

**RECOMMENDATIONS TO CABINET 3<sup>RD</sup> SEPTEMBER 2013 FROM THE AUDIT AND RISK COMMITTEE MEETING HELD ON 27<sup>TH</sup> SEPTEMBER 2013**

**ARC41: CABINET REPORT – UPDATED TERMS OF REFERENCE FOR THE AUDIT AND RISK COMMITTEE**

In presenting the report, the Audit Manager 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.

Members were reminded that the last review took place in 2010 with the current Terms of Reference being approved at the Council meeting on 30 September 2010.

The Audit Manager explained that the main change provided for the Committee to meet in private with the internal and external auditors (paragraph 5.3). Members were advised that if the Committee wished to meet with the External Auditors it would be appropriate to do so when the External Auditors were to attend for their planned meetings. A cost would be incurred by the Council if the External Auditors were asked to attend in addition to the scheduled meetings.

The Audit Manager advised that the whole Committee would meet with the External Auditors if required and that it would not be on a one to one basis.

Other minor changes had been made to update relevant legislation dates and expanded the range of activities in paragraph 3.1 (f) to more accurately reflect those covered by the Committee.

In conclusion, the Committee was informed that a new review date of May 2016 had been set.

Councillor Mrs Smeaton asked the Audit Manager to give an example of when it would be necessary for Members to request a private meeting with the External Auditors. In response, the Audit Manager explained that there were no occasions in the past when a private meeting had been requested. She further explained that a private meeting could be requested if the Committee wished to raise any issues with the External Auditor such as the way in which officers were undertaking their duties, or the process and method in which the External Auditors carried out their work within the Council.

The Audit Manager advised that it was a common provision within the Committee's Terms of Reference to have the opportunity for a private meeting with the External Auditors. She advised that the College of West Anglia and Freebridge Community Housing had such a provision in their Terms of Reference.

Councillor Collop commented that he had raised the question of the Committee having an opportunity to meet in private with the External Auditors approximately two years ago. He added that Councillors were responsible for the audit and its content and that such a provision within the Terms of Reference provided a safeguard for Members.

**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**

In presenting the report, the District Emergency Planning Officer explained that 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.

The District Emergency Planning Officer outlined the main changes to the document as set out below:

- Removing reference to the Executive Director, Environmental Health and Housing from the Policy Statement.
- Updating section 7 with progress made/activities undertaken since November 2011.
- Updating list of Critical Activities in Appendix A.

The District Emergency Planning Officer explained that the Corporate Officer Group would review the document regularly to ensure it remained fit for purpose and relevant. It was therefore proposed that delegated authority be granted to the Deputy Chief Executive, in consultation with the Leader, as Portfolio Holder for Business Continuity, to make minor changes if deemed necessary.

The Committee was advised that whilst updating the Policy Statement, the whole document, including progress made against the Council's strategy and the approach had been refreshed.

Councillor Langwade asked for clarification of the definition "minor changes". In response, the District Emergency Planning Officer gave an example of removing/updating any officer changes within the authority.

**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.

**RECOMMENDATIONS TO CABINET ON 3<sup>RD</sup> SEPTEMBER 2013 FROM THE REGENERATION, ENVIRONMENT AND COMMUNITY PANEL MEETING HELD ON 28<sup>TH</sup> AUGUST 2013**

REC46: **CABINET REPORT – ENSURING PROPORTIONATE ENFORCEMENT**

The Environmental Health Manager (Commercial) presented the Cabinet report which proposed minor amendments to the Corporate Enforcement Policy to take into account minor legislative changes to the Council's Management structure.

The Chairman thanked the Environmental Health Manager (Commercial) for the report and invited questions and comments from the Panel as summarised below.

Councillor White felt that it was important to ensure that the relevant Ward Member was kept informed of any enforcement action taking place within their Ward. The Environmental Health Manager (Commercial) explained that the Corporate Enforcement Policy was an overarching policy and therefore not Ward specific. She confirmed that currently the relevant Ward Member was automatically notified of any enforcement prosecution action taking place within their Ward.

The Chief Executive reminded the Panel that the Cabinet report proposed minor changes to the policy, and the decision before Cabinet did not relate to particular cases of enforcement action that were carried out by the Council, therefore it was more appropriate for the Portfolio Holder and Legal Services Manager to be consulted on any future administrative amendments required to the Policy.

**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**

The Housing Services Operations Manager presented the report which sought Cabinet approval of the Empty Homes Strategy and Action Plan. The Panel was informed that the Empty Homes Strategy outlined the Borough Council's approach to bringing long term empty properties back into use and set out an Action Plan for the future explaining how this would be carried out.

The Panel was informed that the amount of long term Empty Homes in the Borough had once again reduced in August 2013 and the current amount was just under 1,000 properties.

The Housing Services Operations Manager explained that homes which remained empty on a long term basis could have a detrimental impact on the surrounding area, especially if they were in a poor state of repair and she outlined the approach the Council would take to assist in reducing the amount of long term empty homes.

The Chairman thanked the Housing Services Operations Manager for her report and invited questions and comments from the Panel, some of which are summarised below.

Councillor Chenery of Horsbrugh referred to a derelict building in his Ward and asked for a progress update. The Housing Services Operations Manager explained that this was now being dealt with by the Derelict Land and Buildings Group, but she was aware that a site visit had been conducted.

Councillor Cousins felt that it could be considered unfair that the Council intervened. He felt that if property owners were paying the relevant Council Tax they had a right to let the property remain empty if they so wished. The Housing Services Operations Manager explained that it was the Council's intention to work alongside people to find out the reasons why the property remained empty and overcome any barriers. The Strategy would be subject to the Corporate Enforcement Policy and any enforcement action would only be carried out in extreme cases.

Councillor Mrs Smeaton addressed the Panel and explained that she was aware of an empty property in her ward and requested advice on how she could find a suitable tenant to occupy the property. The Housing Services Operations Manager agreed to liaise with Councillor Mrs Smeaton regarding the issue.

The Panel discussed the effect of the welfare cap/ spare room subsidy on properties and the impact on individual households and initiatives already in place or being investigated by the Council and Housing Associations such as Freebridge Community Housing.

Councillor Bubb requested that the relevant Ward Member be kept informed of all long term empty properties within their ward so that they could be monitored. The Housing Services Operations Manager referred to the Action Plan within the Empty Homes Strategy and explained that one of the actions was to investigate ways of monitoring and creating an up to date database of long term empty properties.

Councillor Moriarty referred to probate, estate and legal ownership issues preventing the sale of properties and asked if cases such as this

would be dealt with sensitively. The Senior Housing Standards Officer explained that properties under probate were subject to council tax exemptions and did not form a property to be addressed as part of the Empty Homes Strategy. Long term empty properties were subject to council tax and these properties would be the ones that would be identified within the scheme, where there was no apparent reason for them to be empty.

Councillor Foster referred to Page 3 of the strategy and explained that Eric Pickles had been misquoted within the introduction of the strategy. He also explained that the date of the quote was incorrect as the House of Commons were in recess during the period. The Housing Services Operations Manager agreed to investigate and amend as appropriate.

In response to a question from Councillor Foster, the Senior Housing Standards Officer explained that Government grant money to bring homes back under occupation was being utilised through the Private Sector Leasing Scheme, which assessed homes and brought them back up to the decent homes standards. The scheme was being run in partnership with Freebridge Community Housing and would bring up to thirty properties back into use.

Councillor Cousins referred to the under occupation rules in the welfare reform and explained that he was aware of 'swap clubs' where people could swap housing. The Housing Services Operations Manager was aware of the National Home Swap Scheme and explained that Freebridge Community Housing was promoting this, alongside other promotions.

In response to a question from Councillor Pitcher, the Housing Services Operation Manager explained that the Social Housing Allocations Policy had recently been agreed by Cabinet, so was still in its early stages of implementation. She confirmed that no new applications were taken on if there was not a local connection to the area.

Councillor Foster referred to point 2 of the Strategy which explained that information contained within the Strategic Housing Market Assessment update 2013 showed a shortfall of 1,431 affordable homes per year which would be impossible to deliver. The Housing Services Operations Manager explained that this figure was based on the draft Strategic Housing Market Assessment and would be reviewed.

The Portfolio Holder for Regeneration, Councillor Beales, reminded the Panel that they were considering the Long Term Empty Homes Strategy and he requested that they give consideration to the report so that he could feedback their comments to Cabinet.

The Chief Executive referred to the comment of Councillor Foster and agreed that it was unrealistic to consider building 1,431 affordable homes per year, the reality was that it would be more like 100. He

referred to the discussion by the Panel on the effects of the welfare reform and explained that the implications of this were modest in regards to long term empty homes, but in any case it added pressure on the ability to provide suitable housing which hopefully the Empty Property Strategy would assist with.

The Chief Executive explained that in reality about half of the empty homes in the Borough were of no concern to the Council. Properties which had been empty for over six months, and were not in special categories or subject to council tax exemption, would be flagged up and investigations would take place as to why the property was empty and what assistance could be provided to bring the property back into use.

**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**

The Regeneration and Economic Development Manager presented the Cabinet report which outlined the ground improvement works needed to prepare the site on which the King’s Lynn Enterprise and Innovation Centre would be built. The report summarised the options assessed and identified a preferred option for implementation, which was considered the most cost effective.

The Regeneration and Economic Development Manager reminded the Panel that in December 2012, Cabinet approved the delivery of a 25,000 sq. ft. Enterprise and Innovation Centre on a site situated in the Nar Ouse Regeneration Area (NORA), which was a Brownfield site with abnormal ground conditions. The Regeneration and Economic Development Manager outlined the options considered to remediate the site prior to development, as set out in the report. He confirmed that the works were required to the hard standing area surrounding the Enterprise Centre including the car park and access.

The report sought Cabinet approval to release the required capital funding for the ground improvement works on the Enterprise Centre site. He explained that there was the option to do nothing to the surrounding area, but if the problems arose once the centre had been delivered they would be more costly to rectify.

The Chairman thanked the Regeneration and Economic Development Manager for his report and questions and comments were invited by the Panel, some of which are summarised below.

Councillor Cousins commented that he was in favour of the creation of the Enterprise Centre, but sought clarification as to if this would be the last improvement works required at the site, or if more problems were likely to arise. The Regeneration and Economic Development Manager explained that the technical reports conducted presumed that this would be the only work required at this specific site. He referred the Panel to the map of the NORA area as included with the agenda and highlighted the land uses. He explained that further investigations would be conducted on the other sites as and when they were developed, but it was difficult to know the extent of the other works until it was known what would be developed on each site.

The Portfolio Holder for Regeneration, Councillor Beales explained that he recognised that the site was high risk and a considerable amount of decontamination work had already been carried out. He acknowledged that there was likely to be problems in other areas through past experience of the site. He referred to future cuts in Government grants and explained that the Council may have to make some difficult decisions in the future on what to do with the site. The Portfolio Holder for Regeneration reminded the Panel that the Council would be delivering an Enterprise Centre, so although expenditure was required, the Council would see a benefit.

In response to a question from Councillor Mrs Smeaton, the Portfolio Holder for Regeneration explained that the ground improvement works was the 'back up' plan and it was unlikely that any further work would be required on the site.

Councillor Moriarty asked why a contingency fund had not been considered during the original proposals for the Enterprise Centre. The Portfolio Holder for Regeneration explained that this problem had not been foreseen and in the future a contingency fund would be established for any further development on the site.

The Chief Executive reminded the Panel that the Resources and Performance Panel had recently expressed concern regarding the Council's revenue position given the large drop in Government Funding anticipated in 2015-2016. He explained that significant Capital Grant contributions were likely to be forthcoming to stimulate economic growth.

Councillor Bubb referred to the impact the new development on NORA and the recent development at the Hardwick would have on the traffic. The Regeneration and Economic Development Manager explained that the NORA Master plan and the outline planning consents received had

had due regard to traffic implications and were based on Highways Agency's requirements.

The Chief Executive reminded the Panel that original development proposals had anticipated higher residential and employment densities on the NORA site but now these had been reduced considerably and therefore would generate far less traffic in the area.

The Portfolio Holder for Regeneration, Councillor Beales, suggested that the Panel may benefit from a future update on the work the Council was undertaking with the Local Enterprise Partnerships and future investments. The Chairman agreed to add this to the Panel's work programme.

Councillor Bubb asked if it was possible to request that a local firm be used for the required piling work to the site. The Regeneration and Economic Development Manager explained that this was a procurement issue and a procurement process would be carried out in accordance with regulations.

**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.