

RECOMMENDATIONS TO CABINET ON 29 JULY 2014 FROM THE MEETING OF THE RESOURCES AND PERFORMANCE PANEL HELD ON 22 JULY 2014

RP33: CABINET REPORT: PROVISION OF LEGAL SERVICES

The Deputy Chief Executive presented the 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 Panel's attention was drawn to the following areas of the report:

- Background Information.
- Proposal.
- Provision of Service.
- Delegation Arrangements.
- Practical Arrangements.
- Additional Savings.
- Options Considered.
- Financial Implications.
- Policy and Personnel Implications.
- Risk Management Implications.

In response to questions from Councillor Wareham regarding the requirement for an Appointments Panel to be convened to appoint East Law or another organisation to undertake the provision of legal services for the Borough Council, the Deputy Chief Executive undertook to check the details of the Council's current policy for the appointment of a senior officer. *(Following the meeting it was confirmed that it was not necessary to convene an Appointments Panel as the Legal Services Manager/Monitoring Officer was not deemed to be a "Chief Officer").*

The Council's Interim Monitoring Officer informed the Panel that it was a statutory duty for the Full Council to appoint a Monitoring Officer. At the previous Council meeting, a report was presented recommending the appointment of North Norfolk's Legal Services Manager as the Council's interim Monitoring Officer which was agreed.

In response to a concern expressed by Councillor Gourlay regarding the proposed arrangements, the Council's Interim Monitoring Officer explained that North Norfolk's Legal staff had relevant direct telephone numbers and email addresses which allowed them to access either King's Court or North Norfolk Councils remotely, which would enable a totally seamless service to be delivered. There would be legal presence at the King's Court offices on a rota basis five days a week. A new full time Assistant Solicitor based predominantly at King's Court (employed by North Norfolk District Council) would be recruited.

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**

The Corporate Project Officer presented the report which updated Members on progress made on the NORA Housing project and 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 (JV 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.

Members' attention was drawn to the following sections of the report:

- Background.
- How the Project had progressed.
- Works required now in advance of Future Phases.
- Trigger point to allow Phase 2 to start.
- Financial Implications.
- Risk Management Implications.

In response to questions from Councillor Langwade regarding the contaminants found on the site, the Corporate Projects Officer explained that there were no new contaminants, but the main contaminants discovered were oil products (napel) which had impacted upon the clay at the bottom of soil levels. The Corporate Projects Officer informed Members that there was a small part of the site which contained abnormalities, but upon further testing had confirmed that there was no further risk.

Councillor Morrison referred to Sections 2.3 and 2.4 of the report and asked for assurance that the flood risk would not threaten completion of the first phase of the development. In response, the Corporate Projects Officer explained that when the planning application had been submitted, the flood charts for King's Lynn had been taken account of and advised that NORA was a safe site in King's Lynn for development in relation to flood risk. The Corporate Projects Officer advised the Panel that the works on the new road would be commencing during the following week and invited Members to undertake a site visit.

In response to further questions from Councillor Morrison on the quality of housing to be delivered, the Corporate Projects Officer explained that the

scheme had always been considered a regeneration scheme rather than a normal housing development, which would deliver an exemplar scheme of low density and larger than average size properties resulting in a higher build cost.

Councillor Morrison referred to page 12 – cost of the rising main and asked for further details. In response, the Corporate Projects Officer advised that this cost related to the provision of a pumping main. A surcharge had been incurred when ensuring the level of the land for the road was at the correct height, so as not to differentiate from the settlement of the materials and break up the surface.

In response to questions from Councillor Gourlay regarding the New Homes Bonus, the Corporate Projects advised that the current arrangements was the News Homes Bonus was received by the Borough Council at the time each unit was built.

Following further questions from Councillor Gourlay regarding the cost of supplying carpets, the Corporate Projects Officer explained that the difference in the figures presented was that one was higher than the other because of the initial set up costs incurred for the show home. He further explained that the figures referred to by Councillor Gourlay related to other costs rather than just carpets.

In response to questions from Councillor Collop relating to Section 10.3 of the report involving Norfolk County Council (NCC), the Corporate Projects Officer advised that there was a risk that Phase 2 was not predicted to break even, and that NCC would not want to continue with Phase 2. However, this issue was being addressed in tandem by NCC. To date, a decision had not been made by NCC. The Corporate Projects Officer explained that if Members wished they could agree to continue the development without NCC's participation. The Panel's attention was drawn to Recommendation 3 on page 7 of the report.

Councillor Humphrey asked for clarification on the surcharging cost. In response, the Corporate Projects Officer outlined the reasons for the cost which related to raising the level of land to the exact requirements to enable development to commence.

In response to questions from Councillor Humphrey on profit from the scheme being utilised to pump prime other projects, the Corporate Projects Officer outlined the details within the Joint Venture Agreement and advised that there was a clause inserted to ensure that any profit would be spent within the Borough of King's Lynn and West Norfolk.

Following questions from Councillor Gourlay on the Council tax banding for the development, the Deputy Chief Executive explained that it was normal practice to show calculations for properties rated at Band D. The Corporate Projects Officer informed the Panel that to date the following properties had been sold:

- Two, 3 storey units at £175,000 each.
- One, 3 bedroom unit at £155,000.

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**

In presenting the report, the Revenues and Benefits Manager 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 had to pay by any amount, including reducing 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.

The Panel was reminded that the following Council Tax Relief policies had already been agreed by Council:

- 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.

In response to questions from Councillor Gourlay regarding the amount of relief of £519 being awarded in 2013/2014 under Section 1, the Revenues and

Benefits Manager outlined the circumstances of the three cases which had been awarded the relief.

Councillor Collop referred to Section 2.6 of the report;

The recommendation was to delegate authority to consider these applications on an individual basis to the Portfolio Holder for Resources in consultation with the relevant Ward Member and the Chairman of the Resources and Performance Panel. This reflected the arrangements for discretionary relief made under Section 1.

Councillor Collop informed that in some cases there was more than one Ward Member and suggested therefore that the wording be amended to read Ward Member(s) which was agreed by the Panel.

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**

The Revenues and Benefits Manager presented the report which contained the 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.

Members were advised that the updated policy was included at Appendix 2. 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.

The financial implications were outlined as set out in section 5 of the report.

In response to questions from Councillor Humphrey regarding posters displayed in shop windows, the Revenues and Benefits Manager explained that where a charitable organisation used a shop window to display their own promotional material and became liable for non-domestic rates they would usually qualify for 80% Mandatory Relief. Where this was the case, an additional 20% top up relief would be awarded where the following criteria was met:

- The charity was a locally based charity.
- Their occupation of the shop window for displaying posters was 4 weeks or less.
- Where the shop window was re-used for displays there was a break of at least one week between displays.
- The total time a unit was used for displays did not exceed 16 weeks in any rolling 52 week period.

In response to questions from Councillor Collop on the process of awarding discretionary relief, the Revenues and Benefits Manager explained that a charitable organisation would usually qualify for 80% Mandatory Relief, however, an application form would need to be completed for the 20% top up relief.

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.