

BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK

CABINET

**Minutes from the Meeting of the Cabinet held on
Tuesday, 31 March 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, A Lawrence, B Long,
and D Pope.

Apologies for absence were received from Councillors
Lord Howard, Mrs E Nockolds and Mrs V M Spikings.

CAB164: **MINUTES**

RESOLVED: The Minutes of the Meeting held on 3 March 2015
were approved as a correct record and signed by the Chairman.

CAB165: **URGENT BUSINESS**

There was no urgent business.

CAB166: **DECLARATIONS OF INTEREST**

Councillor N Daubney declared a pecuniary interest in CAB181: King's
Lynn Innovation Centre, as a Director appointed by the Council. He
left the meeting during its consideration.

CAB167: **CHAIRMAN'S CORRESPONDENCE**

None.

CAB168: **MEMBERS PRESENT PURSUANT TO STANDING ORDER 34**

Councillor A Tyler attended for CAB175: King's Lynn Consultative
Committee.

CAB169: **CALLED IN MATTERS**

There were no matters which had been successfully called in.

CAB170: **FORWARD DECISIONS LIST**

The forward decision list was noted.

CAB171: **MATTERS REFERRED TO CABINET FROM COUNCIL BODIES**

i) **King's Lynn Area Consultative Committee – 10 March 2015**

The King's Lynn Area Consultative Committee had commented on the report in the agenda regarding its future, which was included in the report and reported on by Councillor A Tyler.

ii) **Joint Employee Committee: 16 March 2015**

The Joint Employee Committee had considered the report on the Pay Award. The comments from Unison had been included in the report. The Joint Employee meeting had accepted the recommendations and was expanded upon with the item on the agenda.

iii) **Resources and Performance Panel: 24 March 2015**

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

RP135: Cabinet Report: Corporate Apprenticeship Scheme

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

- 1) That Cabinet supports the continuation of the Council's Apprenticeship Scheme by the employment of six new apprentices on 18 month Fixed Term Contracts which are supernumerary to the Fixed Term Establishment List.
- 2) That these posts be funded corporately and that the total cost of the apprentices be met from the budget provision included within the Financial Plan for 2015/16 and 2016/17.

RP136: Cabinet Report: Staff Pay Award

RESOLVED: The Panel supports the recommendation to Cabinet as follows:

- 1) That an annual pay award of 1% be implemented with effect from 1 April 2015.
- 2) That staff earning less than £21,500 (FTE) be awarded an additional 0.5% increase with effect from 1 April 2015.
- 3) That the authority increases its minimum wage to £7.20 per hour and adjusts the bottom point of PG13 accordingly.
- 4) That a flat rate and non-consolidated lump sum, not exceeding £250 per full-time employee (pro rata for part time), be awarded to all permanent/ fixed term employees, who were in post on 1.10.14 on a

one-off basis in recognition of the Authority exceeding its budgeted savings target for 2014/15.

5) That this proposal be presented to the Board of Alive Leisure for agreement in respect of all Joint Employees.

RP138: Exempt Cabinet Report: Proposed Acquisition - Former Grain Silo Site At South Quay

RESOLVED: The Panel support the recommendation to Cabinet as follows:

It is recommended that Cabinet:

- 1) Note the content of this report.
- 2) Grant authority to the Council's Property Services Manager to finalise the terms for the acquisition of the site.
- 3) Authorise the Council's Legal Services provider to effect and complete all necessary legal documentation associated with the acquisition of the site.

iv) Regeneration, Environment and Community Panel: 25 March 2015

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

REC138: Cabinet Report – Nora Joint Venture

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

- 1) To authorise the signing of contracts to enable the start of works for Phase 2.
- 2) To fund additional contributions from a reduction in the overall land receipt using option 3 paragraph 3.3 of the Cabinet report.

REC139: Cabinet Report – Air Quality Action Plan

RESOLVED: 1) That the Regeneration, Environment and Community Panel support the recommendations to Cabinet as follows:

That Cabinet adopt the Air Quality Action Plan.

2) The Panel noted that several of the initiatives were already in place.

REC141: Exempt Cabinet Report – King's Lynn Innovation Centre

RECOMMENDED: That the Regeneration, Environment and Community Panel support recommendation 1 & 2, subject to the figure

being amended from £420,000 to £450,000 and that recommendations 3 & 4 be amended to recommendation 3 as set out below:

1. Endorse the submission of an application for £450,000 grant funding to the Norfolk business Rate Pool to cover the build cost shortfall following submission of tenders.
2. In the event that the bid to the Norfolk Business Rates Pool is unsuccessful, the Cabinet agrees to provide a loan of £450,000 to NWES to enable them to meet the build cost shortfall.
3. That a further report be presented to Cabinet on the outcome of the method chosen for the ground improvement works.

v) **Cabinet Scrutiny Committee : 19 March 2015**

The Cabinet Scrutiny Committee made recommendations back to Cabinet on CAB159: Proposed Members ICT Solution from the Cabinet meeting on 3 March 2015 as follows:

RESOLVED: That the Committee made the following recommendations to Cabinet:

- (1) That recommendation 2) should be amended to read that 'a 3G card would be provided on request' rather than on an exceptions basis.
- (2) That the Health and Safety impact on Councillors be examined.
- (3) That the tax and benefit implications for Members on the proposals as a whole be examined.

In discussing the recommendations from the Committee, Councillor Daubney reminded Members that the decision was to provide Members with an ipad as their IT solution post-election rather than new laptops or computers. In considering the points raised by the Cabinet Scrutiny Committee, Cabinet agreed that the recommendations were acceptable and all the recommendations be accepted.

RESOLVED: That the recommendations from Cabinet Scrutiny Committee be accepted.

CAB172: **STRATEGIC PLANNING ISSUES – POTENTIAL DUTY TO CO-OPERATE – ARRANGEMENTS FOR NORFOLK**

The Local Development Framework Manager presented a report which explained that the Duty to Cooperate was an important element of Local Plan making. There were examples where Plans had been withdrawn or failed their examination because the approach had not been adequate.

The Borough Council does continue to cooperate with relevant organisations, but the approach needed to be formalised to minimise risks.

The proposed Non-Statutory Shared Strategic Framework for Norfolk would formalise the county's approach to the Duty to Cooperate. It was a format that had been used elsewhere in the region with success in examinations of Local Plans.

The framework set out agreed approaches to common cross boundary issues across the county (such as housing, jobs, transport and water which was necessary to meet the National Planning Policy Framework (NPPF) requirement to promote sustainable development and to assist economic growth whilst providing for environmental protection) for the Local Planning Authorities to seek to address in their Local Plans.

There would be an element of staff time and monetary contribution to produce the framework.

Councillor Long asked if the approach would fit with cross county boundary co-operation as the Council area met with Cambridgeshire and Lincolnshire. It was confirmed that the approach also accommodated those boundaries.

RESOLVED: 1) That the Borough Council is part of a shared non-statutory strategic framework in respect of the 'duty to co-operate'.

2) That in principle it be agreed that Option 3 represents the most appropriate mechanism in the circumstances

3) That an Officer Steering Group and employed project management plus limited consultancy is the most appropriate delivery model

4) That a commitment is given to a budget of approximately £25k over two financial years.

5) That the terms of reference for the Member Duty to Cooperate Group are agreed.

CAB173: 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 mechanisms used to consult with the public and stakeholders on the proposed air quality reduction measures

A report detailing the consultation responses was contained in an Appendix. The highest level of support was for actions:

- to improve public transport (including the West Lynn Ferry),
- considering air quality impacts of development in air quality management areas,
- traffic management in the air quality management areas,
- to improve provision for cycling and walking
- travel plans,
- traffic control systems,
- road layout

DEFRA had considered the draft AQAP and were supportive noting "The overall plan is clear, comprehensive and substantially follows the guidance outlined in LAQM PG(09). The plan provides a background to the review and assessment work undertaken by the Council. This includes the findings of the source apportionment exercise undertaken in the detailed and further assessment stages, and a statement on the

required reductions in emissions and NO2 concentrations for the two AQMA.”

The draft AQAP had been developed after reviewing several different measures. The final AQAP recommended that 20 measures should be taken forward.

Whilst some alternative measures were suggested as part of the consultation process, they had already been considered and disregarded as either not being feasible, cost benefit being low or an alternative measure had been included in the AQAP. Therefore it was not proposed to remove any proposed action plan measures or add any additional measures.

Councillor Long explained that of those measures proposed, some of which may have already been carried out, but the main ones would be considered on a case by case basis. He commented that Air Quality had been improving because of the measures taken to date, and the more efficient vehicles which were on the road today.

Councillor Beales made reference to the impressive feedback from the cyclists, and asked whether, as had been produced in the past at low cost, a cycle map for King’s Lynn was being produced. Councillor Long responded that if it was deemed something which could be of benefit, it could be considered.

Councillor Beales also drew attention to the divided opinions for Hardings Way, as the cyclists did not want the road used for cars, but others did. He asked if there would be a beneficial effect on all traffic flows, against it being a nice place to walk.

Councillor Long responded that the proposals put forward did not make any parts of the Plan a certainty as they would be fully considered in the future taking onto account the pros and cons and consultations.

The Cabinet noted the discussions on the report held at the Regeneration, Environment and Community Panel which had supported the recommendations.

RESOLVED: That the Air Quality Action Plan be adopted.

CAB174: **CORPORATE APPRENTICESHIP SCHEME**

Councillor Daubney presented a report which reminded Cabinet that in October 2012 Cabinet agreed to the introduction of an Apprenticeship Scheme within the Council. As a result, six apprentices had been employed on 18 month fixed term contracts which were supernumerary to the Council’s fixed term establishment list. Those six apprentices had now completed their training and following a review of the scheme and consideration of the findings of the review by Management Team,

it was proposed to employ a further six apprentices during 2015. Councillor Daubney drew attention to the considerable support the scheme had received from the Resources and Performance Panel when they had discussed the matter and the fact the Council had also worked with South Wootton Parish Council to jointly employ an apprentice, which had also worked in a supportive way for the Parish. In employing the Apprentices in such a way, Councillor Daubney drew attention to the fact that when the Council was encouraging industry to employ apprentices it gave the Council credibility. He also explained at in addition to the formal scheme, some other apprentices had been employed as part of reviews within teams across the authority.

Councillor Lawrence commented that the scheme was a great way of giving young people a chance, to give them a future, and at the same time encouraging other businesses to take part.

Councillor Beales, in supporting the proposals commented that the debate at the Resources and Performance Panel had been very supportive of the scheme.

RESOLVED: 1) That the continuation of the Council's apprenticeship scheme by the employment of six new apprentices on 18 month Fixed Term Contracts which are supernumerary to the Fixed Term Establishment List be approved.

2) That these posts be funded corporately and that the total cost of the apprentices be met from the budget provision included within the financial plan for 2015/16 and 2016/17.

CAB175: **REVIEW OF THE KING'S LYNN AREA CONSULTATIVE COMMITTEE**

Councillor Daubney presented the report which invited Cabinet to give consideration to the future operation of the King's Lynn Area Consultative Committee which had been operating since November 2013. It had been agreed that the future of the Committee would be reviewed. The report set out the issues which the Committee had given consideration to during its existence.

Under Standing Order 34, Councillor A Tyler, Chairman of the Committee addressed the Cabinet in support of the Committee which was made up of all parties, and its members discussed matters of mutual interest relating to King's Lynn. He acknowledged that there were some of the Committee who still hoped for a Town Council for King's Lynn, but all members of the Committee were pleased that it had been formed and felt that where it could it should consult with organisations concerned with King's Lynn and learn about their issues. He drew attention to the Sub Group which had been set up to give consideration to Major Planning Applications.

Councillor Tyler drew attention to the fact that the Committee had made reference to the fact that it would like to have more influence particularly in the area of Special Expenses for King's Lynn, and he acknowledged that if that were to happen it would be done in a constructive and sensible manner. He informed Cabinet that attendances at the meetings had been good and he hoped that it would continue to develop.

Councillor Daubney responded that he had received feedback that the Committee was working constructively and had cross party support and was fully serviced. He recommended that the Committee should continue to operate for a further four years, and the points made were good, with consideration given in the future for the potential for the Committee to evolve.

RECOMMENDED: That the King's Lynn Area Advisory Committee continues to operate after 1st May 2015 in its current format for a period of 4 years.

CAB176: **STAFF PAY AWARD**

Councillor Daubney presented a report which reminded Members that the Council's annual pay increase for all employees was locally determined having regard to national, regional and local pay and labour market information. The report recommended the pay increase for 2015/16 and outlined the budget implications.

Councillor Daubney reminded Members that the Authority had continued to demonstrate its commitment to pay restraint for staff over the past 5 years, with local pay settlements falling considerably below inflation in accordance with the Government's general policy on public sector pay. The Government had retained a 1% target for public sector pay in 2015/16 and it was recommended that this was reflected with an annual pay increase of 1% for all employees from 1st April 2015. The proposal was also to recognise the particular difficulties faced by the Authority's lowest paid workers by awarding an additional 0.5% increase to staff earning less than £21,500 and to introduce a

modest increase in the minimum wage of £7.00 per hour to £7.20 per hour from the 1st April 2015.

Councillor Daubney also drew attention to the challenging savings targets which had been set by the authority and were being achieved by the staff, proposed the award of a £250 pro rata non-consolidated lump sum for those employees in post on 1 October 2014.

The Executive Director, Central and Community Services reminded Members of the comments from Unison were contained within the report which were generally supportive, whilst reminding Members that the year on year pay freezes had considerable effects particularly on the lowest paid staff. The report had been submitted to the Joint Employee Committee which had been supportive of the proposals, they had drawn attention to some other local authorities who had introduced the National Living Wage, whilst acknowledging that contracted staff employed by them were paid at minimum wage.

Councillor Pope asked if when the £7.20 per hour was awarded the grades above it were lifted in the same way. The Executive Director informed Members that they were not, it was purely the bottom line, which then had the bottom sliced off the grade.

Councillor Pope also asked if the additional 0.5% would be given in addition to the increase to the hourly rate. It was confirmed that the 1.5% would be applied first, then the £7.20 applied.

Councillor Beales drew attention to the need to strike the budget balance and supporting the lower paid staff. He acknowledged that in paying the £250, there would be those more deserving than others, but it was important to maintain staff morale when asking a lot from staff with the savings to be achieved. He supported incentivising staff to reduce costs.

Councillor Daubney supported the comments made and reminded Members that there was a long way to go in continuing the proud record of maintaining a balanced budget which would be more challenging in future years. He reminded Members that the Resources and Performance Panel had supported the proposals.

RESOLVED: 1) That an annual pay award of 1% be implemented with effect from 1st April 2015.

2) That staff earning less than £21,500 (FTE) be awarded an additional 0.5% increase with effect from 1st April 2015.

3) That the authority increases its minimum wage to £7.20 per hour and adjusts the bottom point of PG13 accordingly.

4) That a flat rate and non-consolidated lump sum, not exceeding £250 per full-time employee (pro rata for part time), be awarded to all permanent/fixed term employees, who were in post on 1.10.14 on a

one-off basis in recognition of the Authority exceeding its budgeted savings target for 2014/15.

5) That this proposal be presented to the Board of Alive Leisure for agreement in respect of all Joint Employees.

CAB177: **NORA JOINT VENTURE SCHEME – PHASE 2**

Councillor Beales presented the report which updated Members on progress made on the NORA Housing project and requested authorisation for the signing of contracts to enable the start of works for Phase 2.

The following options for the site were considered:

Option 1 - The Councils could cease development. No land receipt would be generated and the regeneration of this part of the town would not happen.

Option 2 - The Councils could fund the additional cost of £425,000. The Norfolk County Council was unhappy to make a further contribution (they had already committed £1.2 million to the project) as they believed the land value the JV had to pay was too high and as such this additional sum should be paid for by reducing the land value.

Option 3 - The Borough Council could acquire the affordable units from the JV and onward sale. This approach to dealing with S106 units was agreed by a delegated decision report called Affordable Housing Investment (Shared Equity) following a report to Cabinet on 6th December 2011. This process would ensure that the subsidy associated with these S106 affordable housing units stayed in the public sector.

Option 4 - The JV partners could request that the requirement for affordable units was waved on affordability grounds.

Councillor Beales informed Members that 42 of the 54 units on Phase 1 had been sold. He drew attention to the options available to the Council around the land value and affordable housing in Phase 2, whilst seeking to make a return on the development to benefit the Council Tax payer. He set out his view that as a Council it should deliver the affordable housing on the site, he therefore recommended Option 2 above, the reduction in land value for the site. The proposal would continue to deliver a capital receipt for the Tax payer and a number of the properties would be shared equity which the Council would retain its part of. He also drew attention to the addition of New Homes Bonus and additional Council Tax received from the properties.

Councillor Daubney supported the view on affordable housing and the proposed option for the scheme. He considered the scheme

extremely successful in providing attractive properties at the same time as overcoming the problems in the area.

Councillor Lawrence expressed his support for the scheme as the homes were needed for the area.

RESOLVED: 1) That the signing of contracts to enable the start of works for Phase 2 be authorised.

2) That additional contributions be funded from a reduction in the overall land receipt using option 3 paragraph 3.3 of the report.

CAB178: **PLANNING SCHEME OF DELEGATION – UPDATE**

The Planning Control Manager presented a report which explained that the planning scheme of delegation was last reviewed in February 2013, where changes were made and the scheme updated. Many of the changes related to how small-scale wind turbines would be dealt with, which was a particular issue at the time.

The report explained that since this time the Government had introduced a number of changes to the planning system, particularly increasing the number of prior notification applications linked to enhanced permitted development rights. In addition policies at a local level had further evolved and progressed. Amendments were proposed to deal with these changes, but also to update and refresh the scheme in the light of particular issues that had arisen in the preceding two years.

A further issue that had come to the fore was the issue of solar arrays. At present very large-scale solar arrays could be dealt with under delegated powers in some circumstances. It was therefore proposed that solar arrays of over 1 hectare in area be dealt with by the Planning Committee.

It was considered that the amendments put forward would ensure that the Committee continued to consider the more complex, controversial or balanced applications, whilst removing those processes and applications where the Committee was limited in exercising its judgement, or which were generally acceptable.

Councillor Daubney drew attention to the additional recommendation on the overall scheme of delegation which suggested delegated authority be granted to the Chief Executive to make minor amendments to the scheme in the event of any anomalies or title changes.

Councillor Long asked if the Development Portfolio holder should be consulted in any changes, to which Councillor Beales commented that

such a change should be purely administrative and not relating to any planning policy matter.

RECOMMENDED: 1) That the changes to the planning scheme of delegation, as set out in the report, be approved.

2) That the Chief Executive, in consultation with the Leader be given delegated Authority to make amendments to the Scheme following any changes to officer responsibilities and to resolve any anomalies which may occur.

CAB179: SCHEME OF DELEGATION – UPDATE

Councillor Daubney presented a report which recommended an updated scheme of delegation for approval. The Scheme had been amended to take account of the changes in officer responsibilities following the retirement of the Deputy Chief Executive, David Thomason. The additional recommendation had been added to take into account any administrative changes required for example changes of areas of officer responsibility.

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 amendments to the Scheme following any changes to officer responsibilities and to resolve any anomalies which may occur.

CAB180: 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.”

CAB181: ASSET MANAGEMENT ACQUISITION – FORMER GRAIN SILO SITE, KING’S LYNN

Councillor Beales presented a report which explained that the former Grain Silo site was a site that was prominently located on the South Quay in King’s Lynn. The Silo site had been available for development since 2005, however the site remained undeveloped. It was considered an important strategic site that would provide the link between the developed South Quay area and the proposed Waterfront Regeneration Area to the south, at Boal Quay, which was owned by the Borough Council.

The report reminded Members that regenerating urban areas was identified as a priority within the Council's Corporate Business Plan, specifically to take action to improve derelict land and buildings.

The Borough Council had been interested in acquiring the site for a number of years to contribute to the Council's regeneration ambitions for King's Lynn, and the site was currently available for sale. Discussions had been held with the current owners of the site, and preliminary terms for acquiring the site had been negotiated. The report set out the terms for the Borough Council to acquire the freehold of the site, and sought authority from Cabinet to progress the acquisition.

Cabinet supported the acquisition of the site which was an important area for the town in need of regeneration. The Resources and Performance Panel had fully supported the proposal.

- RESOLVED:** 1) That the content of the report be noted.
- 2) That authority be granted to the Council's Property Services Manager to finalise the terms for the acquisition of the site; and
- 3) That the Council's Legal Services Manager be authorised to effect and complete all necessary legal documentation associated with the acquisition of the site.

CAB182: KING'S LYNN INNOVATION CENTRE

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) and summarised the outcome of the procurement process to appoint a contractor to build the centre.

Councillor Beales, in presenting the report advised Members that an additional report would be forthcoming on the outcome of the method chosen for ground improvement works on the site.

Councillor Long drew attention to the fact that when the matter was debated at the Regeneration Environment and Community Panel, which had supported the proposals, the figure for the submission for grant funding had been increased to £450,000 which was the maximum permitted. This was supported.

- RESOLVED:** 1) That the submission of an application for £450,000 grant funding to the Norfolk Business Rate Pool to cover the build cost shortfall following submission of tenders be endorsed.

- 2) That in the event that the bid to the Norfolk Business Rates Pool is unsuccessful, the Cabinet agrees to provide a loan of £450,000 to NWES to enable them to meet the build cost shortfall.
- 3) That a further report be presented to Cabinet on the outcome of the method chosen for the ground improvement works.

The Meeting closed at 6.38 pm