

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

CABINET SCRUTINY COMMITTEE

**Minutes of a Meeting of the Cabinet Scrutiny Committee
held on Thursday 8th November 2012 at 6pm
in the Heritage Room, Town Hall, Saturday Market Place, King's Lynn**

PRESENT:

Councillors C Joyce (Chairman)
B Ayres, J Collop, A Lovett, I Mack (Vice Chairman),
T Manley, G Sandell, J M Tilbury and A Tyler

Other Members Present:

Councillor Daubney, Leader and Portfolio Holder for Corporate/Strategic Issues and Resources

Councillor Long, Deputy Leader and Portfolio Holder for Environment

Councillor Beales, Portfolio Holder for Regeneration

An apology for absence was received from Councillor Lawrence.

CSC56: MINUTES

The minutes of the meeting held on 17th October 2012 were agreed as a correct record and signed by the Chairman.

CSC57: URGENT BUSINESS UNDER STANDING ORDER 7

There was no urgent business to report.

CSC58: DECLARATIONS OF INTEREST

There were no declarations of interest.

CSC59: MEMBERS PRESENT PURSUANT TO STANDING ORDER 34

There were no Members present under Standing Order 34.

CSC60: CHAIRMAN'S CORRESPONDENCE

The Chairman had no correspondence to report.

CSC61: RESPONSE TO PREVIOUS COMMITTEE RECOMMENDATIONS

There were no previous Committee recommendations.

CSC62: **MATTERS CALLED-IN PURSUANT TO STANDING ORDER 12**

There were no matters called-in pursuant to Standing Order 12.

CSC63: **GAMBLING ACT 2005 – STATEMENT OF PRINCIPLES**

Councillor Lovett queried as to why the Cabinet Scrutiny Committee had selected to scrutinise the Cabinet's decision in relation to the Gambling Act 2005 – Statement of Principles as it was a requirement under The Gambling Act 2005 that every local authority agrees a Statement of Principles in accordance with the Statutory Guidance issued under the Act. The policy had also been thoroughly considered by Members of the Licensing Committee. In response, the Chairman explained that there were a number of reasons why the item should be scrutinised; there had been a feature in relation to gambling on a recent Panaroma programme; there was also concerns as to the consultation process which had been undertaken. He also explained that he wished to raise issues in relation to betting shops.

Councillor J Collop questioned why the list of parties that had been consulted on the policy appeared to be such a small number and in particular questioned why a number of Housing Associations had been consulted. In response, Vicki Hopps, Environmental Health Manager (Commercial) explained that the Guidance to Licensing Authorities issued by the Gambling Commission advised on how the policy was to be formulated and the consultation process which it would be subjected to. The Act required that the Chief Officer of Police, one or more persons who appear to represent the interests of persons carrying on gambling businesses and one or more persons who appear to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005. In addition the consultation had been open to the public on the Borough Council's website. She also explained that 27 responses had been received as part of the consultation process of which all had been responded to individually. Vicki Hopps stated that the consultation proposed no changes to the current Statement of Principles although holders of Small Society Lotteries had been asked to comment on the provision of a basic Criminal Records Bureau (CRB) for lottery promoters. She explained that the requirement to produce a CRB was not a legal requirement but part of the Borough Council's own policy. An alternative policy was proposed that would require applicants to provide a written statement that they had no relevant convictions that would make them unsuitable from running a lottery

The Leader highlighted that Members would have an opportunity to consider the recommendations proposed by Cabinet at the Full Council meeting scheduled on 29th November 2012. Councillor Tilbury concurred with the view expressed by Councillor Lovett in that he was unsure as to why the CSC had selected to scrutinise the item.

Councillor J Collop questioned what the Portfolio Holder (Community) had taken into consideration when proposing a change for holders of Small Society Lotteries from the provision of a basic CRB check to that of providing

a written statement that they had no relevant convictions. Vicki Hopps explained that a total of 17 responses had been received from holders of small society lottery registrations with 3 in favour of retaining the CRB, 12 in favour of a self-certified statement, 1 suggested that the Council should accept a CRB Disclosure dated older than a calendar month and one had no strong views either way. All previous CRB checks that had been carried out had not revealed any convictions.

The Portfolio Holder, Regeneration explained that as the previous Portfolio Holder that covered the licensing and gambling function he had to be convinced that it was necessary for holders of Small Society Lotteries were required to provide a CRB check, however the policy had now been in place for 3 years and no problems had been experienced and therefore he endorsed and supported the proposal to provide a self-certified statement in the future.

In response to a query from the Chairman as to why Housing Associations had been consulted, Vicki Hopps stated that she was not aware of any specific reason, however, felt it was better to consult with more rather than less parties.

In response to a further query from the Chairman in relation to how much money machines that were placed in betting shops were capable of taking, Vicki Hopps stated that this was regulated by the Gambling Commission under separate legislation. The Council were only responsible to ensure that the correct category of machines were in place and worked with the Gambling Commission.

The Chairman also questioned who from the local community, had been consulted as part of the process. Vicki Hopps explained that all Members and Parish Councils had been consulted. She explained that she did not know why the Union of Betting Shop Staff had not been consulted but undertook to clarify. In conclusion, Councillor Tilbury reiterated that the policy was in accordance with Statutory Guidance and proposed to move to the next item.

CSC64: **PROPOSAL FOR LARGE SCALE HOUSING DEVELOPMENT ON SOME OF THE COUNCIL'S LAND HOLDINGS**

Councillor Mack reminded Members that that the recommendations outlined in the report were entirely within Cabinet's powers to decide and as there had been no call-in, Members of the Committee could not make any alternative recommendations. He questioned whether the proposals, which would see the Council, retain an equity investment in the development rather than simply disposing of the assets, were within in line with the Council's existing commercial policy or whether it was a new policy approach. The Portfolio Holder, Regeneration explained that the proposals were broadly in line with existing policy but were a shift in terms of scale and size of development. The recommendations agreed by Cabinet at this stage, were to approve a budget of £30,000 to take the project through to the

procurement stage. There would be an opportunity, if the proposals were taken forward, for them to be considered by Members at Full Council.

Councillor Mack questioned how much consideration Cabinet had given to the "Montague Report" when considering their decision as he had read the report and had interrupted it differently as to how it was referred to in the actual Cabinet report.

Councillor J Collop questioned what was the definition of affordable housing. The Chief Executive explained that there was a clear definition as to what was deemed to be affordable housing which was "80% of the market rent" as opposed to social housing which was "50% of the market rent". The Government's current policy saw a shift from social housing to affordable housing, which involved less public subsidy.

CSC65: 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".

CSC66: BLACK SACK WASTE RECYCLING CONTRACT

Councillor Manley referred to the report which stipulated that the financial impact of the contract would be at worst, cost neutral and at the best positive as the gate fee the Council were required to pay (£55 per tonne of waste delivered) was equal to the recycling credit per tonne received from the Norfolk County Council (NCC) and questioned whether consideration had been given to the consequences if the recycling credit received was reduced or withdrawn altogether. In response, Dale Gagen, Corporate Project Officer, explained that the payment of recycling credits was protected by law and therefore NCC were obliged to pay the Council until such time as the Government decided to change the law.

In response to a query raised by the Chairman, the Portfolio Holder for Environment explained that the waste process hierarchy was enshrined in law. There was also a requirement by law to recycle as much waste as possible.

In response to a question raised by Councillor J Collop as to why the contract was over a sixteen year period and not for a longer period of time, the Portfolio Holder for Environment explained that it should prove to be economically viable for this period of time for both the Council and the service provider. Dale Gagen also reiterated that this was the minimum length of time in order to make the contract viable to achieve a level of "payback" for both the Council and service provider. Consideration had also been given to potential advancements in technology that may have an impact on any future contract negotiations.

Councillor J Collop questioned whether any of the other District Councils within Norfolk (and those that share a border with Norfolk) had expressed an interest in entering into individual contracts under the Framework Agreement. The

Portfolio Holder explained that informal discussions had been held and other Councils were monitoring developments with the proposals. In response to a further question from Councillor J Collop, it was stated that Duratrust were the majority shareholder for the Special Purpose Company (SPC) that was being formed.

Councillor J Collop also referred to Section 7.3 of the report that stated that a site visit would be arranged for Members of the Cabinet and the Members of the Regeneration, Environment and Community Panel and questioned whether a visit would also be offered to all Members of the Council, to which the Portfolio Holder confirmed that it would be open to all Councillors.

In response to a query raised by Councillor Mack, the Portfolio Holder clarified that the Environment Agency would be the agency responsible for considering the grant of an environmental permit and NNC were the planning authority responsible for considering granting planning permission, with the Borough Council acting as a consultee. The application would be determined within a 16 week timeframe and there was a process for any subsequent appeal direct to the Secretary of State.

Councillor Mack proposed that the CSC record their support and endorse the Cabinet recommendations within the report.

On being put to the vote it was agreed to:

RECOMMENDATION: That Council be informed that the Cabinet Scrutiny Committee supports the recommendations as outlined in the Cabinet report.

CSC67: **MUSEUM SQUARE PROJECT (MSP)**

Councillor A Tyler requested clarification as to whether the Council's £1m contribution referred to in the report was available and allocated within the Council's budget. The Leader explained the money was available as Section 106 contributions, which was ring-fenced for town centre improvements.

Councillor J Collop questioned how the purchase value of any third party land, which fell within the project redline and was needed for the successful delivery of the project, was determined if the Council had to exercise its compulsory purchase order powers (CPO) and whether there was an incentive for the land owner to hold out and negotiate a higher price. In response, the Regeneration and Economic Manager explained that, where appropriate, negotiations with the land owner would be held and the market value

CSC68: **PORTFOLIO HOLDERS' DECISIONS MADE UNDER DELEGATED POWERS** (taken prior to CSC63)

There were no Portfolio Holders' Decisions to note.

CSC69: **DATE OF NEXT MEETING**

It was noted that the next meeting of the Cabinet Scrutiny Committee was scheduled to be held on Monday 17th December 2012 at 6pm.

Meeting closed at 7.25pm