

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

CABINET SCRUTINY COMMITTEE

**Minutes of a Meeting of the Cabinet Scrutiny Committee
held on Monday 21st January 2013 at 6pm
in the Committee Suite, King's Court, Chapel Street, King's Lynn.**

PRESENT:

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

Other Members Present:

Councillor N Daubney – Leader and Portfolio Holder for Corporate/Strategic Issues & Resources

Councillor A Beales – Portfolio Holder for Regeneration

Apologies for absence were received from Councillors T Manley and M Tilbury.

CSC81: MINUTES

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

CSC82: URGENT BUSINESS UNDER STANDING ORDER 7

There was no urgent business to report.

CSC83: DECLARATIONS OF INTEREST

There were no declarations of interest.

CSC84: MEMBERS PRESENT PURSUANT TO STANDING ORDER 34

There were no Members present under Standing Order 34.

CSC85: CHAIRMAN'S CORRESPONDENCE

The Chairman had no correspondence to report.

CSC86: RESPONSE TO PREVIOUS COMMITTEE RECOMMENDATIONS

There were no previous Committee Recommendations.

CSC87: **MATTERS CALLED-IN PURSUANT TO STANDING ORDER 12**

The delegated decision in respect of the Pontoons at South Quay had been called-in but subsequently the Chief Executive had determined not to advance the call-in in accordance with Standing Order 12.4.

CSC88: **COUNCIL TAX TECHNICAL REFORMS TO EXEMPTIONS AND DISCOUNTS FOR EMPTY PROPERTIES AND SECOND HOMES**

Councillor J Collop took the opportunity to thank the Leader for considering and subsequently Cabinet's decision to accept his recommendation that there should be a wider Member involvement to consider individual applications to the Discretionary Hardship Fund. Cabinet had recommended that delegated authority be given to the Portfolio Holder for Resources, in consultation with the Ward Member and the Chairman of the Resources and Performance Panel.

Councillor J Collop explained that he had met with the Deputy Chief Executive who had explained the proposals for Council Tax reforms in relation to empty properties and second homes in more detail but he questioned whether the Borough Council would, under the scheme, receive the appropriate amount of any additional income raised by the proposed changes and whether there was any opportunity to make amendments to the scheme. The Leader explained that the legislation stipulated that any additional income raised from second homes should go to Norfolk County Council, however due to previous negotiations some years ago, an agreement was in place for Norfolk County Council to redistribute 50 percent back to the Council. This arrangement would also apply to the additional sums raised by the proposed changes under the technical reforms. The Leader highlighted that the proposals allowed local authorities the discretion to vary the level of reductions for empty properties and second homes.

CSC89: **TIMETABLE OF MEETINGS 2013/14**

The Chairman stated that the Cabinet Scrutiny Committee (CSC) Agenda needed to be issued and published five clear working days prior to the day of the meeting. This left a limited amount of time for Members to receive and read the decision sheet and minutes from the relevant Cabinet meeting in order to determine which decisions, if any, they wished to scrutinise and put on the CSC Agenda. This also put a considerable amount of pressure on the Clerk (to Cabinet) to produce the minutes and subsequently get them reviewed/agreed by any relevant officers and the Chairman. Without the minutes, it was very difficult for Members to come to a conclusion as to what they may want to scrutinise as s/he would not know if the Cabinet had considered or perhaps given sufficient consideration to an issue before coming to its decision.

In response, the Leader acknowledged that sometimes the timescales were tight, however in order to ensure that decisions were made in the appropriate timescale to make sure that the Council were in a position to

progress and move forward, there was little scope to permit any longer timeframes. He explained that he was aware of Members' concerns and had looked at the timetable in some detail with Democratic Services. The Leader stated that he was also subject to a degree of criticism from his own Cabinet Members in relation to the limited time they have to read all the relevant Cabinet papers. He acknowledged the excellent job that the Clerk to Cabinet did in ensuring that the decision sheet and minutes were drafted as soon as possible, which had to be subsequently agreed prior to being published.

Councillor A Tyler suggested that it may be beneficial, when possible, for Members of CSC to attend Cabinet meetings to hear any debate and questions directly. The Leader concurred with this and also highlighted that there was a number of opportunities for Members to express their views and ask any questions as many of the Cabinet reports were considered and debated at the appropriate Panel meeting.

Councillor J Collop referred to a previous decision made by Cabinet which had taken into consideration a recommendation from a Panel meeting but because of the timing of the CSC meeting, had not allowed him sufficient time to review the Cabinet minutes and therefore he had missed the opportunity to put it on the appropriate CSC Agenda. However, having reviewed the timetable of meetings for 2013/2014, he acknowledged that, given the constraints, as much time as possible had been scheduled between Cabinet and CSC meetings.

The Leader explained that he, along with the Chief Executive had attended a meeting in London earlier in the day which had highlighted the difficulties, including the financial constraints that all local authorities were facing and the need to maximise the use of technology and suggested that Members could access any relevant agendas/minutes quickly by reviewing them on-line.

Councillor Mack stated that he felt that the timetable of meetings had been set to maximum effect to allow for as much time as possible between Cabinet and CSC meetings. He referred to the broader issue as to the process in which Cabinet decisions were identified for inclusion on the CSC agendas in that all Members of the Committee were given the opportunity to put forward items, whereas previously sifting meetings involving the Chairman and Vice-Chairman had been held to identify items. Councillor Mack also referred to the recent Notice of Motion that had been submitted to revert back to a Committee System and suggested that serious consideration should be given to this issue as the existing structure of the Council was very effective and efficient, particularly given the fast moving environment and financial challenges facing the Council. He also stated that given the goodwill of the current Administration, the current structure also gave Members an opportunity to scrutinise decisions in an open manner.

CSC90: **EXCLUSION OF THE PRESS AND PUBLIC**

“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”.

CSC91: **PORTFOLIO HOLDERS’ DECISION MADE UNDER DELEGATED POWERS – PONTOONS AT SOUTH QUAY**

Councillor J Collop referred to the call-in of the delegated decision in relation to the Pontoons at South Quay which the Chief Executive had subsequently determined not to advance. He explained there had been some unease about the potential costs involved in the project and that there had been no attempt to quantify any benefits that the project might bring to the town. He referred to the basis of the call-in which stated that “I am uneasy with the decision passing unchallenged as even with the best case scenario portrayed by the report it was proposing a spend of £162,500 to make a net loss of around £5,000 per year (this presuming 100% occupancy throughout the season). At a time when there was a great economic challenge to this authority, it doesn’t seem to make much sense to invest money in this way”.

In response, the Portfolio Holder for Regeneration, Councillor Beales referred to the wider aspects of the proposals stating that the objectives were clear and that currently the river and waterfront assets were greatly under utilised. He acknowledged that the economic benefits were difficult to quantify and that there were risks associated with the proposals, however these had been clearly identified in the report. Councillor Beales stated that the nature of the proposals had been subject to complex arrangements but these had been thoroughly investigated and further data was available that supported the proposals. He explained that he was very enthusiastic about the project and was astonished that the decision had been subject of a call-in.

Councillor A Tyler explained that he personally was keen to see the waterside area of the town developed and was sure that this was the view of other Members. He questioned that when making the decision whether the emphasis had been on developing and promoting an under used asset in the town as opposed to any financial gain for the Council. Councillor Beales stated that regeneration was about considering the wider aspects such as social and economic benefits for the town and community as a whole and not just about the financial rate of any potential returns.

Councillor Mack referred to the previous Cabinet report dated 8th February 2011 on the proposal for the installation of the pontoons, which had been thoroughly scrutinised at the time, but queried that the report had not outlined an option in relation to installation of the pontoons at South Quay Berth 5 which was what had been recommended and subsequently agreed as part of the delegated decision. In response, Councillor Beales

acknowledged that this was correct, however, he explained that following the Cabinet report in February 2011, in September/October of the same year, further issues had come to light such as concerns with insurance cover and abandoned boats and therefore in discussions with the King's Lynn Conservancy Board, installation at South Quay Berth 5 was considered to be the best option. The berth was directly opposite the Green Quay Visitor Centre, and although the Centre was currently closed, it was hoped that in the future it would be reopened. The Regeneration & Economic Development Manager explained that there had been a minor error in the Cabinet report in February 2011 in that it had identified South Quay Berth 4 as an option when in fact it should have read Berth 5 which was the berth directly opposite the Green Quay Visitor Centre.

Councillor Mack also questioned whether a further Cabinet report would be required because there had only been a provision of £150,000 allocated from the capital budget recommended and agreed in the original Cabinet report (February 2011) however, the delegated decision included a budget provision of £162,500 from the capital programme. Councillor Beales explained that he had visited a similar facility in Wisbech and had seen the potential to maximise King's Lynn waterfront and the historic assets of the town. He had to make a discretionary decision in terms of allocation of the additional capital required to progress the proposals as he felt it was not in the best interest to delay the process. The pontoons were already in the ownership of the Borough Council and the condition of the pontoons was deteriorating as they were out of the water.

Councillor A Tyler sought assurance that in coming to the decision, consideration had been given to the relationship to other historic assets in the town and that the area would be marketed and promoted as a whole. Councillor Beales explained it was considered that the proposals would help maximise the potential of the King's Lynn Waterfront and the historic assets of the town and marketing would be based on promoting a "Wash experience". The proposals also included the potential for the new operators of the Green Quay Visitor Centre to act as the "reception" for arrivals during daytime opening hours.

Councillor J Collop referred to the annual payment schedule to King's Lynn Conservancy Board which in Year 1 was £7.5k but increased to £12.5k in Year 5. He also referred to Appendix 1 which outlined the revenue costs over the project lifetime, which in the best case scenario predicated a net revenue cost of £23,295 rising to £61,545 in the worst case. He also stated that the staffing costs were an unknown and although he acknowledged that there would be economic benefits, no details had been given to quantify what these might be or any details of any potential financial return. Councillor J Collop further stated that he needed to be convinced that the proposals were a viable option. In response, Councillor Beales acknowledged that no account had been taken into consideration in relation to the wider economic benefits but reiterated that they would help maximise the potential of the waterfront area. The current administration had managed and adhered to strict budget provisions and therefore were in a position to support and afford such a proposal. The Chief Executive also

explained that the proposals needed to be considered in the wider context and were consistent with policies in the King's Lynn Urban Development Strategy and the West Norfolk Economic Regeneration and Tourism Strategies to maximise the potential of the King's Lynn Waterfront and the historic assets of the town such as Hanse House and bringing the Green Quay Visitor Centre back to life. The more attractions the town offered would help to encourage people into and around the town centre, including those mooring their boats. He also explained that the Council had taken financial measures some 2 years ago to ensure that it was on a sound financial footing and therefore was in a position to support the proposals.

Councillor Mack questioned what consideration the Portfolio Holder had given to any potential exit costs in terms of both recouping and incurring any capital costs should the project prove to be unsuccessful. Councillor Beales explained that he had discussed this with officers but no contingency had been allocated but he acknowledged in the unlikely event of the project being unsuccessful there would likely be further costs if the equipment had to be removed and options explored for reuse/storage or sale of the equipment.

Councillor Lovett questioned how the recommended charging price of £1.50 per meter (of the vessel) had been derived at, which he considered to be on the "cheap side". He also referred to the earlier statement that marketing would be based on promoting a "wash experience" and questioned whether there was any funding available to support this. The Regeneration Programmes Manager explained that cost for the service provided had been benchmarked against neighbouring facilities in Fosdyke, Wisbech and Wells. Wisbech charged £1.30 per meter but did not collect the mooring fee over the weekend period. Wells charged anything from £2 to £3 per metre depending on the size of the vessel. She highlighted that the annual fee income and costs would be reassessed each year via the annual budgeting process. The Regeneration Programmes Manager also clarified that the charge would be for an overnight stop (24 hours) with a cut-off time of 12 noon. Councillor B Ayers queried how the charging fee would apply in circumstances when bad weather or the tide times were not suitable for vessels to leave their moorings. The Regeneration Programmes Manager stated in such circumstances, a degree of flexibility and discretion would need to be applied. She also explained that as many mechanisms as possible would be offered to people in order for them to be able to reserve a mooring, including an on-line facility, however it was envisaged that some would turn up "on spec". The Regeneration & Economic Manager explained that at this stage, no specific and detailed consideration had been given to the marketing programme to promote the "wash experience" but discussions had been held with Fenland District Council who were keen to carry out some joint marketing activities, particularly in light of the Borough Council's connections with the Hanseatic League. European Funding would be available from 2014 onwards but the Borough Council, at this stage had not allocated anything directly to support a marketing campaign. He highlighted that marketing for the East of England region was changing with the focus being on promoting the coast as a destination.

Councillor A Tyler questioned how the Cabinet and Portfolio Holder determined what they considered would be a good return for the project. Councillor Beales referred to the wider obligations of the Council in terms of ensuring that they maximise and deploy its assets in the best and most sensible way to stimulate any economic benefits. He explained that consideration had been given as to whether the Council were in a financial position to support the project as well as any potential downsides that may be associated with the project. The figures presented in the report were realistic.

In response to a question raised by Councillor Sandell, Councillor Beales confirmed that should the project prove to be a success, consideration would be given to extending the five year agreement with the King's Lynn Conservancy Board.

Councillor J Collop took the opportunity to question what the latest information was in relation to the Green Quay Visitor Centre. The Leader suggested that this issue was outside the remit/agenda for the Committee, which the Chairman concurred with.

In response to a question raised by Councillor Mack, the Regeneration & Economic Manager clarified that there was no formal "riverfront" working group although discussions were held on an on-going basis with the Leader and Portfolio Holder for Regeneration as well as other key stakeholders.

CSC92: **DATE OF NEXT MEETING**

It was noted that the next meeting of the Cabinet Scrutiny Committee was scheduled to be held on **Monday 18th February 2013 at 6pm.**

Meeting closed at 7.10pm