

**BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK**

**CABINET**

**Minutes from the Meeting of the Cabinet held on Tuesday, 28th June, 2016  
at 5.30 pm in the Committee Suite, King's Court, Chapel Street, King's Lynn**

**PRESENT:** Councillor B Long (Chairman)  
Councillors A Beales, R Blunt, N Daubney, A Lawrence, Mrs K Mellish and  
Mrs E Nockolds

In attendance: Councillors I Devereux, P Hodson, S Squires, Mrs J Westrop  
and Mrs A Wright

An apology for absence was received from Councillor G Middleton

**CAB19 MINUTES**

**RESOLVED:** The Minutes of the Meeting held on 24 May 2016 were approved as a correct record and signed by the Chairman.

**CAB20 URGENT BUSINESS**

None.

**CAB21 DECLARATIONS OF INTEREST**

None.

**CAB22 CHAIRMAN'S CORRESPONDENCE**

None.

**CAB23 MEMBERS PRESENT UNDER STANDING ORDER 34**

Councillor L Bambridge attended for item CAB31 King's Lynn BID and CABs35 & 36 Town Centre Investments, should she wish to ask any questions in the debate.

Councillor D Pope attended for items CAB35 & 36 - Town Centre Investment items

**CAB24 CALLED IN MATTERS**

None

**CAB25 MATTERS REFERRED TO CABINET FROM OTHER BODIES**

## **AUDIT COMMITTEE – 28 JUNE 2016**

### **A10: CAPITAL PROGRAMME AND RESOURCES 2015/2019**

**RESOLVED:** The Committee supported the recommendations to Cabinet as follows:

- 1) That Cabinet note the outturn of the Capital Programme for 2015/2016 of £13,924,624.
- 2) That the financing arrangements for the 2015/2016 Capital Programme be noted.
- 3) That Cabinet approve the revised 2016/2020 Capital Programme and financing as detailed in the report.

### **A11: REVENUE OUTTURN 2015/2016**

**RESOLVED:** The Committee support the recommendation to Cabinet as follows:

It is recommended that Cabinet approves:

The revenue outturn and proposed transfers to reserves for 2015/2016.

### **CAB26 FORWARD DECISIONS**

The Forward Decision List was noted.

### **CAB27 RIPA POLICY REVIEW**

Cabinet considered a report which reminded Members that the Policy and the associated procedures were intended to ensure that investigations undertaken by the Council were conducted in accordance with the requirements of Regulation of Investigatory Powers Act 2000 (RIPA). RIPA ensured that when the Council needed to use covert investigation techniques, which by their very nature they were placed on a legitimate footing and that appropriate controls were put in place to ensure that the activities were properly controlled and monitored.

It should be noted that these powers were only available in more serious cases and where other investigative methods are not appropriate or have been unsuccessful. The revised Policy captured only the broad principles behind RIPA and general responsibilities of the Council, whereas the finer details, including interpretation of the legislation and the procedure itself, were recorded in separate procedure documents, namely the toolkits.

It was noted that the powers were very rarely used by the Authority, but it was required that the Policy was updated in accordance with changes to legislation and guidance.

In response to questions from Members the Chief Executive confirmed that the Policy had been considerably slimmed down, and that permission for the use of RIPA was an officer delegation.

**RECOMMENDED:** That the revised RIPA Policy be adopted.

**CAB28     REVENUE OUTTURN - 2016/17**

A report was considered which set out in summary the revenue outturn of 2015/2016 for the General Fund (council tax accounts). The report showed details of the major differences between actual costs/income and the revised estimates for 2015/2016 reported in February 2016 monitoring.

The report explained that the accounts showed actual Borough spend of £18,021,900, which was £48,790 less than the February Revised Estimate for 2015/2016. This additional saving would be held within the General Fund balance that was carried forward to 2016/2017.

It explained that the Councils continuing strategy was to identify budget savings in year, as part of the monitoring process and at year end. These saving were then transferred to the General Fund Balance for use in future years.

The Assistant Director and Senior Accountant responded to questions on the level of bad debt provision which would continue to be chased for payment, and confirmed a further report would be submitted on S106 funding. It was confirmed that the Partnership budget had now reduced and as such had been adjusted accordingly and the charges for Support Services were in line with Accounting Guidelines.

It was noted that the Audit Committee had considered the report and supported the recommendations in the report.

**RESOLVED:** That the revenue outturn and proposed transfers to reserves for 2015/2016 be approved.

**CAB29     CAPITAL OUTTURN 2016/17**

Cabinet considered a report which provided details of the outturn of the 2015/2016 capital programme and outlined amendments and re-phasing to the spending on schemes, revising the programme for 2016/2020. The capital programme outturn for 2015/2016 totalled £13,924,624 against an approved budget of £15,746,950. It had been necessary to re-phase a total of £1,998,850 of scheme costs to future years. Useable capital receipts generated in the year totalled £1,043,237.

By way of clarification the Assistant Director confirmed that where projects hadn't reached their target spend the finances were phased and slippages were highlighted in the report.

**RESOLVED:** 1) That the outturn of the capital programme for 2015/2016 of £13,924,624 be noted.

2) That the financing arrangements for the 2015/2016 capital programme be noted.

3) That Cabinet approve the revised 2016/2020 capital programme and financing as detailed in the report.

CAB30 **NORFOLK COUNTY COUNCIL MINERALS SITE SPECIFIC ALLOCATION - SILICA SAND**

The LDF Manager presented a report on a response to the consultation by Norfolk County Council on the Pre-Submission Single Issue Silica Sand Review under the provisions of the 'Duty to Cooperate' set in the National Planning Policy Framework (NPPF).

The Silica Sand resource in Norfolk was found entirely within the administrative boundary of King's Lynn and West Norfolk Borough Council.

The pre-submission document contained one specific site (SIL01) Mintlyn South in Bawsey for silica sand extraction. It also contained six extensive 'Areas of Search' across the Borough. Planning permission for silica sand extraction may be granted on a smaller area of land within the Areas of Search.

The Borough Council provided comments to Norfolk County Council at previous stages both on the original plan: the Minerals Site Specific Allocations DPD, and on an earlier version of the Silica Sand Review.

The report submitted outlined the key details of the Silica Sand Review and concluded with the recommended response to make formal objections from the Borough Council to significant elements of the proposals in the consultation about the six Areas of Search proposed. The Borough Council are not specifically objecting to the designation of the proposed Specific Site (SIL01 - Mintlyn South).

Cabinet endorsed the objections which had been submitted as an officer response awaiting endorsement by Members in order that they were submitted within the County's deadline. Concerns were highlighted about the highways considerations and the protection area preventing development around any site, along with the knock on visual impact on the area and tourism.

**RESOLVED:** That the responses outlined in sections 4 to 7 of the report be endorsed to become the Borough Council's representations to the Norfolk County Council Single Issue Silica Sand Review Pre-Submission document

CAB31 **BUSINESS IMPROVEMENT DISTRICT - VOTE**

A report was considered which explained that at the Council meeting on 28<sup>th</sup> November 2013 the Business Plan for King's Lynn Town Centre submitted by the KL BID representatives was approved. It was also agreed to vote in favour of the business plan at the ballot held in April 2014. The BID if successful, would bring in local business investment of over £1,000,000 in its 5yr term.

Despite securing the majority of the votes cast, their collective rateable value was 2% less than those that had voted 'No'. Therefore the BID failed by the smallest of margins as the law required a positive vote on both methods.

Since then the team behind the BID had been working hard to secure a positive vote when they went for a re ballot again later in the year. The Business Plan had not changed from the one submitted in 2013. The statutory process required the Council to agree to support the BID before it went to ballot. There had to be a statutory minimum period of 84 days between Council approval and the ballot process.

The KLBID had requested that Cabinet endorsed the Business Plan. The report recommended this approach and invited Cabinet to instruct the Chief Executive to vote in favour of the BID on behalf of the Council.

Members supported the approach.

Under Standing Order 34, Councillor L Bambridge, in supporting the recommendations, informed Members that the BID in Boston had helped the town considerably.

**RESOLVED:** 1) That the 2016 Business Plan be approved.  
2) That the Chief Executive be instructed to vote in favour of the BID on behalf of the Council.

CAB32 **EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED:** That under Section 100(A)(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act.

**CAB33    AFFORDABLE HOUSING COMPANY**

Cabinet considered a report which reminded Members that in June 2014 it had agreed to establish of a wholly owned company to acquire and hold affordable homes, utilising available capital resources from S106 commuted sum contributions in lieu of affordable housing.

The report set out a number of proposed initiatives that would assist the Council in fulfilling its statutory housing functions, as well as contributing to corporate objectives of increasing the housing supply and making best use of existing assets.

Reassurance was given that progression on commissioning the contract would not take place until the Governance arrangements had been finalised.

**RESOLVED:** 1) That the basic initial Business Plan be approved (attached in appendix A to the report) and officers proceed to commission the new housing as detailed in the business plan.

2) That delegated authority be granted to the Chief Executive in consultation with Portfolio Holder responsible for housing to determine whether it is appropriate to apply to the HCA to enable the Local Housing Company to become a 'Registered Provider' of affordable housing.

3) That a separate report be prepared for the next Cabinet meeting covering the appointment of Directors to the Local Housing Company and Governance arrangements.

**CAB34    CONVERSION OF OFFICE SPACE TO SELF CONTAINED RESIDENTIAL ACCOMMODATION**

A report was presented that dealt with an opportunity to convert existing office space to provide self-contained residential accommodation in King's Lynn. The accommodation would assist the Council in meeting its statutory housing functions. The report sets out the business case for undertaking the conversion and investing available capital resources.

Cabinet supported the recommendations.

**RESOLVED:** 1) That the Property Services Manager be given delegated authority in conjunction with the Housing Services Manager and Portfolio Holder for Housing to procure and complete the conversion works and agree arrangements for the scheme to be transferred by way of a lease to the Borough Council's Local Housing Company (in line with arrangements to establish a Local Housing Company previously agreed).

- 2) That net income received in excess of £30,000 pa be earmarked for funding future housing investment initiatives, to meet identified need and generate additional revenue income.

**CAB35 TOWN CENTRE INVESTMENT (PHASE 1)**

Cabinet considered that report which outlined an important investment opportunity for the Council in King's Lynn town centre. The proposal would strengthen the Council's investment yield on the identified property and help to enhance the retail offer within the town whilst enhancing the Council's revenue income and therefore contribute to savings required as part of the Cost Reduction programme.

Under Standing Order 34, Councillor Pope asked questions on the financing arrangements set out in the report which were responded to. It was agreed to provide that information as a supplement for members.

Councillor Bambridge chose not to ask any questions.

**RECOMMENDED:** 1) That the Property Services Manager be given the delegated authority to finalise negotiations in respect of the proposed investment outlined within this report in consultation with the Leader of the Council, the Portfolio Holder for Regeneration and Industrial Assets, the Chief Executive, the Executive Director Commercial Services, and the Chief Finance Officer.

2) That Delegated authority be given to the Portfolio Holder for Regeneration and Industrial Assets in consultation with the Chief Executive and the Chief Finance Officer to decide the appropriate means of funding the investment proposal set out within this report.

3) That the Legal Services Manager be given delegated authority to draft and finalise all necessary documentation, contractual or otherwise, associated with the proposed development and investment in this property asset.

**CAB36 TOWN CENTRE INVESTMENT - STRATEGIC LAND AND PROPERTY ACQUISITION (PHASE 2)**

A report was considered which outlined an important opportunity for the Council in respect of a potential property acquisition in King's Lynn town centre. The proposal would allow the Council the opportunity to deal with a problematic building in King's Lynn and be able to look at a potential redevelopment scheme that would help to strengthen the retail offer and/or residential offer within the town.

Cabinet Members supported the proposed acquisition, negotiations for which were still ongoing, explanations were given on levels of borrowing set against the asset base.

Under Standing Order 34, Councillor Pope asked questions on the financing arrangements set out in the report which were responded to.

Councillor Bambridge chose not to ask any questions.

**RECOMMENDED:** 1) That the acquisition of the land and property asset is progressed along the lines set out within the report.

2) That the Capital Programme be adjusted to accommodate the acquisition of the site identified within this report.

3) That Property Services Manager be given the delegated authority to finalise negotiations in respect of the proposed acquisition outlined within this report in consultation with the Portfolio Holder for Regeneration and Industrial Assets.

4) That Legal Services Manager be given delegated authority to draft and finalise all necessary documentation, contractual or otherwise, associated with the proposed development and investment in this property asset.

**The meeting closed at 7.07 pm**