

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

CABINET SCRUTINY COMMITTEE

**Minutes of a Meeting of the Cabinet Scrutiny Committee
held on Thursday 23 October 2014 at 6.00 pm
in the Committee Suite, King's Court, Chapel Street, King's Lynn.**

PRESENT:

Councillors C Joyce (Chairman), P Foster (Vice Chairman),
J Collop, I Gourlay, J Loveless, A Lovett, T Manley, Mrs K Mellish,
Miss S Sandell, and D Whitby

Portfolio Holders Present:

Councillor A Beales – Portfolio Holder for Regeneration and Industrial Assets
Councillor N Daubney – Leader of the Borough Council
Councillor D Pope – Portfolio Holder for ICT, Leisure and Public Space
Councillor Mrs V Spikings – Portfolio Holder for Development

Management Team/Officers:

Stuart Ashworth – Planning Control Manager
Chris Bamfield – Executive Director, Commercial Services
Emma Duncan – Monitoring Officer
Dale Gagen – Corporate Project Officer
Debbie Gates – Executive Director, Central and Community Services
Neil Langley – Enforcement Team Leader

Apologies:

Apologies for absence were received from Councillor J M Tilbury and the Chief Executive.

By Invitation for CSC64:

Councillors R Bird, Mrs S Collop and G McGuinness.

By Invitation for CSC65:

Colin Davison, Director of Property – Freebridge Community Housing

CSC57: **SUSPENSION OF STANDING ORDER 36 – RECORDING OR BROADCASTING OF MEETINGS**

RESOLVED: That in order to comply with Statutory Instrument 2014 no 2095, The Openness of Local Government Bodies Regulations 2011, Standing Order 36 be suspended for the duration of the meeting.

CSC58: **MINUTES**

The Minutes of the Meeting held on 18 September 2014 were agreed as a correct record and signed by the Chairman.

CSC59: **URGENT BUSINESS UNDER STANDING ORDER 7**

There was no urgent business to report.

CSC60: **DECLARATIONS OF INTEREST**

There was none.

CSC61: **MEMBERS PRESENT PURSUANT TO STANDING ORDER 34**

There were no Members present under Standing Order 34.

CSC62: **CHAIRMAN'S CORRESPONDENCE**

The Chairman had no correspondence to report.

CSC63: **RESPONSE TO PREVIOUS COMMITTEE RECOMMENDATIONS**

There were no previous Committee recommendations.

CSC64: **MATTERS CALLED-IN PURSUANT TO STANDING ORDER 12**

a) Car Parking Promotions

A Cabinet Members Delegated Decision had been made on 18th September 2014, concerning proposals to extend the current 20 minute free parking bays on the Tuesday Market Place to three other car parks. The decision had been called in and the Chief Executive had determined that the call-in was valid in respect of Standing Order 12.4(b): Is the decision contrary to the views of a key partner authority to the Borough?

The Chairman outlined the process which would be followed to deal with the call-in as set out in Standing Order 15.33.

The proposer of the call-in, Councillor Gourlay addressed the Cabinet Scrutiny Committee in accordance with Standing Order 15.33(a). He explained that he had called in the report as it did not provide information on what consultation had been carried out with relevant groups such as the West Norfolk Disability Forum, cycle user groups and shop keepers etc. At the time the decision had been published he felt that there was no information available on finances or the past success of the 20 minute free parking bays. Councillor Gourlay stated that he did not accept that the only cost of the scheme would be the purchase of the ticket machines and required further information on how the scheme fitted in with the car parking promotions budget.

Councillor Gourlay had carried out his own survey, via social media on this issue and outlined the responses received which included requests to make the parking spaces free for a period of 30 minutes as 20 minutes was not long enough for trips to the other end of the town centre.

In accordance with Standing Order 15.33(a) the supporters of the call in addressed the Committee.

Councillor Bird, who had supported the call in, referred to the Hunstanton proposal which was to install six 20 minute free parking spaces on the Valentine Road car park. He explained that the car park in question was surrounded by businesses which had their own free parking spaces and questioned who would be using the free spaces. Councillor Bird suggested that the offer be changed to allow parents to park for free on the whole of the car park when dropping off and picking up children from the nearby school or that the spaces be moved to a more central location such as the central car park behind the Princess Theatre.

Councillor McGuinness explained that he had supported the call in as he felt that insufficient information had been available in the delegated decision report and was subsequently not provided following a request from Councillor Gourlay. Councillor McGuinness stated that it was important to ensure that all relevant facts had been taken into account by the Portfolio Holder before the decision had been made.

Councillor Collop commented that he had supported the call-in because he felt that all the relevant facts and figures had not been made available at the time the decision was taken. He was unaware of how the car parking promotions budget was to be used. Councillor Collop explained that it was important for Councillors to be made aware of what was happening with car parking so that they could respond to queries from constituents. .

In accordance with Standing Order 15.33(b), the Committee received a submission from the Portfolio Holder for ICT, Leisure and Public Space. The Portfolio Holder thanked the Committee for his invitation to the meeting and stated that he was surprised that the proposal had been called in and could not believe that Members did not support the provision of a few additional free parking spaces to support the shops on the outer part of the town centre, on Norfolk Street and the end of the High Street towards the Saturday Market Place. He explained that he had received nothing but praise for the 20 minute spaces already in use on the Tuesday Market Place which enabled people to collect goods they had ordered, pick up prescriptions and visit the bank etc. He explained that if the spaces were not there, visitors would be more likely to visit the out of town retail parks.

The Portfolio Holder informed those present that as part of the consultation carried out by the Borough Council and Norfolk County Council through its statutory consultation for the Tuesday and Saturday Market Places, consideration was given to the installation of free 20 minute bays. The County Statutory process involved public meetings in the Council Offices and the Town Hall and the display of notices advising of the proposals. The Portfolio Holder explained that

consultation was also carried out with key stakeholders including the King's Lynn Town Centre Partnership and the Business Improvement District Steering Group who had both supported the proposals. When the scheme was originally introduced on the Tuesday Market Place a request was made from the West Norfolk Disability Forum to provide extra time for disabled drivers and this was accepted with an additional 10 minutes being provided.

The Portfolio Holder referred to Councillor Gourlay's comments that 20 minutes was not considered long enough to carry out certain tasks in the town centre, but the proposals were to install additional free parking spaces at Baker Lane which would give access to the banks etc. at that end of the town centre.

With regard to the proposals for Valentine Road, Hunstanton, the Portfolio Holder explained that he had visited the area with the Operational Manager and felt that the 20 minute free parking bays would be valuable in providing access to the nearby pharmacy to allow for prescriptions to be picked up. The Portfolio Holder referred to Councillor Bird's suggestion of allowing the car park to be used by parents, and explained that usage of the car park could be monitored through the required input of car registration details and if the scheme was not working, alternatives could be investigated.

In accordance with Standing Order 15.33(c), the Executive Director, Commercial Services addressed the Panel stating that he agreed with the submission put forward by the Portfolio Holder. The proposals had no significant financial impact and impact on parking revenue was negligible. He explained that there was a car parking promotions budget available which could offset any loss, but car parking revenue was currently up on budget, so no problems were anticipated.

In accordance with Standing Order 15.33(e), the Committee were invited to debate the call-in.

Councillor Loveless asked if information was available on usage of the 20 minute free parking spaces in the Tuesday Market Place. The Executive Director explained that approximately 10,000 vehicles per month were making use of the spaces.

The Chairman reminded those present of the reasons why the call-in had been accepted as valid and asked for more information on the Tuesday Market Place consultation exercise. The Portfolio Holder and Executive Director informed those present that the Borough Council and Norfolk County Council had carried out statutory public consultation and consulted key stakeholders, display notices were also on site for 28 days and public consultation meetings had been held in the Council Offices and the Town Hall. Through the consultation, retailers had commented that the 20 minute bays were essential for businesses to survive in the town centre. The Executive Director felt that the principle

of the bays established through the original consultation process had been well received.

Councillor Bird was unaware that any consultation had taken place in Hunstanton. The Portfolio Holder explained that he had discussed the proposals with one of the Ward Members in Hunstanton upon request, all concerns had been addressed and the Ward Member was now supportive of the proposals.

Councillor Bird reminded those present that he had asked a question on this issue at the last Full Council meeting, but felt he did not receive an adequate response. Councillor Bird referred to his earlier suggestion that the spaces would be better used elsewhere in Hunstanton. The Portfolio Holder commented that there was already provision for free parking on the High Street in Hunstanton and there was a car parking promotion ongoing on the Seafront Car Park, and hoped that the proposals would benefit a different area of the town.

Councillor Collop asked if the Portfolio Holder was aware of all the facts and figures when the decision was taken. The Portfolio Holder explained that he received monitoring figures from the Executive Director on a regular basis and additional information was made available to the Cabinet Scrutiny Committee upon request which was included within the report.

Councillor McGuinness asked for clarification on what grounds the call-in had been determined as valid by the Chief Executive. The Monitoring Officer referred to the correspondence sent by the Chief Executive to the proposer and supporters of the call in following the deadline for call-in and confirmed that the Chief Executive had determined that the call-in was valid in respect of Standing Order 12.4(b) – Is the decision contrary to the views of a key partner authority to the Borough?

The Chairman referred to a recent Traffic Penalty Tribunal where the adjudicator had said that private contractors should not be allowed to hear and decide on objection to PCN's which the private contractor had issued. The Council with responsibility for the public highway was the County Council, but the Borough Council issued PCN's. Therefore did the decision by the Traffic Penalty Tribunal mean that the Borough Council should not hear and decide on objections to the PCN's because the Borough Council was a private contractor. The Leader of the Borough Council questioned the relevance of the issue in respect of the call-in being considered and the Monitoring Officer explained that she had held discussions with the Chairman previously on these issues which were relevant to the Disability Discrimination Act and she agreed to circulate her response to the Chairman's queries to the Committee via email.

In response to a question from the Chairman, the Portfolio Holder confirmed that they were not required to liaise with Norfolk County Council when a penalty notice was issued. The Executive Director

explained that the Borough Council operated under the Norfolk Parking Partnership criteria.

Following the debate, in accordance with Standing Order 15.33(f), the proposer of the call-in exercised his right to reply and explained that he still did not feel that his questions relating to consultation with key stakeholders had been answered satisfactorily and proposed that the time allowed on the free car parking spaces be extended to 30 minutes.

The Monitoring Officer suggested that the Committee should firstly decide if they wished to accept the call-in before moving to proposed actions and recommended amendments.

The Chairman asked the Committee to consider whether the information missing in the original report had now been addressed.

Councillor Manley commented that if the proposals were implemented he would like them to be monitored and reviewed in six months' time. The Leader of the Council confirmed that naturally the Portfolio Holder would monitor the proposals and investigate alternatives if necessary.

Councillor Loveless proposed that the call-in not be upheld, this was seconded by Councillor Miss Sandell, and after being put to the vote the motion was carried.

RESOLVED: That the call-in was not upheld.

CSC65: **CABINET REPORT - COMPULSORY PURCHASE ORDER – LAND REAR OF 7 BLACKFRIARS ROAD, KING'S LYNN**

The Chairman referred to a typographical error on page 52 of the Cabinet Agenda for 7 October 2014 which the Portfolio Holder for Development agreed to amend.

The Chairman referred to the mention of Article 6 of the convention, which dealt with the right to a fair trial, as detailed in page 53 of the Cabinet Agenda. He asked how the report could state that those affected by the Order had been notified when they could not be located. The Planning Control Manager explained that those affected would be notified by means of articles in the local press and site notices. He explained that endeavours were ongoing to locate the owner of the site. In response to a question from the Chairman, the Portfolio Holder for Development confirmed that if the owner was located they would be advised of their legal rights.

The Chairman asked why it was in the public's interest for the Council to carry out a Compulsory Purchase Order on the site. The Enforcement Team Leader explained that the area in question had been identified by the Borough Council's Derelict Land and Buildings Group as an area which needed to be addressed as it caused visual dis-amenity.

The Director of Property at Freebridge Community Housing explained that 7 Blackfriars Road had been brought back into use by Freebridge Community Housing with the assistance of Empty Homes Funding, the additional area would provide much needed parking and storage for residents.

CSC66: **CABINET REPORT - CORPORATE PEER CHALLENGE**

The Chairman explained that he had asked for this item to be added to the agenda because the Cabinet report referred to the Scrutiny function.

Councillor Collop informed those present that two Members of the Committee had taken part in the Peer Challenge and he was pleased to see that Scrutiny had been included within the report and that the function would be looked at. Councillor Collop queried the timescale for completion of the review of the Scrutiny function.

The Leader of the Council explained that he had been heavily involved in the process and agreed that outside assistance to look at the Scrutiny function would be helpful. He explained that the review would take place before the next election in 2015 so that all existing Members could engage in the process.

The Committee discussed the role of the Cabinet Scrutiny Committee, how it fitted in with the role of the Policy Review and Development Panels, and suggestions for the future.

In response to a question from Councillor Collop, the Leader of the Council explained that the current Administration's Manifesto stated that they wanted to reduce the impact of Council Tax to its residents and acknowledged that this would be challenging but hoped that it would be achievable.

CSC67: **EXCLUSION OF PUBLIC AND PRESS**

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 item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act.

CSC68: **EXEMPT CABINET REPORT – MAJOR HOUSING DEVELOPMENT – PREFERRED BIDDER SELECTION**

The Chairman referred to page 61 of the Cabinet Agenda, he explained that part of the report referred to variant (B) and part referred to variant (2). The Portfolio Holder for Regeneration and Industrial Assets confirmed that they meant the same thing.

In response to a question from the Chairman, the Portfolio Holder confirmed that a qualified Clerk of Works would be appointed to look at quality aspects of the scheme.

The Portfolio Holder and the Corporate Project Officer answered questions from the Committee regarding the tender evaluation summary, the scale of the project, New Homes Bonus and leases.

RETURN TO OPEN SESSION.

CSC69: **PORTFOLIO HOLDERS' DECISIONS MADE UNDER DELEGATED POWERS**

There were no delegated decisions to consider.

CSC70: **DATE OF NEXT MEETING**

It was noted that the next meeting of the Cabinet Scrutiny Committee was scheduled to be held on Thursday 20 November 2014 at 6pm.

Meeting closed at 7.39pm