

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

**CABINET**

**Minutes from the Meeting of the Cabinet held on  
Tuesday, 4 October 2011 at 5.30pm in the Committee Suite, King's Court,  
Chapel Street, King's Lynn**

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

Under Standing Order 34, Councillors D Collis (items 8i, ii, iii, iv), A Lawrence  
(items 8 i & ii) and J Moriarty (item 8 iv) attended.

An apology for absence was received from Councillor A Beales.

CAB77: **MINUTES**

**RESOLVED:** That the Minutes of the Meetings held on 6 and 20  
September 2011 were approved as a correct record and signed by the  
Chairman.

CAB78: **URGENT BUSINESS**

There was no urgent business. However a late exempt item was  
considered on the Recycling of Waste.

CAB79: **DECLARATIONS OF INTEREST**

None

CAB80: **CHAIRMAN'S CORRESPONDENCE**

None

CAB81: **CALLED IN MATTERS**

None

CAB82: **FORWARD DECISIONS LIST**

The forward decision list was noted

CAB83: **MATTERS REFERRED TO CABINET FROM COUNCIL  
BODIES**

i) **Resources and Performance Panel : 27 September 2011**

The Panel had made the following recommendation to Cabinet, which  
was dealt with when Cabinet considered the report on the agenda.

RP56: Asset Management – King’s Court Office – Accommodation

RESOLVED: That Cabinet be advised that the Resources and Performance Panel supports the recommendations (amended recommendation 2) as set out in the report to Cabinet as follows:

- 1) Cabinet notes the proposals for leasing spare office capacity within King’s Court to other public bodies.
- 2) That delegated authority is given to the Property Services Manager to finalise the terms of the proposed leasing arrangements in consultation with the relevant Portfolio Holder, subject to formal acceptance by Cabinet.
- 3) Authority is granted to the Legal Services Manager to progress the necessary transfer, or any other associated documentation through to completion.

ii) **Regeneration, Environment and Community Panel Meeting: 28 September 2011**

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

REC18: Community Infrastructure Levy

RESOLVED: That, Cabinet be informed that the Regeneration, Environment and Community Panel support the recommendation to Cabinet as set out in the report at point (1) and make an additional recommendation to Cabinet as set out at point (2).

- (1) That Cabinet endorse the need to prepare a draft Community Infrastructure Levy charging schedule, setting out the type of development for which CIL would be sought and the rates that would apply”.
- (2) That a report be submitted to Cabinet for consideration outlining the amounts of funding collected through Section 106 Agreements, the amount of spend towards projects and the funding that remained.

REC19: New Duties Regarding Private Water Supplies

RESOLVED: That Cabinet be informed that the Regeneration, Environment and Community Panel supports the recommendation to Cabinet as set out in the report, as follows:

“That Cabinet note the new duties and agree to the implementation of the new fee structure and an increase in hours of the Sampling Officer to carry out the duties in the Regulations”.

CAB84: **NEW DUTIES REGARDING PRIVATE WATER SUPPLIES**

Councillor Long presented a report which explained that new Regulations (Private Water Supplies Regulations (England) 2009) came into force in January 2010, replacing earlier Regulations of 1991. They imposed new enforcement and monitoring duties on local authorities, which included a duty to carry out a risk assessment on specific areas of the supply and allow for the recovery of reasonable expenses that are incurred when fulfilling the functions.

The report detailed the progress so far in complying with the new duties and requested the implementation of cost recovery under the Regulations. It recommended that, given the amount of work required to carry out the risk assessment and monitoring of private water supplies, to increase the hours of the Sampling Officer. Cabinet was therefore invited to agree to the charges and an increase in the Sampling Officer's hours by five hours per week from 25 to 30 to take in to account the extra work load.

Under Standing Order 34, Councillor Lawrence, Chairman of the Regeneration Environment and Community Panel (REC) spoke in support of the recommendations which had been debated at his Panel the previous week.

Under Standing Order 34 Councillor Collis expressed the view that he hoped the maximum number of people would take up this service, and asked if costs had been kept to a minimum to encourage this. Councillor Long responded that they did and the charging levels covered costs associated with the service.

**RECOMMENDED:** That the new duties be noted and the implementation of the new fee structure and an increase in hours of the sampling officer to carry out the duties in the Regulations be approved.

CAB85: **COMMUNITY INFRASTRUCTURE LEVY (CIL)**

Councillor Mrs Spikings presented a report which explained that the Government had decided that a tariff based charge on new development (known as the Community Infrastructure Levy or CIL) provided the best framework to fund new infrastructure required to support growth. From the 6<sup>th</sup> April 2014, the Council's ability to pool S106 agreements towards the provision of infrastructure would be effectively removed leaving a need to consider introducing CIL if the Council were to help support the infrastructure needs of development in West Norfolk.

Councillor Spikings further explained that as part of introducing CIL, the Council must identify the scale of infrastructure needed to support growth and then set a rate that will seek to raise a contribution whilst striking an appropriate balance between the desirability of funding infrastructure and the potential effects of the imposition of the levy

upon the economic viability of development across the area. This draft schedule would be subject to an extensive process of public consultation and to a Public Inquiry at which an Inspector would consider if the charges set were reasonable and based upon sound evidence of viability.

Under Standing Order 34, Councillor Lawrence informed Cabinet that the REC Panel had debated the matter and confirmed the view that the work needed to commence in order to get a scheme up and running for when the section 106 system ceased. He drew attention to the fact that a scheme would treat any development in the same way.

Under Standing Order 34 Councillor Collis commented that the scheme had been in existence for some time, and explained his understanding of the proposals. He drew attention to his view of the need to give affordable housing a high priority in CIL in the list of priorities the Council adopted.

The Executive Director Development and Regeneration explained that the Council would set priorities, the CIL money would be placed in a central pot and used on schemes as the requirement arose in accordance with the Council's priority list.

Councillor Pope asked whether the allocations would be made in rural areas or in towns. The Executive Director explained that it would be allocated where the need was identified in accordance with the agreed priorities. The Chairman reminded Members that the decision regarding the priorities list would be taken by Members.

Attention was drawn to the additional recommendation from the REC which had been submitted in order to outline the situation regarding amounts collected under the S106 agreements, associated projects and residue of funding. Cabinet agreed that such a report should be brought.

**RESOLVED:** 1) That the need to prepare a draft Community Infrastructure Levy charging schedule setting out the type of development for which CIL will be sought and the rates that would apply be endorsed.

2) That a report be submitted to Cabinet for consideration outlining the amounts of funding collected through Section 106 Agreements, the amount of spend towards projects and the funding that remained.

CAB86: **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."

CAB87: **ASSET MANAGEMENT – KING’S COURT OFFICE  
ACCOMMODATION**

The Chairman presented a report on the usage of the Borough Council’s main administrative building, King’s Court at Chapel Street, King’s Lynn. The report explained that following the cost reduction programme undertaken during 2010/11 some capacity had been created within the office accommodation at King’s Court.

It was reported that Property Services had undertaken preliminary discussions with several public bodies about their leasing space within King’s Court. The report informed Cabinet about the expressions of interest and sought authority to progress negotiations through to completion.

Under Standing Order 34, Councillor Collis asked that due account would be taken for the layout of the waiting area on the ground floor. He also asked whether consideration had been given to Regis House and the siting of the Care and Repair team. In response the Chairman confirmed that the occupancy of Regis House had been considered.

Councillor Daubney drew attention to the additional comment made by the Resources and Performance Panel in recommendation 2 suggesting that a report come back to Cabinet before final approval was given. This was agreed.

**RESOLVED:** 1) That the proposals for leasing spare office capacity within King’s Court to other public bodies be approved.

2) That delegated authority be given to the Property Services Manager to finalise the terms of the proposed leasing arrangements in consultation with the relevant Portfolio Holder subject to formal acceptance by Cabinet.

3) That authority be granted to the Legal Services Manager to progress the necessary transfer, or any other associated, documentation through to completion.

CAB88: **RECYCLING OF WASTE**

Councillor Daubney explained to Members that the late report tabled had been prepared following the seminar held the previous week which explored processes for dealing with black bin waste. He congratulated officers on the considerable amount of work which had gone into preparing the seminar at short notice, which had received good feedback from a number of attendees.

Councillor Long, in concurring with the thanks to officers for the work involved, presented the report to the Cabinet which explained that the Council, at its Extraordinary Meeting on 14 April 2011 (C105 refers), instructed officers to prepare a report on the implications of the

Council's withdrawal of the Norfolk Waste Partnership and options available to the Council in dealing with West Norfolk's waste. Officers had subsequently sought to identify technologies through which waste could be recycled rather than disposed of to landfill or recovered. The improvement in recycling of waste conformed to the Waste Hierarchy, which was now a legal requirement for holders of waste. The work undertaken had identified that there were technologies available which provided new arrangements to deal with that part of the municipal waste stream which was not currently recycled and consequently was sent to landfill. The best available opportunity for progress was through a procurement exercise for the recycling of what was referred to as 'black bin wastes'. The inclusion of other councils along with the Borough Council of King's Lynn & West Norfolk in the official notices would offer the potential for improved recycling performance for all participating councils. All of the Councils in Norfolk would be provided with the opportunity to join and be named in the OJEU Journal Notice upon request. Councillor Long reported that the response from the other Authorities had been good.

Barry Brandford, Waste and Recycling Manager, explained that although the Council's actions had to remain within the finances available, no technologies were being pre judged in the proposal.

Under Standing Order 34, Councillor Moriarty stated that he had been reassured by the fact that the Council wasn't limiting itself to the specific technologies, as there were a number on the market to be seen before committing to any contract. The Waste and Recycling Manager concurred that it was rapidly moving technology developing all the time, and it was important to look at waste as a resource.

The Chief Executive informed Members that a follow up report would follow setting out criteria for the contract.

Councillor Daubney stated that the proposals would provide a better choice than an incinerator and was pleased to encourage all Members to work together.

**RESOLVED:** 1) That the procurement of waste recycling for a 'black bin waste' contract for the Borough Council of King's Lynn & West Norfolk be undertaken through an OJEU procurement exercise, and that each of the Waste Collection (and the disposal) Authorities in Norfolk be invited to participate in this exercise.

2) That the Chief Executive be instructed to inform Norfolk County Council of our intention to commence this procurement exercise for the recycling of 'black bin wastes'.

3) That the Chief Executive be authorised to commence a procurement exercise, in consultation with the Deputy Leader, and to undertake all necessary steps to agree a specification for a contract

and carry out all necessary negotiations and report to Cabinet any recommendations for an award of a contract.

**The Meeting closed at 6.15 pm**