

BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK

CABINET DECISION SHEET

**Decision Sheet from the Meeting of the Cabinet held on
Tuesday, 11 June 2014 at 5.30pm in the Committee Suite, King's Court,
Chapel Street, King's Lynn**

PRESENT: Councillor N J Daubney (Chairman).
Councillors A Lawrence, B Long,
Mrs E Nockolds, D Pope and Mrs V M Spikings.

Apologies for absence were received from Councillors A Beales
and Lord Howard.

1. **MINUTES**

RESOLVED: The Minutes of the Meeting held on 6 May 2014
were approved as a correct record and signed by the Chairman.

2. **URGENT BUSINESS**

There was no urgent business.

3. **DECLARATIONS OF INTEREST**

Councillor Mrs Nockolds declared a non-pecuniary interest as a
Council appointed member of the Leisure Trust.

4. **CHAIRMAN'S CORRESPONDENCE**

None.

5. **MEMBERS PRESENT PURSUANT TO STANDING ORDER 34**

None

6. **CALLED IN MATTERS**

None

7. **FORWARD DECISIONS LIST**

The forward decision list was noted.

8. **MATTERS REFERRED TO CABINET FROM COUNCIL BODIES**

i) **Resources and Performance Panel & Audit Committee: 27 May 2014**

The Panel made the following recommendations to Cabinet, which were dealt with when Cabinet considered the reports on the agenda:

RP12: Cabinet Report: Local Authority Housing Company

RESOLVED: That the Panel support the recommendations to Cabinet as follows:

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 Financial 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.

RP13: Cabinet Report: Bank Tender

RESOLVED: That the Panel support the recommendations to Cabinet as follows:

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.

ii) Regeneration, Environment and Community Panel – 28 May 2014

The Panel made the following recommendations to Cabinet, which were dealt with when Cabinet considered the reports on the agenda:

REC8: Cabinet Report – Report of The Mart Task Group

RESOLVED: That the Regeneration, Environment and Community Panel support the recommendations to Cabinet as follows:

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

REC9: Cabinet Report – Leisure Trust Arrangements

RESOLVED: That the Regeneration, Environment and Community Panel support the recommendations to Cabinet as follows:

That Council be recommended to:

- a) Agree the proposed lease arrangements for Lynnsport and Leisure Park, Oasis Sports and Leisure Park, Downham Market Leisure Centre, St James' Swimming and Fitness Centre and the Corn Exchange as detailed in the report outlined in section 4.
- b) Agree the funding arrangements between the Council and the Trust.
- c) Agree to a transfer of £200,000 from the general fund working balance to the Trust as part of the set up cost.
- d) Agree the support services arrangements for the Trust to be supplied via Coastshare.
- e) Confirm the management of maintenance and utilities within facilities by the Local Authority Company for the Council.
- f) Agree the staff arrangements and note the TUPE transfer of employees.
- g) Agree the pooling of pension arrangements between the Council and the Trust.
- h) 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.

i) 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.

j) Request the Board of the LAC to consider and agree the contract from the Trust.

k) Agree in principle to lease the Guildhall to the Arts Centre Trust on a similar basis to the Galleries.

l) Delegate authority to the Chief Executive to execute all necessary documentation contractual of otherwise associated with the creation of the Leisure Trust and the supply of services to it.

iii) **Resources and Performance Audit Committee : 9 June 2014**

The Committee made the following recommendations to Cabinet, which were dealt with when Cabinet considered the reports on the agenda:

ARC17: Cabinet Report: Revenue Outturn 2013/2014

RESOLVED: That Cabinet be informed that the Resources and Performance Panel – Audit and Risk Committee supports the recommendations as set out in the report to Cabinet:

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.

ARC18: Cabinet Report: Capital Programme And Resources 2013/2017

RESOLVED: That Cabinet be informed that the Resources and Performance Panel – Audit and Risk Committee supports the recommendations as set out in the report to Cabinet:

1. That Cabinet note the outturn of the Capital Programme for 2013/2014 of £9,477,218.

2. That the financial arrangements for the 2013/2014 Capital Programme be approved.

3. That Cabinet approve the revised 2014/2017 Capital Programme as detailed in the report.

9. **REPORTS**

<p>1) Capital Programme and Resources 2013-17 (Page 10)</p>	<p>RESOLVED: 1) That the outturn of the capital programme for 2013/2014 of £9,477,218 be noted.</p> <p>2) That the financing arrangements for the 2013/2014 capital programme be approved.</p> <p>3) That the revised 2014/2017 capital programme as detailed in the report be approved.</p> <p>Reason for Decision To report the outturn 2013/2014 for the Capital Programme and update members on capital spending and resources for 2014-2017.</p>
<p>2) Revenue Outturn 2013-14 (Page 38)</p>	<p>RESOLVED: 1) That the revenue outturn and proposed transfers to reserves for 2013/2014 be approved.</p> <p>2) That the principle of the calculation for the provision of bad debts and appeals on the Business Rates Retention scheme be agreed.</p> <p>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.</p>
<p>3) Procurement of Banking Tender (page 60)</p>	<p>RESOLVED: That the decision to award the new banking contract be delegated to the Chief Financial Officer in consultation with the Leader and Chief Executive to ensure that the joint procurement timetable can be met.</p> <p>Reason for Decision The Council has to procure a new banking provider from 1 April 2015.</p>

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

RECOMMENDED: That following be approved:

1) 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 of the report.

2) The funding arrangements between the Council and the Trust.

3) A transfer of £200,000 from the general fund working balance to the Trust as part of the set up cost.

4) The support services arrangements for the Trust to be supplied via Coastshare.

5) The management of maintenance and utilities within facilities by the Local Authority Company for the Council.

6) The staff arrangements and note the TUPE transfer of employees.

7) The pooling of pension arrangements between the Council and the Trust.

8) 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.

9) Delegated authority be granted to the Chief Executive or Deputy Chief Executive, in consultation with the Leader and Cabinet Members for ICT, Leisure and Public Space and Special Projects to finalise arrangements for 1 July 2014 or as soon as possible thereafter, and any subsequent amendments in the first six months of the new arrangements.

10) Request the Board of the Local Authority Company to consider and agree the contract from the Trust.

11) Agree in principle to lease the Guildhall to the Arts Centre Trust on a similar basis to the Galleries.

12) Delegate authority to the Chief Executive or Deputy 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>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. The addition of the Deputy Chief Executive in recommendations 9 & 12 is to ensure that if the Chief Executive is unavailable it is still possible to sign the necessary documents.</p>
<p>5) Local Authority Housing Company (Page 75)</p>	<p>RECOMMENDED: That the following be approved:</p> <p>1) That delegated authority be awarded 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.</p> <p>2) That the Property Services Manager be instructed to develop a basic Business Plan for the Company identified within the report.</p> <p>3) That delegated authority to approve the Articles of Association and Business Plan be awarded to the Legal Services Manager in consultation with the Portfolio Holders for Regeneration and Community, Chief Executive, Deputy Chief Executive and Chief Finance Officer.</p> <p>4) To the Legal Services Manager be given delegated authority to draft and finalise all necessary documentation, contractual or otherwise associated with the creation of the company.</p> <p>5) That the sum of £761,840 be allocated to the company once established for the purposes of acquiring affordable housing units, representing the funds currently held for 'off site'</p>

	<p>affordable housing contributions as part of existing Section 106 agreements, together with any future similar Section 106 off site affordable housing contributions.</p> <p>Reason for Decision</p> <p>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.</p>
<p>6) Report of the Mart Task Group (page 81)</p>	<p>RECOMMENDED: That Council accept of the proposed rolling six-year agreement between the Showmen's Guild and the Borough Council as set out in section 3 of the report.</p> <p>Reason for Decision</p> <p>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.</p>
<p>7) Reduction in the size of the Council's representation on the King's Lynn Internal Drainage Board (Page 87)</p>	<p>RECOMMENDED: That the Council's Membership of the King's Lynn Internal Drainage Board be reduced from 15 to 10 members and those members be appointed by Council at its meeting on 26 June 2014.</p> <p>Reason for Decision</p> <p>To comply with the re-constitution requirements of the King's Lynn IDB.</p>
<p>8) Update to the Scheme of Delegation (page 89)</p>	<p>RECOMMENDED: 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.</p> <p>Reason for Decision</p> <p>To ensure that the Delegation Scheme</p>

	mirrors the decision making structure.
<p>9) Appointments to Task Groups, Joint Safety and Joint Employee Committees (page 123)</p>	<p>RESOLVED: 1) That officers be instructed to seek the Membership from Group Leaders for the Local Development Framework Task Group for the new Municipal Year:</p> <p>2) Note that the following Task Groups have finished their work during the course of the year:</p> <ul style="list-style-type: none"> • Mart Task Group • King’s Lynn Representational Arrangements Task Group. • Regeneration and Economic Development Task Group • Heritage Task Group <p>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).</p> <p>4) That the Membership of the Joint Safety and Welfare Committee for 2014/15 be confirmed as Councillors N Daubney, B Long and D Tyler</p> <p>5) That the Joint Employee Committee membership for 2014/15 be confirmed as Councillors N Daubney, M Chenery of Horsbrugh, B Long, C Manning and D Pope.</p> <p>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.</p>
<p>10) Appointments to Outside Bodies and Partnerships 2014/15 (Page 127)</p>	<p>RESOLVED: 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 to the report, with the addition of Councillor N Daubney as a sub on the Norfolk Waste Partnership.</p>

	<p>2) That the reporting arrangements be noted, as shown in section 3 of the report.</p> <p>3) To note that all other appointments to Outside Bodies will be made at the Council meeting on 26th June 2014.</p> <p>Reason for decision</p> <p>To ensure continued involvement in the community by the Council.</p>
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The Meeting closed at 6.33 pm