

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

**CABINET DECISION SHEET**

**Decision Sheet from the Meeting of the Cabinet held on  
Tuesday, 4 November 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, Lord Howard, Mrs E Nockolds,  
D Pope and Mrs V M Spikings.

An apology for absence was received from Councillor A Beales

1. **SUSPENSION OF STANDING ORDER 36 – RECORDING OR  
BROADCASTING OF MEETINGS**

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

2. **MINUTES**

**RESOLVED:** The Minutes of the Meeting held on 7 October 2014 were approved as a correct record and signed by the Chairman.

3. **URGENT BUSINESS**

There was no urgent business.

4. **DECLARATIONS OF INTEREST**

Councillor Mrs Spikings declared a pecuniary interest in item 10 (1) below, Site Allocations and Development Policies - relating to items on Outwell/Upwell and Terrington St Clement, and item 10 (2) below Community Infrastructure Levy – Consultation on Preliminary Draft Charging Schedule. She left the meeting during consideration of the items.

Councillor Lord Howard declared a pecuniary interest in item 10 (1) below, Site Allocations and Development Policies relating to the Knights Hill Development, and item 10 (2) below Community Infrastructure Levy – Consultation on Preliminary Draft Charging Schedule. He left the meeting during their consideration.

Councillor N J Daubney – declared a pecuniary interest in item 10 (7) King's Lynn Innovation Centre as a Council appointed Director of NWES. He left the meeting during its consideration.

5. **CHAIRMAN'S CORRESPONDENCE**

None.

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

Councillor C Crofts attended and addressed the Cabinet on item – 10  
(1) Site Allocations and Development Policies relating to West Walton.

7. **CALLED IN MATTERS**

Cabinet was informed that a delegated decision taken by Councillor Pope on the issue of increasing the number of 20 minute free parking bays had been called in. The issue had been considered at the meeting of the Cabinet Scrutiny Committee on 23 October 2014. Cabinet Scrutiny had not upheld the Call in. The Matter had therefore been progressed and actioned.

8. **FORWARD DECISIONS LIST**

The forward decision list was noted.

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

i) **Resources and Performance Panel- Audit Committee: 28 October 2014**

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

ARC60: Cabinet Report: Mid Year Review Treasury Report 2014/2015

RESOLVED: That Cabinet be informed that the Resources and Performance Panel – Audit and Risk Committee supports the recommendation as follows:

(1) Cabinet is asked to note the report and the treasury activity.

(2) As part of the budget process and setting of the Treasury Management Strategy for 2015/2016 it is suggested that Cabinet ask officers to bring forward schemes that could generate higher levels of return.

ii) **Resources and Performance Panel: 28 October 2014**

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

RP75: Cabinet Report: Community Infrastructure Levy Decision (CIL)

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

- (1) That Cabinet agreed to move forward and carry out consultation on a Preliminary Draft Community Infrastructure Levy (CIL) Charging Schedule.
- (2) For the purposes of the consultation the draft CIL rates will be those outlined in Table 12.11 of the accompanying Viability Report.
- (3) The Director of Planning and Environment in consultation with the Portfolio Holder for Housing and Community be authorised to prepare the specific consultation documentation as required, based on the information in Appendices 1 and 2 of the report.
- (4) That a report is prepared following the consultation and the findings are brought back to a subsequent meeting of the Cabinet.

RP76: Cabinet Report: Update To Standing Orders And Protocol To Accommodate Openness Regulations

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

- (1) That Council approve the amended Standing Orders.
- (2) That Council approve the Protocol for working arrangements for the Openness Regulations.

RP77: Cabinet Report: Council Tax Discounts For Second Homes And Empty Properties

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

Council resolves that, under Section 11A of the Local Government Finance Act 1992, as enacted by Section 75 of the Local Government Act 2003, Section 11B of the Local Government Finance Act 1992, as enacted by Section 11 and Section 12 of the Local Government Finance Act 2012 and in accordance with the provisions of the Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003 and the Council Tax (Prescribed Classes of Dwellings) (England) (Amendment) Regulations 2012 the Council determines:

1. That the council tax discount for second homes defined as being within Class A of the Regulations is set at 5% for 2015/2016;

2. That the council tax discount for second homes as defined by Class B of the Regulations is set at 5% for 2015/2016;

3. That the council tax discount for empty dwellings defined as being within Class C of the Regulations is set at the following for 2015/2016:

a. 100% for three months starting on the day the property becomes unfurnished

b. 0% once the three month period has expired;

4. That the council tax discount for uninhabitable dwellings defined as being within Class D of the Regulations is set at the following for 2015/2016:

a. 50% for 12 months starting on the day the property becomes uninhabitable

b. 0% once the 12 month period has expired;

5. That the levy rate for Long Term Empty Properties as defined in the Regulations is set at 50% for 2015/2016;

6. That any period of occupation of less than six weeks shall be disregarded when calculating the maximum period of a reduction or the start date of the levy; and

7. That delegated authority be given to the Portfolio Holder for Resources in consultation with the Ward Member and the Chairman of the Resources and Performance Panel to consider individual applications to the Discretionary Hardship Fund

8. In accordance with Section 11A(6) of the Local Government Finance Act 1992, as enacted by Section 75 of the Local Government Act 2003 and the Local Government Finance Act 2012, these determinations shall be published in at least one newspaper circulating in West Norfolk before the end of the period of 21 days beginning with the date of the determinations.

**iii) Regeneration Environment and Community Panel: 29 October 2014**

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

REC70: Cabinet Report – Site Allocations and Development Management Policies

RESOLVED:

- (i) That Cabinet give consideration to amending G.22 to retain the existing building boundary, allocating the new land (previously referred to as 508) for 11 properties and give due consideration to other specific sites which were affected by boundary changes.
- (ii) That the Regeneration, Environment and Community Panel support the recommendations to Cabinet as follows:

That Cabinet and Council be invited to:

- a) Consider and approve the content of the draft Site Allocations and Development Management Policies – Proposed Submission Document and the relevant supporting material apart from Gayton; Upwell/Outwell; and Terrington St. Clement, for it to be placed on deposit for representations and subsequently be submitted to the Planning Inspectorate for Examination.
- b) Consider and approve the content of the draft Site Allocations and Development Management Policies – Proposed Submission Document and the relevant supporting material for Gayton, for it to be placed on deposit for representations and subsequently be submitted to the Planning Inspectorate for Examination.
- c) Consider and approve the content of the draft Site Allocations and Development Management Policies – Proposed Submission Document and the relevant supporting material for Upwell and Outwell and Terrington St. Clement, for it to be placed on deposit for representations and subsequently be submitted to the Planning Inspectorate for Examination.
- d) Recommends to Council that the Local Development Scheme be updated in the form presented at Appendix 5.
- e) Agrees to the Executive Director Planning and Environment in consultation with the Portfolio Holder making minor amendments to the content of the documents and supporting material before it is placed on deposit for representations.

REC71: Cabinet Report – Norfolk Coast Project AONB Management Plan

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

That:

1. The Borough Council welcomes the updating of the AONB Management Plan to 2019 and supports the Vision, Objectives and Policies (the content of these is outlined in Appendix 1).
2. The Executive Director Planning and Environment be authorised in consultation with the Deputy Leader to conclude amendments to the Memorandum of Agreement.

REC72: Cabinet Report – King’s Lynn Transport Interchange Project

RESOLVED: That the Regeneration, Environment and Community Panel supports the recommendations to Cabinet as follows, with an additional recommendation 5:

1. Cabinet approves the scheme (as attached in appendix 1 and detailed in 2.3 of the report) and delegate authority to the Chief Executive in consultation with the Portfolio Holder for Regeneration and Industrial Assets to oversee the implementation of the scheme.
2. Delegate authority to the Chief Executive in consultation with the Leader and Portfolio Holder for Regeneration and Industrial Assets to agree the level of additional funding of up to £300k to complete the full scheme.
3. Delegated authority granted to the Legal Services Manager to complete the necessary legal documentation required in order to implement the scheme.
4. Delegated authority granted to the Executive Director for Commercial Services in consultation with the Portfolio Holder for ICT, Leisure and Public Space to agree the operational arrangements for the bus station area.
5. That the bus station becomes a non-smoking environment.

REC74: Exempt Cabinet Report – Material Works

RESOLVED: (1) That the Regeneration, Environment and Community Panel be kept updated on progress.

(2) That the Regeneration, Environment and Community Panel supports the recommendations to Cabinet as set out in the report.

REC75: Exempt Cabinet Report – King’s Lynn Innovation Centre

RESOLVED: That the Regeneration, Environment and Community Panel supports the recommendations to Cabinet as set out in the report.

10. **REPORTS**

<p>1) <b>Site Allocations and Development Management Policies</b> (page 9 and enclosed documents with the agenda)</p>	<p><b>RECOMMENDED:</b></p> <p>1) That the content of the draft Site Allocations and Development Management Policies – Proposed Submission Document and the relevant supporting material apart from Gayton; Upwell / Outwell, Terrington St. Clement, and Knights Hill be approved for it to be placed on deposit for representations and subsequently be submitted to the</p>
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Planning Inspectorate for Examination.

2) That the content of the draft Site Allocations and Development Management Policies – Proposed Submission Document and the relevant supporting material for Gayton, be approved for it to be placed on deposit for representations and subsequently be submitted to the Planning Inspectorate for Examination

3) That the content of the draft Site Allocations and Development Management Policies – Proposed Submission Document and the relevant supporting material for Upwell and Outwell and Terrington St. Clement, be approved for it to be placed on deposit for representations and subsequently be submitted to the Planning Inspectorate for Examination

4) That the content of the draft Site Allocations and Development Management Policies – Proposed Submission Document and the relevant supporting material for Knights Hill, be approved for it to be placed on deposit for representations and subsequently be submitted to the Planning Inspectorate for Examination

5) That the Local Development Scheme be updated in the form presented at Appendix 5 to the report.

6) That the Executive Director Planning and Environment in consultation with the Portfolio Holder be authorised to make minor amendments to the content of the documents and supporting material before it is placed on deposit for representations.

**Reason for Decision**

To enable the next stage in the preparation of the statutory development plan for the Borough to be undertaken, in that the Borough Council takes the Plan to the Submission stages culminating in a

	<p>public Examination of the document.</p> <p>The request of the Regeneration, Environment and Community Panel to change the boundaries of G.22 was not accepted, as it was agreed any such points should be addressed to the Examination.</p> <p>The request from Councillor Crofts regarding West Walton was also directed to the Examination.</p>
<p>2) <b>Community Infrastructure Levy – Consultation on a Preliminary Draft Charging Schedule</b> (page 41)</p>	<p><b>RECOMMENDED:</b></p> <p>1) That a consultation on a Preliminary Draft Community Infrastructure Levy (CIL) Charging Schedule be approved.</p> <p>2) For the purposes of the consultation the draft CIL rates will be those outlined in Table 12.11 of the accompanying Viability Report.</p> <p>3) The Director of Planning and Environment in consultation with the Portfolio Holder for Housing and Community be authorised to prepare the specific consultation documentation as required, based on the information in Appendices 1 and 2.</p> <p>4) That a report is prepared following the consultation and the findings are brought to a subsequent meeting of the Cabinet.</p> <p><b>Reason for Decision</b>  Moving to a Preliminary Draft Charging Schedule allows the Borough Council to collect the views of the community and development professionals operating in the Borough, and allows further consideration of bringing in a CIL and setting particular rates.</p>
<p>3) <b>King’s Lynn Transport Interchange</b> (page 52)</p>	<p><b>RESOLVED:</b> 1) That the scheme (as attached in appendix 1 and detailed in 2.3 of the report) be approved and delegated authority be granted to the Chief</p>



	<p>Executive in consultation with the Portfolio Holder for Regeneration &amp; Industrial Assets to oversee implementation of the scheme.</p> <p>2) That delegated authority be granted to the Chief Executive in consultation with the Leader and Portfolio Holder for Regeneration &amp; Industrial Assets to agree the level of additional funding of up to £300k to complete the full scheme.</p> <p>3) That delegated authority be granted to the Legal Services Manager to complete the necessary legal documentation required in order to implement the scheme.</p> <p>4) That delegated authority be granted to the Executive Director for Commercial Services in consultation with the Portfolio Holder for ICT, Leisure &amp; Public Space to agree the operational arrangements for the bus station area.</p> <p>5) That the bus station be designated a no smoking zone.</p> <p><b>Reason for Decision</b></p> <p>To contribute to the corporate objective to maintain a vibrant town centre by utilising Section 106 funding secured from developers to mitigate the impact of out of town developments by enhancing the attractiveness and accessibility of the key gateways into the town centre. Recommendation 5 was added following consideration of the comments of the Regeneration Environment and Community Panel.</p>
<p>4) <b>Council Tax Discounts For Second Homes And Empty Properties</b> (Page 66)</p>	<p><b>RESOLVED:</b> That consideration of the matter be deferred to a future Cabinet meeting to allow time for discussions with Norfolk County Council</p> <p><b>Reason for Decision</b></p> <p>The Borough Council was under no</p>

	obligation to collect the additional Council Tax from second homes. The deferral would permit discussions with the County Council.
5) <b>Mid-Year Treasury Management Report</b> (page 71)	<p><b>RESOLVED:</b> 1) That the report and the treasury activity be noted.</p> <p>2) That as part of the budget process and setting of the Treasury Management Strategy for 2015/2016 officers be requested to bring forward schemes that could generate higher levels of return</p> <p><b>Reason for the Decision</b></p> <p>The Council must make a Mid -Year Review of its Treasury operation, as part of the CIPFA code of Practice.</p>
6) <b>Norfolk Coast Project AONB</b> (page 88)	<p><b>RESOLVED:</b> That:</p> <p>1) The Borough Council welcomes the updating of the AONB Management Plan to 2019 and supports the Vision, Objectives and Policies (the content of these is outlined in Appendix 1).</p> <p>2) The Executive Director for Planning and Environment be authorised in consultation with the Deputy Leader to conclude amendments to the Memorandum of Agreement.</p> <p><b>Reason for Decision</b></p> <p>The Management Plan was a statutory responsibility. The Coastal Authorities had agreed that Norfolk Coast Partnership should undertake the requirement of Section 89 of the Countryside and Rights of Way Act 2000 on their behalf.</p>
7) <b>Update to Standing Orders and Working Protocol to comply with the Openness Regulations</b> (page 100 )	<p><b>RECOMMENDED:</b></p> <p>1) That Council approve the amended Standing Orders</p> <p>2) That Council approve the Protocol for working arrangements for the Openness Regulations.</p> <p><b>Reason for Decision</b></p> <p>To ensure that Standing Orders mirror the requirements of the Openness Regulations.</p>

## **EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED:** “That under Section 100(A)(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act.”

<p>8) <b>Material Works Update - Black Bin Recycling Contract Update</b> (page 135)</p>	<p><b>RESOLVED:</b> 1. That an extension of time of 3 months to the contract, with no additional cost or risk being attributable to the Council be agreed.</p> <p>2. That the Chief Executive in consultation with the Leader and Deputy Leader be authorised to make up to 3 further 3 month extensions (again with no additional cost or risk being attributable to the Council) subject to Material Works demonstrating that they are making good progress to the programme outlined in this report.</p> <p>3. That Material Works request to perform the Contract obligations and conditions through a locally based business (Material Works (Norfolk) Ltd) as the Contract Operator (The Contractor) be approved.</p> <p><b>Reason for Decision</b></p> <p>To allow Material Works extra time to meet the conditions precedent in the Councils contract with them to recycle residual waste.</p>
<p>9) <b>King’s Lynn Innovation Centre Land Agreements</b> (Page 142)</p>	<p><b>RESOLVED:</b> That delegated authority be granted to the Legal Services Manager and Property Services Manager to complete the legal agreements with NWES as set out in the heads of terms (detailed in section 2 of the report), subject to a satisfactory clause being included in relation to any future proposal concerning any change of use of the premises.</p>

	<p><b>Reason for Decision</b></p> <p>The Borough Council's Corporate Business Plan 2011-2015 identifies support for enterprise and business start-ups as a top priority. This proposal will facilitate the development of KLIC and the remaining site which is in line with a council key priority.</p>
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**The Meeting closed at 7.05 pm**