

**BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK**

**CABINET**

**Minutes from the Meeting of the Cabinet held on  
Tuesday, 29 July 2014 at 5.30pm in the Committee Suite, King's Court,  
Chapel Street, King's Lynn**

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

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

**CAB35: MINUTES**

**RESOLVED:** The Minutes of the Meeting held on 1 July 2014  
were approved as a correct record and signed by the Chairman.

**CAB36: URGENT BUSINESS**

There was no urgent business.

**CAB37: DECLARATIONS OF INTEREST**

None

**CAB38: CHAIRMAN'S CORRESPONDENCE**

None.

**CAB39: MEMBERS PRESENT PURSUANT TO STANDING ORDER 34**

None

**CAB40: CALLED IN MATTERS**

None

**CAB41: FORWARD DECISIONS LIST**

The forward decision list was noted.

CAB42: **MATTERS REFERRED TO CABINET FROM COUNCIL BODIES**

i) **Resources and Performance Panel: 22 July 2014**

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

RP33: Cabinet Report: Provision Of Legal Services

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

Cabinet is recommended to:

- 1) Agree in principle that a delegation agreement is established for the provision of legal services with North Norfolk District Council.
- 2) That Council be recommended to appoint Emma Duncan as its Monitoring Officer.
- 3) That the Chief Executive, in consultation with the Leader of the Council, be given delegated authority to draft and finalise the necessary formal documentation to give effect to recommendations 1 and 2.

RP34: Cabinet Report: Nora Joint Venture: Triggerpoint For Phase 2

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

- 1) To agree a trigger point of 20 sales on phase 1, at which point delegated authority is given to the Chief Executive and the Deputy Chief Executive (the JV Board Members for the Borough Council), in consultation with the Portfolio Holder for Regeneration to authorise the signing of contracts and the start of works for phase 2 subject to the business case not requiring an additional contribution for phase 2 of more than £400,000.
- 2) To fund additional contributions from a reduction in the overall land receipt.
- 3) To agree to proceed with the development in the event that the trigger point is reached with or without the County Council's continued participation.

RP35: Cabinet Report: Council Tax Discretionary Reliefs Policy

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

1) Cabinet recommend to Council to agree to adopt the Council Tax Support Discretionary Hardship Payment Policy, including delegating authority to Decision Makers, as shown at Section 3 of Appendix C.

2) Cabinet recommend to Council to agree to delegate authority to consider individual applications made under Section 4 to the Portfolio Holder for Resources in consultation with the relevant Ward Member(s) and Chairman of the Resources and Performance Panel.

RP36: Cabinet Report: Non Domestic Rates Discretionary Reliefs Policy

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

Cabinet recommend to Council to adopt the revised non-domestic rates discretionary relief policy as shown at Appendix 2.

**ii) Regeneration, Environment and Community Panel – 23 July 2014**

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

REC35: Cabinet Report – Air Quality Action Plan

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

That Cabinet note the draft Air Quality Action Plan and publish for public consultation.

REC36: Cabinet Report – Homelessness Review And Draft Homelessness Strategy

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

That the draft Homelessness Strategy Consultation Document 2014 to 2019 as attached at Appendix 1 is approved for public consultation.

**CAB43: COUNCIL TAX DISCRETIONARY RELIEF POLICY**

Councillor Daubney presented a report which explained that Section 13a of the Local Government Finance Act 1992 allowed billing authorities (Councils) to resolve to reduce the amount of council tax a person has to pay by any amount, including reducing it to nil.

The report contained the recommended policy for council tax discretionary reliefs including relief for those affected by the technical reforms to council tax discounts, relief for those in receipt of council tax support, relief for those affected by flooding and any other applications for relief.

Some discretionary reliefs had already been agreed by Council on individual reports. The policy pulled together all new and existing council tax discretionary relief policies into one document for agreement by Members. The following Council Tax Relief policies had already been agreed by Council, the updated policy was included at Appendix C to the report:

- Section 1: Discretionary Relief for those whose council tax discount had been adversely affected by the changes to discounts for empty properties and second homes (agreed by Council annually as part of the Discounts Resolution and agreed for 2014/2015 on 30 January 2014).
- Section 2: Discretionary Relief (hardship payments) for properties affected by flooding – amended relief criteria as agreed by Cabinet on 1 July 2014 and due to be considered by full Council on 31 July 2014.
- Section 3: was a new section added in to reflect the discretionary hardship payments available to people in receipt of Council Tax Support (CTS). Those payments had already been agreed in principle by Council on 30 January 2014. The policy expanded on how the relief may be claimed and the circumstances in which it would be awarded.
- Section 4: covered any other applications for relief. The provision had always been available and was now included as part of the policy for completeness.
- Section 5: detailed the statutory right of appeal a person had against the calculation of the amount of council tax they had to pay, which included any decisions regarding council tax discretionary reductions.

The Resources and Performance Panel at its meeting on 22 July supported the recommendations with a recommendation of an additional “/s” after Member, in recommendation 2.

**RECOMMENDED:** 1) That the Council Tax Support Discretionary Hardship Payment policy, including delegating authority to Decision Makers, as shown at Section 3 of Appendix C of the report be approved.

2) That delegated authority be granted to the Portfolio Holder for Resources in consultation with the relevant Ward Member/s and the Chairman of the Resources and Performance Panel to consider individual applications made under Section 4.

3) That the full Council Tax Discretionary Relief Policy, as attached at Appendix C to the report, be approved.

CAB44: **NON DOMESTIC RATES DISCRETIONARY RELIEF POLICY**

Councillor Daubney presented a report which contained a recommended revised policy for non-domestic rates (business rates) discretionary reliefs including relief for those affected by flooding, the new retail reliefs introduced by Government and two new reliefs added due to changes since the policy was last reviewed in 2010.

The updated policy was included at Appendix 2 to the report. The existing sections already agreed by Members as part of the policy review in 2010 were:

- **Section 1:** Conservation and Cultural Organisations
- **Section 2:** Village and Community Halls
- **Section 3:** Voluntary Bodies
- **Section 5:** Charity Shops
- **Section 7:** Young Person's Activities
- **Section 8:** Sporting Organisations
- **Section 9:** Sole Rural Post Offices
- **Section 10:** Sole Rural General Stores
- **Section 15:** Other Rural Businesses
- **Section 17:** Individual Applications

Some sections referred to discretionary reliefs already agreed on separate reports by Members. These were:

- **Section 11:** Flood Reliefs – agreed by full Council on 24/04/2014
- **Section 12:** Retail Relief – agreed by full Council on 24/04/2014
- **Section 13:** Retail Reoccupation Relief – agreed by full Council on 24/04/2014
- **Section 14:** Newly Built Empty Property Relief – agreed by full Council on 28/11/2013
- **Section 16:** Hardship Relief – agreed by Cabinet 04/06/2013

The new sections in the policy were:

- **Section 4:** Armed Forces Community Covenant. This was agreed by the Leader in July 2013 and now needed to be incorporated into the non-domestic rates discretionary relief policy.
- **Section 6:** Poster displays in shop windows. This had been included following an increase in applications for discretionary relief from charities displaying posters in town centre shop windows.

Councillor Beales sought clarification of the level of discretionary relief which would be awarded to registered and non-registered charities, which could read as though 120% relief would be awarded. The Deputy Chief Executive explained that non registered charitable groups would be granted 100% discretionary relief, and those registered charities would receive 80% mandatory relief, with an additional 20% discretionary relief. It was agreed that the Deputy Chief Executive, in consultation with the Leader would alter the wording of the Policy to clarify the matter.

The Resources and Performance Panel at its meeting on 22 July supported the recommendations.

**RECOMMENDED:** That the revised non-domestic rates discretionary relief policy as shown at Appendix 2 to the report be adopted, subject to Deputy Chief Executive, in consultation with the Leader clarifying the wording in appropriate sections of Appendix 2, to clarify the different level of relief given to registered and non-registered charities.

CAB45: **AIR QUALITY ACTION PLAN**

Councillor Long presented a report which highlighted the work which had been completed in drawing up an Air Quality Action Plan (AQAP) and the mechanism to be used to consult with the public and stakeholders on the proposed air quality reduction measures.

The report explained that the Borough Council had a statutory duty under Part IV of the Environment Act 1995 to review and assess air quality across its district. Air quality monitoring showed that the levels of Nitrogen Dioxide (NO<sub>2</sub>) exceeded the annual mean objective in two areas within King's Lynn, along London Road and the Gaywood clock area.

The Borough had declared these two areas as Air Quality Management Areas (AQMA). The main source of NO<sub>2</sub> in both AQMA's was from road transport.

The report explained that if an area was declared as an AQMA, then the Borough Council had a statutory duty to develop, adopt and implement an Air Quality Action Plan (AQAP) within 12-18 months of declaration. The draft AQAP must be submitted to DEFRA, other stakeholders and undergo an 8 weeks public consultation before being adopted.

The Regeneration Environment and Community Panel at its meeting on 23 July supported the recommendations.

**RESOLVED:** That the draft Air Quality Action Plan be noted and published for public consultation.

CAB46: **PROVISION OF LEGAL SERVICES**

Councillor Daubney presented a report which made recommendations to Cabinet and Council concerning the future provision of legal services to the Borough Council. The report recommended that the current interim arrangements which were working well were confirmed on a longer term basis.

The report proposed that the Borough Council delegate to North Norfolk District Council the provision of the legal services set out below on the following basis:

Services to be provided:

- General advice on contentious/non contentious matters
- FOI/Data Protection framework and high level advice (day to day FOI advice)
- Licensing
- Monitoring Officer (standards and attendance at Full Council)
- Management of remaining staff (2) at BCKLWN and section management
- Client role for commissioned legal services

In supporting the recommendations in the report, Councillor Daubney commented that the current arrangements were working well.

Councillor Beales, in acknowledging that the current arrangements were working well, asked what the position would be for the outsourcing of work such as prosecutions, and how the Council would handle it in the future. The Chief Executive explained that there was currently an arrangement with NP Law for property related matters and to a number of local private sector firms for prosecutions, he confirmed that these would be re-visited shortly.

The Resources and Performance Panel at its meeting on 22 July supported the recommendations.

**RECOMMENDED:** 1) That a delegation agreement be established for the provision of legal services with North Norfolk District Council be agreed in principle.

2) That Emma Duncan be appointed as the Council's Monitoring Officer.

3) That the Chief Executive, in consultation with the Leader of the Council, be given delegated authority to draft and finalise the necessary formal documentation to give effect to recommendations 1 and 2.

CAB47: **HOMELESS REVIEW AND DRAFT HOMELESSNESS STRATEGY**

The Housing Services Operations Manager presented a report which explained that the Borough Council (BCKLWN) as the statutory housing authority for the area had a duty to carry out a review of homelessness in the area and to publish a specific Homelessness Strategy to meet needs identified including:

- Addressing the causes of homelessness
- Introducing initiatives to prevent homelessness wherever possible
- Securing sufficient accommodation for homeless people or those who may become homeless
- Ensuring appropriate support to prevent repeat homelessness

It was explained that the existing Homelessness Strategy would come to an end in 2014 and it was a statutory duty for housing authorities such as BCKLWN to have a Homelessness Strategy.

The report explained that between April and May 2014 a review of data and statistics had been undertaken which informed the development of the draft Homelessness Strategy. This included analysis of housing needs, wider causes and trends in statutory homelessness over the last 3 years.

A review had also been undertaken with partners and service providers. This included views on past performance, gaps analysis, current and future issues and, again, had supported the development of the Homelessness Strategy. The document had also taken account of Government guidance on homelessness, housing needs and allocations policies which may influence the Homelessness Strategy. The report brought forward a draft Homelessness Strategy as a Consultation Document for approval

The Housing Services Operations Manager also clarified that the table on page 63 of the agenda which referred to King's Lynn did in fact mean the whole of the Borough.

Councillor Long sought clarification on the information contained in the table regarding violent relationships ending which appeared to have reduced considerably. He drew comparisons with the loss of private rented accommodation and the regression percentages shown. It was explained that the figures were taken over the 4 year period.

Councillor Pope asked whether someone would be deemed as homeless if a family member had indicated they were no longer willing to accommodate. It was explained that if someone was threatened with homelessness within 28 days they would be considered as homeless and investigations would be made, although there were a number of tests to be undertaken before it could be established if the Council had a full homelessness duty.



Councillor Beales asked what the significance of potentially not being awarded the Homelessness Prevention payment in future years would be. It was explained that the grant received was £124,000, which went towards the overall service and helped with the prevention of homelessness. Examples were given for the prevention of assisting with arrears payments to prevent an eviction, or assist with finding alternative accommodation. If the grant was not received it would materially affect the delivery of the service.

The Regeneration Environment and Community Panel at its meeting on 23 July supported the recommendations.

**RESOLVED:** That the draft Homelessness Strategy Consultation Document 2014 to 2019 as attached at Appendix 1 to the report be approved for public consultation.

**CAB48: NORA JOINT VENTURE – PHASE 2**

Councillor Beales presented a report which updated Members on progress made on the NORA Housing project. An amended Financial Implications section had been distributed to Members to show the most up to date position.

The Corporate Project Officer explained each section of the report to Cabinet Members. The report requested Members to agree a trigger point of sales on the phase one development and give delegated authority to the Chief Executive and the Deputy Chief Executive (the Joint Venture Board members for the Borough Council) in consultation with the Portfolio Holder for Regeneration, to authorise the signing of contracts to enable the start of works for Phase 2. In referring to the progress on the sale of the properties and the numbers reaching trigger point, it was explained that at the present time, 8 affordable dwellings had been sold, 4 were at the point of exchange, and 4 were awaiting mortgage decisions. The site would be open in 2-3 weeks, which would enable the sales area to be available for viewings. He explained the updated financial section, which showed the total cost in line 7 now read £8,405,774.

The risk implications shown in the report were around the capacity and expertise of Borough Officers to bring forward the housing development. NCC contracts and staff had been used for the first stage, but the risk was now reduced, demonstrated by the delivery of phase 1.

With regard to the risk of contamination, the majority of the decontamination work for phases 1-3 had been undertaken in the first phase, and it was considered the remaining budget set aside for that purpose would be sufficient.

He drew attention to the fact that it was still uncertain whether the County Council would participate in phase 2. If they decided to

withdraw, they would have to pay their costs to the break point and the cost to get out of the partnership.

The risk around the potential for the scheme to not break even was also a point made, but the sales achieved to date had been above the business case figures.

Councillor Long asked if there was any recourse on the firm who carried out the remediation of the land previously where contamination was now showing up. The Corporate Project Officer explained that there was no recourse as the instances had arisen when the contamination had risen with the water table in small areas. He further explained that the site had been dug out, a barrier membrane inserted, and re-filled with clean soil.

Councillor Daubney asked if the discussions were still ongoing with the County Council and what had given rise to the queries. It was explained that the discussions were still ongoing, but that on the matter of the continuation, where the Borough had taken the decision at the beginning of the scheme to write off the contribution in its accounts, whereas the County Council had not done that, and it hadn't been communicated to members as that, so they had been expecting the figure to be repaid.

Councillor Pope asked if the water in the river had been tested for any contamination. The Corporate Project Officer confirmed the water had been tested when piling was carried out, it showed no residual contamination had come through into the water.

Councillor Beales drew attention to the useful discussion which had taken place at the Resources and Performance Panel at its meeting on 22 July which supported the recommendations. He reminded Members that despite the difficulties which had been faced with the site, the project would show a return on investment and give a nice development.

Cabinet congratulated Dale Gagen, Corporate Project Officer and those officers working with him on the delivery of the project.

**RECOMMENDED:** 1) That a trigger point of 20 sales on phase 1 be approved, at which point delegated authority be given to the Chief Executive and the Deputy Chief Executive (the JV Board Members for the Borough Council), in consultation with the Portfolio Holder for Regeneration to authorise the signing of contracts and the start of works for phase two subject to the business case not requiring an additional contribution for phase 2 of more than £400,000.

2) That additional contributions be funded from a reduction in the overall land receipt.

3) That the development be proceeded with in the event that the trigger point is reached with or without the County Council's continued participation.

CAB49: **LOCAL AUTHORITY HOUSING COMPANY : BOARD OF DIRECTORS**

Cabinet at its meeting on 11 June 2014, followed by Council on 26 June 2014 approved the establishment of the Local Authority Housing Company. Cabinet was invited to consider appointing the Board of Directors of the Local Authority Company.

Councillor Daubney proposed that Councillors A Beales and G Hipperson be nominated to the Board with the other representatives set out in the report.

**RESOLVED:** 1) That the Portfolio Holder with responsibility for Housing plus Councillors A Beales and G Hipperson be nominated to the Local Authority Housing Company Shareholder Board.

2) That the Chief Executive and Chief Financial Officer be appointed to the Board.

**The Meeting closed at 6.11 pm**