

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

**CABINET**

**Minutes from the Meeting of the Cabinet held on  
Tuesday, 13 January 2015 at 5.30pm in the Committee Suite, King's  
Court, Chapel Street, King's Lynn**

**PRESENT:** Councillor N J Daubney (Chairman)  
Councillors A Beales, Lord Howard, A Lawrence, B Long,  
Mrs E Nockolds and D Pope.

Apologies for absence were received from Councillor Mrs V M Spikings.

CAB118: **MINUTES**

**RESOLVED:** The Minutes of the Meeting held on 2 December 2014 were approved as a correct record and signed by the Chairman.

CAB119: **URGENT BUSINESS**

There was no urgent business.

CAB120: **DECLARATIONS OF INTEREST**

Councillor A Beales declared a pecuniary interest in item CAB128: Planning Obligations and Affordable Housing Implications of the recent Government Announcement on revised thresholds and left the room during its consideration.

Councillor N Daubney declared a pecuniary interest in item CAB134: King's Lynn Innovation Hub Site Infrastructure and left the room during its consideration.

CAB121: **CHAIRMAN'S CORRESPONDENCE**

None.

CAB122: **MEMBERS PRESENT PURSUANT TO STANDING ORDER 34**

Councillor Mrs K Mellish and J Moriarty attended to address Cabinet on items CAB135 and CAB128 & 134 respectively.

CAB123: **CALLED IN MATTERS**

There were no called in matters.

CAB124: **FORWARD DECISIONS LIST**

The forward decision list was noted.

CAB125: **MATTERS REFERRED TO CABINET FROM COUNCIL BODIES**

i) **Resources and Performance Panel: 6 January 2015**

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

RP100: Exempt Cabinet Report: Major Housing Development – Final Approval

RESOLVED: That the Panel support the recommendations to Cabinet as set out in the report

RP101: Cabinet Report: Pension Fund – Employer’s Policy Statement

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

(1) That the Borough Council of King’s Lynn and West Norfolk would not normally exercise their discretion to fund Additional Pension for scheme members.

(2) That the Borough Council of King’s Lynn and West Norfolk would not normally exercise their discretion to consent to the immediate payment of benefits to a scheme member who is aged 55 or more and has left the Authority’s employment prior to April 2014 without an entitlement to immediate LGPS benefits. However, it will give consideration to granting consent in those cases where there are no costs to the Authority associated with early payment. This discretion will be exercised by the Executive Director (Central and Community Services) in consultation with the Resources Portfolio Holder.

(3) If the benefits payable under (2) above would normally be reduced for early payment the Authority would not normally agree to waive all or part of the reduction on any grounds, including compassionate.

(4) That reference to discretions relating to Award of Additional Membership and Absence Contribution Time Limits will be removed from the Authority’s Policy Statement.

ii) **Regeneration Environment and Community Panel: 7 January 2015**

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

REC96: Cabinet Report – Planning Obligations And Affordable Housing – Implications Of The Recent Government Announcement On Revised Thresholds

RESOLVED: That the Regeneration, Environment and Community Panel recommend that Cabinet modify the existing two tier approach to affordable housing to:

- a. Increase the number of settlements eligible for the higher threshold of eleven to include King's Lynn, Downham Market, Hunstanton, Dersingham, Heacham, South Wootton and Terrington St Clement; and
- b. For all remaining settlements apply a threshold of five units where a financial contribution will be sought towards affordable housing rather than on site provision as is currently the case.

REC97: Cabinet Report – Hackney Carriage Stands – Bus Station

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

That Cabinet approve and adopt two new taxi stands on the lower floor car park and on the Old Sunway, King's Lynn to replace the existing taxi stand adjacent to the King's Lynn Bus Station.

REC98: Cabinet Report – Homelessness Strategy Update

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

That the Homelessness Strategy 2015 to 2019 as attached at Appendix A and Action Plan at Appendix B are recommended for approval by Council.

REC100: Exempt Cabinet Report – King's Lynn Innovation Hub Site Infrastructure

RESOLVED: (i) That the Regeneration, Environment and Community Panel support the recommendations to Cabinet as set out in the report.

(ii) That Cabinet consider establishing an enabling fund for any potential future development on the site.

CAB126: **COUNCIL TAX DISCOUNTS FOR SECOND HOMES AND EMPTY PROPERTIES**

The Deputy Chief Executive presented a report which explained that the Local Government Acts of 2003 and 2012 gave the Council powers to determine the discounts for second homes and long term empty properties. The Council was obliged to approve its determination afresh for each class of dwelling for each financial year, in order to enable the Tax Base to be set for budget purposes by 31 January 2015. The report put forward proposals for no change to the current level of discounts and empty property levy for the financial year 2015/2016.

Councillor Daubney commented that he was often asked why the discount was given for second home owners, to which he explained that in doing so they were identifiable and therefore it was advantageous financially for the Council to do so because a proportion of the additional money collected came to the Council.

**RECOMMENDED:** That 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.

**CAB127: HOMELESSNESS STRATEGY 2015-19**

Councillor Lawrence presented a report which explained that the Borough Council 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

The Housing Manager – Operations further drew attention to the content of the report which explained that between April and May 2014 a review of data and statistics was 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 draft Homelessness Strategy Document was approved for consultation in July 2014. Public consultation commenced in August 2014 and ended in November 2014.

Partners had been asked to comment and the consultation was publicised with articles appearing in the local press. 9 formal responses were received and an analysis of the views was included within the report. Consultation responses supported the Council's

analysis of homelessness as well as the aims of the Strategy. Consultation responses indicated that homelessness prevention was the highest priority. The Housing Options Forum met in November and issues related to household debt were highlighted.

The final Homelessness Strategy had been developed having regard to responses. An Action Plan had been produced to ensure the continued prevention of homelessness whenever possible, meet the Council's statutory obligations and support the wider objectives of the Homelessness Strategy.

There was a link with the Affordable Housing requirements to ensure that new social housing came forward in the Borough. This includes a 3 year scheme to bring forward 30 homes via the empty homes project in partnership with Freebridge Community Housing due to complete on 31<sup>st</sup> March 2015.

Councillor Beales commended the report and the work with Freebridge which was vital to bringing back empty homes into use, when many homeowners didn't know how to do so.

**RECOMMENDED:** That the Homelessness Strategy 2015 to 19 as attached at Appendix A and Action Plan at Appendix B in the report be approved.

CAB128: **PLANNING OBLIGATIONS AND AFFORDABLE HOUSING - IMPLICATIONS OF THE RECENT GOVERNMENT ANNOUNCEMENT ON REVISED THRESHOLDS**

Councillor Lawrence presented a report which explained that consultation had taken place earlier this year on a proposed new 11-unit threshold for section 106 affordable housing contributions within national policy to reduce planning costs to developers. The Government proposed to implement this, but gave discretion to local authorities in certain areas to have a lower 5 unit threshold. The choice of providing extra benefit for small builders or continuing to support affordable housing fell to the Borough Council under the new provisions. The issue needed to be positively addressed by the Borough Council to provide clarity in dealing with planning applications.

The report explained that parts of West Norfolk had been designated rural area status under section 157 of the Housing Act 1985, and settlements in an Area of Outstanding Natural Beauty (AONB) were also eligible for the lower threshold. The affected areas were all settlements with the exception of King's Lynn, Downham Market, Hunstanton, Dersingham, Heacham, South Wootton and Terrington St Clement.

It was commented that the adoption of a policy would avoid doubt when dealing with planning applications and to ensure a stream of

affordable houses was built in the Borough allowing developers to be able to stabilise their cash flows for each development.

The Housing Strategy Officer informed members that the current policy for the contribution per affordable dwelling was £60,000, which was utilised in those areas required.

Under Standing Order 34, Councillor J Moriarty made reference to the debate at the Regeneration, Environment and Community Panel where the vast majority of Members had opted for option 1 in the report. He commented that he felt those who supported option 2 were responding to other people's experiences. He felt there was some concern expressed about where the financial contribution would be spent when it was made.

Councillor Lawrence explained that if a developer could prove that a site would not be viable if the required contributions were made, there was the ability to negotiate the sums involved. He also made reference to the important link to the Homeless Strategy which had previously been considered to ensure social housing could be provided.

Councillor Nockolds drew attention to the fact that the contributions would help rural exception sites. The Housing Strategy Officer confirmed that the sums could help pump prime sites, such as the 27 sites which had been provided in the past 10 years.

The comments, debate and recommendations from the Regeneration Environment and Community Panel were noted.

**RECOMMENDED:** That the existing two tier approach to affordable housing be modified to:

- a) Increase the number of settlements eligible for the higher threshold of 11 to include King's Lynn, Downham Market, Hunstanton, Dersingham, Heacham, South Wootton and Terrington St Clement; and
- b) For all remaining settlements apply a threshold of 5 units where a financial contribution will be sought towards affordable housing rather than on site provision as is currently the case.

CAB129: **PENSION FUND – EMPLOYER'S POLICY STATEMENT**

Executive Director, D Gates presented a report which explained that the Local Government Pension Scheme (LGPS) legislation required the Authority to issue a written Policy Statement on how it would exercise the various discretions provided by the scheme. The changes introduced by the 2014 revisions required corresponding updates to this Authority's Policy Statement.

Cabinet's attention was drawn to the following sections of the report:

- Section 3: Discretions to be Revised – Early Payment of Pension.
- Section 4: Discretions to be Removed.

In conclusion, the Executive Director explained that as a result of the corresponding updates to the Authority's Policy Statement, there was no change in policy and therefore no cost to the Council.

Cabinet noted the comments and recommendations from the Resources and Performance Panel.

**RECOMMENDED:** 1) That the Borough Council of King's Lynn and West Norfolk would not normally exercise their discretion to fund Additional Pension for scheme members.

2) That the Borough Council of King's Lynn and West Norfolk would not normally exercise their discretion to consent to the immediate payment of benefits to a scheme member who is aged 55 or more and has left the Authority's employment prior to April 2014 without an entitlement to immediate LGPS benefits. However, it will give consideration to granting consent in those cases where there are no costs to the Authority associated with early payment. This discretion will be exercised by the Executive Director (Central and Community Services) in consultation with the Resources Portfolio Holder.

3) If the benefits payable under 2) above would normally be reduced for early payment the Authority would not normally agree to waive all or part of the reduction on any grounds, including compassionate.

4) That reference to discretions relating to Award of Additional Membership and Absence Contribution Time Limits will be removed from the Authority's Policy Statement.

**CAB130: HACKNEY CARRIAGE STAND, KING'S LYNN BUS STATION**

Councillor Lawrence presented a report which explained that that due to the redevelopment of the King's Lynn Bus Station the existing Hackney Carriage Stand (rank) needed to be moved. The proposal was to create a new stand within the lower floor car park adjacent to Sainsbury's Supermarket for ten vehicles with an additional seven vehicle stand on the Old Sunway, King's Lynn. This seven vehicle stand would act as a 'feeder' for taxis waiting for a space on the lower car-park taxi stand.

It was noted that the Regeneration Environment and Community Panel were supportive of the proposal.



Councillor Long in supporting the proposals commented that the new layout would assist taxi clientele who would be able to wait for taxis under cover. He drew attention to the condition of the wall adjacent to the stand which he thought could potentially be a hazard.

The Leader assured members that Officers would ensure the wall was safe as part of the bus station improvements.

Councillor Beales drew attention to the dove tailing with the Bus Station improvements. He felt the proposals were sensible practical and straight forward.

Councillor Mrs Nockolds drew attention to the fact that no responses had been received from the Hackney Carriage operators and drivers, so the assumption must be made that they were happy with the proposal.

**RESOLVED:** That the two new taxi stands on the lower floor of the car park and on the Old Sunway, King's Lynn be approved to replace the existing taxi Stand adjacent to the King's Lynn Bus Station.

**CAB131: CALENDAR OF MEETINGS 2015/16**

Councillor Daubney presented a report which set out a draft timetable of meetings for the 2015/16 Municipal Year. It was noted that the 2014/15 version had been included in the agenda, however the correct version had been distributed prior to the meeting and was the version which had been consulted on.

**RESOLVED:** That the Timetable for the 2015/16 Municipal Year be approved.

**CAB132: ALIVE LEISURE APPOINTMENT OF REPRESENTATIVE**

Councillor Daubney presented a report which explained that on 9<sup>th</sup> April 2013 Cabinet appointed the Cabinet Member for Culture, Tourism and Marketing as the Borough Council's representative on the Alive Leisure Trust.

It was noted that the re-appointment of Board Members positions on the Trust were staggered with Councillor Mrs Nockolds' appointment ending February 2015. Cabinet agreed to re-appoint Councillor Mrs Nockolds to the position.

**RESOLVED:** That Councillor Mrs E Nockolds be re-appointed to serve on the Alive Leisure Trust from February 2015.

CAB133: **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.”

CAB134: **KING’S LYNN INNOVATION HUB SITE INFRASTRUCTURE**

Councillor Long took the Chair for this item.

Councillor Beales presented a report which updated Members on progress with the development of the King’s Lynn Innovation Centre (KLIC) at the Nar Ouse Regeneration Area (NORA) in partnership with Norfolk & Waveney Enterprise Services (NWES). The development of KLIC represented phase 1 of development on plot E1a of the NORA masterplan, with the potential for future phases of complementary workspace on the plot to create an ‘Innovation Hub’ on NORA. The report outlined the feasibility, costs and funding arrangements to provide the site infrastructure for KLIC and in part, the remaining site on plot E1a set out in the report, which would remain in Borough Council ownership. The project works were currently out to tender.

Councillor Beales wished for his apologies for not attending the Panel meeting to be recorded.

The Economic Development and Regeneration Manager explained that the additional requirements set out in the report had come about as part of the planning consultation and requirements imposed by the Environment Agency.

Under Standing Order 34, Councillor J Moriarty attended and commented that he thought it was important the Cabinet Member was present and able to explain the report. He felt the development was a vital part of the future of redevelopment for King’s Lynn. He drew attention to the fact that the Panel had made a recommendation in August 2013 that a contingency sum should be set aside for the project. Councillor Beales at the time had said that a contingency would be considered. The Panel had again recommended a contingency fund for the site for any other problems which may arise.

Councillor Beales acknowledged the important points made at the Panel meeting about contingency, however, the issue now presented was more than a contingency situation. It was recognised that the site was difficult to manage, it was large, and incurred abnormal costs because of the ground conditions, which wouldn’t have been covered by a contingency fund. He considered that the approach taken did encompass the thinking of the Panel.

**RESOLVED:** 1) That the submission of an application for £1,075,000 funding to the Norfolk Business Rate Pool to provide the site infrastructure to enable the delivery of the innovation hub on whole of plot E1a on the plan enclosed with the agenda be endorsed.

2) That in the event that the bids to the Norfolk Business Rate Pool and outcome of other LEP funding discussions are not successful, the Council underwrites the cost up to £423,000 to meet the cost of abnormal site works and site infrastructure to facilitate the development of KLIC and the wider site in consultation with the Portfolio holder for Regeneration.

CAB134: **MAJOR HOUSING DEVELOPMENT – FINAL APPROVAL**

Councillor Beales presented a report which explained the financial and contractual basis for the project which was to achieve a significant delivery of housing over a 4-5 year period, accelerating house building in the local economy by bringing forward public land for development which would otherwise not be developed in the medium term. The project would provide a commercial return for the Council over the longer term and act as a stimulus to the economic activity in the local area including the creation of apprenticeships in West Norfolk. The scheme included significant improvements to the leisure facilities at Lynnsport with the creation of a replacement larger grass area including two new pitches, additional all weather pitches, 4 new tennis courts, new changing facilities for both the wet and dry side of football and more importantly a new access road together with new additional parking spaces.

The proposal taken to market assumed that the Council would:

- (i) Use Council owned land (and possibly HCA land) as an investment to stimulate new housing delivery on up to four specific sites.
- (ii) Accept a deferred receipt/revenue stream for the land.
- (iii) Consider alternative model options that included the receipt of market rent in the early years and capital receipts as properties were sold when markets permit.

This report updated Members on progress made with the project since the last report to Cabinet on the 7 October 2014, when Lovell was approved as the Council's preferred bidder; Lovell's Variant B was the preferred bid; explained the overall financial impact this project would have on the Council and sought Cabinet to recommend to Council that final Authority is given for the whole project to start.

Councillor Beales commented that he welcomed comments and discussions on the proposal.

Under Standing Order 34 Councillor Mrs K Mellish addressed the Cabinet. She commented on the size of the project and the budget involved and raised concerns about the level of involvement by Council or Cabinet at each stage. She also sought assurance that there would be day to day monitoring of the contracts and any costs incurred through Investco. She reminded Members that money taken out through loans had to be paid back before any profit could be made.

Councillor Beales acknowledged that the contract would involve large sums, and it was correct to ensure the governance was right. He commented that the day to day oversight of the contract would be by senior officers and Clerk of Works. He drew attention to the risk mitigation set out in the report which addressed any potential areas of concern.

Councillor Beales acknowledged that the private sector may not carry out such a project because they would look to bring down the costs of the infrastructure, whereas the Council's social obligations for the housing and the Lynnsport element entailed the Council incurring such costs for the projects. He acknowledged the comments on concerns about Investco.

Councillor Lord Howard expressed concerns about the rental element of the scheme, and the repayment of loans. He referred to the homes being marketed and those unsold being rented which he felt would be a preferable option. He also preferred to see the moving forward of each phase being agreed by Council to give the opportunity to pause and check at each stage in the process.

Councillor Beales agreed that the involvement by Council at each stage would be acceptable. He drew attention to the comments from the Resources and Performance Panel which had been supportive and made useful comments. He referred to the projection that the annual level of sales would be 80 which had been estimated after professional advice was taken on the matter, further work would have to be undertaken to ascertain whether more units for sale would affect the prices, and the overall financial returns. He suggested the matter be adjourned in order for the further financial calculations to be carried out.

Councillor Pope asked if any conclusions had been drawn from the consultation responses received to date which ended on Friday.

Councillor Beales acknowledged that there were concerns for which mitigation would be sought. Each point made in the consultation would be investigated and the revised proposal put forward so the public knew they were being listened to. The clear themes appeared to be around Beulah Street and Lynnsport, but consideration had to be given to what the impact would be on the whole project if there were changes to the numbers of houses provided, particularly as one of the key objectives of the project was to deliver a better sporting infrastructure, any changes to the figures proposed would have to be re-examined to clarify if they would affect the Lynnsport proposals.

The Corporate Project Officer acknowledged that it would be possible for Cabinet and Council to agree each phase. He explained the process which had to be gone through with the contract to prove viability in order to move to the next phase.

Councillor Lord Howard agreed that the proposal was reasonable with the Council as the decision maker, but the details of each element would need to be examined.

The Corporate Project Officer referred to the proposal to sell more units, which should be possible if it didn't affect the sale prices, he would discuss the proposal with the contractor. He also made reference to building on other sites.

Councillor Beales, in summing up suggested that the report be re-configured to re-examine the viability criteria, agree the phasing through Council, respond to the main issues identified through the public consultation and the potential impact on the sporting infrastructure.

In supporting the adjournment of the item, Councillor Long drew attention to the element of the scheme which involved the new internal drainage scheme pumping station and North Lynn Link Scheme which would provide flood protection for large parts of King's Lynn. He reminded Members that grant aid had been received for the project which contained elements of match funding, so it was important not to delay for too long and risk jeopardising the funding.

**RESOLVED:** 1) That consideration of the matter be adjourned for a short time to permit officers and the Portfolio Holder to re-work the report:

- Enabling account to be taken of the responses from the 3 public consultation exercises.
- Evaluate the impact on the proposed leisure facilities.
- Change the emphasis on Investco from a long term investment model to a company that will hold and manage properties that have not been sold during a phase.
- Expand Section 9 to explain how Cabinet and Council will be involved with the future authorisation of later "contracted Phases" of development.

2) The meeting will be re-convened on Monday 26 January 2015 at 4.30pm to consider the amended report.

**The Meeting adjourned at 6.35 pm**