN ENTERPRISE AND INNOVATION CENTRE – GROUND IMPROVEMENT WORKS**

Councillor Beales presented a report which reminded Members of their decision in December 2012, which approved the delivery of an Enterprise and Innovation Centre on the Nar Ouse Regeneration Area (NORA) in King's Lynn. The Centre would offer a wide range of enterprise and business support services, which was one of the borough council's top priorities.

The report set out the requirement for ground improvement works which were engineering works critical to providing a feasible site for the construction of the Enterprise Centre.

The report outlined the ground improvement works needed to prepare the site on which the King's Lynn Enterprise and Innovation Centre would be built (KLIC). The nature and extent of the improvement works had been established through a comprehensive assessment carried out by environmental and engineering specialists. The report summarised the options assessed and identified a preferred option for implementation, vibro stone columns, which was considered the most cost effective to the project.

The Regeneration Environment and Community Panel had considered the report and accepted the recommendations.

Councillor Pope asked what the sub structure of the area consisted of, as peat would be a continuing problem, he asked whether the proposal would guarantee that it would not need to be re-visited and no more expenditure would be required. If not, he felt that a preferred option would be to have the car park area gravelled, which would be cheaper and could easily be made up as required.

Councillor Beales commented that it was difficult to comment on the specialist requirements, but there was no cast iron guarantee that this would be the absolute solution, but the contingency of the additional £100,000 in 2014/15 was an attempt to mitigate that risk. He reminded Members that this was a pioneering development for the NORA site which needed to be done right but which would only be produced by a local authority for the benefit of the community. The proposal to use the vibro stone columns was being proposed in order to mitigate that risk.

Councillor Lord Howard suggested seeking a second opinion on the ground conditions and proposed solution, which Councillor Beales confirmed was an option to look at as he didn't want an ongoing problem.

The Regeneration and Economic Development Manager confirmed he could approach a second specialist company for an opinion, and reminded members of the increase to the overall timetable which would be involved. He also suggested that NWES could potentially be invited to consider whether they would be prepared to discharge the Council's liability for the site.

Councillor Long drew attention to the issue of flood risk and mitigation, and suggested that something such as a shingle surface would provide a more permeable surface.

RESOLVED: 1) That further advice be taken on the proposals and once received, if it re-enforces the earlier advice received, £150,000 be allocated in the capital programme 2013-2014 and £100,000 in 2014-2015 for ground improvement works on the Enterprise Centre site.

2) That if the second opinion received differs from the original, the matter be brought back to Cabinet for consideration.

CAB60: **UPDATED TERMS OF REFERENCE FOR THE AUDIT AND RISK COMMITTEE**

Cabinet considered a report which explained that in accordance with the Accounts and Audit Regulations, the Audit and Risk Committee was established in 2006, with Terms of Reference drawn up in line with the guidance from the Chartered Institute of Public Finance and Accountancy (CIPFA). The Terms of Reference needed to be reviewed every three years and presented to Council for approval. The last review was carried out in 2010. The report set out the proposed amendments to them.

The Audit Committee had considered the report and accepted the recommendations.

RECOMMENDED: That the revised Terms of Reference for the Audit and Risk Committee be adopted.

The Meeting closed at 6.17 pm