

CABINET

Agenda

WEDNESDAY, 11 JUNE 2014
at 5.30pm

in the

Committee Suite
King's Court
Chapel Street
King's Lynn



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Borough Council of
**King's Lynn &
West Norfolk**



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CABINET AGENDA

DATE: CABINET – WEDNESDAY, 11 JUNE 2014

**VENUE: COMMITTEE SUITE, KING'S COURT, CHAPEL
STREET, KING'S LYNN**

TIME: 5.30 pm

There are no items to be considered in private as required by Regulations 5 (4) and (5) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

1. MINUTES

To approve the Minutes of the Meeting held on 6 May 2014 (previously circulated).

2. APOLOGIES

To receive apologies for absence.

3. URGENT BUSINESS

To consider any business, which by reason of special circumstances, the Chairman proposes to accept, under Section 100(b)(4)(b) of the Local Government Act 1972.

4. DECLARATION OF INTEREST

Please indicate if there are any interests which should be declared. A declaration of an interest should indicate the nature of the interest (if not already declared on the Register of

Interests) and the agenda item to which it relates. If a disclosable pecuniary interest is declared, the member should withdraw from the room whilst the matter is discussed.

These declarations apply to all Members present, whether the Member is part of the meeting, attending to speak as a local Member on an item or simply observing the meeting from the public seating area.

5. CHAIRMAN'S CORRESPONDENCE

To receive any Chairman's correspondence.

6. MEMBERS PRESENT PURSUANT TO STANDING ORDER 34

To note the names of any Councillors who wish to address the meeting under Standing Order 34.

7. CALLED IN MATTERS

To report on any Cabinet decisions called in.

8. FORWARD DECISIONS LIST

A copy of the Forward Decisions List is attached (Page 6)

9. MATTERS REFERRED TO CABINET FROM OTHER COUNCIL BODIES

To receive any comments and recommendations from other Council bodies which meet after the dispatch of this agenda. Copies of any comments made will be circulated as soon as they are available.

- Resources and Performance Panel and Audit Committee – 27 May 2014
- Regeneration, Environment and Community Panel – 28 May 2014
- Audit Committee – 9 June 2014

10. REPORTS

1) Capital Programme and Resources 2013-17 (page 10)

The report provides details of the outturn of the 2013/2014 capital programme and outlines amendments and rephrasing to the spending on schemes, revising the programme for 2014/2017. The capital programme outturn for 2013/2014 totalled £9,477,218 against an approved budget of £12,662,100. It has been necessary to rephrase a total of £2,801,830 of scheme costs to future years. Capital receipts generated in the year totalled £1,298,268 of which £1,293,890 were useable.

2) **Revenue Outturn 2013-14** (page 38)

The report sets out in summary the revenue outturn of 2013/2014 for the General Fund (council tax accounts). The report shows details of the major differences between actual costs/income and the revised estimates for 2013/2014 reported in February 2014 monitoring.

The accounts show actual Borough spend of £19,021,737 which is £28,433 less than the February Revised Estimate for 2013/2014. This additional saving will be held within the General Fund balance that is carried forward to 2014/2015.

3) **Procurement of Banking Tender** (page 60)

The Council's current banking contract with the Co-Operative Bank terminates on 31 March 2015. The Co-Operative Bank has informed the Council that it will not be re-tendering for any future banking services to local authorities and the Council will therefore have a new banking provider from 1 April 2015. The Council is currently undertaking a joint procurement exercise in conjunction with all the other Norfolk District Councils, Norfolk County Council, the Norfolk Police and Crime Commissioner and Alive Leisure. The procurement timetable aims to make a provisional award of the new banking contract in early July 2014.

4) **Transfer of Leisure Facilities and Sports Development into a Leisure Trust Arrangement and Local Authority Company** (page 65)

The report details the arrangements for the transfer of Leisure Facilities and Sports Development into a Leisure Trust arrangement and Local Authority Company (LAC) from 1st July 2014.

5) **Local Authority Housing Company** (page 75)

This paper considers the potential benefits of the Borough Council establishing a Local Authority Housing Company. The primary purpose for establishing the company would be to act as a vehicle to secure new affordable housing units in the Borough utilising 'off site' Section 106 planning funds granted by developers who in exceptional circumstances provide off site financial contributions in lieu of onsite affordable housing units. The company will retain ownership of the units but sub contract the management to a suitable housing association (Registered Provider/ RP). This approach will enable the Borough Council to retain ownership of the assets and benefit from revenue stream.

- 6) **Report of the Mart Task Group** (page 81)
This paper reports the outcome of the second stage of the considerations of the Mart Task Group concerning the future arrangements for the historic King's Lynn Mart. This is a follow-up report to that of 18 September 2012, at which revised highway arrangements together with key aspects of the Tuesday Market Place works, were approved. Proposals were also put forward for a reduced open period, and changes to the opening hours, but these were subsequently rejected by the Showmen's Guild.

- 7) **Reduction in the size of the Council's representation on the King's Lynn Internal Drainage Board** (page 87)

Further to the Cabinet and Council reports in 2012, the King's Lynn Internal Drainage Board now have formal approval to reduce their overall membership from 31 to 21. The knock on effect for the Borough is a reduction from 15 Members to 10. The appointments are made at the Full Council meeting so the recommendations will be made to Council.

- 8) **Update to the Scheme of Delegation** (page 89)

The report recommends an updated scheme of delegation for approval. The Scheme has been amended to take account of the changes in Portfolio responsibilities.

- 9) **Appointments to Task Groups, Joint Safety and Joint Employee Committees** (page 123)

The report invites the Cabinet to agree to arrange for the appointment of members to serve on the LDF Task Group; the setting up of a new Broadcasting of Public Meetings Task Group; note those Task Groups which had finished their work during the course of the year; and agree the membership of Joint Safety and Welfare Committee and Joint Employee Committee for 2014/15.

- 10) **Appointments to Outside Bodies and Partnerships 2014/15** (page 127)

The report seeks nominations for Executive appointments to serve on outside bodies and partnerships requiring confirmation for 2014.

To: Members of the Cabinet

Councillors N J Daubney (Chairman), A Beales, Lord Howard,
A Lawrence, B Long, Mrs E A Nockolds, D Pope and Mrs V Spikings.

Cabinet Scrutiny Committee

For further information, please contact:

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FORWARD DECISIONS LIST

Date of meeting	Report title	Description of report	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
11 June 2014	Report of the Mart Task Group	Proposals for the 2015 Mart and future arrangements	Non	Council	Culture Tourism & Marketing Exec Director – C Bamfield		Public
	Appointments to Outside Bodies	Previous reports published	Non	Cabinet	Leader		Public
	Appointment to Task Groups and Joint Safety and Employee Committees	Appt of members to the groups	Non	Cabinet	Leader	Previous reports published	Public
	Leisure Trust Arrangements		Non	Cabinet	Leader/ ICT, Leisure and Public Space/Culture Tourism & Marketing Exec Director – C Bamfield		Public
	Revenue Outturn and Capital Outturn	To consider the Outturn of the accounts	Key	Cabinet	Leader Deputy Chief Executive		Public
	Scheme of Delegation Update	Update to the Scheme of Delegation	Non	Council	Leader Chief Executive	Previous scheme	Public
	Reduction in size of the Council's Membership on the King's Lynn IDB	Reducing nominations in accordance with request from IDB	Non	Council	Leader Exec Dir – D Gates	Request from the IDB	Public
	Bank Tender	Report to consider results of Banking Tender	Key	Cabinet	Leader Deputy Chief Executive		Public
	Local Authority Housing Company	Consideration of the use of the Council's assets to invest in	Key	Council	Regeneration & Industrial Assets/ Housing & Community Deputy Chief Executive		Public

		residential property.					
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Date of meeting	Report title	Description of report	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
1 July 2014	Homelessness Review and draft Homelessness Strategy for	Review of the documents	Non	Council	Housing & Community Chief Executive		Public
	Consideration of the award of Freedom of the Borough		Non	Council	Leader Chief Executive		Public
	Update to Freedom of Information and Data Protection Policies	Update of the Council's Freedom of Information and Data Protection Policies	Non	Council	Leader Deputy Chief Executive		Public
	Air Quality Action Plan	Update	Non	Cabinet	Environment Exec Dir – G Hall		Public
	Markets	Report considering the provision of markets	Non	Cabinet	ICT Leisure & Public Space Exec Director – C Bamfield		Public
	Potential for Compulsory Purchase Order – Land rear of 7 Blackfriars Road, King's Lynn	Consideration of the CPO of the land	Non	Council	Development Exec Dir – G Hall		Public
	Benefits & Revenues Fraud Policy – Introduction of Civil Penalties for Council Tax	New policy for consideration	Non	Council	Housing & Community Deputy Chief Executive		Public
	"A" Boards enforcement		Non	Cabinet	Housing & Community Exec Director C Bamfield		Public
	Asset Management – Future Acquisition of Industrial site/s- Saddlebow	Consideration of potential site/s	Key	Cabinet	Regeneration & Industrial Assets Deputy Chief Executive	Report to 6 May Cabinet.	Public
	Delegation of approval of the Council Taxbase to the S151 Officer in consultation	Putting in place suitable delegation	Non	Council	Deputy Chief Executive Leader		Public

	with the Council Leader						
	Business Rates and Council Tax – Amendments to Flooding Reliefs	Amendments following changes by the government	Non	Council	Deputy Chief Executive Leader		Public
	Local Government and Public Involvement in Health Act 2007 – Requests for Variation of Number of Parish Councillors & LG 1972 - Inquorate Councils	Consideration of Requests to amend Parish Council sizes and dealing with an Inquorate Parish Council	Non	Council	Chief Executive Leader	Parish Council minutes Letter from Clerk to Parish	Public
	Residential Caravan Site Licensing	Approval of consultation on New Site Conditions	Non	Cabinet	Chief Executive Housing & Community		Public

Date of meeting	Report title	Description of report	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
29 July 2014							

Date of meeting	Report title	Description of report	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
10 September 2014	Accounts	To consider the accounts	Key	Cabinet	Leader Deputy Chief Executive		Public
	Annual Governance Statement		Non	Council	Leader Executive Director – D Gates		Public
	King's Lynn Bus Station & Train Station Link	Scheme to improve the bus	Non	Cabinet	Regeneration & Industrial Assets		Public

	Improvements	station and pedestrian link to the train station using S106 funding			Chief Executive		
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REPORT TO CABINET

Open		would any decisions proposed :		
Any especially affected Wards None	Mandatory	(a) Be entirely within Cabinet's powers to decide	YES	
		(b) Need to be recommendations to Council	NO	
		(c) Be partly for recommendations to Council and partly within Cabinet's powers	NO	
Lead Member: Councillor Nick Daubney E-mail: cllr.nick.daubney@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Lorraine Gore E-mail: lorraine.gore@west-norfolk.gov.uk Direct Dial: 01553 616432		Other Officers consulted: Management Team		
Financial Implications YES	Policy/Personnel Implications NO	Statutory Implications (incl S.17) NO	Equal Opportunities Implications NO	Risk Management Implications YES

Date of meeting: 11 June 2014

1 CAPITAL PROGRAMME AND RESOURCES 2013-2017

Summary

The report provides details of the outturn of the 2013/2014 capital programme and outlines amendments and rephrasing to the spending on schemes, revising the programme for 2014/2017. The capital programme outturn for 2013/2014 totalled £9,477,218 against an approved budget of £12,662,100. It has been necessary to rephrase a total of £2,801,830 of scheme costs to future years. Capital receipts generated in the year totalled £1,298,268 of which £1,293,890 were useable.

RECOMMENDATION

- 1) that Cabinet note the outturn of the capital programme for 2013/2014 of £9,477,218.
- 2) that the financing arrangements for the 2013/2014 capital programme be approved.
- 3) that Cabinet approve the revised 2014/2017 capital programme as detailed in the report.

Reason for Decision

To report the outturn 2013/2014 for the Capital Programme and update members on capital spending and resources for 2014-2017.

1 Introduction

- 1.1 This report presents the outturn of the 2013/2014 capital programme and provides details of amendments and rephasing resulting from under and overspends and their impact on the 2014/2017 programme. The report also outlines the financing of the 2013/2014 programme.

2 Capital Programme 2013/2014

- 2.1 The full capital programme for 2013/2014 is shown at Appendix 1 and provides details of the outturn for individual schemes, together with amendments and rephasing to/from future years.
- 2.2 A full updated Capital Programme 2013/2014 of £12,659,700 was reported at the Cabinet meeting on 5 February 2014 and approved by Council on 27 February 2014. Since that date a further amendment to the programme has been reported as part of the monthly monitoring.

Capital Programme 2013/2014 (Council 27 February 2014)	£ 12,659,700
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Amendment Approved

A transfer was made from the St James' Pool planned maintenance budget to capital reserves as an additional contribution towards the costs of the boiler replacement (Budget monitoring report January 2014)	2,400
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Revised Capital Programme 2013/2014	<u>12,662,100</u>
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- 2.3 The final figures for the outturn on the capital programme show that it will be necessary to carry forward a further £2,801,830 as schemes carry over to future years. In a number of cases there were over or under spends which net to an £383,052 underspend across the overall capital programme.

The main schemes where underspends are reported are detailed in the table below and on those schemes which require funding within the overall capital programme this underspend will not be carried forward.

	£
Townscape Heritage Development Phase	10,196
NORA Project	33,995
Housing Joint Venture - due to the recovery of prior year costs from Norfolk County Council	238,307
Private Sector Housing Assistance	280,802
ICT Microsoft Enterprise Agreement – transferred to revenue	50,000
	613,300

In addition there are a number of schemes which come with resources ie reserves where the capital programme was not updated and amended to fully reflect the actual costs. The main schemes are detailed in the table below. The apparent overspend was to be met from earmarked reserves/grants unapplied/S106 funds and there is no impact on the bottom line funding of the capital programme.

Scheme	Funding	£
Affordable housing scheme	Fully financed from developer contributions held in reserves	132,500
Grounds Maintenance Equipment	Financed from repairs and renewals reserve	10,501
Replacement Play Equipment	Financed from Section 106 funding held in reserves	17,496
Refuse and Recycling – replacement bins	Funded from unsupported borrowing	8,618
Hunstanton Regeneration – Town Team	Contribution received in prior year and held in grants unapplied	10,000
ICT – Revenues and Benefits system and financial ledger upgrade	Financed from earmarked reserves	50,377
		229,492

2.4 The table below shows the summary of the programme and actual spend to 31 March 2014. The detailed outturn for the Capital Programme 2013/2014 is presented at Appendix 1.

Table 1

	2013/2014 Budget £'000	2013/2014 Outturn £'000	Rephase To/(From) 2014/2016 £'000	2013/2014 Variance and Amend- ments £'000
Major Projects	6,236	4,591	1,369	(276)
Central and Community Services	2,251	1,581	522	(148)
Chief Executive	569	596	(14)	13
Commercial Services	2,701	2,053	678	30
Environment and Planning	6	5	0	(1)
Resources	899	651	247	(1)
Capital Programme Outturn	12,662	9,477	2,802	(383)

2.5 The main areas for the proposed rephasing are detailed below. The detailed outturn is presented at Appendix 1.

Major Projects

Sports Pavilion, Kings Way

Project delayed due to legal issues with register of title, works to be undertaken in 2014/2015 and balance of budget provision/grant of £59,550 to be carried forward to meet the cost of the works.

Nar Ouse Regeneration Area (NORA)

It is proposed to carry forward budget provision of £52,000 to 2014/2015 to fund the final payment due on the community centre.

Access Road Edward Benefer Way/Lynnsport

Site survey work started in April 2014 and preliminary drawings are being prepared. The project group including the Council, King's Lynn Internal Drainage Board and Norfolk County Council has been set up to progress the project. The budget provision of £80,000 will be rephased to 2014/2015.

Lynnsport – Resiting Hockey Pitch

Resubmitting grant application in June 2014, decision expected in September 2014 and works would start in December 2014 with the scheme completing in 2015/2016. The budget provision of £159,500 will be carried forward to 2014/2015 and £50,000 to 2015/2016.

Major Housing Development – Procurement Phase

The first stage of the procurement has been completed. Site clearance works have been undertaken at Marsh Lane and ground investigation works on all the sites. Further site investigation works across all the sites will be required to inform the second stage of the procurement process. The balance of the budget provision of £32,000 will be rephased to 2014/2015.

Mintlyn Crematorium – Replacement Cremators and Building Works

The tender for the replacement cremators is complete and works will be undertaken in 2014/2015. The tender for the works to car parking, fencing and paths has commenced. The balance of the budget provision of £64,000 will be carried forward to 2014/2015.

Joint Venture NORA Housing

Phase 1 of this project is on-going, the first completed houses are expected to be ready in September 2014 and the site is being marketed with active interest. Eleven properties have been reserved at the time of writing, three private sales and eight affordable units to Freebridge Community Housing. The balance of the budget of £852,500 will be carried forward to 2014/2015 to meet the on-going costs of this project

Central and Community Services

Private Sector Renewal Assistance

These budgets are committed for grant applications that are either approved but the works are not yet complete, applications are being assessed or cases on the waiting list. Budget provision of £521,900 is to be carried forward to 2014/2017.

Chief Executive

Hunstanton Regeneration

Budget provision of £18,000 for the Hunstanton town centre enhancement scheme previously rephased to 2014/2015 has been brought forward into 2013/2014 to meet the cost of works completed in this year.

Commercial Services

Arts Centre Roof Repairs

Maintenance works have been undertaken in 2013/2014 and there is no immediate requirement for more extensive remedial works to be carried out. The budget of £32,500 will be rephased to 2015/2016.

Car Parks – Replacement of pay and display machines

The pay and display machines were installed during 2013, the balance of the budget provision of £18,000 will be carried forward to 2014/2015 to meet the costs of electronic data integration and for tariff and regulatory information boards.

Car Parks – Counting Machines Hunstanton and King's Lynn

The equipment has been ordered and delivery is expected in June 2014. The budget of £20,000 will be carried forward to meet costs incurred in 2014/2015.

CCTV – Control room upgrade

The control room upgrade will take place after the wireless transmission/camera upgrade included in 2014/2015 programme. The budget provision of £70,000 is to be carried forward to meet the cost of the works.

Downham Market Leisure Centre – Toilet Refurbishment

These works will now be carried out during 2014/2015 and budget provision of £15,000 is to be carried forward to meet the cost of the works.

Grounds Maintenance Vehicles

The balance of the budget provision of £77,900 will be carried forward to 2014/2015 to meet the cost of the on-going vehicle replacement programme.

Leisure Card – Gladstone upgrade and replacement card printers

The budget provision of £18,500 is to be carried forward to 2014/2015 to meet the cost of the project which will complete during 2014/2015.

Lynnsport – Extension of Car park

The works to the car park are linked to the requirements of the major housing project and the budget provision of £10,000 will be carried forward to 2014/2015.

Lynnsport – Retractable Seating

Scheme delayed following survey of existing equipment and consideration of replacement options. The equipment will be replaced during 2014/2015 and the budget provision of £24,000 is to be carried forward to 2014/2015.

Lynnsport – Front Entrance

The works to the front entrance are on-going and the balance of the budget provision of £24,200 will be carried forward to 2014/2015 to meet the cost of the works.

Princess Theatre

The works and equipment will now be undertaken in 2014/2015 and the budget of £41,000 will be carried forward.

Resort – Refurbishment of Crazy Golf Course

These works will now be undertaken in late 2014/2015 prior to the 2015 summer season. The budget of £18,500 will be rephased to 2014/2015.

Resort – Promenade Flood Defence Gates

These works will be undertaken in 2014/2015 and the budget of £75,000 will be carried forward to 2014/2015.

Public Conveniences – Improvements

The balance of budget provision of £13,500 will be carried forward to 2014/2015 to meet the costs of the on-going programme of improvement works.

Public Cleansing Sweeper

The replacement sweeper was delivered in April 2014 and budget provision of £134,700 will be carried forward to 2014/2015.

Neighbourhood Teams Vehicles

Budget provision of £74,300 will be carried forward to 2014/2015 to meet the cost of the on-going vehicle replacement programme.

Resources

Sewage Treatment Works – Refurbishment

The balance of the budget provision of £69,000 will be carried forward to 2014/2015 to complete the on-going programme of works.

Sewage Treatment Works – Decommission Redundant Sites

The balance of the budget provision of £30,000 will be carried forward to 2014/2015 to complete the on-going programme of works.

DDA – Stage 2 works

The work on the disabled access at King's Lynn Minster will be undertaken during 2014/2015 and the budget provision of £20,000 is to be carried forward to meet the cost of these works.

ICT Development Programme

A number of ICT projects have not progressed during 2013/2014 as originally planned. It is proposed to rephase budget provision of £94,100 to 2014/2015, mainly for the continued work on the desktop refresh, ledger upgrade and multi-company functionality in preparation for the new leisure arrangements.

King's Court – Toilet Refurbishment

The balance of the budget provision of £34,400 will be carried forward to 2014/2015 to meet the costs of the completion of the refurbishment works to the ground and first floor toilets.

- 2.6 Total capital receipts generated in 2013/2014 from preserved right to buy sales of former council houses, land sales, sale of vehicles, repayment of grants and mortgage principal repayments were £1,298,266. Mortgage principal payments and repayments of discount on former council house sales are subject to pooling and 75% is repaid to the Government (£4,378 in 2013/2014). The useable element of the capital receipts was £1,293,888. The table below shows the summary of useable capital receipts generated in 2013/2014.

Table 2

	2013/2014	2013/2014
	Budget	Outturn
	£'000	£'000
Council Houses Preserved Right to Buy	148	504
General Fund - Land	787	761
Repayment of Grants	0	28
Mortgage Principal Repayments	2	1
Total	937	1,294

- 27 As part of the housing stock transfer agreement the Council receives a share of the VAT recovered by Freebridge Community Housing on its development programme works. The income received under the VAT sharing agreement is classified as capital receipts, and £627,371 was received during 2013/2014.

3 Financing of the Capital Programme 2013/2014

- 3.1 The following table details the sources of finance used to fund capital spending during the year. The strategy adopted in financing is designed to make full use of all specific grants and thereby protect future allocations. Funding is taken from capital and revenue reserves for those specific schemes identified with resources. The strategy is then to make full use of useable capital receipts and the balance of funding to be taken from capital and revenue reserves.

Table 3

	£
Total Capital Programme Outturn to be Funded 2013/2014	10,071,932
Less Third Party Contributions	(594,714)
Capital Programme Expenditure to be Funded	9,477,218
Sources of Finance:	
Specific Capital Grant	581,717
NCC share of NORA Housing Joint Venture	1,588,140
Unsupported Borrowing	1,754,713
Temporary Borrowing	1,588,140
Capital Reserves	1,898,931
Grant from Reserves	515,819
Capital Receipts in year	1,293,888
Capital Receipts balance	1,097,254
Capital Receipts VAT Shelter	462,000
Capital Creditors	325,998
Capital Debtors	(1,629,382)
Total	9,477,218

- Specific capital grants are those for Disabled Facilities Grants (DFGs) – paid directly from Government as a contribution to the costs of the DFGs.
- Unsupported Borrowing is that level of loans taken on by the Council and paid from within the budgets of services. During 2013/2014 unsupported borrowing was used to purchase vehicles and equipment where previously lease payments were made. In effect the lease payments now pay the debt charge. No help is available from Government to pay the costs – therefore they are classed as unsupported.

- Capital Reserves have been previously set aside for particular schemes, in some cases regular annual contributions are made to the reserves (e.g. sports and arts facilities, offices).
 - Capital grants and contributions are amounts held in reserves for affordable housing schemes and S106 funds.
 - Capital Receipts come from the sale of assets and the preserved rights from the sale of former council houses. Following the housing stock transfer the Council receives a share of the VAT recovered by Freebridge Community Housing from the housing improvement works which is classified as a capital receipt.
- 3.2 The capital debtors and creditors represent payments that will be made or received during 2014/2015. The net sum is actually funded from capital reserves when payments are made/income received in 2014/2015.
- 3.3 The Joint Venture NORA Housing scheme is reported in the Council's capital programme under major projects. The Capital Finance and Accounting (England)(Amendment) Regulations 2012 (SI 2012/265) provides for 'acquisition, production or construction of assets for use by, or disposal to, a person other than the local authority' to be counted as capital expenditure and properly financed from capital resources. For accounting purposes under the Code of Practice on Local Authority Accounting in the UK the expenditure has to be reported in the Council's balance sheet under inventories. It is intended that the properties being constructed will be sold and none of units will be retained for use by the Council. If properties remain unsold these will be transferred at cost to the Local Authority Housing Company (see separate report on the agenda). The total expenditure on the project in 2013/2014 was £3,176,280, of which 50% is met by Norfolk County Council under the Joint Venture arrangements. The Council's contribution of £1,588,140 has been funded by temporary borrowing.

4 Minimum Revenue Provision

- 4.1 A requirement of capital controls is that details of the minimum revenue provision (MRP) calculation are reported to Cabinet. The MRP is the minimum amount that must be charged to the Council's revenue accounts each year as a provision to repay debt. Changes to the basis of calculating MRP were made by the Local Authorities (Capital Finance and Accounting) (Amendment) (England) Regulations 2008. A local authority is required to calculate an amount of MRP which they consider to be prudent, prepare a statement of its policy on making MRP and submit it to full Council. The Treasury Management Strategy 2013-2014 approved at Council on 28 March 2013 set out the policy proposals for the Borough for 2013/2014.

- 4.2 The amount of MRP charged to the accounts in 2013/2014 is £338,020 against a budget of £590,000. The actual MRP charge 2013/2014 has been calculated in accordance with the Council's policy based on the capital financing requirement as at 1 April 2013. The reduction in MRP charged in 2013/2014 is due to a correction made during the closedown of the 2012/2013 accounts in the capital financing requirement balance brought forward as at 1 April 2012.
- 4.2 The Council's approved capital programme 2014-2017 includes a number of key major projects. In addition there are other major projects which are currently being developed, including the major housing project, an essential element of which is the access road at Lynnsport. The options for funding these projects are being examined but it may be necessary to include contributions from Council resources. These projects will be subject to separate reports to Cabinet. As detailed in the Revenue Outturn Report the overall outturn position for 2013/2014 is lower than estimated and it is proposed to take this opportunity to make a revenue contribution to capital of £700,000. A transfer will be made to capital reserves to provide funding to support the delivery of these key projects in future years.

5 Capital Programme 2014/2017

- 5.1 The Capital Programme 2014/2017 was approved by Council on 27 February 2014. As detailed at section 2 above, it is proposed to carry forward budget provision of £2,801,830 from 2013/2014 to 2014/2015 (£2,519,330), 2015/2016 (£182,500) and 2016/2017 (£100,000).
- 5.2 In addition it is proposed to bring forward budget provision of £20,000 from 2015/2016 to 2014/2015 on the Disability Discrimination Act (DDA) works to Council buildings to meet the cost of replacing the accessibility lift at Lynnsport.
- 5.3 The following amendments have been included in the capital programme 2014/2015 and detailed at Appendix 2:

Oasis Swimming Pool – As reported in the January 2014 monitoring report £60,000 has been transferred from general fund savings to reserves to fund the replacement air handling unit at the Oasis.

Resort – Flood Gates – As reported in the January 2014 monitoring report an additional £25,000 has been transferred from general fund savings to reserves to increase the budget provision for the new flood gates in Hunstanton. The total budget in 2014/2015 is £100,000.

CCTV Control Room – the approved capital programme includes budget provision for the CCTV control room upgrade. To accommodate the expansion of the service to include Breckland Council, additional work is required as part of the control room upgrade. Breckland Council has provided £60,000 to fund these works and the capital programme has been increased accordingly.

CCTV Remote Monitoring – A number of the Council’s sites, including the multi-story car park have remote CCTV monitoring systems. These systems are coming to the end of life. It is proposed to procure a replacement solution for the individual site systems which will also ensure compatibility with the central CCTV monitoring platform. As part of the closedown of the revenue accounts a transfer to reserves of £60,000 has been made to fund this capital project.

ICT Microsoft Enterprise Agreement – The budget has been removed from the capital programme and transferred to revenue (£50,000 in each year for 2014/2015, 2015/2016 and 2016/2017).

- 5.5 Joint Venture – NORA Housing – The capital programme includes only construction costs and capital receipts for phase 1 of the development – a separate report will be required to Cabinet for approval before construction can proceed to phases 2 and 3.
- 5.6 Major Housing Development – Cabinet at the meeting on 30 July 2013 approved capital budget provision of £168,000 to take the major housing development to the procurement award stage. A further report will be required to Cabinet to consider and evaluate the risk and financial implications of the bids and consider the final proposals. The capital programme will need to be updated at that stage with the costs of any works required to progress the major housing development.
- 5.7 Table 4 shows in summary form the proposed programme 2014/2017 after allowing for rephasing and amendments. Details of the individual schemes for 2014/2017 are given at Appendix 2.

Table 4

	2014/2015 £'000	2015/2016 £'000	2016/2017 £'000
Major Projects	12,449	1,681	2,129
Central and Community Services	1,618	1,537	1,622
Chief Executive	81	60	60
Commercial Services	2,120	687	1,187
Environment and Planning	43	0	0
Resources	843	330	185
Total	17,154	4,295	5,183

6 Capital Resources 2014-2017

- 6.1 Table 5 below provides details of the revised estimated capital resources for 2014/2017 updated after funding the 2013/2014 capital programme, and including amendments and rephasing as detailed above.

Table 5

	2014/2015	2015/2016	2016/2017	Total
	£'000	£'000	£'000	£'000
Sources of Finance:				
Specific Capital Grants	604	604	604	1,812
Capital Receipts Housing	150	150	150	450
Capital Receipts General	3,639	1,900	200	5,739
External Borrowing	1,970	0	0	1,970
Resources for Specific Schemes:				
Reserves	1,604	321	410	2,335
Unsupported Borrowing	1,024	712	587	2,323
S106 Funds	1,545	26	0	1,571
Reserves:				
Capital Reserves	0	0	537	537
VAT Shelter	148	582	2,695	3,425
Joint Venture – NORA Housing				
Sale Receipts	7,965	0	0	7,965
Internal Borrowing	(1,496)	0	0	(1,496)
Total Resources Available	17,154	4,295	5,183	26,632
Revised Capital Programme	17,154	4,295	5,183	26,632
(Available)/Shortfall in Funding	0	0	0	0

6.2 The funding for the period 2014/2017 was agreed by Council in 27 February 2014. The above table does contain some changes. Where schemes within the programme have been rephased the funding has followed and the figures changed accordingly.

7. Equality Impact Assessment

7.1 The Council has a statutory requirement to carry out Equality Impact Assessments (EIAs) as part of the service planning and policy proposal processes. This includes significant policy or significant changes to a service and includes potential capital bids, revenue growth bids and proposed reductions in service.

7.2 The Council may be required to carry out an impact assessment if the proposal impacts on any of the following:

- Equalities (including impact on issues of race, gender, disability, religion, sexual orientation, age)
- Community cohesion (whether there is a potential positive or negative impact on relations between different communities)

8 Financial Implications

8.1 The financing arrangements for the capital programme are within budget. Where rephasing to/from 2014/2015 is to be made then the funding will follow. As previously noted the MRP charge for 2013/2014 can be met from within the overall revenue outturn for the year.

8.2 The revenue implications of all capital schemes will be met from within existing budgets.

9. Risk Implications and Sensitivity Analysis

9.1 Risk is inherent in any projection of future funding. The estimated resources available to fund the capital programme 2014-2015 and the risk implications and sensitivity/consequences are detailed in the table below. The level of risk is based on the impact on the funding of the capital programme if the resources are not achieved at the estimated level or at the time expected.

Source of Funding	Risk Implications and Sensitivity	Level of Risk
Capital Grant	<p>Risk The capital grant and specific grant included in the resources is a contribution towards housing capital expenditure and Disabled Facilities Grants (DFG). The level of grant included for 2014/2015 is based on the confirmed level of grant. The level of grant is confirmed by Central Government annually and can vary from year to year.</p> <p>Sensitivity/Consequences This funding represents 7% of total general fund resources in 2014/2015.</p>	Low

Source of Funding	Risk Implications and Sensitivity	Level of Risk
Capital Receipts	<p>Risk Capital receipts represent 53% of the general fund resources available over the 3 year period 2014-2017. The actual amount and timing of capital receipts can vary significantly. The achievement of capital receipts is monitored and reported in the monthly monitoring reports to ensure no over commitment.</p> <p>Sensitivity/Consequences Capital receipts represent a high proportion of the total general fund resources available to fund the capital programme. The actual level of capital receipts that are achieved is sensitive to market conditions including demand for land and buildings, values and interest rates. The sum total of capital receipts included in the funding table of £6.1m plus £7.9m of sales receipts from the housing joint venture, is a challenging target in the current economic climate. In the event that capital receipts are not achieved at the level or within the year estimated it may be necessary to take on additional temporary borrowing at the prevailing interest rates.</p>	High
Unsupported Borrowing	<p>Risk The proposed capital programme 2014-2017 includes unsupported borrowing for the purchase of equipment and vehicles.</p> <p>Sensitivity/Consequences The Council will enter into unsupported borrowing where it can demonstrate that financial savings can be achieved by outright purchase of equipment, as opposed to the use of an operating lease and the payment of an annual lease.</p>	Low
Reserves	<p>Risk Contributions from reserves are based on actual balances as at 1 April 2014.</p> <p>Sensitivity/Consequences The reserves are available and as such the sensitivity is low.</p>	Low

9.2 Experience shows that the costs of schemes can also vary. Expenditure on the capital programme is included as part of the monthly monitoring report. Any significant variations on individual schemes will be reported and appropriate action taken

10 Policy Implications

The establishment and management of the capital programme are in accordance with the Council's Capital Strategy 2009.

11 Statutory Consideration

None

12 Consultations

Management Team

13 Access to Information

Cabinet Reports
Background Papers (Government Circulars etc)
Financial Plan 2013-2017
Monthly Monitoring Reports 2013/2014

Capital Programme 2013-2014				Appendix 1
Scheme Title	Revised Programme 2013/2014	Outturn 2013/2014	Rephasing To/(From) 2014/2015 and 2015/2016	Variance and Amendments
	£	£	£	£
<u>Major Projects</u>				
<u>S106 Funded Projects</u>				
Tesco Gaywood original allocation £50,000				
Car Parks and Visitor Signage		18,201	(18,200)	1
Tesco Hardwick original allocation £898,790				
CCTV - Extend / upgrade system	20,000	3,689	16,310	(1)
Sainsbury Hardwick original allocation £822,500				
Car Park Intelligent Signage	100,000	86,150	13,850	(0)
Environmental Enhancements:				
Inner Purfleet	70,000	73,650	(3,650)	
Bus Station Improvements		6,140	(6,140)	
CCTV - Extend/upgrade system		3,689	(3,690)	(1)
Total S106 Funded Projects	190,000	191,519	(1,520)	(1)
<u>Other Major Projects</u>				
Sports Pavilion, Kingsway - Replacement	149,250	15,446	133,800	(4)
<i>Third Party Contribution - Sport England</i>	(74,250)		(74,250)	
Net Expenditure - Sports Pavilion, Kingsway	75,000	15,446	59,550	(4)
Town Hall / Archive	186,000	181,783	10,500	6,283
<i>Third Party Contribution - Heritage Lottery Grant</i>	(126,000)	(126,000)		
Net Expenditure - Town Hall / Archive	60,000	55,783	10,500	6,283

Scheme Title	Revised Programme 2013/2014	Outturn 2013/2014	Rephasing To/(From) 2014/2015 and 2015/2016	Variance and Amendments
	£	£	£	£
Other Major Projects Contd				
Townscape Heritage Development Phase	60,260	40,034		(20,226)
<i>Third Party Contribution - Townscape Heritage</i>	(37,760)	(27,730)		10,030
Net Expenditure - Townscape Heritage Project	22500	12,304		(10,196)
Tuesday Market Place Refurb	915,400	895,941	10,000	(9,459)
<i>NCC Contribution to St Lighting</i>	(10,000)	(3,157)		6,843
Net Expenditure - Tuesday Market Place	905,400	892,784	10,000	(2,616)
Nar Ouse Regeneration Area				
Remediation	50,000	28,700		(21,300)
Millienium Community Construction	60,000	7,950	52,000	(50)
Landscaping	30,000	36,822		6,822
Marketing	10,000			(10,000)
Other Project Costs	40,000	30,534		(9,466)
Total Nar Ouse Regeneration Area	190,000	104,005	52,000	(33,995)
Joint Venture / Housing Developments	60,000	78,266		18,266
<i>NCC Contribution</i>		(256,573)		(256,573)
Net Expenditure - Joint Venture/Housing Development	60,000	(178,307)		(238,307)
Road Widening Works adjacent to QE Hospital	300,000	299,969		(31)
<i>Third Party Contribution</i>	(100,000)	(100,000)		
Net Expenditure - Road Widening adjacent QE hospital	200,000	199,969		(31)
Access Road - Edward Benefer Way / Lynnsport (shovel ready)	80,000		80,000	
Lynnsport - Works to allow development of Land				
Lynnsport - Resite hockey pitch	210,000	500	209,500	
Major Housing Development - Procurement Phase	85,000	55,047	32,000	2,047
Mintlyn Crematorium - Replace existing 3 Cremators	130,000	65,853	64,000	(148)
Total Other Major Projects	2,017,900	1,223,383	517,550	(276,967)

Scheme Title	Revised Programme 2013/2014	Outturn 2013/2014	Rephasing To/(From) 2014/2015 and 2015/2016	Variance and Amendments
	£	£	£	£
Joint Venture - NORA Housing				
Phase 1 - Ground and Infrastructure Works	634,440			
Phase 1 - Construction	2,371,890	2,920,641		
Phase 1 - Project Fees	208,400	255,639		
Phase 1 - Land				
Phase 1 - NCC Contributions	(100,000)			
Phase 2 and 3 - Ground and Infrastructure Works	912,970			
Total Joint Venture - NORA Housing	4,027,700	3,176,280	852,500	1,081
Total Major Projects	6,235,600	4,591,181	1,368,530	(275,888)
Operational Schemes				
Central and Community Services				
Community Projects	20,000	20,000		
Disabled Facilities grants	746,200	484,990	429,500	168,290
Adapt Grant	967,800	520,581	75,000	(372,219)
Home Repair Assistance Loan	60,000	255	17,400	(42,345)
Emergency Repair Grant	6,000	1,301		(4,699)
Additional Adaptation Assistance Loan	10,000	2,000		(8,000)
Careline Grant	30,000	25,972		(4,028)
Safe and Secure Grant	30,000	12,200		(17,800)
Total Private Sector Housing Assistance	1,850,000	1,047,298	521,900	(280,802)
Warmer West Norfolk	185,500	185,673		173
Affordable Housing		132,500		132,500
WNP - Fairstead Centre Point Resurfacing	45,600	45,328		(272)
COWA - New University Build	150,000	150,000		
Total Central and Community Services	2,251,100	1,580,799	521,900	(148,401)

Scheme Title	Revised Programme 2013/2014	Outturn 2013/2014	Rephasing To/(From) 2014/2015 and 2015/2016	Variance and Amendments
	£	£	£	£
Chief Executive				
Public Art - Maritime Trail	10,000	7,528		(2,472)
Hunstanton Regeneration				
Town Centre Enhancement	285,740	305,865	(18,000)	2,125
<i>Third Party Contribution</i>		(1,959)		(1,959)
Sailing Club Project	82,760	82,762		2
Town Team	10,000	6,300	3,700	
<i>Grant</i>	(10,000)			10,000
Net Expenditure - Hunstanton Regeneration	368,500	392,968	(14,300)	10,168
King's Lynn Waterfront / Regeneration Projects	15,000	15,671		671
Pontoons	175,700	180,202		4,502
Total Chief Executive	569,200	596,368	(14,300)	12,868
Commercial Services				
Arts Centre Roof Repairs	32,500		32,500	
Car Parks - Pay & Display Machine Replacement	89,600	71,538	18,000	(62)
Car Parks - Counting Machine - Hunstanton	10,000		10,000	
Car Parks - Counting Machine - Kings Lynn	10,000		10,000	
Car Parks - Decrim (NCC)		1,679		1,679
<i>NCC Contribution</i>		(1,679)		(1,679)
Net Expenditure Decrim		(0)		(0)
CCTV Control Room Upgrade	70,000		70,000	
CCTV Wireless Transmission and Camera Replacement		1,805	(1,800)	5
Corn Exchange - Emergency Lights	7,100	740		(6,360)
Corn Exchange - Refurb / replace café / bar furniture including outside furniture and extend bars	80,000	97,187		17,187
Corn Exchange - Front of House Heating	30,000	14,776		(15,224)
Corn Exchange - Replace rooftop chiller unit	49,200	49,224		24
Corn Exchange - Repoint brickwork				
Downham Market Leisure Ctr - Refurb Toilets	15,000		15,000	
Downham Market Leisure Centre - Flooring Replacement	20,000	14,799	5,200	(1)
Grounds Maintenance Equipment	40,220	50,721		10,501
Grounds Maintenance Vehicles	124,490	46,568	77,900	(22)

Scheme Title	Revised Programme 2013/2014	Outturn 2013/2014	Rephasing To/(From) 2014/2015 and 2015/2016	Variance and Amendments
	£	£	£	£
Commercial Services continued				
Leisure Card - Gladstone server Platform Upgrade / learn 2 system	41,100	22,564	18,500	(36)
Lynnsport - Car Park & Path Repairs		4,955	(5,000)	(45)
Lynnsport - Replacement PA system	19,600	19,275		(325)
Lynnsport - Equipment	10,000	10,374		374
Lynnsport - Extension / layout existing car park	10,000		10,000	
Lynnsport - Female changing room refurbishment	15,000	10,951	4,000	(49)
Lynnsport - Fire Alarm System Upgrade	8,600	1,120	7,500	20
Lynnsport - Retractable seating	25,000	643	24,000	(357)
Lynnsport - Sports Hall - Retractable Dividing Wall	10,000	10,756		756
Lynnsport - Front Entrance	40,000	15,835	24,200	35
Play Activities	11,000	7,763		(3,237)
Play Areas - Replacement Equipment	30,000	44,296	3,200	17,496
Walks - Acquisition of land		750		
Princess Theatre	41,000		41,000	750
Resort - Refurb Crazy Golf Course	18,500		18,500	
Resort - Vinyl & Banner printer	12,000	15,449		3,449
Resort - Promenade flood defence gates	75,000		75,000	
St James Pool - Replacement automatic entrance doors and windows	270			(270)
St James Pool - Boiler Replacement	92,400	92,381		(19)
Public Conveniences - Improvements	24,000	10,494	13,500	(6)
Refuse - Black 240 litre bins for new contract	1,299,000	1,299,297		297
Refuse - Communal Waste Containers	45,000	43,467		(1,533)
Refuse - Brown Composting bins (replacements)	37,100	37,864		764
Refuse - Green Recycling bins		2,604		2,604
Refuse - Trade Bins	10,600	17,087		6,487
Public Cleansing Sweepers / Vehicles	165,100	28,000	134,700	(2,400)
Neighbourhood Teams vehicles and equipment	74,280		74,300	20
New Nursery Hardwick Narrows		2,150	(2,000)	150
King's Lynn Depot - Fencing	2,000	1,600		(400)
Hardwick Rd Cemetery - Replacement Bridge	6,000	5,434		(566)
Total Commercial Services	2,700,660	2,052,466	678,200	30,006

Scheme Title	Revised Programme 2013/2014	Outturn 2013/2014	Rephasing To/(From) 2014/2015 and 2015/2016	Variance and Amendments
	£	£	£	£
Environment and Planning				
Decommission flood warning sirens	6,000	5,075		(925)
Total Environment and Planning	6,000	5,075		(925)
Resources				
Estate Roads - Resurfacing (former HRA)	10,500	11,545		1,045
STW - Refurb / connect to public sewer	134,000	142,348	69,000	77,348
<i>Third Party Contribution</i>		(77,616)		(77,616)
Net Expenditure STW Refurbishment	134,000	64,732	69,000	(268)
STW - Decommission redundant sites / Refurb pumping stations	50,000	15,347	30,000	(4,653)
DDA stage 2 works	20,000		20,000	
Stock Condition Priority Works	29,000	26,656		(2,344)
ICT Development Programme	424,040	380,317	94,100	50,377
ICT Microsoft Enterprise Agreement	50,000			(50,000)
King's Court - Relocate Post Room to Ground Floor		244		244
King's Court - Front Doors / Lobby	25,000	19,957		(5,043)
King's Court - Toilet Refurbs	140,000	105,598	34,400	(2)
King's Court - Lightning Protection	17,000	18,838		1,838
Salix Energy Efficiency Projects		8,095		8,095
Total Resources	899,540	651,328	247,500	(712)
Total Operational Schemes	6,426,500	4,886,036	1,433,300	(107,164)
Total Capital Programme	12,662,100	9,477,218	2,801,830	(383,052)

Capital Programme 2014-2017			Appendix 2
Scheme Title	Revised Programme 2014/2015	Revised Programme 2015/2016	Programme 2016/2017
	£	£	£
Major Projects			
S106 Funded Projects			
Tesco Gaywood original allocation £50,000			
Expenditure to 31 March 2014 £27,300			
Car Parks and Visitor Signage	6,800		
To be allocated public realm enhancements		15,900	
Tesco Hardwick original allocation £898,790			
Expenditure to 31 March 2014 £3,690			
Bus Station Improvements	500,000		
Market Contributions - Enhancing KL markets	90,000		
Town Centre Promotion - Marketing/events	50,000		
CCTV - Extend / upgrade system	55,100		
Town Centre public realm / signage / shop frontage improvements:			
Saturday market place refurbishment	190,000		
To be allocated public realm enhancements		10,000	
Sainsbury Hardwick original allocation £822,500			
Expenditure to 31 March 2014 £169,630			
Car Park Intelligent Signage	103,850		
Environmental Enhancements:			
To be allocated environmental enhancements	26,350		
Bus Station Improvements	493,860		
CCTV - Extend/upgrade system	28,810		
Total S106 Funded Projects	1,544,770	25,900	

Scheme Title	Revised Programme 2014/2015	Revised Programme 2015/2016	Programme 2016/2017
	£	£	£
Other Major Projects			
Sports Pavilion, Kingsway - Replacement	308,050		
<i>Third Party Contribution - Sport England</i>	(148,500)		
Net Expenditure - Sports Pavilion, Kingsway	159,550		
Town Hall / Archive	110,500	2,436,850	
Saturday Market Place Enhancements	160,000		
<i>Third Party Contribution - NCC public realm</i>	(60,000)		
<i>Third Party Contribution - Fundraising</i>		(181,850)	
<i>Third Party Contribution - Heritage Lottery Grant</i>		(1,845,000)	
Net Expenditure - Town Hall / Archive	210,500	410,000	
Townscape Heritage Development Phase	7,500		
Townscape Heritage Initiative	200,000	400,000	400,000
Heritage Lottery Funding	(100,000)	(200,000)	(200,000)
Net Expenditure - Townscape Heritage Initiative	(200,000)	(400,000)	(400,000)
Tuesday Market Place Refurb	10,000		
Nar Ouse Regeneration Area			
Remediation	25,000	25,000	
Millienium Community Construction	52,000		
Utilities			1,900,000
Landscaping	30,000	30,000	29,000
Marketing	10,000		
Other Project Costs	40,000	40,000	
Total Nar Ouse Regeneration Area	157,000	95,000	1,929,000
Joint Venture / Housing Developments	60,000		
Access Road - Edward Benefer Way / Lynnsport (shovel ready)	361,170		
Lynnsport - Works to allow development of Land	200,000		
Lynnsport - Resite hockey pitch	369,500	50,000	
Major Housing Development - Procurement Phase	115,000		
Enterprise Centre - Ground Works	150,000	100,000	
Enterprise Centre	500,000	500,000	
Mintlyn Crematorium - Replace existing 3 Cremators	2,034,000	300,000	
Total Other Major Projects	4,434,220	1,655,000	2,129,000

Scheme Title	Revised Programme 2014/2015	Revised Programme 2015/2016	Programme 2016/2017
	£	£	£
Joint Venture - NORA Housing			
Phase 1 - Ground and Infrastructure Works	652,430		
Phase 1 - Construction	4,240,540		
Phase 1 - Project Fees	138,490		
Phase 1 - Land	500,000		
Phase 1 - NCC Contributions			
Phase 2 and 3 - Ground and Infrastructure Works	938,860		
Total Joint Venture - NORA Housing	6,470,320		
Total Major Projects	12,449,310	1,680,900	2,129,000
Operational Schemes			
Central and Community Services			
Community Projects	50,000	50,000	50,000
Disabled Facilities grants	779,500	700,000	750,000
Adapt Grant	625,000	600,000	650,000
Home Repair Assistance Loan	77,400	60,000	60,000
Emergency Repair Grant	6,000	6,000	6,000
Additional Adaptation Assistance Loan	10,000	10,000	10,000
Careline Grant	30,000	30,000	30,000
Safe and Secure Grant	30,000	30,000	30,000
Total Private Sector Housing Assistance	1,557,900	1,436,000	1,536,000
Careline - Replacement vehicles			26,260
Careline - Replacement alarm units	10,000	10,000	10,000
Care and Repair - Vehicles		41,000	
Total Central and Community Services	1,617,900	1,537,000	1,622,260

Scheme Title	Revised Programme 2014/2015	Revised Programme 2015/2016	Programme 2016/2017
	£	£	£
Chief Executive			
Tourist Signs A47	25,000		
Hunstanton Regeneration			
Town Centre Enhancement	22,000	60,000	60,000
Town Team	3,700		
Net Expenditure - Hunstanton Regeneration	25,700	60,000	60,000
King's Lynn Waterfront / Regeneration Projects	30,000		
Total Chief Executive	80,700	60,000	60,000
Commercial Services			
Arts Centre Roof Repairs		32,500	
Car Parks - Pay & Display Machine Replacement	18,000		
Car Parks - Counting Machine - Hunstanton	10,000		
Car Parks - Counting Machine - Kings Lynn	10,000		
Car Parks - Resurfacing	224,500	50,300	209,000
Car Parks - Electronic Handhelds			30,000
Car parks - Vehicles		10,700	
CCTV Control Room Upgrade	130,000		
CCTV Wireless Transmission and Camera Replacement	258,200		
CCTV Remote Monitoring System	60,000		
Corn Exchange - Auditorium remedial works			20,000
Corn Exchange - Internal decoration / refurbishment			80,000
Corn Exchange - Front of House / toilets - refurb / replacement equipment / redecc	29,000		
Corn Exchange - Replace current house lighting system			20,000
Corn Exchange - Replace flying trusses		10,000	
Corn Exchange - Replace Followspots		15,000	
Corn Exchange - Repoint brickwork			20,000

Scheme Title	Revised Programme 2014/2015	Revised Programme 2015/2016	Programme 2016/2017
	£	£	£
Commercial Services Contd			
Downham Market Leisure Ctr - Air Conditioning Fitness Suite			25,000
Downham Market Leisure Ctr - Hot Water Calorifier			10,000
Downham Market Leisure Ctr - Refurb Toilets	15,000		
Downham Market Leisure Centre - Ladies Changing Room Refurb	15,000		
Downham Market Leisure Centre - Flooring Replacement	5,200		
Downham Market leisure Centre - Replacement Fitness Equipment		100,000	
Downham Market Leisure Centre - Replacement Spin Bikes		20,000	
Grounds Maintenance Equipment	43,370	71,690	63,480
Grounds Maintenance Vehicles	77,900	63,700	309,790
Guildhall - Replace lighting system	20,000		
Leisure Card - Gladstone server Platform Upgrade / learn 2 system	33,500		
Lynnsport - Car Park & Path Repairs	36,000		
Lynnsport - Floor / Surface Replacement - General areas / Athletic track / Gymnastics		84,000	
Lynnsport - Barn / track area asphalt / slabs replacement	10,000		
Lynnsport - Equipment		8,880	
Lynnsport - Extension / layout existing car park	200,000		
Lynnsport - Female changing room refurbishment	4,000		
Lynnsport - Fire Alarm System Upgrade	7,500		
Lynnsport - Fitness Area - replacement air conditioning	10,000		
Lynnsport - Fitness equipment spin bikes			11,000
Lynnsport - Replacement of Track Sweeper	10,000		
Lynnsport - Retractable seating	24,000		
Lynnsport - Skatepark replacement ramps			50,000
Lynnsport - Sports Hall - Heating Replacement	15,000		
Lynnsport - Front Entrance	24,200		
Lynnsport - Parking Barrier			12,000
Oasis - Air Handling Unit	60,000		
Oasis - Cafeteria & Poolside Furniture		20,000	
Oasis - Fitness Equipment Replacement			125,000
Oasis - Funcastle Vinyl products replacement		15,000	
Oasis - Plant Room Refurbishment			37,500
Oasis - Pool Covers / Jacuzzi Refurb	20,000		

Scheme Title	Revised Programme 2014/2015	Revised Programme 2015/2016	Programme 2016/2017
	£	£	£
<u>Commercial Services contd</u>			
Play Areas - Replacement Equipment	33,200	30,000	30,000
Princess Theatre	41,000		
Resort - Beach Safety Signage		15,000	
Resort - Refurb Crazy Golf Course	18,500		
Resort - Promenade flood defence gates	100,000		
St James Pool - Floor / surface replacements	14,000		
St James Pool - Fitness Equipment			60,000
Public Conveniences - Improvements	41,000		
Refuse - Black bins			30,800
Refuse - Brown Composting bins (replacements)	15,000	15,000	15,000
Refuse - Green Recycling bins	60,000	28,000	28,000
Street Lighting - Saturday market places KL	10,000		
Public Cleansing Sweepers / Vehicles	195,000	84,400	
Public Cleansing Equipment		12,530	
Neighbourhood Teams vehicles and equipment	74,300		
New Nursery Hardwick Narrows	118,000		
St Edmunds Church DMkt - Relocating grave stones	30,000		
Hardwick Rd Cemetery - Replacement Bridge			
Total Commercial Services	2,120,370	686,700	1,186,570
<u>Environment and Planning</u>			
Environmental Monitoring	42,800		
Total Environment and Planning	42,800		

Scheme Title	Revised Programme 2014/2015	Revised Programme 2015/2016	Programme 2016/2017
	£	£	£
Resources			
Estate Roads - Resurfacing (former HRA)	10,500	10,000	10,000
STW - Refurb / connect to public sewer	209,000		
STW - Decommission redundant sites / Refurb pumping stations	55,000	25,000	25,000
DDA stage 2 works	40,000		
Health and Safety - Council Facilities	15,000		
Stock Condition Priority Works		145,000	
ICT Development Programme	244,100	150,000	150,000
King's Court - Relocate Post Room to Ground Floor	15,000		
King's Court - Toilet Refurbs	34,400		
Historic Town Wall	10,000		
Works to Oldsunway Bridge	20,000		
North Lynn Industrial Estate - 1-8 Brygen Rd reroof	150,000		
Hardwick Industrial Estate unit 55/56 - Externalise drainage downpipes	40,000		
Total Resources	843,000	330,000	185,000
Total Operational Schemes	4,704,770	2,613,700	3,053,830
Total Capital Programme	17,154,080	4,294,600	5,182,830

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Mandatory/	(a) Be entirely within Cabinet's powers to decide	YES	
	Operational	(b) Need to be recommendations to Council	NO	
		(c) Be partly for recommendations to Council and partly within Cabinet's powers –	NO	
None				
Lead Member: Cllr N Daubney E-mail: cldr.nick.daubney@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Toby Cowper E-mail: toby.cowper@west-norfolk.gov.uk Direct Dial: 01553 616523		Other Officers consulted: Management Team. Service Managers.		
Financial Implications YES	Policy/Personnel Implications NO	Statutory Implications (incl S.17) YES	Equal Opportunities Implications NO	Risk Management Implications NO

Cabinet Date: 11 June 2014

2 REVENUE OUTTURN 2013/2014

Summary

The report sets out in summary the revenue outturn of 2013/2014 for the General Fund (council tax accounts). The report shows details of the major differences between actual costs/income and the revised estimates for 2013/2014 reported in February 2014 monitoring.

The accounts show actual Borough spend of £19,021,737 which is £28,433 less than the February Revised Estimate for 2013/2014. This additional saving will be held within the General Fund balance that is carried forward to 2014/2015.

Recommendation

It is recommended that Cabinet approves:

- 1. The revenue outturn and proposed transfers to reserves for 2013/2014.**
- 2. The principle of the calculation for the provision of bad debts and appeals on the Business Rates Retention scheme.**

Reason for Decision

To approve revenue outturn for 2013/2014 of the Council prior to the external audit of accounts which commences in July 2014.

1 Introduction

- 1.1 This report sets out the revenue outturn of the Council's budget for 2013/2014, the details of which will be used to form the Statement of Accounts later in the year.
- 1.2 The Statement of Accounts for 2013/2014 will be taken to Cabinet on the 10 September 2014, for approval by Council on the 25 September 2014. (By law, the approval and publishing of the Statement of Accounts has to be completed by the 30th September 2014).

2 Final Outturn 2013/2014

- 2.1 The revised estimate (in the tables below) has been adjusted from the one reported in the February 2014 monitoring report to allow for the central service recharges. These adjustments are only between service areas and have no "bottom line" effect.

	As reported in February monitoring	Adjusted Estimate for Outturn	Movement
	£	£	£
Corporate	3,195,240	4,149,390	954,150
Democracy	1,249,370	1,216,350	(33,020)
Services Areas:			
Central and Community Services	3,437,820	2,108,780	(1,329,040)
Chief Executive	1,860,170	1,896,640	36,470
Commercial Services	5,900,550	6,618,360	717,810
Environment and Planning	1,560,260	1,862,510	302,250
Resources	945,170	296,550	(648,620)
	18,148,580	18,148,580	0

This recharge of support services is required by accounting guidelines to more properly reflect the full cost of a service. The 'net' impact on the accounts is nil.

2.2 The following table uses the revised estimate adjusted in 2.1 to compare to the actual outturn for 2013/2014.

	Revised Estimate 2013/14	Actual 2013/14	Difference Revised to Actual
	£	£	£
Corporate	4,149,390	5,132,431	983,041
Democracy	1,216,350	1,138,742	(77,608)
Services Areas:			
Central and Community Services	2,108,780	1,745,683	(363,097)
Chief Executive	1,896,640	1,980,474	83,834
Commercial Services	6,618,360	6,489,645	(128,715)
Environment and Planning	1,862,510	1,753,252	(109,258)
Resources	296,550	230,762	(65,788)
Service Area Totals	18,148,580	18,470,989	322,409
Financing Adjustment	(3,173,600)	(3,533,427)	(359,827)
Internal Drainage Boards	2,591,150	2,591,146	(4)
Special Expenses	164,450	173,428	8,978
Council Tax Support to Parishes	141,230	141,241	11
Borough Spend	17,871,810	17,843,377	(28,433)
Contribution to Business Rates	360,000	360,000	0
Retention Reserve			
Contribution (from)/to Balances	818,360	846,793	28,433
	19,050,170	19,050,170	0

The table shows a net Borough spend for 2013/2014 of £17,843,377 which is £28,433 less than the revised budget set at £17,871,810.

2.3 Service managers over the year ending 31 March 2014 have continued to look for opportunities to produce budget savings that support the Council's drive for reduction in costs. These savings have been reported as part of the monthly monitoring process. In setting the estimates for 2013/2014, in February 2013, it was anticipated that £369,360 would be added to the general fund balance. Out-turn figures show that there will in fact be a contribution of £846,793 to balances which arises from savings in the year of £449,000 Appendix 1. A number of the budget savings were 'one-offs' and will not necessarily be repeated in future years.

2.4 The 2013/2014 outturn is within budget and allows the Council to set aside funds for a variety of future demands in addition to carrying forward a General Fund balance that is higher than originally estimated.

3. The major differences in the revised estimates and the actual costs are as follows:

The following pages show the major differences in the revised estimates and the actual costs. Under each budget heading the format shows “Movements to be explained”, which are outlined as major variances in the narrative that follows. The Summary heading may also show “Legal Commissioning”, this is where the services have used the corporate legal commissioning budget to cover the costs of legal advice. This represents a transfer of charges between the services and the legal team which is the corporate budget holder.

The Budget heading summaries also show items for “Additional Transfers to Reserves” and “Grants Transferred to Reserves”. These sums are listed separately at Appendix 2 with the relevant comments.

Two other categories appear in certain Budget heading summaries, “REFCUS” and “Unsupported Borrowing”. Both of these items deal with an accounting requirement that shows what the Council, for budget purposes, treats as Capital items as properly being recorded as revenue spending. There is no impact on the accounts of the Council or Council Tax as the charges are reversed out as a part of the Financing Adjustment as shown in paragraph 3.8.

3.1 CORPORATE SERVICES – Deficit £983,041

	£
Movements to be explained	(159,944)
Legal Commissioning	17,790
Grants transferred to reserves (<i>Appendix 2</i>)	60,000
Additional transfers to reserves (<i>Appendix 2</i>)	1,065,195
Deficit	983,041

The major variances are as follows:

- **Adjustments to Bad Debt provisions and historic balances written off**
£50,269 net charge to revenue. The General Fund bad debt provision is made up of a provision for aged debtors (£302,259), a provision against Housing Benefits overpayments (£244,597) and a provision for Leisure membership cancelled contracts (£81,602).
- **Corporate Projects - Leisure Trust**
(£95,195) underspend due to a spend to date of £44,805 against the original £140,000 set aside for the Leisure Trust project. The remaining (£95,195) has been carried forward and will be used in 2014/2015.
- **Section 31 Grants – Flood Relief**
(£60,000) additional income: The Council received section 31 grants (Flood Relief), totalling £94,331, as a result of the storm surge event on the 6 December 2013. £60,000 of this grant funding is to be carried forward and will be used in 2014/2015, for support of medium/small businesses in accordance with the Government scheme.

- **Corporate Cost and Provisions**
(£112,270) Surplus due to: The corporate provision for long term sickness cover has a surplus of (£39,800) at year end. The Salaries On-Cost holding account (used to smooth out fluctuation in National Insurance payments and employers pension contributions) has a surplus of (£72,470) at year end.
- **Microsoft software licence fees transferred from Capital**
£50,000 charge to revenue due to changes in the way the council pays for its Microsoft software licence fees. This cost has been transferred from Capital expenditure to Revenue expenditure.

Summary of movement to be explained

	£
Bad Debt Provision	50,269
Corporate Projects - Leisure Trust	(95,195)
Section 31 Grants – Flood Relief	(60,000)
Corporate Cost and Provisions	(112,270)
Microsoft licence fees	50,000
Other	7,252
TOTAL	(159,944)

3.2 DEMOCRACY – Surplus (£77,608)

	£
Movement to be explained	(118,608)
Grants transferred to reserves (<i>Appendix 2</i>)	19,000
Additional transfer to reserves (<i>Appendix 2</i>)	22,000
Surplus	(77,608)

The major variances are as follows:

- **Register of Electors**
(£41,148) Surplus mainly due to additional Government Grant received towards the cost of individual electoral registration. Grant carried forward for use in 2014/2015.
- **Parish and Borough Elections**
(£11,360) underspent on Parish and Borough Elections.
- **Member Services**
(£44,846) The overall underspend is mainly due to lower than estimated expenditure on members allowances and travel. The original estimates 2013/2014 included provision for a 1% increase in members' allowances. Council agreed that there would be no increase in members' allowances for 2013/2014.
- **Support of the Democratic Process**
(£17,268) Surplus due to a variety of small budget underspends

Summary of movement to be explained

	£
Register of Electors	(41,148)
Parish and Borough Elections	(11,360)
Members Services	(44,846)
Support of the Democratic Process	(17,268)
Other	(3,986)
TOTAL	(118,608)

3.3 CENTRAL & COMMUNITY - Surplus (£363,097)

	£
Movements to be explained	(130,211)
REFCUS (<i>Appendix 3</i>)	(261,171)
Additional transfer to reserves (<i>Appendix 2</i>)	28,285
Surplus	(363,097)

The major variances are as follows:

- **Personnel Services**
(£36,656) Surplus mainly due to a (£24,000) underspend against the corporate training holding account.
- **Community Safety and Nuisance**
(£57,359) due to a one-off underspend on salaries.
- **Printing and Graphics**
(£14,271) due to additional external income achieved in year.

Summary of movement to be explained

	£
Personnel Services	(36,656)
Community Safety and Nuisance	(57,359)
Printing and Graphics	(14,271)
Other	(21,925)
TOTAL	(130,211)

3.4 CHIEF EXECUTIVE - Deficit 83,834

	£
Movements to be explained	(179,100)
REFCUS (<i>Appendix 3</i>)	150,000
Legal Commissioning	(61,666)
Grants transferred to reserves (<i>Appendix 2</i>)	85,901
Additional transfers to reserves (<i>Appendix 2</i>)	88,699
Deficit	83,834

The major variances are as follows:

- **Legal Services**
(£18,436) Surplus mainly due to staff turnover and additional income.
- **Economic Regeneration**
(£80,645) Surplus mainly due to additional grant income received in year of £70,000. Grant carried forward for use in 2014/2015.
- **Housing Options**
(£74,533) Surplus mainly savings in agency staffing costs and homelessness prevention costs.

Summary of movement to be explained

	£
Legal Services	(18,436)
Economic Regeneration	(80,645)
Housing Options	(74,533)
Other	(5,486)
TOTAL	(179,100)

3.5 COMMERCIAL SERVICES - Surplus (£128,715)

	£
Movements to be explained	(513,950)
REFCUS*	82,761
Legal Commissioning	4,893
Unsupported Borrowing	(78,196)
Grants transferred to reserves (<i>Appendix 2</i>)	90,000
Additional Transfers to Reserves (<i>Appendix 2</i>)	285,777
Surplus	(128,715)

The major variances are as follows:

- **Car Parks**
(£222,770) Additional income on car parking operations for the year 2013/2014
- **CCTV**
(£90,000) Surplus due to an upfront contribution from Breckland District Council to be Carried forward to be applied in 2014/2015
- **Cleaning and Street Sweeping**
(£66,066) Surplus Mainly due to: (£24,000) underspend footway lighting repairs, (£14,000) Dog Warden service minor savings and increased income (£7,000) reduced disposal costs for abandoned vehicles.
- **Guildhall and Arts Centre**
(£26,757) Surplus due to additional show income and rental income
- **Refuse & Recycling**
(£39,297) Surplus due to volatility of volume and value of recycling credits
- **Leisure Services**
(£62,634) Surplus mainly due to: (£26,000) savings against utilities, (£13,000) underspend on advertising and (£35,000) saving on Lynnsport repairs.

Summary of movement to be explained

	£
Car Parks	(222,770)
CCTV	(90,000)
Cleaning and Street Sweeping	(66,066)
Guildhall and Arts Centre Vancouver Centre	(26,757)
Refuse & Recycling	(39,297)
Leisure Services	(62,634)
Other	(6,426)
TOTAL	(513,950)

3.6 ENVIRONMENT AND PLANNING – Surplus (£109,258)

	£
Movements to be explained	(264,742)
Legal Commissioning	52,864
Additional Transfers to Reserves (<i>Appendix 2</i>)	102,620
Surplus	(109,258)

The major variances are as follows:

- **Planning Services and Development Control**
(£121,768) Surplus mainly due to additional planning fees income (£73,624) and a saving against salaries of (£36,538)

- **Flood Defence / Hunstanton Promenade**
(£89,000) Underspend due to the planned repairs to Hunstanton Promenade being delayed because of the storm surge event on the 6 December 2013
- **Food Hygiene and Public Health**
(£23,966) Surplus mainly due budget saving against professional fees
- **Pollution Monitoring**
(£17,007) Due to a variety of minor budget underspends and additional income
- **Licencing**
(£7,580) Mainly due to additional income generated through the new licencing of scrap metal

Summary of movement to be explained

	£
Planning Services	(121,768)
Flood Defence	(89,000)
Food Hygiene and Public Health	(23,966)
Pollution Monitoring	(17,007)
Licencing	(7,580)
Other	(5,421)
TOTAL	(264,742)

3.7 RESOURCES– Surplus (£65,788)

	£
Movements to be explained	(582,341)
Legal Commissioning	25,954
REFCUS (<i>Appendix 3</i>)	345,297
Unsupported Borrowing (<i>Appendix 3</i>)	18,492
Grants transferred to reserves (<i>Appendix 2</i>)	60,697
Additional Transfers to Reserves (<i>Appendix 2</i>)	66,113
Surplus	(£65,788)

The major variances are as follows:

- **Financial Services**
(£27,576) Surplus mainly due to the General Ledger development budget being carried forwards to 2014/2015 to cover the cost of system upgrades and multi company functionality.
- **Internal Audit**
(£21,126) Surplus mostly due to staff turnover saving
- **Property Services**
(£38,730) Surplus mainly due to additional income generated in year and a budget saving against professional fees

- **General Properties**
(£17,824) Surplus mainly due to additional rental income generated in year
- **Office Accommodation**
(£13,132) Surplus mainly due to additional rental income generated in year
- **Revenues and Benefits**
(£454,126) Surplus due to (£157,367) additional court cost recovered and a variance of (£296,759) against the benefits claim.

Summary of movement to be explained

	£
Financial Services	(27,576)
Internal Audit	(21,126)
Property Services	(38,730)
General Properties	(17,824)
Office Accommodation	(13,132)
Revenues and Benefits	(454,126)
Other	(9,827)
TOTAL	(582,341)

3.8 Financing Adjustment – (£359,827)

The major element of the surplus can be explained as follows

	£
Net deficit in interest payments	134,322
REFCUS - Revenue expenditure funded from capital under statute (<i>Appendix 3</i>)	(216,887)
MRP - A decrease in Minimum Revenue Provision	(251,980)
Unsupported Borrowing	(25,282)
TOTAL	(359,827)

4 Business Rates Retention Scheme

The Financial year 2013/2014 saw the introduction of the Business Rates Retention Funding arrangements and as part of the closure of the accounts it will be necessary to prepare a return (NNDR3) to Government on the level of growth or reduction in the rateable values of businesses in the Borough.

4.1 Business Rates, Bad Debt and Appeals Provision

The detail of the return to Government also includes any provisions to be made to offset bad debts and potential appeals by business against the level of rateable value set by the Valuation Office.

Bad Debt Provision

The Council already has in place bad debt provisions for Business Rates and Council Tax. The provision is called upon in the event of a debt being treated as uncollectable. This can occur through a variety of events including where a business goes into administration or bankruptcy. Normal practice in setting a policy for Bad Debt Provisions is for a percentage to be set against the value of debt dependent upon the age of the debt. The table below shows the proposed arrangements for 2013/2014 and future years.

NNDR Bad Debt Provision	Year that the arrears were incurred	Bad Debt allowance calculated as a percentage of total arrears outstanding for the year.	Provision
First year	2013/2014	33.0%	£ 222,663.39
Second year	2012/2013	50.0%	£ 96,027.23
Older than two years	2011/2012 and before	100.0%	£ 135,557.44
		TOTAL PROVISION	£ 454,248.06

This means that a sum equivalent to the amount calculated by using the table will be charged to the accounts and held in reserves to be used to offset the cost of writing off bad debts in the future.

Business Rates Appeals Provision

The introduction of the Business Rates Retention Scheme has passed on an element of reward and risk from the Government to the Council. If the Business Rates collectable increases, then the Council will gain a share of the higher level of income. However, if the Business Rates collectable reduces then the Council will directly share in the loss of income.

The major risk of loss of rates collectable comes from closure of a major business or more likely from appeals by a high business rate payer against their rateable valuation.

The Council, like all others, will need to provide for such potential losses along the lines similar to the Bad Debt Provision. This provision will be made up of two parts: in year appeals and backdated appeals.

The Council's suggested methodology for calculating these provisions is set out below:

IN YEAR NNDR APPEALS PROVISION POLICY / CALCULATION

Rateable value of all outstanding appeals at 31 March 2013	40,842,080
X Historic success rate of appeals against the council	29.27% *
<hr/>	
Rateable value of potentially successful appeals	11,955,356
X Historic reduction in rateable value from successful appeals	10.64% *
<hr/>	
Reduction in rateable value of potentially successful appeals	1,272,399
<hr/>	
X Current year NNDR multiplier	0.471
<hr/>	
Value of reduction in rateable value of potentially successful appeals	599,300
<hr/>	
+ An allowance for new appeals which may be received in 2014/2015 and impact on 2013/2014	
Estimated rateable value of appeals received in any one year	26,391,193*
X Historic success rate of appeals against the council	29.27% *
<hr/>	
Rateable value of potentially successful appeals	7,725,270
X Historic reduction in rateable value from successful appeals	10.64% *
<hr/>	
Reduction in rateable value of potentially successful appeals	822,194
<hr/>	
X Current year NNDR multiplier	0.471
<hr/>	
Value of reduction in rateable value of potentially successful average appeals	387,254
<hr/>	
+ Adjustment for Local knowledge (see paragraph 4.2)	
<hr/>	
90% of King's Lynn power station 2013/2014 charge (10% already picked up in the calculation above, total provision 100%)	1,107,227
<hr/>	
<hr/>	
TOTAL	£2,093,781
<hr/>	

* Note: The percentages and averages used in these calculations are based on historic appeals information provided to the Council by the District Valuation Office as at the 31/3/2014.

BACKDATED NNDR APPEALS PROVISION POLICY/ CALCULATION

Rateable value of outstanding appeals dated 12 months prior to 31 March 2013	39,839,930
X Historic success rate of appeals against the council	29.27% *
Rateable value of potentially successful appeals	11,553,580
X Historic reduction in rateable value from successful appeals	10.64% *
Reduction in rateable value of potentially successful appeals	1,229,638
X Preceding year NNDR multiplier	0.458
Value of reduction in rateable value of potentially successful appeals dated 12 months prior to 31 March 2013	563,174
+ An allowance for new appeals which may be received in 2014/2015 and impact on 2012/2013	
Estimated rateable value of appeals received in any one year	26,391,193 *
X % of appeals backdated to preceding year	97.5% *
Average rateable value with 2013/2014 impact removed	25,743,628
X Historic success rate of appeals against the council	29.27%*
Rateable value of potentially successful appeals	7,535,714
X Historic reduction in rateable value from successful appeals	10.64%*
Reduction in rateable value of potentially successful appeals	802,020
X Preceding year NNDR multiplier	0.458
Value of reduction in rateable value of potentially successful appeals dated 12 months prior to 31 March 2013	367,325
+ Adjustment for Local knowledge	
90% of King's Lynn power station pre 2013/2014 charge	4,311,344
90% of adjustments for another reason (Property's that have been demolished or no longer exists)	20,251
(10% already picked up in the calculation above, total provision 100%)	4,331,595
TOTAL	5,262,094

* Note: The percentages used in these calculations are based on historic appeals information provided to the Council by the District Valuation Office as at the 31/3/2014.

4.2 Adjustment for local information (King's Lynn Power Station)

A case is due to be considered by the Appeals court in respect of Peterborough power station which has had its rateable value reduced to £1. The District Valuation Officer is appealing against the new valuation but the court case will not be heard until after October 2014 and the determination is not expected until early 2015. This means that the Council must, at this time, take a view on the potential risk of the Valuation Office losing its appeal. It is proposed to act cautiously and provide for a successful appeal by Centrica PLC. The potential loss will be charged to the 2013/2014 accounts as part of the provision.

In the case of the Council's accounts for 2013/2014, it is intended to provide prudent cover in the event of a successful appeal by the King's Lynn power, station, owned by Centrica PLC, in reducing its rateable value from £1,230,252 in 2013/2014 to £1.

A successful appeal would have backdated implications to 2005 (date of ratings list the appeal is against) with an estimated cost of £6,020,634, as at the 31/3/2014, to the Collection Fund. The council would then be liable for a 40% share of this estimated cost, that is £2,408,253.

This will bring into play the funding safety net whereby the Council in 2013/2014 will see its rates collection reduce below the base line funding level set by the Government. The Council will be liable to cover the first £365,000 of losses and the Government will pick up the remainder of the loss. The Financial Plan for 2013/2014 included a budget of £360,000 to cover this eventuality.

4.3 King's Lynn power station appeal out comes

- a) If the King's Lynn power station appeal by the Valuation Officer is unsuccessful and the rateable value is reduced to £1 during 2014/2015.
- The collection fund will draw down on the provisions set aside within 2013/2014. The accounting adjustments for this will be part of the 2015/2016 Statement of Accounts.
 - The council may have to incur the temporary cashflow costs of having to refund Centrica PLC.
 - There will be no in year funding implications to the council or the NNDR pool that the Council has entered into
 - The ongoing reduction in the rateable value has already been allowed for in the councils estimates of NNDR growth so that there will be no adverse effect on future years funding levels.

b) If the King's Lynn power station appeal by the Valuation Officer is successful and the rateable value is not reduced.

- The 2013/2014 provisions set aside within the collection fund will be written back. The accounting adjustments for this will be part of the 2015/2016 Statement of Accounts.
- There will be a surplus payment in the following financial year, the Council, Norfolk County Council, the Government and the Norfolk NNDR pool will all receive a proportion.
- The power station will be included in the Councils rateable value growth projections for future years funding levels

4.4 Business Rates Retention Scheme Outturn for 2013/2014

	£
KL&WN outturn for 2013/2014 Deficit	2,090,863
Additional collected for renewable energy (100% retained by BCKL&WN)	(329,248)
SUB TOTAL	1,761,615
<hr/>	
Statutory financing adjustment to the General Fund to reverse the impact on the 2013/2014 Statement of Accounts	(1,761,615)
SUB TOTAL	0
<hr/>	
Section 31 Government grant (small business rate relief) payment on account	(427,963)
Government safety net payments on losses incurred	(1,297,548)
Transfer to Earmarked Reserves to offset accounting adjustments in 2015/2016	(1,725,511)
Total impact on the Council for 2013/2014	0
<hr/>	

Although there are significant sums involved with the calculation of the 'Business Rates Retention' scheme outturn for 2013/2014 the impact on the financial year will be nil. The funds transferred to the Earmarked Reserve will be required to fund the deficit payment in 2015/2016. Please see appendix 4 for the timeline of NNDR returns.

5. General Fund Working Balance

The underspend on the budget for 2013/2014 results in an increase to the General Fund working balance of £28,433 which provides for a revised balance of the General Fund as at 31 March 2014 of £4,719,368.

6. Policy Implications

The Council will be asked to adopt the Bad Debt and Appeals provisions policies for the ongoing accounting requirements as part of the approval of the Statement of Accounts in September 2013.

7. Statutory Considerations

The external audit of the accounts will be starting in July 2014 and the final version of the Statement of the Accounts for 2013/2014 must have been approved and publishing by the 30th September 2014. This year the external audit of the accounts will be carried out by Ernst and Young LLP.

8. Consultations

Leader of Council
Management Team
Service Managers

9. Access to Information

Council Agenda/Minutes
Council Financial Plan 2013 – 2017
Monthly Monitoring Reports

Monitoring report budget adjustments 2013/2014

Appendix 1

Detail	Monitoring Report	£
Hunstanton Promenade and Seawall - remedial works	May	89,000
Leisure Services - additional income	August and October	(75,000)
Turnover savings - amount achieved in excess of £75,000 target	September	(21,270)
Reduction in rental income from Council owned King's Lynn town centre shops	September	40,000
Internal Drainage Board Levies	September	(13,260)
Utility Costs - overall reduction	October	(9,410)
Insurance Recharge - reduction	October	(9,040)
License fees - reduction for sex establishments	October	6,750
Computer software maintenance costs - shared services	October	(26,120)
Cost Reduction Programme	November	(16,290)
Cost of living award	November	(94,640)
Refuse and Recycling	November	164,260
Strategic Housing	November	(49,980)
Pay Contingency	November	(90,000)
Storm Surge Repair Costs	November	100,000
Training Holding Account	November	(28,000)
Internal Drainage Boards	December	(6,230)
Turnover Savings	December	(84,000)
South Quay Pontoon	January	1,870
Corn Exchange	January	(50,000)
Sport and Recreation	January	(60,000)
Resort Services	January	(25,000)
Building Control and Property Services	January	(12,890)
Non-National Domestic Rates (NNDR)	January	(86,230)
To Capital Reserves	January	85,000
To Capital Reserves	February	500,000
Turnover Savings	February	(165,110)
Payroll Fees	February	(11,000)
Training Holding Account	February	(30,000)
National Non Domestic Rates (NNDR)	February	(44,000)
Economic Development	February	(20,000)
Town Centre Manager	February	20,000
Corn Exchange	February	(40,000)
Arts Centre	February	(16,500)
Public Cleansing	February	(12,000)
Open Space – Trees and Walks	February	(17,000)
Lynnsport	February	20,000

Monitoring report budget adjustments 2013/2014 - continued

Appendix 1

Conservation and Heritage	February	(6,000)
Major Planning Appeals	February	(19,000)
Section 106 Contributions	February	20,180
Development Control Planning Fees	February	(120,000)
Shops and Offices	February	(19,500)
Industrial Units	February	27,930
General Properties	February	(17,530)
Revenues and Benefits	February	(210,590)
Corporate GIS	February	(18,400)
Total Reduction in Borough Spend		(449,000)

Proposed Transfers to Reserves as at 31 March 2014

Appendix 2

As part of closing the accounts the opportunity has been taken to set up additional transfers to reserves:

Portfolio	Service	Amount to reserve £	Reserve Description	Reason to support proposed transfer
Grants received in year and transferred to Earmarked reserves	Corporate	£60,000	Section 31 grants - Flood	Section 31 grants - flood - Needed to fund flood repair work next year
	Individual Electoral Reg	£19,000	Election Reserve	Individual Electoral Registration - to fund additional spend
	Economic Development	£70,000	Kings Lynn - The Future	Balance of grant monies for future years
	Housing Standards	£10,585	Care & Repair, WN Insulation	Balance of grant monies/income for future years
	Housing Standards - Warmer West Norfolk	£2,047	Hsg Stds - Warmer West Norfolk	Balance of grant monies for future years
	Rough Sleeper Fund	£3,269	Housing Options	Balance of grant monies for future years
	CCTV	£90,000	CCTV Reserve	Development of contract with Breckland District Council
	Revenues and Benefits	£60,697	Welfare Reform Funding	Ongoing
	Sub Total	£315,598		
Corporate	Events	£20,000	HANSE Event	Funding required for Hanse Event
	Leisure Trust Project	£95,195	Corporate Projects	Balance of Leisure Trust project to be used in 2014/201
	Corporate contribution to capital	£700,000	Revenue Contribution to Capita	Revenue contribution to capital to fund future capital projects
	Corporate contribution to capital	£75,000	Revenue Contribution to Capita	To fund new steel flood gates on Hunstanton Promenade
	Corporate contribution to capital	£25,000	Revenue Contribution to Capita	To fund additional waste bin requirements
	Corporate contribution to 'invest to save'	£150,000	Corporate Project Reserve	Contribution to the corporate project reserve to fund 'invest to save' initiatives
	Sub Total	£1,065,195		
Democracy	Register of Electors	£22,000	Election Reserve	Individual Electoral Registration - to fund additional spend
	Sub Total	£22,000		
Chief Executive	Economic Development	£10,700	Kings Lynn - The Future	Funding required for Hanse Event

	Housing Options Programme	£58,000	Homelessness Strategy	Required to fund staffing costs for service
	Head of Legal Services	£20,000	Commissioning Reserve	Monies to fund recruitment costs
	Sub Total	£88,700		
Commercial Services	Lynnsport Sports Centre	£40,000	Lynnsport Sports Centre	Agreed Feb monitoring - works not completed, suppliers not able to deliver before 31/3/14
	Oasis Sports Centre	£1,250	Oasis Sports Centre	Agreed Feb monitoring - suppliers not able to deliver before 31/3/14
	Oasis Sports Centre	£3,500	Oasis Sports Centre	Replacement Pool Grates - Health & Safety Requirement
	Downham Market Sports Centre	£6,000	Downham Market Sports Centre	Alterations Female Changing Rooms
	St James Swimming Pool	£6,000	St James Swimming Pool	Repairs fitness changing rooms due to leaks
	Sports Development	£3,798	Mini Kandoo Club	Mini Kandoo Club - 'Funding From Dows carry forward to support club
	King's Lynn Markets	£13,000	Car Parks Reserve	For future market promotions
	Car Parks	£152,229	Car Parks Reserve	Resurfacing repairs and NNDC Capital spend
	Car Parks	£60,000	CCTV Reserve	ADPRO CCTV system
	Sub Total	£285,777		
Environment and Planning	Emergency Response	£3,620	Coastal Emergencies	Delay in delivery of equipment
	Air Quality	£10,000	Air Quality	New Station and replace existing - 'Capital Contribution
	Coastal Defence	£89,000	Coastal Defence	Remedial works Hunstanton Promenade and Seawall - Year 1 as reported to cabinet 9 April 2013
	Sub Total	£102,620		
Resources	Office Accommodation	£23,874	Office Accommodation	Service surplus to office accommodation reserve
	Accountancy	£31,840	Financial Ledger Development	To fund future planned expenditure
	Industrial Estate	£3,222	Industrial Services	Admin fee to fund future spend
	Upwell Car Park	£6,673	Upwell Car Park	To fund future costs
	Sub Total	£65,609		
	TOTAL	£1,945,499		

- **Unsupported Borrowing**

A form of capital finance funded by revenue either by increased income or a reduction in costs. There is not Government grant to support this form of funding.

- **Revenue Expenditure Funded from Capital Under Statute (REFCUS)**

Capital expenditure that does not result in a new or enhanced asset in the Authority's accounts. An example is improvement grants made to individuals. These are charged to the Income and Expenditure Account and reversed out as part of the Financing Adjustment.

Timeline for the Business Rates Retention Scheme

2013/2014 Estimate	NNDR1	January 2013
This estimate is the cash amount that the Council will receive in Business Rates for 2013/2014		



2014/2015 Estimate	NNDR1	January 2014
This estimate is the cash amount that the Council will receive in Business Rates for 2014/2015		
Additional estimate of the Business Rates surplus or deficit for 2013/2014 that the Council will receive as cash in 2014/2015 regardless of what the actual financial position is at 31 March 2014.		



2013/2014 Actual outturn return to government	NNDR3	May 2014
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2015/2016 Estimate	NNDR1	January 2015
This estimate is the cash amount that the Council will receive in Business Rates for 2015/2016		
Additional estimate of the Business Rates surplus or deficit for 2014/2015 that the Council will receive as cash in 2014/2015 regardless of what the actual financial position is at 31 March 2015.		
Also included will be an adjustment for any difference between the 2013/2014 actual outturn and the estimated outturn.		



2014/2015 Actual outturn return to government	NNDR3	May 2014
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REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards None	Mandatory	(a) Be entirely within Cabinet's powers to decide	YES	
		(b) Need to be recommendations to Council	NO	
		(c) Be partly for recommendations to Council and partly within Cabinet's powers	NO	
Lead Member: Councillor Nick Daubney E-mail: cllr.nick.daubney@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Lorraine Gore E-mail: lorraine.gore@west-norfolk.gov.uk Direct Dial: 01553 616432		Other Officers consulted: Management Team		
Financial Implications YES	Policy/Personnel Implications NO	Statutory Implications (incl S.17) NO	Equal Opportunities Implications NO	Risk Management Implications YES

Date of meeting: 11 June 2014

3 PROCUREMENT OF BANKING PROVIDER

Summary

The Council's current banking contract with the Co-Operative Bank terminates on 31 March 2015. The Co-Operative Bank has informed the Council that it will not be re-tendering for any future banking services to local authorities and the Council will therefore have a new banking provider from 1 April 2015. The Council is currently undertaking a joint procurement exercise in conjunction with all the other Norfolk District Councils, Norfolk County Council, the Norfolk Police and Crime Commissioner and Alive Leisure. The procurement timetable aims to make a provisional award of the new banking contract in early July 2014.

RECOMMENDATION

It is recommended that Cabinet delegate the decision to award the new banking contract to the Chief Financial Officer in consultation with the Leader and Chief Executive to ensure that the joint procurement timetable can be met.

Reason for Decision

The Council has to procure a new banking provider from 1 April 2015.

1 Background

- 1.1 The Council currently banks with the Co-Operative Bank under a five year contract which terminates on 31 March 2015. All Norfolk District Councils, Norfolk County Council and the Norfolk Police and Crime Commissioner also bank with the Co-Operative Bank with termination dates to 31 March 2017.
- 1.2 In June 2013 the Co-Operative Bank announced that they had a £1.5 billion shortfall in their capital funding arrangements, causing speculation in the markets that the bank might collapse overnight. The bank's credit rating fell sharply to 'junk' status. The bank recently reported a further loss of £1.3 billion for 2013.
- 1.3 Following the downgrading of the bank the Council's treasury team in consultation with Capita Treasury Services, the Council's treasury advisors, put in place procedures to minimise the Council's exposure and overnight balances held in the bank are kept as close to zero as possible. The Council does not hold any investments with the Co-Operative Bank. A dormant bank account has been opened with Barclays Bank PLC to provide contingency banking arrangements are in place in the event that the Co-Operative Bank was to cease trading at short notice. The Council's Risk Register has also been updated.
- 1.4 The Deputy Chief Executive and Chief Financial Officer met with the Council's Relationship Manager at the Co-Operative Bank in July 2013 and at that time the bank position was that it was committed to fulfil all existing contracts with local authorities and was working on measures to address their capital funding shortfall. The bank was not prepared to release local authorities from existing contracts early without termination penalties.
- 1.5 On 5 November 2013 the Co-operative Bank announced that, regardless of the outcome of their forthcoming recapitalisation bond issue, they would cease to provide banking services to the local authority sector. They were prepared to honour their existing contracts, but would not grant extensions to contracts or tender for future business. In addition if Council's were to exit from their contract early the bank would not apply any penalties.
- 1.6 In January 2014 all Norfolk District Councils and Norfolk County Council began discussions towards the joint procurement of banking services. The combined transactions volumes should make this tender more attractive to the banks and produce keener pricing. The major UK banks were invited to a meeting in early February 2014 to discuss their willingness to respond to a joint procurement exercise. Those who responded were:

- Barclays Bank PLC
- Lloyds Bank PLC
- NatWest Bank PLC
- HSBC Bank PLC
- Santander Bank

1.7 The Norfolk Police and Crime Commissioner joined the procurement process recently. Alive Leisure are also part of the joint procurement. All participants have signed a Memorandum of Understanding.

1.8 The result of the procurement will be a single banking provider across Norfolk, but each participant will have its own contract that reflects its own service specification.

2 Resource Implications

2.1 The work of drawing up the new banking contract specification, advertising and assessing the tender submissions, is being divided amongst the participants, such that the workload on any individual council is substantially reduced. All participants are represented on the project group and attend the regular meetings, and will be on the evaluation and interview panels.

2.2 The assistance of a procurement officer and a project manager has been provided by Norfolk County Council at no cost to the other participants.

2.3 Legal advice is being provided by NPLaw with the charges being divided amongst the participant authorities, the estimated cost for King's Lynn is £600.

2.4 It was decided at an early stage that the group should procure the services of an experienced banking services consultant to support the joint procurement process, dividing the cost between the participants. The group's innovative approach to the joint procurement of banking services with both the Districts and the County working together was recognised by the East of England Local Government Association, who has provided innovation funding of £10,000 towards the consultancy costs., the remaining costs are shared between the participants, the Borough's contribution is £1,200. The invitation to tender has been drawn up with the assistance of the jointly procured banking consultant who visited King's Lynn to ensure that the Borough and Alive Leisure's requirements were met in the tender document.

3 Timetable

3.1 The invitation to tender was published on Contracts Finder, the public sector procurement website on 13 May 2014 and the deadline for

interested parties to submit their completed tenders is 27 June 2014. The authorities will meet to evaluate the tenders in the week commencing 30 June 2014, with interviews (if necessary) scheduled for 14 to 18 July 2014.

- 3.2 The timetable has been written to accommodate the closest of the contract expiry dates; Alive Leisure currently does not have banking provision and arrangements will need to be in place as soon as possible after the start of the new leisure arrangements on 1 July 2014 and one of the Districts has a banking services contract that requires renewal in 2014, with an even spread of expiry dates from March 2015 to March 2017 amongst the remaining participants.
- 3.3 The intention is to award the contract to a single provider on 1 August 2014, with an individual contract issued to each participant and phased transition from the Co-operative Bank in accordance with each authority's contract expiry date.
- 3.4 However, for the Council to participate fully in this process, it must be able to commit to a decision on 21 July, based on information which will not be available until 30 June at the earliest. Unfortunately, this timetable, and in particular the dates around the tender evaluation and award, do not coincide with the calendar of Cabinet meetings and it is proposed that Cabinet delegate the decision to award the new banking contract to the Chief Financial Officer in consultation with the Leader and Chief Executive to ensure that the joint procurement timetable can be met.
- 3.5 The outcome of this decision will be reported back to Cabinet in due course.

4 Implications and Risks

- 4.1 If the tender process does not proceed to timescale there could be additional procurement costs. In addition to the Norfolk joint procurement there are around 130 other authorities with the Co-Operative Bank who will also need to procure new banking contracts, which could reduce the number and competitiveness of the bids received.
- 4.2 If one of the authorities did not agree to award a contract in the timescale then the whole procurement exercise could be delayed or jeopardised.
- 4.3 The risks of not completing the joint tender exercise are:
 - A low or nil response rate from banks to an individual tender exercise
 - Increased costs and officer time spent, as these will not be jointly borne by the group

- Increased tariff costs; there may be savings offered by banks eager to obtain a large share of creditworthy business in Norfolk.

5 Equality Impact Assessment

- 5.1 Procurement decisions are made impartially, within the authority's set procedures. The primary objective is to obtain a contractor who is capable of fulfilling the contract in its entirety, has good financial and reputational standing and offers a competitive pricing structure. The contractors' policies in regard to equality issues are taken into account as part of the process. The qualities of all potential contractors are assessed impartially under these guidelines.

6 Conclusion

- 6.1 The joint procurement exercise for a new banking service provider is progressing well, but flexibility is needed to ensure that the contract award is made in accordance with the timescales.

7 Access to Information

Minutes of Joint Procurement Project Group

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Discretionary	(a) Be entirely within Cabinet's powers to decide YES		
		(b) Need to be recommendations to Council NO		
		(c) Be partly for recommendations to Council and partly within Cabinets powers – NO		
Lead Members: Cllr Nick Daubney & Cllr David Pope E-mail: cllr.david.pope@west-norfolk.gov.uk cllr.nick.daubney@west-norfolk.gov.uk		Other Cabinet Members consulted: Cllr Elizabeth Nockolds		
Lead Officer: Chris Bamfield E-mail: chris.bamfield@west-norfolk.gov.uk Direct Dial:		Other Officers consulted: Ray Harding, David Thomason, Lorraine Gore, Debbie Gates, Becky Box, Simon McKenna, Neil Gromett, Kate Littlewood, Matthew Henry, Richard Godfrey, Honor Howell, Nicola Leader		
Financial Implications YES	Policy/Personnel Implications YES	Statutory Implications (incl S.17) NO	Equal Opportunities Implications NO	Risk Management Implications YES

Date of meeting: 11 June 2014

4 TRANSFER OF LEISURE FACILITIES AND SPORTS DEVELOPMENT INTO A LEISURE TRUST ARRANGEMENT AND LOCAL AUTHORITY COMPANY

Summary

The report details the arrangements for the transfer of Leisure Facilities and Sports Development into a Leisure Trust arrangement and Local Authority Company (LAC) from 1st July 2014.

Recommendation

That Council be recommended to:

- 1) Agree the proposed lease arrangements for Lynnsport and Leisure Park, Oasis Sports and Leisure Park, Downham Market Leisure Centre, St James' Swimming & Fitness Centre and the Corn Exchange as detailed in the report outlined in section 4.
- 2) Agree the funding arrangements between the Council and the Trust.
- 3) Agree to a transfer of £200,000 from the general fund working balance to the Trust as part of the set up cost.
- 4) Agree the support services arrangements for the Trust to be supplied via Coastshare.
- 5) Confirm the management of maintenance and utilities within facilities by the Local Authority Company for the Council.
- 6) Agree the staff arrangements and note the TUPE transfer of employees.
- 7) Agree the pooling of pension arrangements between the Council and the Trust.
- 8) Agree that in the event that the Trust folded in the first 5 years the Council would meet any unpaid balance of redundancy/pension strain

<p>cost.</p> <p>9) Delegate authority to the Chief Executive in consultation with the Leader and Cabinet Member for Assets and Special Projects to finalise arrangements for the 1 July 2014 and any subsequent amendments in the first six months of the new arrangements.</p> <p>10) Request the Board of the LAC to consider and agree the contract from the Trust.</p> <p>11) Agree in principle to lease the Guildhall to the Arts Centre Trust on a similar basis to the Galleries.</p> <p>12) Delegate authority to the Chief Executive to execute all necessary documentation contractual or otherwise associated with the creation of the Leisure Trust and the supply of services to it.</p>
<p>Reason for Decision</p> <p>To enable the implementation of the arrangements for the management of Leisure Facilities and Sports Development through a Trust to be finalised.</p>

1. INTRODUCTION

- 1.1 At its meeting on 9th April 2013, Cabinet agreed to establish a Charitable Company and a Local Authority Company for the operation of Culture and Leisure Facilities with arrangements to commence on 1st July 2014. The recommendation was agreed by Council at its meeting on 25 April 2013. The Chief Executive in consultation with the Leader and Cabinet Members for Assets and Health and Wellbeing were delegated authority to implement all necessary arrangements. The reason for the decision was to achieve financial savings to contribute to the Council's cost reduction targets.
- 1.2 Given the significance of the project the purpose of this report is to outline the arrangements that have been made in accordance with this delegation and seek Cabinet approval to the remaining key issues prior to commencement.

2. OVERVIEW OF ARRANGEMENTS

- 2.1 The Council has established Alive Leisure (the Trust) and Alive Management (the Local Authority Company) as the main organisations to deliver leisure services.
- 2.2 After the appointment of the Board to the Trust they have successfully become a Registered Charity (registered on 8th April 2014) and as such, is an independent organisation with which the Council will have a Service Level Agreement to deliver the leisure and cultural offering in West Norfolk.
- 2.3 In order to operate the service the Trust will take all income from users of facilities and to balance the operating cost receive a small payment from the Council through the SLA.

- 2.4 The Trust is structured in such a way that its main work is in terms of key issues around programming of activities in leisure centres and the shows at the Corn Exchange, marketing and promotion to increase usage in general or by specific target groups it determines, setting charges for activities/shows and any concession arrangements, carrying out a programme of events and work in rural areas and in general working to increase access and availability to leisure across the borough for the benefit of the general public. The Trust Articles allow it a wide scope to carry out work in any art, leisure, entertainment and heritage areas both inside and outside West Norfolk.
- 2.5 To enable the Trust to deal effectively with many of the operational services, it has reached an agreement with the Council's Local Authority Company. This agreement includes arrangements for the day to day management of joint employees involved in the service delivery.
- 2.6 In drafting its requirements, the Trust has given consideration to its SLA with the Council.
- 2.7 To assist the Council, the LAC is also carrying out work directly for the Council with regard to the management of maintenance and utilities in facilities and other miscellaneous areas including community centres.
- 2.8 The Trust is obtaining its support services in terms of Personnel, Payroll, Finance, IT, etc through the Coastshare arrangements. The Council, as a member of Coastshare, is providing many of the services but other members of Coastshare are providing services to the Trust.

3. ISSUES FOR CONSIDERATION

- 3.1 There are a number of important matters connected with the project which are set out in the report for consideration;
- Leases for facilities
 - Funding Agreement between Council and Trust
 - Support Services Agreement between Council and Trust
 - Agreement between the Trust and the Local Authority Company
 - Joint Employment Agreement

4. LEASES FOR FACILITIES

- 4.1 To obtain charitable rate relief the Trust must be in occupation of the leisure sites.
- 4.2 Leases will be for 25 years duration, a long lease is important for the Trust in being able to apply for grant aid in connection with any facility development projects. Negotiations are taking place with regard to break clauses.
- 4.3 The Council retains responsibility for all building maintenance works and for payment of utility costs (gas, electricity, water). Management of

maintenance and utilities will be carried out by the LAC employees together with Property Services, particularly with regard to schemes to reduce energy consumption. Maintenance includes both ongoing annual maintenance and any cyclical works. The Council also retains responsibility for equipment replacement. This is the most financially beneficial arrangement for the Council while at the same time protecting the Trust from volatility in these budget areas, particularly energy costs.

- 4.4 The lease for the Lynnsport site excludes all open grass and sports ground areas and the Dutton Pavilion. This will enable the Council to implement its future plans for major housing development on the site and continue to charge for sports pitches against Special Expenses costs.
- 4.5 At Lynnsport, Downham Market Leisure Centre and the Oasis there are particular issues with regard to the use of facilities by other bodies including COWA and the Downham Market High School and at the Oasis by the Council's Resort Services that are addressed in the documentation. The arrangements retain a direct link between these organisations and the Council with any relevant fees paid direct to the Council.
- 4.6 To retain the use of Lynnsport by COWA, a 25 year lease for classroom/office space and use of 2,896 hours of facility use has been set up. The College are clear that they need a solid 25 year lease as to quote "we have thrown everything into working at Lynnsport". The College pay a fee of £50,500 + VAT direct to the Council subject to an annual review and a five year strategic review.
- 4.7 The Pelicans Hockey Club have a 49 year lease (from January 1997) for their clubroom and pitch. The lease is direct with the Council and will be excluded from the Trust lease area. Pelicans currently pay a service charge of circa £4,600 per annum and are responsible for all costs/income from their hockey pitch. This fee increases in line with RPI each year.
- 4.8 Downham Market High School currently lease the Leisure Centre to the Council. They have been asked to agree a deed of variation to allow the Council to sub-let to the Trust. The use of the Sports Hall by the School will continue and the fee for this will be paid direct to the Council by the High School.
- 4.9 The Council's Resort Services and Car Parks currently operate out of two small office areas in the Oasis Leisure Centre. These areas have been excluded from the Trust lease.
- 4.10 The staff car park at St James' Pool is excluded from the Trust lease to allow the Council to continue to enforce parking.
- 4.11 The Lease from the Council to the Leisure Trust ensures that rights to site Solar Panels on the Sports Barn roof are properly documented together with rights for access to maintain, repair, renew the panels.

4.12 The Corn Exchange will be a direct lease to the Trust with no complications.

5. FUNDING AGREEMENT BETWEEN COUNCIL AND THE TRUST

5.1 The agreement sets out the requirements for the trust to operate the Council's main leisure facilities; Lynnsport and Leisure Park, Oasis Sports and Leisure Park, Downham Market Leisure Centre, St James' Swimming and Fitness Centre and the Corn Exchange and to provide a Sports Development service incorporating major events.

5.2 The agreement is to operate on a rolling three year basis. At the end of each financial year, subject to agreement between both parties, the arrangements will be extended for an additional year. The financial arrangements allow for the fee to the Trust to be set for the first two years with the third year being an estimated figure which is confirmed as part of the discussion at the end of Year 1. In essence, this means the Trust will always have a minimum of 12-14 months of security with regard to the level of the fee and its financial planning. The fees are shown in Appendix 1.

5.3 Although the Funding Agreement sets out the key services required by the Council, it also includes the option for the Council and the Trust to agree to add other relevant arts, sports and heritage activities in the future.

6. REPORTING ARRANGEMENTS

6.1 The Borough Council has one of seven Board places on the Leisure Trust and clearly this will be an important conduit for communications between the Council and the Trust.

6.2 In addition, the SLA includes a requirement for the Trust to report formally to the Regeneration, Environment and Community Panel on two occasions each year, reporting on performance against agreed Performance Indicators.

6.3 A nominated lead officer (Executive Director Commercial Services) who will oversee the day to day liaison between the Council and the Trust. The Trust Chief Executive is also nominated as the Trust Lead Officer.

6.4 The Local Authority Company and its results will be reported through the Board (Leader and Cabinet Members for Assets and Special Projects) and the Resources and Performance Panel on an annual basis. The accounts of the company will be consolidated into the Borough Council's accounts annually.

7. SUPPORT SERVICES BETWEEN THE COUNCIL AND THE TRUST

7.1 As detailed earlier, the Council are offering to provide a number of support services to the Trust. These would be provided via the

Coastshare arrangements approved by Council on 27 February 2014. Services will be provided at cost and are outside the scope of VAT.

- Financial Services
- Personnel and Payroll (Joint Employees)
- Audit
- ICT
- Communications

7.2 The cost of support services provided is included in the Financial Arrangements.

8. AGREEMENT BETWEEN THE TRUST AND THE LOCAL AUTHORITY COMPANY

8.1 As detailed in Section 3, the Council has established a wholly owned Local Authority Company (LAC) as part of the Leisure Trust arrangements. The LAC has two key roles within the arrangements.

8.2 The LAC provides a service to the Council to deal with the maintenance arrangements and utilities management of the facilities. The LAC will manage the budgets of the services within agreed set targets. The cost of the LAC to the Council is included in the Financial Arrangements.

8.3 The Trust has produced an agreement between the Trust and the LAC which will reflect the documentation between the Council and the Trust and the role of the LAC in delivering operational aspects of the service. The Board of the LAC will be responsible for agreeing the terms of the arrangement.

9. FINANCIAL IMPLICATIONS

9.1 The establishment of a Trust/Local Authority Company to operate the arts and leisure facilities of the Council is intended to produce savings. The Financial Plan 2013/2017 includes estimated reductions in the current costs of the services to be £471,750 in 2014/2015 rising to £629,000 in future years. (Total savings before loss of Business Rates income).

9.2 The current set of estimates for the Trust/Local Authority Company arrangements show that in Year 1 the Council would be required to pay a management fee of circa £100,000 to the Trust to ensure that it would break even on expenditure against income. The estimates assume that the Local Authority Company (LAC) would break even.

9.3 The Trust like any other trading organisation will need working balances and has requested a sum of £200,000 to be provided as part of the set up cost of the arrangements. On the basis that the Trust is exposed to the risk of not achieving income levels of £5m in each year then a 4% working balance does not seem unreasonable (the Council holds a minimum working balance of 5% on net spend).

- 9.4 The February 2014 Monitoring Report for 2013/2014 indicates that the Council will end the year with a working balance on the General Fund in excess of the sum anticipated as part of the new Financial Plan. The Council can agree to a transfer of £200,000 of its working balance as part of the set up costs.
- 9.5 At this stage the Council will not make any transfer of working balance to the LAC but would deal with any balances at a year end.
- 9.6 The Trust has also asked that the Council agree that in the event that the Trust folded in the first 5 years the Council would meet any unpaid balance of redundancy/pension strain cost. In the case of a failure of the Trust the Council would almost certainly be in a position to TUPE the majority of staff back to the Council if the facilities were to continue in use.
- 9.7 The Trust has also put forward a proposal that in the event of a surplus on the operations in its first five years that it takes the first £50,000 and then splits any additions surplus 50/50 with the LAC. The LAC surplus could then be transferred to the Council.
- 9.8 In considering the future arrangements with the Leisure Trust it is important to be aware of the clear indicators from Government that the current regime of austerity is likely to continue until 2020. Further reductions in public expenditure are projected to be passed down to local government resulting in continuous reductions in the level of grant provided to the Borough Council. Consequently, it will be necessary to factor the implications of projected grant reductions into the annual review of the SLA and the associated management fees. In the future, if the Trust produces a surplus and no longer requires support from the Council then its charitable articles would allow it to widen its scope.
- 9.9 The financial position is based on the Trust obtaining 80% Mandatory Business Rates Relief and 20% discretionary. A decision on the discretionary rate relief cannot be made until the Trust are in occupation of the premises after 1st July 2014. In the event that the Trust application for discretionary relief is not successful the Council has agreed to increase the Management Fee to meet the difference.
- 9.10 The summary of the financial position is included at Appendix 1.

10. POLICY/PERSONNEL ARRANGEMENTS

- 10.1 Staff currently employed by the Council in its leisure and arts services will transfer to the employment of Alive Leisure, Alive Management or both (becoming joint employees) on 1st July in accordance with the Transfer of Undertakings (Protection of Employment) Regulations (commonly known as TUPE). TUPE preserves the employee's terms and conditions of employment, including continuous service and provides that the new employer takes on all the rights, duties and liabilities connected with the contracts of employment

- 10.2 32 permanent posts and a small number of casual employees will transfer to Alive Leisure and will cease to be employed by the Borough Council.
- 10.3 The remaining staff will be transferred to Alive Management. 10 of these employees will be solely employed by the Local Authority Company. The rest will become jointly employed by the Alive Management and Alive Leisure. Detailed legal agreements and procedural arrangements have been established to ensure the effective operation of the joint employee arrangements.
- 10.4 All staff affected by the new working arrangements have been informed and consulted on the changes in accordance with the TUPE regulations. The Council also has legal obligations to adhere to with regards the provision of information to Alive Leisure on the employees who will transfer to its employment, and these obligations have been completed on time.
- 10.5 Discussions have taken place with the Norfolk Pension Fund. The Trust has applied for Community Admission Body status and has requested the Council to agree a Pooling arrangement which is the most beneficial financial arrangement for both the Council and the Trust.
- 10.6 A key factor in the arrangements is the Joint Employment Agreement between the Trust and the LAC. The majority of employees will be jointly employed.

11. KING'S LYNN ARTS CENTRE

- 11.1 The King's Lynn Arts Centre trust have asked to lease the Guildhall and associated parts of the Arts centre on the same basis as their current lease and Service Level Agreement with the Council on a three year rolling agreement. The Guildhall is currently managed through the Corn Exchange as a Hall for Hire but has not been included within the Trust arrangements. Under the delegated authority to progress arrangements, the proposal was agreed in principle (11 February 2014).
- 11.2 Negotiations are proceeding in order to commence the arrangement co-terminus with the Leisure Trust start up on 1st July 2014.
- 11.3 To cover initial start-up costs, it was agreed to provide a grant of £25,000 funded from the budget for Trust start-up as a one off amount in Year 1. It is anticipated that there will be a saving from the staffing charges arising through the Trust of circa £10,000 if the Guildhall is included in the Arts Centre SLA.
- 11.4 In the event that the Art Centre Trust do not proceed the Council will need to make alternative arrangements for the management of the Guildhall which would negate any staffing savings.

12. RISK IMPLICATIONS

- 12.1 There are risks associated with the establishment of the Trust and Local Authority Company which have been noted as part of previous reports. These included the risk of changes in legislation that took away the advantages of the VAT and business rates reliefs.
- 12.2 The issues noted as part of this report do not introduce any new risks but do bring to the fore the risk of failure of the Trust. In order to mitigate the potential of such an event the Council has agreed to set up working balances and cover possible redundancy costs which should provide the Trust with confidence to operate soundly.
- 12.3 The arrangements for the Joint Employment of staff by the Trust and the Local Authority Company are considered to be outside the scope of VAT. The Council has taken legal advice on the arrangements in the event of a future challenge by HMRC. Within the Joint Employment Agreement the Council agrees to indemnify both Joint Employees (Trust and LAC) for any demands for VAT in connection with the Joint Employment.

13. BACKGROUND PAPERS

Previous Cabinet report 9 April 2013
Funding Agreement
Joint Employment Agreement
Support Services Agreement
Trust Management Structure
LAC Management Structure
Advice from Norfolk Pension Fund
Miscellaneous Leases for Leisure facilities

Appendix 1

<u>SUMMARY LEISURE TRUST</u>			
	2014/2015	2014/2016	2014/2017
	£'s	£'s	£'s
Current Budgets (Excluding Depreciation)	2,060,830	2,152,750	2,298,640
ADJUSTED BUDGETS DUE TO TRUST SET UP			
Council Budgets	1,337,540	1,399,230	1,472,140
Management Fee	90,680	106,240	157,150
Total Council Budget	1,428,220	1,505,470	1,629,290
LAC Budgets	0	0	0
Trust Budgets	0	0	0
Total	1,428,220	1,505,470	1,629,290
Difference from Current Total Budget	(632,610)	(647,280)	(669,350)
Reason for the Difference			
VAT Adjustments	(402,750)	(409,840)	(423,690)
VAT on LAC Support Services	17,210	17,170	17,060
VAT on LAC Management Costs (directly employed)	28,180	29,020	30,270
VAT on LAC Supplies & Services	39,290	39,350	39,280
Net VAT	(318,070)	(324,300)	(337,080)
Business Rates not paid by Trust	(399,130)	(408,720)	(420,160)
Sub Total Savings	(717,200)	(733,020)	(757,240)
Resort Office Included in Oasis Lease	14,880	14,880	14,880
Staff Net	80,000	82,570	86,870
Dec/January Monitoring	(118,000)	(119,420)	(121,570)
Telephone saving (new contract)	(6,690)	(6,690)	(6,690)
Miscellaneous Fees	9,700	9,700	9,700
Training	32,200	32,200	32,200
Board member expenses	4,500	4,500	4,500
Insurance/Audit/Ledger/HR/Payroll	68,000	68,000	68,000
Net Annual Savings	(632,610)	(647,280)	(669,350)
Reduced Income to Council Business Rates Retention	159,650	163,490	168,060
Overall Saving	(472,960)	(483,790)	(501,290)

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Discretionary /	Be entirely within Cabinet's powers to decide	NO	
		Need to be recommendations to Council	YES	
		Is it a Key Decision	YES	
Lead Member: Cllr Alistair Beales/ Cllr Adrian Lawrence E-mail: cllr.alistair.beales@west-norfolk.gov.uk & cllr.adrian.lawrence@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Ray Harding E-mail: ray.harding@west-norfolk.gov.uk Direct Dial:		Other Officers consulted: Duncan Hall, Dave Thomason, Matthew Henry, Dale Gagen		
Financial Implications YES	Policy/Personnel Implications YES	Statutory Implications YES	Equal Impact Assessment YES If YES: Pre-screening	Risk Management Implications YES

Date of meeting: 11 June 2014

5 LOCAL AUTHORITY HOUSING COMPANY

Summary

This paper considers the potential benefits of the Borough Council establishing a Local Authority Housing Company. The primary purpose for establishing the company would be to act as a vehicle to secure new affordable housing units in the Borough utilising 'off site' Section 106 planning funds granted by developers who in exceptional circumstances provide off site financial contributions in lieu of onsite affordable housing units. The company will retain ownership of the units but sub contract the management to a suitable housing association (Registered Provider/ RP). This approach will enable the Borough Council to retain ownership of the assets and benefit from revenue stream.

The company would be established in such a way that it could take ownership of any unsold market units, should there be any, from schemes where the Council is acting as a developer including the NORA Joint Venture currently developing a first phase of 55 homes. These properties could be subsequently be privately rented and create additional income, until they were sold at appoint in the future.

Recommendation

Cabinet is recommended to:

1. Give delegated authority to the Property Services Manager to create a simple company limited by shares, to act only to own or lease from the Borough Council residential properties, wholly owned by or on behalf of the Local Authority - in consultation with the Portfolio Holders for Regeneration and Community, Chief Executive, Deputy Chief Executive and Chief Finance Officer.

2. Instruct the Property Services Manager to develop a basic Business Plan for the Company identified within this report.
3. To give delegated authority to approve the Articles of Association and Business Plan to the Legal Services Manager in consultation with the Portfolio Holders for Regeneration and Community, Chief Executive, Deputy Chief Executive and Chief Finance Officer.
4. To give the Legal Services Manager delegated authority to draft and finalise all necessary documentation, contractual or otherwise associated with the creation of the company.
5. The sum of £761,840 is allocated to the company once established for the purposes of acquiring affordable housing units, representing the funds currently held for 'off site' affordable housing contributions as part of existing Section 106 agreements, together with any future similar Section 106 off site affordable housing contributions.

Reason for Decision

To ensure that the funds currently held by the Borough Council for affordable housing purposes are utilised to secure additional affordable housing units, and that any similar funds in the future are similarly invested.

1 Background and Context

1.1 The available resources that the Council has for affordable housing investment has arisen primarily from section 106 development agreement commuted sum payments. Whilst in recent years the Council's approach has been to favour on site provision, some historic agreements have provided for commuted sums.

1.2 There are times when it is favourable for the Council to accept a commuted sum payment in lieu of on-site affordable housing units. This approach is considered to be exceptional under the Councils Affordable Housing Policy. An example of this could be where the type and size of units being provided are not appropriate for housing need and planning restrictions do not permit a change in size or design. On smaller sites the affordable housing requirement can often equate to a fraction of a dwelling, and in these circumstances in line with national guidance a cash equivalent sum is agreed as an alternative.

1.3 The Council favours a fixed sum as an affordable housing contribution rather than using a formula. The sum sought is £60,000 per equivalent whole dwelling. It is therefore common for the Council to secure on smaller sites sums of between £12,000 and £60,000 for the provision of affordable housing.

1.4 All financial contributions secured via S.106 agreements under the Affordable Housing Policy can only be used for the provision of affordable housing in the Borough. As at 1 April 2014 there is £761,840 in the affordable

housing fund. Furthermore as per the National Planning Policy Framework affordable housing should include provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision.

1.5 In recent years the Homes and Communities Agency (HCA) have reduced grant levels significantly. The HCA expect a greater share of development finance is raised by RPs. The ability of RPs to raise additional capital has been enhanced by the introduction in 2011 of a new rent regime 'affordable rents', with rents rising to up to 80% of market rent. The HCA have adopted a 'something for something' approach with investment returns an important driver in some of their activities.

1.6 In this context Cabinet approved on 6th Dec 2010 that the Council review its approach to investing in affordable housing, and adopt a more 'investor' based approach, rather than a public funding role. In a similar way to the HCA, this proposal involves the Council adopting a 'something for something' approach and taking a more direct involvement in housing investment, as it is already doing in housing development activities. Historically the Council has using available S106 available funds essentially 'pump-primed' investment by providing small levels of direct subsidy to reduce the level of HCA grant required, so making the grant bid more attractive. This approach has not seen the Council benefit from a return or any capital growth.

1.7 The approach proposed represents an opportunity for the Council to secure affordable housing and benefit from an investment return. In recent years some RPs have dis-invested in the area. The investment that the Council makes can ensure the local community benefits from proceeds generated from the income generated. A number of councils have developed or are in the process of developing delivery models, particularly separate company models, for investment purposes, making use of new freedoms arising from the Localism Act. There are also examples of developers who have registered as providers of social housing to hold affordable units they have delivered as part of S106 development agreements.

2 Utilising existing and future affordable housing capital funds derived from S 106 development agreements

2.1 The business case for utilising existing S106 commuted sum capital funds rests on the following points:-

- The available funds as detailed are required to be utilised for affordable housing and no other purpose as required under contract.
- The Council is in a favourable position to identify opportunities to acquire affordable housing from appropriate development schemes (including its own development schemes).
- The proposal involves the Council establishing a non-charitable company limited by shares to hold the affordable housing units. Holding the affordable housing in a separate company will enable the Council to avoid the requirement to provide secure

tenancies that have Right –to-Buy implications. The affordable housing can be let under the assured tenancy regime (Housing Act 1988) in the same way that RPs do.

- The Council owned company could work with an RP that on its behalf could undertake the management and maintenance of the affordable units. The Council could avoid the cost and liability of using directly employed staffing resources.

3 Indicative Investment Analysis

3.1 Assume that 8 affordable units are purchased at social housing values (a discounted price paid by RPs to developers where the price paid is based on a capitalised rental stream typically over 30 years)

3.2 Assume affordable rent of £110 pw per unit is charged

Purchase Price

8 units @ £90,000 each reflecting Social Housing Value = **£720,000**

Gross Rent

8 units @ £110 pw, equating to £5,720 pa each= **£45,760**

Net rent (before tax liability)

Gross rent less

Allowance for management and maintenance @ 12%=£5,491

Allowance for voids @ 3%= £1,373

Allowance for arrears/ bad debts @ 2% £915

Total allowances= £7,779

Net rent= **£37,981**

Initial Yield= 5.3%

3 Options Considered

3.1 Under current arrangements S106 units are transferred to a Registered Provider (RP) at a social housing value. The subsidy remains with the RP, and effectively allows the RP to charge a sub-market rent and make an investment return. Many RPs will generate very healthy operating surpluses. Additionally, in some circumstances developers are making use of changes to legislation which allows them to retain ownership of the units but let it as affordable product via an RP management/lease arrangement for a set period of time.

3.2 In reality there are few alternative options because these funds are secured in a way that means they can only be used prescriptively for affordable housing investment, and so the only option other the one proposed is to transfer the funds to an RP where a scheme(s) has been identified. The Council would forego the opportunity to make a direct investment in affordable housing if it takes this approach.

4 Governance Issues

4.1 Arrangements for the housing company including governance arrangements would include the company would be a non-charitable company limited to shares and would have a Shareholder Board consisting of:

- Portfolio Holder for Housing plus 2 members appointed by Cabinet
 - Chief Executive
 - Chief Financial Officer
-
- There will need to be a set of Articles of Association and a Business Plan will need to be in place. The Articles of Association would need to be established in such a way that allows the company to also hold and rent housing on a market renting basis – as this could be a beneficial additional use of the company in dealing on a temporary basis with any un-sold units from its development activities in King's Lynn
 - There will need to be formal service agreements drawn up between the Housing Company and the Council which would show that any work undertaken for the Company would be recharged on a cost basis.
 - A Business Plan will be prepared that will set out the basis upon which a contract will be let to an RP for the management and maintenance arrangements of the units. The Business Plan will accommodate an exit strategy, involving the sale of affordable units to an RP at a future date if appropriate.

5 Policy Implications

5.1 In the context of this proposal, the Council is creating an opportunity to adopt a more 'investor' based approach. The Council has up until now essentially passed on S106 commuted sum payments for affordable housing to Registered Providers of Social Housing, and has not seen acquiring completed affordable housing units delivered under planning agreements as an opportunity. Recent initiatives including the Joint Venture project at NORA have demonstrated the strong position that the Council is in to contribute to housing delivery and investment. The change will effectively mean a move away subsidy being created and not always being passed on immediately to other organisations to benefit from that investment in income created and capital growth.

5.2 In terms of housing allocations, a nomination agreement between the Borough Council and the Company will be established on a similar basis to those between the Council and the Housing Associations operating in West Norfolk.

6 Financial Implications

6.1 The affordable housing contributions are held in reserves and as at 1 April 2014 the sum of £761,840 is available to be transferred to the Housing

Company. These funds are required to be used for the purposes of investing in new affordable housing only.

6.2 There are likely to be potential implications for the company in respect of corporation tax, and capital gains tax – detailed advice will be sought on these matters should Members agree the approach recommended in this report.

7 Personnel Implications

7.1 The company will need to be established with named directors which could include relevant members and appropriate senior staff.

8 Statutory/ Legal Considerations

8.1 The Council's ability to set up a wholly owned council company, is contained in a general consent to do so under Local Government Act 2003, and is supported through wider freedoms set out in the Localism Act 2011.

8.2 It is possible that a specific consent from Dept. Communities and Local Government will be required for the company to operate the 'affordable rent' tenancy product. There is nothing to indicate that this would be problematic or a barrier to the proposal. As an alternative the company could register as a registered provider of social housing with the HCA.

9 Equality Impact Assessment (EIA)

9.1 It is considered that there are no implications – screening report to follow

10 Risk Management Implications

10.1 The Council will not be investing funds from its own reserves and will be investing in affordable housing in areas of high demand. It is important that the Council does not miss the opportunity to invest these funds in much needed new affordable housing provision.

11 Declarations of Interest / Dispensations Granted

None

12 Background Papers

None

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards - St Margaret's with St Nicholas	Discretionary	Be entirely within Cabinet's powers to decide		NO
		Need to be recommendations to Council		YES
		Is it a Key Decision		NO
Lead Member: Cllr Elizabeth Nockolds E-mail: cllr.elizabeth.nockolds@west-norfolk.gov.uk		Other Cabinet Members consulted: Cllr Brian Long		
		Other Members consulted: Mart Task Group		
Lead Officer: Ray Harding E-mail: ray.harding@west-norfolk.gov.uk Direct Dial:01553 616245		Other Officers consulted: Martin Chisholm		
Financial Implications YES	Policy/Personnel Implications NO	Statutory Implications NO	Equal Impact Assessment req'd NO	Risk Management Implications YES

Date of meeting: 11 June 2014

6 REPORT OF THE MART TASK GROUP – MART OPERATING ARRANGEMENTS 2015 ONWARDS

Summary

This paper reports the outcome of the second stage of the considerations of the Mart Task Group concerning the future arrangements for the historic King's Lynn Mart. This is a follow-up report to that of 18 September 2012, at which revised highway arrangements together with key aspects of the Tuesday Market Place works, were approved. Proposals were also put forward for a reduced open period, and changes to the opening hours, but these were subsequently rejected by the Showmen's Guild.

Recommendation

Cabinet is recommended the accept of the proposed rolling six-year agreement between the Showmen's Guild and the Borough Council as set out in section 3 of this report.

Reason for Decision

To establish a long term agreement for the future arrangements of the historic King's Lynn Mart, acceptable to both the Borough Council and the Showmen's Guild.

1. Background

1.1 The Mart Task Group reported to Cabinet on 18 September 2013 in response to the decision of Council to establish a Task Group following the tragic death of a child in a road traffic accident on King's Street at the time of the 2012 Mart. The Task Group had a wide ranging brief as set out in its terms of reference (Appendix 1).

- 1.2 A number of meetings of the Task Group were held, consultation was undertaken with a number of stakeholders and interested parties and a comprehensive set of recommendations were made to the REC Panel and Cabinet. These recommendations were supported by both bodies and the measures concerning the highway arrangements and Tuesday Market Place works were implemented.
- 1.3 Unfortunately the proposals concerning the Mart duration and opening times were not acceptable to the Showmen's Guild.
- 1.4 Legal advice was sought by both parties which proved to be a complex and time consuming process given that the legislative position had changed on a number of occasions over a period of several hundred years.

2. Summary of Legal Advice

- 2.1 The legal advice provided to the Council confirmed that the right to hold a Mart/Fair dated back to the Royal Charter of 1559 with the original grant being for a 7 day fair. Over time, it had evolved and from the mid 70's onwards, a Mart/Fair had been held for 10 to 13 days depending on which day the 14th February fell on. It had also been a tradition that the Mart moved off site to Wisbech on the Wednesday following half-term. It was unclear exactly how the rights had accrued for the extension in the number of the days that the Mart were permitted to be open.
- 2.2 In relation to Sunday opening, the advice received was that the Mart could open on a Sunday as long it abided by Sunday Trading Laws. The Chief Executive had spoken to the Bishop of King's Lynn who had no objection to the Mart being open on a Sunday.
- 2.3 The advice confirmed that the Council did have the power lawfully change the opening hours and starting date of the Mart by reference to their powers under Section 70 of the 1859 Act. The Council may also have the power to reduce the duration of the fair from 13 days to 8/9 under Section 70 of the 1859 Act but this was not straightforward on the words of the Act. The Secretary of State did however have an express power under Section 6 of the Fairs Act 1873 to reduce the number of days on which a fair could be held on the basis that to do so was for the "convenience and advantage of the public". The Council could therefore apply to the Secretary of State to reduce the duration of the Mart on the basis of the findings and recommendations of the Task Group. Assuming that the Secretary of State made the decision based on ordinary public law principles, there was no reason to consider that the application would not be granted. Any challenge by the Guild (by way of judicial review) would therefore be the decision of the Secretary of State.
- 2.4 The Showmen's Guild had taken their own legal advice which reached different conclusions to that provided to the Borough Council.

3. Development of the Proposals

3.1 A series of negotiating meetings were held between the Portfolio Holder and Chief Executive representing the Borough Council and representatives of the Showmen's Guild and their appointed solicitor. The meetings were independently chaired by Simon Beales, a former senior officer of the Council who is also an Honorary Member of the Showmen's Guild.

3.2 As the negotiations progressed, both parties committed to seek to reach a negotiated settlement. The key issues to be resolved included:-

- A fixed Friday start was unlikely to be acceptable to the Showmen's Guild. Great importance had been attached to the tradition of opening on the 14th.
- The Council's desire to free up the Market Place was acknowledged by the Showmen's Guild. Therefore, a truncated period may be supported in some years.
- There was a growing acceptance that early opening hours should be trialled in the half-term week subject to adequate publicity. A significant group of Showmen's Guild members had still to be persuaded on this issue. Earlier closure generally was also under consideration in response to changing demands.

4. Provisional Agreement

4.1 The following points set out the basis of a rolling six-year agreement provisionally reached between the two parties. This agreement has been supported by the Mart Task Group.

4.2 The following points set out the basis of the six year agreement provisionally reached between the two parties.

4.2.1 To adhere to the traditional opening day of 14 February as opposed to the Council's proposal of the Friday prior to half-term week.

4.2.2 To trial afternoon opening during half-term week, and to jointly promote the proposed extended (afternoon) opening hours for the next two years.

4.2.3 Opening/Occupation Schedule

2015	<ul style="list-style-type: none">• Opening date 14 Feb – closing date 28 Feb – 13 operating days• Arrive on TMP/Common Staithe Quay Wednesday 18:00/Midnight• Leave TMP Sunday 1 March• Half term week opening no later than 2.00 pm each afternoon
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	<ul style="list-style-type: none"> • Joint promotion
2016	<ul style="list-style-type: none"> • Opening 13 Feb – closing 27 Feb – 13 operating days • Arrive on TMP/Common Staithe Quay Wednesday, 10 Feb • Leave TMP Sunday 28 Feb • Half Term week as 2015
2017	<ul style="list-style-type: none"> • Opening 14 Feb – closing 25 Feb – 11 operating days • Leave TMP Sunday 26 Feb
2018	<ul style="list-style-type: none"> • Opening 14 Feb – closing 24 Feb – 9 operating days • Leave TMP Sunday 25 Feb
2019	<ul style="list-style-type: none"> • Opening 14 Feb – closing 23 Feb – 9 operating days • Leave TMP Sunday 24 Feb
2020	<ul style="list-style-type: none"> • Opening 14 Feb – closing 22 Feb – 8 operating days • Leave TMP Sunday 23 Feb

4.2.4 Half-term opening to be subject to a joint review after the 2016 Mart.

4.3 The agreement would then be rolled forward by one year after each Mart. Charges to be set on the basis of the 2014 charge, pro-rata according to the number of operating days, increased annually in accordance with the consumer price index. The costs of the removal and reinstatement of the street furniture on the Tuesday Market Place and the road closures to be based on the actual cost incurred.

5. Other Matters

5.1 The Task Group felt strongly that the Borough Council should continue with the employment of suitably qualified personnel to assist in managing the flow of pedestrians across the new pedestrian crossing close to the Globe Hotel. The cost of these staff have been met by the Borough Council in 2013 and 2014. The Task Group consider that this cost should be shared with the Showmen's Guild and the Chief Executive and Portfolio Holder were asked to seek to negotiate an agreement on this basis with the Showmen's Guild. This issue will be addressed in finalising the agreement.

6. Alternative Options

6.1 It is the view of the Portfolio Holder and Chief Executive that this is the best agreement that can be achieved by negotiation. Both parties have made concessions from their opening position.

6.2 Should the Panel/Cabinet not find this agreement acceptable then the only realistic alternative is to formally apply to the Secretary of State to seeks to secure approval to the Council's original proposal i.e. to reduce the opening days to 8 per year, commencing on the Friday prior to half-term week, also, incorporating Sunday opening.

6.3 This approach will be strongly resisted by the Showmen's Guild and hence is likely to be a protracted and costly process with no ultimate guarantee of a successful outcome.

7. Conclusions

7.1 Whilst this proposed agreement does not achieve, in full, the Borough Council's desired outcome it does represent an improvement on the current arrangements. In particular, a reduction in the number of opening days over the six year period of the agreement, together with the two year pilot of afternoon opening during the school half-term week as requested by town centre retailers – it also establishes an agreed charging formula.

7.2 On balance, therefore, the proposed agreement is commended to Members.

Background Papers

- List the various Task Group, REC Panel and Cabinet reports
- Equality Impact Assessment (EIA)

Mart Task Group

1. Background/Terms of Reference

- 1.1 The Mart Task Groups was established by the Leader at the Council meeting on 29 March 2012.
- 1.2 The Task Group is set up to “consider all aspects of the issues raised by the petition, to hear from and listen to the views of all concerned including the petitioners, the Police, Norfolk County Council Highways, Chamber of Commerce, Town Centre Partnership, Showmen’s Guild, local businesses and residents and other interested parties”.
- 1.3 The Task Group was to have a wide remit concerning all aspects of the future operation of the Mart and the incident on King Street and report back through the Regeneration, Environment & Community Panel before reporting back to Cabinet and Council.
- 1.4 The Task Group is able to invite representatives of different organisations or groups to provide information or answer questions but its meeting will not be open to the general public. Stakeholders would include:
 - The Petitioners
 - Showmen’s Guild
 - Tuesday Market Place businesses
 - Town Centre businesses/retailers including Town Centre Partnership
 - King’s Lynn Civic Society
 - Residents affected by road closures
 - Police
 - Norfolk County Council Highways
 - Fire Service

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Mandatory/	Be entirely within Cabinet's powers to decide	NO	
	Operational	Need to be recommendations to Council	YES	
		Is it a Key Decision	NO	
Lead Member: Cllr Daubney E-mail: cldr.nick.daubney@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Sam Winter E-mail: sam.winter@west-norfolk.gov.uk Direct Dial: 01553 616327		Other Officers consulted:		
Financial Implications NO	Policy/Personnel Implications NO	Statutory Implications NO	Equal Impact Assessment NO	Risk Management Implications NO

Date of meeting: 11 June 2014

7 RE-CONSTITUTION OF THE KING'S LYNN INTERNAL DRAINAGE BOARD (IDB)

Summary

Further to the Cabinet and Council reports in 2012, the King's Lynn Internal Drainage Board now have formal approval to reduce their overall membership from 31 to 21. The knock on effect for the Borough is a reduction from 15 Members to 10. The appointments are made at the Full Council meeting so the recommendations will be made to Council.

Recommendation

That the Council's Membership of the King's Lynn Internal Drainage Board be reduced from 15 to 10 members and those members be decided at the Council meeting on 26 June 2014.

Reason for Decision

To comply with the re-constitution requirements of the King's Lynn IDB.

1 Background

Members may recall that at Cabinet on 4 September 2012, and Council on 27 September 2012, it was resolved to reduce the Council's membership on the King's Lynn IDB in line with the proposed reduction of its overall size, following a formal request from the Board.

At the Council meeting on 29 November 2012, this decision was rescinded at the request of the Board who had agreed to await a formal decision from Defra.

The IDB have informed the Council that Defra have now approved their application of the reduction in size of the Board, which means that the Council's Membership of 15 will now reduce to 10.

2 Current Membership.

The Council's current membership of the Board is as follows:

J Ansell
M Chenery
C Crofts
P Cousins
R Groom
Lord Howard
D Tyler
E Nockolds
Mr Iain Smith
V Spikings
B Long
D Whitby
A White
T Wright
S Young

5 Financial Implications

None

6 Statutory Consideration

None

7 Risk Implications

None

8 Access To Information

Request from KLIDB

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Operational	(a) Be entirely within cabinet's powers to decide NO		
		(b) Need to be recommendations to Council		YES
		(c) Is it a Key Decision		NO
Lead Member: Cllr Nick Daubney E-mail: cllr.nick.daubney@west-norfolk.gov.uk		Other Cabinet Members consulted:		
Lead Officer: Samantha Winter E-mail: sam.winter@west-norfolk.gov.uk Direct Dial: 616327		Other Members consulted:		
Lead Officer: Samantha Winter E-mail: sam.winter@west-norfolk.gov.uk Direct Dial: 616327		Other Officers consulted: Legal Services Manager, Management Team		
Financial Implications NO	Policy/Personnel Implications NO	Statutory Implications (incl S.17) NO	Equal Impact Assessment NO	Risk Management Implications YES

Date of meeting: 11 June 2014

8 SCHEME OF DELEGATION - UPDATE

Summary

The report recommends an updated scheme of delegation for approval. The Scheme has been amended to take account of the changes in Portfolio responsibilities.

Recommendation

- 1) That Council approve the amended Scheme of Delegation
- 2) That the Chief Executive, in consultation with the Leader be given delegated Authority to make minor amendments to the Scheme to resolve any anomalies which may occur.

Reason for Decision

To ensure that the Delegation Scheme mirrors the decision making structure

1 Background

1.1 The Scheme of Delegation was last amended in March 2013. The amended version now submitted incorporates the changes in the areas of responsibility for Portfolio holders into the scheme of delegation.

2 Policy Implications

2.1 The alterations to the scheme are within current policies.

3 Financial Implications

3.1 There are no financial implications arising directly out of this report.

4 Statutory Consideration

4.1 The amendments to the scheme ensure that the decision making structure is in line with the structure of the Council.

5 Risk Assessment

5.1 Updating the Scheme ensures decisions are taken in accordance with correct procedures and structures.

6 Access To Information

6.1 Previous Scheme of Delegation.

Borough Council of
**King's Lynn &
West Norfolk**



SCHEME OF DELEGATION

Draft 11 June 2014

BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK

SCHEME OF DELEGATION

The attached represents the Scheme of Delegation across the Council. It is shown in tabular form with the first 3 columns showing the Council body, its functions and its consultation requirements and the last two columns showing the delegations to officers in respect of those functions and the limits on those delegations. Throughout the following abbreviations are used:-

C	=	Consultation
WM	=	A Ward Member in the Ward affected
PH	=	Portfolio Holder
CE	=	Chief Executive
DCE	=	Deputy Chief Executive
MO	=	Monitoring Officer
CFO	=	Chief Financial Officer
ED	=	Relevant Executive Director
LAC	=	Licensing and Appeals Committee/Board

PORTFOLIO HOLDER DELEGATIONS

The following Scheme sets out the areas delegated to Portfolio Holders to make decisions. Key Decisions are not delegated to Portfolio Holders and must be considered in Cabinet. Key Decisions are defined as:-

an executive decision which is likely –

- (a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
- (b) to be significant in terms of its effect on communities living or working in the area comprising two or more wards and electoral divisions in the Council's areas

where significant under a) above is £250,000 or more and significant under b) above is one third of the resident population in a ward.

Decisions involving additional resources from reserves are permissible for any Portfolio Holder up to a maximum of £100,000 per portfolio in any financial year.

Where a reserve exists for a specific purpose (eg renewal or repair reserve), the Deputy Chief Executive may withdraw funds from that reserve, PROVIDED THAT the withdrawal is to finance an item or items of expenditure related to the reasons for the existence of the reserve, up to a value of £20,000 per annum. Any necessary withdrawal that exceeds this amount additionally requires the approval of the relevant Portfolio Holder.

Decisions where more than one Portfolio Holder is required to make a decision must go to Cabinet. For the avoidance of doubt each Portfolio Holder has complete freedom to utilise his or her budget without further recourse to the Leader provided it is not a key decision and subject to the restrictions mentioned above.

It is the responsibility of each Portfolio Holder in consultation with the relevant Executive Director to ensure that every decision is made with the full knowledge of a Democratic Services Officer who shall ensure each decision is properly recorded, reasons given and reference made to the report to the Member concerned.

It is also the responsibility of the Portfolio Holder, in consultation with the relevant Executive Director in making decisions to abide by the Council's Financial Regulations and other policy and procedure documents of the Authority as appropriate.

The Portfolio Holder may make decisions in all the areas set out below subject to the conditions and consultations and onward limits on delegation except where the matter under consideration is in excess of £250,000 or beyond the budget of the Portfolio Holder or has a significant effect on two or more wards in the Borough or where the decision to be reached requires the decision of an additional Portfolio Holder.

General Powers

The exercise of delegated powers is to the person to whom it is expressly delegated under this Scheme.

An officer who is authorised to exercise a delegated power under this scheme may authorise other officers to exercise that power on their behalf. Such authorisation shall be made in writing setting out:

- a. The name(s) of the officers who may exercise a power
- b. The power which may be exercised
- c. Any limitations on the exercise of that power

A copy of every authorisation should be passed to the Monitoring Officer before the officer who is authorised exercises any power

Contracts

An Executive Director may authorise and execute on behalf of the Council a contract for works services or goods provided:

- a. the value of the contract does not exceed £100,000.00 or any limit prescribed at any time by contract standing orders
- b. the contract is not part of a series of agreements for the provision of the same or substantially the same works, goods or services
- c. the Executive Director retains a copy of every contract that they make

OFFICER DECISIONS

It is the responsibility of the officer in making decisions to abide by the Council's Financial Regulations and other policy and procedure documents of the Authority as appropriate.

Portfolio Holder	Functions	Portfolio Holder Consultations	Officer Delegation	Limits on Delegation
1 Corporate /Strategic Issues, Resources THE LEADER	1.1 Review of Corporate Policy including the budget or the Corporate Plan having first been recommended by Cabinet and approved by Council	CE/DCE/MO Requires rec to Council for any change	1.1.1 Monitoring Officer/Deputy Chief Executive – Ensure Executive decisions are taken in accordance with the law and financial and policy guidelines.	
	1.2 Audit Fraud and Risk Management	DCE, External Audit, Internal Audit, MO as necessary	1.2.1 Deputy Chief Executive Responsibilities under S.151 and S114 (Chief Financial Officer). Enforcement of Financial Regulations Day to day management of the Internal Audit function and process. 1.2.2 Chief Executive Day to day management of the Corporate Risk Register Service Level Risks	
	1.3 Democratic Processes	MO	1.3.1 Executive Director – D Gates Day to day management of the Council's democratic processes. Timetable of Meetings	
	1.4 Civics	CE, Civics Officer Mayor or Deputy Mayor	1.4.1 Chief Executive To determine applications to use the Council's coat of arms 1.4.2 Executive Director – D Gates Day to management of the office of the Mayor and Deputy Mayor and civic ceremony	

	1.5 Legal	CE and MO	<p>1.5.1 Chief Executive Sign and serve any notice, order or document or act as proper officer under Section 234 of the Local Government Act 1972 where no other officer is currently appointed. To affix and attest the common seal of the Council where the common seal is required pursuant to any decision of the Council. To take any measures necessary to recover possession of land owned or leased by the Council, including encampments (whether or not on Council owned land). Authorise the postponement of charges made on Council property. Day to Day management of assigning budget resources to all legal matters.</p>	
	1.6 Treasury Management including banking, revenue and capital programmes	DCE, CFO	<p>1.6.1 Deputy Chief Executive Write Off irrecoverable debts Administration of banking arrangements Manage insurance for the Council, its property and employees Exchequer services including raising and repayment of loans. Approval and publication of Statement of Accounts Authorisation of virements and budget transfers Authorise urgent payments</p> <p>1.6.2 Deputy Chief Executive Collect, administer, demand and recover Council Tax and National Non Domestic Rate precepts and any other Tax or Charge levied by the Council. Collection of rents.</p>	See authorisations given effect by Financial Regulations

	1.7 Freedom of Information and Data Protection	CE	<p>1.7.1 Executive Director – D Gates Respond to requests for information under the FOI Act 2000, EIR 2004 access requests under the Data Protection Acts within statutory timescales. Maintain FOI Publication Scheme Maintain Council’s Data Protection registration and act as Data Protection Officer. Authorise the use, loan or reproduction of the Councils archive material</p>	
	1.8 Cross Cutting /Cross Remit issues	CE & ED & Portfolio holders		Where more than the portfolio holder is affected – report to Cabinet for decision.
	1.9 Policies relating to Employment, Personnel, salaries, Pensions, Training and equalities (as an employer)	ED	<p>1.9.1 Executive Director – D Gates Implementation of service re-organisations and re-structuring within budget. Approval for the funding of training courses for both full and part time study for all employees Updating the Performance Management Scheme</p> <p>1.9.2 Chief Executive Changes to posts for senior staff (Executive Director)</p>	<p>C ED</p> <p>C ED on Compromise agreements.</p>
	1.10 Health and Safety as an employer		<p>1.10.1 Chief Executive Day to day responsibility for the Council’s Health and Safety function</p>	
	1.11 Equal Opportunities (not as the employer)		<p>1.11.1 Executive Director – D Gates Day to day management</p>	

	1.12 Communication	ED	1.12.1 Executive Director – D Gates Day to day management of communications on behalf of the Council, in accordance with Council Policy	
	1.13 Performance Management	ED	1.13.1 Executive Director – D Gates Implementation of performance management reviews and production of performance management information.	
	1.14 Procurement	ED	1.14.1 Deputy Chief Executive Day to day management and enforcement of the Council's Procurement Strategy.	
	1.15 Channel Shift	ED	1.15.1 Executive Director – D Gates Day to day management of the process	
	1.16 Business Continuity	ED	1.16.1 Deputy Chief Executive Day to day management of the process	
	1.15 Economic Development Policy and Strategy and Economic related EU funding	ED	1.17.1 Chief Executive Day to day management of the process	
	1.18 Local Enterprise Partnerships	ED	1.18.1 Chief Executive Attendance and liaison with the LEP	
	1.19 West Norfolk Partnership	ED	1.19.1 Executive Director – D Gates Management of the Council's involvement in the Partnership	

Portfolio Holder	Functions	Portfolio Holder Consultations	Officer Delegations	Limits on delegation
2 ICT, Leisure and Public Space				
	2.1 Asset Management	Property Services Manager	2.1.1 Deputy Chief Executive Day to day management of the Asset Register, and matters arising therefrom	
	2.2 Leisure, Arts and Green Spaces policies and strategies	ED	2.2.1 Executive Director – C Bamfield Day to day operation of the policies	
	2.3 Sports facilities, venues	ED	2.3.1 Executive Director – C Bamfield Management and Maintenance of the fabric of all leisure and sports buildings	Business tenancy issues - DCE
	2.4 Arts/Theatre/Entertainment facilities, venues	ED	2.4.1 Executive Director – C Bamfield Management and Maintenance of the fabric of all arts and entertainment.	Business tenancy issues - DCE
	2.5 Community Facilities	WM	2.5.1 Deputy Chief Executive Management and Maintenance of the fabric of the buildings 2.5.2 Exec Director – C Bamfield Operational Management of miscellaneous community centres.	
	2.6 Community Asset Register		2.6.1 Executive Director – D Gates Retention of the Register	
	2.7 Cemeteries and Crematorium		2.7.1 Executive Director – C Bamfield The day to day management of the Council's cemeteries and crematorium and the granting of exclusive burial rights.	

	2.8 Parks, Gardens and amenity areas including play areas and allotments (not resort services areas)	WM, ED	2.8.1 Executive Director – C Bamfield Day to day management of such facilities including exclusion of persons as necessary	
	2.9 Car Parking		2.9.1 Executive Director – C Bamfield Day to day administration of Council owned car parks in the Borough, including amendments to Car Parking Orders in consultation with portfolio holder. 2.9.2 Executive Director – C Bamfield Day to day operation of parking enforcement carried out on behalf of third parties. 2.9.3 Executive Director – C Bamfield Management Responsibility for civil parking enforcement.	
	2.10 Markets and Fairs		2.10.1 Executive Director – C Bamfield Day to day administration of Markets and Fairs in the Borough	
	2.11 Determination of Applications for Circuses on Council property.		2.11.1 Executive Director – C Bamfield Determination of applications to hold circuses on council land	
	2.12 Town centre Management		2.12.1 Executive Director – C Bamfield Oversight and day to day management of town centres	
	2.13 Christmas Lighting		2.13.1 Executive Director – C Bamfield Provision of Christmas lighting across the Borough	
	2.14 Public conveniences (not resorts)	WM	2.14.1 Executive Director – C Bamfield Management and maintenance of the Council's public conveniences.	

	2.15 Shared Services	ED	2.15.1 Chief Executive Day to day management of, preparation and negotiations.	
	2.16 ICT	ED	2.16.1 Deputy Chief Executive Day to day management of the service	

Portfolio Holder	Functions	Portfolio Holder Consultations	Officer Delegation	Limits on Delegation
3 Culture Tourism and Marketing				
	3.1 Promotion and Marketing of the Borough	ED	3.1.1 Chief Executive Day to day promotion and marketing of the Borough	
	3.2 Resort and Seafront Management	WM, ED	3.2.1 Executive Director - C Bamfield Day to day management of resorts and seafront	Business tenancy issues and concessions – DCE
	3.3 Resort Area Parks, Gardens amenity areas including play areas and public conveniences.	WM, ED	3.3.1 Executive Director – C Bamfield Day to day management of such facilities including exclusion of persons as necessary	
	3.4 Museums	ED	3.4.1 Executive Director – C Bamfield Day to day management of all museum premises owned by the Council	
	3.5 Financial Assistance Schemes for sports and arts	WM	3.5.1 Executive Director – C Bamfield Administer award the grants within the Sports Training and Coach Education grants scheme	

	3.6 Financial Assistance Schemes for, voluntary, community, Parish, Community safety matters, housing rural transport, environmental projects and arts	Relevant ED	3.6.1 Executive Director – D Gates Administration of the Council's financial assistance schemes for voluntary, community, parish and community safety matters, rural transport and environmental projects, and arts.	
	3.7 Town Hall Complex		3.7.1 Executive Director – C Bamfield Day to day management of the complex	
	3.8 Management of Ancient Corporate Estates		3.8.1 Deputy Chief Executive Day to day management of the ancient corporate estates.	
	3.9 Tourism	ED	3.9.1 Executive Director – C Bamfield Day to day management of tourism premises owned or operated by the Council Day to day management of Heritage premises in the Council's ownership. 3.9.2 Chief Executive Day to day management of the tourism issues including management. Arranging or overseeing exhibitions, conferences and tourism as appropriate	
	3.10 Development and promotion of cycling related matters		3.10.1 Executive Director – C Bamfield	

Portfolio Holder	Functions	Portfolio Holder Consultations	Officer Delegations	Limits on delegation
4 Development (Full Planning Scheme of Delegation is a separate document)				
	4.1 Local Development Framework, planning and Land Use Policy		<p>4.1.1 Executive Director – G Hall Minor consequential amendments to planning policy in accordance with national and regional policy changes. Issuing of Local Development Framework guidance and information</p> <p>4.1.2 Solicitor to the Council Finalising planning obligations</p>	C - ED
	4.2 Transport policies		<p>4.2.1 Executive Director – G Hall Responding to consultations on traffic regulation orders</p>	
	4.3 Listed Buildings, Historic Buildings, Conservation areas including grants	WM	<p>4.3.1 Executive Director – G Hall To make historic grants of up to £1,000 in respect of any one property or project</p>	
	4.4 Building Control		<p>4.4.1 CNC The exercise of all local authority functions under the Building Act 1984, the Housing Acts</p>	

			<p>and Public Health Acts so far as they relate to the function of the Council as a Building Control Authority.</p> <p>Act as appointing officer under the Party Wall Act 1996.</p> <p>Building Control enforcement and exercise the right of entry to land and premises.</p>	
	4.5 Street naming and numbering	WM	4.5.1 Executive Director – G Hall Street numbering and naming	
	4.6 Commons and Greens		4.6.1 Chief Executive Day to day administration of register	
	4.7 Compulsory Purchase Orders and Enforced Sale Procedures		4.7.1 Executive Director – G Hall	
	4.8 Land Charges		4.8.1 Executive Director – G Hall Maintain the Register of Local Land Charges and Land Terrier.	

Portfolio Holder	Functions	Portfolio Holder Consultations	Officer Delegations	Limits on Delegation
5 Environment – Deputy Leader				
	5.1 Policies and strategies relating to: Environmental Strategy, including air quality, contaminated land, water quality/usage.	ED	5.1.1 Executive Director – G Hall Day to day management	
	5.2 Control of Noise, Odour, light, dust, smoke and other pollutants, Public Health Land drainage and sewerage issues Planning and Licensing consultations regarding the above		5.2.1 Executive Director – D Gates Day to day management	
	5.3 Bio-diversity, Local character		5.3.1 Executive Director – G Hall Day to day management	
	5.4 All aspects of Recycling and refuse collection including waste minimisation and composting,		5.4.1 Executive Director – C Bamfield Day to day management	

	5.5 Street scene and public cleansing		5.5.1 Executive Director – C Bamfield Day to day management	
	5.6 Energy strategy and issues	ED	5.6.1 Deputy Chief Executive Monitoring of energy efficiency measures to Council buildings.	
	5.6 Green Travel Plan		5.6.1 Executive Director – D Gates Day to day management	
	5.7 Community Safety/Neighbourhood nuisance service		5.7.1 Executive Director – D Gates General day to day management of the community safety service and compliance with Crime and Disorder Act 1998 - s.17 requirements. Authorisation of police request for Dispersal Orders to be actioned. Issuing of public notices relating to recipients of ASBOs.	
	5.8 CCTV		5.8.1 Executive Director – C Bamfield Day to day management of the CCTV function	
	5.9 Public and Civil Emergencies	<i>Civil Emergency Liaison and CE Leader, Deputy Leader, MO</i>	5.9.1 Chief Executive To exercise any power to protect the interests and well being of the inhabitants of the Borough in cases of emergency 5.9.2 Executive Director – G Hall Day to day management of the Civil Emergency Plan	<i>C – Cabinet as soon as reasonably practical</i>

Portfolio Holder	Functions	Portfolio Holder Consultations	Officer Delegations	Limits on Delegation
6 Housing and Community				
	6.1 Housing Strategy and Associated Policies		6.1.1 Chief Executive Day to day administration of the Council's Housing policies	
	6.2 Housing Register		6.2.1 Chief Executive Maintenance of Housing Register in accordance with policy.	
	6.3 Homelessness	Appeals to LAC	6.3.1 Chief Executive Exercise of homelessness functions.	Appeals to LAC
	6.4 Private Sector and Social Housing including renewal schemes and partnerships		6.4.1 Chief Executive To sign tenancy agreements for properties let to supported housing providers.	
	6.5 Houses in Multiple Occupation (HMO)		6.5.1 Chief Executive Day to day management of HMOs and to grant, renew and revoke all licences issues under the Housing Act 2004	
	6.6 Home Improvement Agency, Care and Repair and associated operations and Careline		6.6.1 Executive Director – D Gates Day to day management of the Home Improvement Agency, Care and Repair and associated operations and Careline	

	6.7 Loans and grants for housing	DCE	6.7.1 Chief Executive Approval/refusal/withdrawal and authorisation of renovation grant scheme payments.	
	6.8 Social Inclusion		6.8.1 Executive Director – D Gates Day to day management	
	6.9 Travellers	MO & WM	6.9.1 Chief Executive Day to day management of associated matters	
	6.10 Licensing Policies		6.10.1 Executive Director – G Hall Day to day implementation of the Licensing Policies and associated matters	
	6.11 Health and Safety where not as the employer		6.11.1 Executive Director – G Hall Approval of Health and Safety Inspectors under S19 of the Health and Safety at work etc Act 1974. Day to day responsibility of the Health and Safety process where not as the employer.	
	6.12 Food		6.12.1 Executive Director – G Hall Day to day management of the food services	
	6.13 Neighbourhood Management		6.13.1 Executive Director – D Gates Day to day management of the Neighbourhood Management function	
	6.14 Housing benefit, welfare benefits and advice	ED	6.14.1 Deputy Chief Executive Administration of housing benefit and Council Tax benefit and discretionary housing payments	
	6.15 Community Development		6.15.1 Executive Director – D Gates Day to day management of the Community Development function.	

	6.16 Health improvement and promotion including public health and community care		6.16.1 Executive Director – G Hall Day to day management	
	6.17 Local Health Partnerships		6.17.1 Executive Director – D Gates	

Portfolio Holder	Functions	Portfolio Holder Consultations	Officer Delegations	Limits on Delegation
7 Regeneration & Industrial Assets				
	7.1 Regeneration strategy, policy, projects and implementation	ED	<p>7.1.1 Chief Executive Day to day management of Regeneration Projects</p> <p>Submission of bids for and Management of Regeneration projects</p> <p>7.1.2 Chief Executive Authorisation to retain professional expertise as required</p>	C Regeneration Portfolio Holder.
	7.2 Redevelopment projects	ED	7.2.1 Chief Executive Oversight and day to day management of redevelopment projects	C PH
	7.3 Property	ED+LSM WM PH where property is in another portfolio holders functional area	<p>7.3.1 Deputy Chief Executive Management of Council property interests together with the ability to authorise all related property transactions at market rent/value. Subject to:</p> <ul style="list-style-type: none"> • Acquisition or disposal of freehold land up to £100,000. • Acquisition or disposal of leasehold land up an annual rental value of £10,000 .* • Discharge or relaxation of freehold or leasehold covenants. • Determine all applications for the 	C ED, PH * Financial limit not applicable to industrial estates where an unlimited rental is

			<p>assignment of lease agreements**.</p> <ul style="list-style-type: none"> • To approve or refuse applications to the Council as Landlord for any approval or consent • Authorise non Housing Act tenancies and licences. • Authorise the applications to release or relax restrictive covenants attached to houses formally owned by the Council. 	<p>allowed. ** except where residential element. C ED C ED, PH, WM C ED, PH</p>
	7.4 King's Court and Office Accommodation	Property Services Manager	<p>7.4.1 Deputy Chief Executive Day to day facilities management of King's Court and any other office accommodation operated by the Council.</p>	

Portfolio Holder	Functions	Portfolio Holder Consultations	Officer Delegation	Limits on Delegation
8 Special Projects				
	8.1 Town Centre Enhancement Schemes	ED	8.1.1 Executive Director – C Bamfield Day to day management of the schemes.	

Body	Functions	Consultations	Officer Delegations	Limits on delegation
9 Council	<p>9.1 The Constitution.</p> <p>9.2 Adopting the Council's Policy Framework and determining matters involving a change or deviation from approved policy.</p> <p>9.3 Compulsory Purchase matters.</p> <p>9.4 Approving the Council's position relating to local government boundaries, electoral divisions or number of Council Members.</p> <p>9.5 By-law creating and management and promotion or making of local Acts.</p> <p>9.6 Determining matters referred to Council by other bodies.</p> <p>9.7 Appointments (staff and Members)</p> <p>9.8 Determining the Council's Executive Arrangements.</p> <p>9.9 Appointment of Honorary Aldermen or</p>		<p>Chief Executive</p> <p>To act as Head of Paid Service under and for the purposes of section 4 of the Local Government and Housing Act 1989 and lead the senior management team</p> <p>To act as Electoral Registration Officer and Returning Officer for all elections, Parish Polls and Referendums and to take such action as is necessary to carry out those duties.</p> <p>To act as the Proper Officer for the Council, as defined by Section 270 (3) Local Government Act 1972</p> <p>To exercise any power to protect the interests and well being of the inhabitants of the Borough in cases of emergency</p> <p>Departmental Restructuring within budget including staff redundancies</p> <p>Day to day management of the Council's democratic processes.</p>	<p>C –Cabinet as soon as reasonably practical and report to Council at next meeting</p> <p>Consultation with the Leader and Cabinet Member for Personnel.</p>

	<p>bestowing Freedom of the Borough.</p>		<p>Amendments to Timetable of Meetings Member Substitutions at meetings</p> <p>Following resignation from a Council body, substitution of Members from same political group onto the Body for the remainder of the year.</p> <p>Replacement/substitution of members on Outside Bodies.</p> <p>Executive Director – D Gates Day to day management of personnel function within the Council, including development of appropriate protocols in accordance with policy across the Council, including pay award negotiation, performance related pay, honoraria (as advised by Service managers or Management Team in the case of service head or above), leave arrangements, recruitment arrangements, disciplinary arrangements including suspension of service/compromise/termination arrangements, retirement arrangements, implementation of job evaluation.</p> <p>Variation and termination of employment contracts, extension of service following retirement age, suspension, confirmation of employment following completion of probationary period.</p>	<p>-Subject to notification from Group Leader or individual member</p> <p>-Subject to notification from Group Leader and agreement of CE.</p>
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			<p>Appointment of Temporary employees for up to 12 months (PG6-13)</p> <p>Authorisation of payment of loans, pay in lieu, allowances, compensation and grants etc to staff and waiver of such repayments or payments due in appropriate cases in accordance with policy</p> <p>Designation and associated work related to casual/essential user car allowances/loans/hiring.</p> <p>Development of necessary protocols in accordance with overall legislation/policy</p>	
	9.10 Statutory Functions		<p>Solicitor to the Council</p> <p>To maintain and update a list of statutory provisions under which the Council acting through any Executive Director may exercise powers devolved to the Council</p> <p>Authorise, a prosecution, rights of entry, the commencement, defence or settlement of any legal proceedings brought by or against the Council, except in the case of Health and Safety at work prosecutions taken under the act or regulations made under the Act when the power to issue legal proceedings is given to the Health and Safety Inspectors be authorised under Section 19 of the Health and Safety at Work etc Act 1974.</p>	

			<p>To act as Monitoring Officer (Local Government & Housing Act 1989), Registrar of Local Land Charges, Authorised Officer (under the Regulation of Investigatory Powers Act 2000), Parish Trustee.</p> <p>Sign and serve any notice, order or document or act as proper officer under Section 234 of the Local Government Act 1972 where no other officer is currently appointed.</p> <p>To affix and attest the common seal of the Council where the common seal is required pursuant to any decision of the Council.</p> <p>Deputy Chief Executive To Act as Money Laundering Officer (Proceeds of Crime Act 1995)</p> <p>Chief Financial Officer (Agreed Cncl 240113) To act as Chief Financial Officer under S.114 of the Local Government Finance Act 1988 and S.151 of the Local Government Act 1972</p> <p>Chief Executive Authorised Officer under the Regulation of Investigatory Powers Act</p> <p>To exercise the delegated powers of any Executive Director where they are absent for any reason or the post is vacant.</p> <p>All Executive Directors To exercise all powers within their functional responsibility from the list of statutes</p>	<p>*excluding any action involving the commencement of civil or criminal proceedings (delegated to LSM)</p>
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			maintained by the Monitoring Officer including signing of notices, licences or orders and to authorise, appoint and dismiss inspectors, charge and refund fees, exercise rights of entry, take direct action, issue cautions and make representations under the statutory provisions on behalf of the Council*	
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Body	Functions	Consultations	Officer Delegations	Limits on delegation
10 Cabinet	<p>Individual delegations set out as per Portfolios above.</p> <p>10.1 Make recommendations to Council on corporate strategic and service policies and the detailed implementation of those policies</p> <p>10.2 Delivery of Services within the approved policy and budgetary framework and reviewing the operational framework functions and resources within it. Virement of funds in accordance with Financial Regulations</p> <p>10.3 Monitoring of the Councils Resources, make recommendations to Council on the overall Budget, Council Tax, and carry out any consultation required.</p> <p>10.4 To exercise any Executive function duty,</p>	<p>Delegations to individual portfolio holders apply equally to the Cabinet as a whole</p> <p>Report to Council</p> <p>Rec to Council</p>	Delegations as set out in portfolio groups	

	<p>action or power which is not delegated to any other Council Body in order to protect the Council's interests.</p> <p>10.5 Appoint representatives to Outside Bodies where they are Executive appointments.</p> <p>10.6 Refer any matter to Council for consideration.</p> <p>10.7 Commission Research into any matter or hold an enquiry into a particular issue or issues relating to the Borough or the Council at their discretion.</p>			
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			<ul style="list-style-type: none"> (iii) convicted of an offence involving dishonesty or drugs; Applications which disclose that the applicant has been convicted of an offence under the provisions of the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976; (iv) Applications which disclose that the applicant has been convicted of an offence relating to the driving or ownership of a motor vehicle and has more than six penalty points on his/her licence; (v) Applications which disclose that the applicant has committed a breach of, or failed to comply with, the terms of an existing or previous hackney carriage or private hire licence. <p>To approve applications for hackney carriage and private hire drivers licences that fall within any of the categories set out in paragraphs (i) to (v) of the preceding paragraph if in the opinion of the Executive Director – G Hall, any offence by the applicant is so minor or irrelevant as to have no proper bearing on the determination of the application.</p>	
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Body	Functions	Consultations	Officer Delegations	Limits on delegation
13 Appointments Board	13.1 Full Board to appoint Chief Executive 13.2 Panels of Board to appoint Chief Officers 13.3 Panels of Board appoint Independent and Parish Council members of the Standards Committee* 13.4 Panels of the Board appoint members to the Independent Allowances Panel	Cabinet Cabinet & CE *Chairman/Vice-Chairman of Standards Committee		

Body	Functions	Consultations	Officer Delegations	Limits on delegation
14 Standards Committee	<p>14.1 Promote high standards of conduct within the Council</p> <p>14.2 Monitor the implementation and operation of the Codes of Conduct for Members, officers and towns & parishes and confidential reporting codes, including development of protocols</p> <p>14.3 As a whole or in a Panel of the Committee to determine complaints made regarding breaches of the Code of Conduct</p>	MO	<p>Solicitor to the Council /Monitoring Officer</p> <p>On behalf of the Committee to administer the local assessment of complaints and carry out investigations on complaints made under the Code of Conduct.</p> <p>To provide advice to Members and Towns & Parishes including Clerks and Members on aspects of the Code</p>	

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Operational	(a) Be entirely within cabinet's powers to decide YES		
		(b) Need to be recommendations to Council NO		
		(c) Be partly for recommendations to Council and partly within Cabinets powers – NO		
Lead Member: Cllr N Daubney E-mail: cllr.nick.daubney@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Sam Winter E-mail: sam.winter@west-norfolk.gov.uk Direct Dial: 01553 616327		Other Officers consulted: Chief Executive,		
Financial Implications NO	Policy/Personnel Implications NO	Statutory Implications YES	EIA required NO	Risk Management Implications NO

Date of meeting: 11 June 2014

9 2014/15 APPOINTMENT OF MEMBERS TO SERVE ON CABINET TASK GROUPS AND COMMITTEES

Summary

The report invites the Cabinet to agree to arrange for the appointment of members to serve on the LDF Task Group; the setting up of a new Broadcasting of Public Meetings Task Group; note those Task Groups which had finished their work during the course of the year; and agree the membership of Joint Safety and Welfare Committee and Joint Employee Committee for 2014/15.

Recommendations

- 1) That officers be instructed to seek the Membership from Group Leaders for the Local Development Framework Task Group for the new Municipal Year:
- 2) Note that the following Task Groups have finished their work during the course of the year:
 - Mart Task Group
 - King's Lynn Representational Arrangements Task Group.
 - Regeneration and Economic Development Task Group
 - Heritage Task Group
- 3) That the Terms of Reference for the Broadcasting of Public Meetings Task Group be approved and officers be instructed to seek membership of a 6 Member Task Group (4 Con, 1 Lab, 1 Ind All).
- 4) That the Membership of the Joint Safety and Welfare Committee and Joint Employee Committee for 2014/15 be made.

Reason for Decision

To allow the business of the Council to continue into 2014/15 and to begin the work of the newly formed Task Group.

1 TASK GROUP MEMBERSHIPS 2014/15

Cabinet is invited to consider continuing with the work of the LDF Task Group and instructing officers to contact Group Leaders to ascertain their membership to serve it for the new municipal year. The 2013/14 membership is shown:

i) Local Development Framework Task Group

The work of the Local Development Task Group is ongoing. The membership of the Group is - (10 Members - 6 Con, 2 Lab, 1 Ind /All, 1 Ind or 1 Lib Dem). The current membership is as follows:

Cllr Mrs V Spikings (C)(Chairman), D J Collis (L), C Crofts (C), P Foster(IA), R Groom(C), J Leamon (Ind), J Moriarty (L), M Peake(C), D Tyler (C), Mrs E Watson(C).

2 TASK GROUPS WHICH HAVE COMPLETED THEIR WORK DURING 2013/14

Cabinet is invited to note that the following Task Groups have completed their work during the 203/14 year:

i) King's Lynn Mart Task Group

The above Task Group was set up at the 29 March 2012 Council Meeting and its work and completed its work on 8 April 2014.

ii) King's Lynn Representational Arrangements Task Group

The above Task Group was set up at the 7 February 2012 Cabinet Meeting and completed its work on 20 August 2013.

iii) Regeneration and Economic Development Task Group

The above Task Group was set up at 4 September 2012 Cabinet Meeting and completed its work on 10 October 2013.

iv) Heritage Task Group

The Heritage Task Group was set up at the 8 January 2013 Cabinet Meeting and completed its work on 16 October 2013.

3 BROADCASTING OF PUBLIC MEETINGS TASK GROUP

At the Council meeting on 24 March 2014, Council referred to Cabinet the Notice of Motion below for consideration.

Notice of Motion 2/14, proposed by Councillor N J Daubney and seconded by Councillor Long:

"That Cabinet establishes a task group to consider and make recommendations regarding vision recording and broadcasting and audio recording and broadcasting of all council meetings that are currently open to members of the public. The task group to make a report to Cabinet according to terms of reference determined by Cabinet after appropriate consultation and advice, and so allow Cabinet to make a fully considered recommendation to Council in due course".

Proposed Terms of Reference

The following are suggested Terms of Reference for the Task Group

To consider and report back to Cabinet and Council on the following:

- the current facilities available to the Council for the vision and audio recording and broadcasting of formal meetings
- Guidance from Government
- Potential options available for the Committee Suite, Town Hall and Meeting Rooms
- Costings
- Recommendations
- Changes to Standing Orders

Membership of the Task Group

It is suggested that officers be instructed to seek membership for a Task Group of 6 members (4 Con, 1 Lab, 1 Ind All) to carry out its work.

4 MEMBERSHIP OF JOINT SAFETY AND WELFARE AND JOINT EMPLOYEE COMMITTEES

i) Joint Safety and Welfare Committee

The Cabinet representatives on the Joint Safety and Welfare Committee for 2013/15 were:
Councillors N Daubney, B Long and D Tyler.

Cabinet is invited to agree its representation for 2014/15.

ii) Joint Employee Committee

The Cabinet representatives on the Joint Employee Committee for 2013/14 were:

Councillors N Daubney, M Chenery of Horsbrugh, B Long, C Manning and D Pope.

Cabinet is invited to agree its representation for 2014/15.

5 POLICY IMPLICATIONS

None

6 FINANCIAL IMPLICATIONS

The Broadcasting of Public Meetings Task Group will make recommendations on cost implications for the agreed proposals.

7 STATUTORY CONSIDERATION

It is a statutory requirement to have a Joint Safety Committee. The Government has issued Guidance on the public access openness of Council meetings encouraging Council's to permit recording and social media.

8 RISK ASSESSMENT

None

9 ACCESS TO INFORMATION

Previous published reports and Minutes

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Operational	(a) Be entirely within cabinet's powers to decide YES		
		(b) Need to be recommendations to Council NO		
		(c) Be partly for recommendations to Council NO and partly within Cabinets powers –		
Lead Member: Cllr Nick Daubney E-mail: cldr.nick.daubney@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Samantha Winter E-mail: sam.winter@west-norfolk.gov.uk Direct Dial:01553 616327		Other Officers consulted:		
Financial Implications NO	Policy/Personnel Implications NO	Statutory Implications (incl S.17) NO	Equalities Impact Assessment req'd NO	Risk Management Implications NO

Date of meeting: 11 June 2014

10 APPOINTMENTS TO OUTSIDE BODIES AND PARTNERSHIPS

Summary

The report seeks nominations for Executive appointments to serve on outside bodies and partnerships requiring confirmation for 2014.

Recommendation

- 1) That the Cabinet representatives be appointed to serve in an Executive capacity on the outside bodies and partnerships requiring appointment in 2014 as set out in the Appendix attached.
- 2) That the reporting arrangements be noted, as shown in section 3 of the report.
- 3) To note that all other appointments to Outside Bodies will be made at the Council meeting on 26th June 2014.

Reason for decision

To ensure continued involvement in the community by the Council.

1.0 BACKGROUND

1.1 The Council is invited to nominate Councillor representatives to serve on a number of outside bodies and partnerships with which the Council has a range of types of relationships. The majority of appointments are made annually, although some appointments are for a longer period.

2.0 INSURANCE COVER FOR BOROUGH COUNCILLORS

2.1 As part of a previous review, each of the outside bodies to which the Borough Council nominates representatives were contacted and asked to submit details of the liabilities for members. The coverage given by our insurance company for Members can be summarised as follows:

(A) where the officer or member is carrying out any function which is at the request of, with the approval of or for the purposes of, the Authority.

(B) where the officer or member is carrying out any function which is at the request of, with the approval of the Authority but acting in capacities other than as officers or members of the Authority.

(C) where the action or inaction complained of falls outside the powers of the Authority itself or outside the powers of the officer or member individually (*ultra vires*), provided the officer or member reasonably believed the matter was not outside those powers.

(D) where an officer or member makes a statement that certain steps have been taken or requirements fulfilled, but it later becomes clear that this is not the case. Again the officer or member indemnified must reasonably believe that the statement was true when it was made.

Outside the scope of the power to indemnify are the following circumstances:

- (1) criminal acts
- (2) any other intentional wrongdoing
- (3) fraud
- (4) recklessness
- (5) defamation (but not the defense of an accusation)

3.0 FEEDBACK FROM MEMBERS ON OUTSIDE BODIES

3.1 Arrangements for reporting back by Members serving on Outside Bodies are approved every year at Council as follows:

3.1.1 Each of the relevant scrutiny panels should be able to request reports from Councillors serving on outside bodies which fall within their remit. By programming the reports over the Panel's annual timetable of meetings, it would be possible for members both to assess the usefulness of making appointments to bodies and be informed of any relevant matters.

3.2 Cabinet Members serving on outside bodies will report via their Cabinet Members' reports to Council.

3.3 All are welcome to use the Members' Bulletin to report on the work of any such organisation.

4.0 APPOINTMENT OF REPRESENTATIVES

4.1 **Executive Roles** – The attached Appendix lists those bodies to which Cabinet is invited to appoint representatives this year. The proposed appointments are shown, along with any changes. Appointments that fall within this category are corporate in nature and fall within the portfolio responsibilities of members of the Cabinet. Alternatively, a Cabinet Member may nominate a substitute from Borough Councillors indicating a willingness to serve on a particular body. For information, the Appendix also lists any additional representatives which will be appointed subsequently in the Scrutiny, Parish and General categories.

4.2 **Scrutiny and Regulatory Roles** - Nominations for representatives to serve on bodies that are pertinent are being sought from the appropriate scrutiny panel (Regeneration, Environment and Community Panel) at their meeting 28th May 2014 and will be submitted for approval by Council on 26 June 2014.

4.3 **Parish Level Representation, Parished and Unparished Areas** - Local representatives may be appointed onto specific local bodies within or related to their ward. On occasions, a body may not specifically require the Council's representative to be a Borough Councillor, in which case a community representative may be nominated by Council. Appointments will be made at Council on 26 June 2014.

4.4 **General Appointments** - Appointments which are of general interest to the Borough as a whole will be made at Council on 26 June 2014.

5.0 FINANCIAL IMPLICATIONS

5.1 Mileage and subsistence allowances for Councillors attending meetings.

6.0 ACCESS TO INFORMATION

Current lists of Member representation
ACSeS report on liabilities of Outside Bodies

APPENDIX

**EXECUTIVE APPOINTMENTS TO OUTSIDE BODIES REQUIRING
CABINET APPROVAL**

<u>NAME OF OUTSIDE BODY</u>	<u>NUMBER OF REPRESENTATIVES PERMITTED</u>	<u>CURRENT REPRESENTATIVE/S</u>	<u>TERM OF OFFICE</u>
Action for Children	1 Exec	Councillor L Bambridge	Annual
Active Norfolk	1 Exec	Councillor Mrs E Nockolds	Annual
Arts Centre Trust	1 Exec	Councillor Mrs Z Christopher	Annual
Borough Council/College of West Anglia Liaison Board	1 Exec <i>1 Scrutiny – to be apptd by Council</i>	Councillor N Daubney (Exec) <i>currently Councillor Mrs E Watson (Scrutiny)</i>	Annual
British Destinations	1 Exec and sub	Councillor Mrs E Watson and Councillor Mrs Nockolds replaces D Pope (sub)	Annual
British Resorts and Destinations Association – Policy Committee	1 Exec	Councillor Mrs Watson	Annual
CNC Building Control Joint Committee	1 Exec	Councillor Mrs V Spikings	Annual
Coastshare Limited	2 Exec	Councillors N Daubney and T de Winton	Annual
Downham Market Leisure Centre Joint Management Committee	1 Exec <i>2 General – to be apptd by Council</i>	Councillor D Pope <i>Currently Councillors T Lovett and Mrs K Mellish</i>	Annual
Freebridge Community Housing – Corporate Shareholder	1 Exec	Councillor A Lawrence	Annual
Hunstanton Green Joint Management Committee	1 Exec <i>2 Parish – to be apptd by Council</i>	Councillor Mrs E Nockolds <i>Currently Councillor Mrs E Watson and P Beal</i>	Annual

Hunstanton Regeneration Project Team	1 Exec <i>3 Parish – to be apptd by Council</i>	Councillor A Beales <i>Currently Councillors P Beal, Mrs E Watson and R Bird</i>	Annual
King's Lynn and West Norfolk Area Museums Committee	1 Exec <i>3 Scrutiny & 1 general – to be apptd by Council</i>	Councillor Mrs E Nockolds <i>Currently Councillors Mrs S Smeaton, M Back, T Wright and A Tyler</i>	Annual
King's Lynn Festival Board	1 Exec	Councillor Mrs E Nockolds	Annual
King's Lynn Town Centre Partnership	1 Exec and Sub <i>2 Parish – to be apptd by Council</i>	Councillor A Beales and N Daubney (sub) <i>Currently Councillors Miss L Bambridge and P Cousins</i>	Annual
King's Lynn Town Football Club	1 Exec	Mr Paul Bland	Annual
Local Authority Company Board (Leisure Trust)	3 Exec	Councillors G Howard, D Pope and N Daubney	Annual
Norfolk and Waveney Enterprise Services	1 Exec	Councillor N Daubney	Annual
Norfolk Arts Forum Executive	1 Exec	Councillor Mrs E Nockolds	Annual
Norfolk Coast Partnership Management Group	1 Exec and sub	Councillor B Long and Mrs V Spikings (sub)	Annual
Norfolk County Playing Fields Association	1 Exec	Councillor D Pope replaces Mrs E Nockolds	Annual
Norfolk Joint Museums and Archaeology Committee	1 Exec	Councillor Mrs E Nockolds	Annual
Norfolk Local Authority Tourism Group	1 Exec	Councillor Mrs E Nockolds replaces D Pope	Annual
Norfolk Parking Partnership Joint Committee	1 Exec	Councillor D Pope replaces Mrs E Nockolds	Annual
Norfolk Rail Policy Group	1 Exec	Councillor C Sampson	Annual

Norfolk Records Committee	1 Exec	Councillor Mrs E Nockolds	Annual
Norfolk Rural Community Council	1 Exec	Councillor B Long	Annual
Norfolk Waste Partnership	1 Exec and sub	Councillor B Long and vacancy (sub)	Annual
North Lynn Discovery Centre Board	1 Exec	Councillor A Lawrence	Annual
North Norfolk Coast and Countryside – Destination Management Organisation	1 Exec	Councillor Mrs E Nockolds replaces D Pope	Annual
South Lynn Community Trust	1 Exec	Councillor D Pope	Annual
Thameslink Consortium	1 Exec	Councillor B Long	Annual
The Wash and North Norfolk Coast European Marine Site Management Scheme	1 Exec	Councillor B Long	Annual
West Norfolk Chamber of Commerce Council	1 Exec	Councillor N Daubney	Annual
West Norfolk Disability Forum	2 Exec <i>5 Scrutiny – apptd by Council</i>	Councillors A Lawrence and Mrs J Leaman replaces M Langwade <i>Currently Councillors Mrs S Smeaton, T Bubb, M Chenery of Horsbrugh, L Bambridge and one vacancy</i>	Annual
West Norfolk Sports Council Management Committee	1 Exec	Councillor D Pope replaces Mrs E Nockolds	Annual
West Norfolk Tourism Executive Forum	2 Exec	Councillors Mrs E Watson and Mrs E Nockolds replaces D Pope	Annual
West Norfolk Voluntary and Community Action	1 Exec	Councillor Mrs E Nockolds	Annual