

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

**CABINET DECISION SHEET**

**Decision Sheet from the Meeting of the Cabinet held on  
Tuesday, 1 November 2011 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, B Long, Mrs E Nockolds, D Pope  
and Mrs V Spikings.

Under Standing Order 34, Councillor A Lawrence (items 8 ii and v) attended.

1: **MINUTES**

**RESOLVED:** That the Minutes of the Meeting held on 4 October 2011 were approved as a correct record and signed by the Chairman.

2: **URGENT BUSINESS**

There was no urgent business.

3: **DECLARATIONS OF INTEREST**

None

4: **CHAIRMAN'S CORRESPONDENCE**

None

5: **CALLED IN MATTERS**

None

6: **FORWARD DECISIONS LIST**

The forward decision list was noted

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

**i) Cabinet Scrutiny Committee : 19 October 2011**

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

CSC49: Recycling Of Waste

RECOMMENDATION: That the Cabinet be informed that the Cabinet Scrutiny Committee fully endorse the recommendations detailed in the report and agreed by Cabinet.

**ii) Resources and Performance Panel: Audit Committee : 25 October 2011**

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

ARC70: Business Continuity Policy and Strategy

RESOLVED: That Cabinet be advised that the Resources and Performance Panel – Audit and Risk Committee supports the recommendation as set out in the report to Cabinet as follows:

That Cabinet accept the new version of the Business Continuity Policy Statement and Strategy, attached, and that they recommend acceptance by Full Council.

**iii) Resources and Performance Panel: 25 October 2011**

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

RP69: Report of The Recycling Task Group

RESOLVED: That Cabinet be advised that the Resources and Performance Panel supports the recommendations (amended recommendation 1.3.7 - 7) of the Recycling Task Group held on 13 October 2011 as follows:

- 1) The Council work with Kier (the Council's recently approved new contractor) to increase and improve bring sites, particularly for glass collection when the contract starts in April 2013.
- 2) That the Council introduce an Alternate Weekly Collection (AWC) Service for general waste and recycling including the issue of new 240 litre wheelie bins for general waste to households. Households will have the option to retain their existing 140 litre bin if they wish. (The Task Group noted that those properties with a black sack collection service would continue to have a weekly, or in case of need, twice weekly collection service).
- 3) That a weekly food waste collection service be introduced with an initial provision of 50 caddy liners per property using a solid walled caddy for kitchen use and a larger sealed caddy for general collection.

- 4) In the first two years of the contract from April 2013, the Council makes a provision from the financial savings of £50,000 per year for additional promotion/marketing/education work for the service changes including starter packs for residents and information both on bins and on the inside of bin lids to help increase recycling levels and reduce contamination.
- 5) That the initial contract for food waste treatment be on a timescale and terms not precluding the use of food waste within technologies that may be introduced as an alternative to incineration.
- 6) That in considering the bin capacity, the Waste Management Team be given delegated authority to adopt a flexible approach to the needs of residents for additional bin capacity if required.
- 7) The Council work with supermarkets and other battery retailers to promote the availability of battery recycling facilities.
- 8) That training be provided for Members prior to the service changes to enable them to assist residents.
- 9) That the Council confirms to Kier Street Scene Services Limited that it will be required to provide an Alternate Weekly Refuse Collection Service including weekly food waste. This is set out as Option 3a in the Contract Documents.

RP70: Corporate Business Plan 2011/12 – 2014/15

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

That the Corporate Business Plan is adopted.

RP71: Contract For Shared Service Revenues And Benefits System With North Norfolk District Council

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

Subject to Cabinet being satisfied by a detailed report on 1 December 2011, Council be recommended to:

- 1) Give delegated authority to Cabinet to enter into a formal partnership with North Norfolk District Council for the operation of a shared service for revenues and benefits.
- 2) Give delegated authority to Cabinet to make arrangements for the secondment of staff.

- 3) Give delegated authority to the Chief Executive, in consultation with the Leader to execute the contract on behalf of the Council.

**iv) Regeneration, Environment and Community Panel Meeting: 26 October 2011**

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

**REC28: Recycling Task Group**

**RESOLVED:** That Cabinet be informed that the Regeneration, Environment and Community Panel supports the recommendations of the Recycling Task Group as follows:

- 1) The Council work with Kier (the Council's recently approved new contractor) to increase and improve bring sites, particularly for glass collection when the contract starts in April 2013.
- 2) That the Council introduce an Alternate Weekly Collection (AWC) Service for general waste and recycling including the issue of new 240 litre wheelie bins for general waste to households. Households will have the option to retain their existing 140 litre bin if they wish. (The Task Group noted that those properties with a black sack collection service would continue to have a weekly, or in case of need, twice weekly collection service).
- 3) That a weekly food waste collection service be introduced with an initial provision of 50 caddy liners per property using a solid walled caddy for kitchen use and a larger sealed caddy for general collection.
- 4) In the first two years of the contract from April 2013, the Council makes a provision from the financial savings of £50,000 per year for additional promotion/marketing/education work for the service changes including starter packs for residents and information both on bins and on the inside of bin lids to help increase recycling levels and reduce contamination.
- 5) That the initial contract for food waste treatment be on a timescale and terms not precluding the use of food waste within technologies that may be introduced as an alternative to incineration.
- 6) That in considering the bin capacity, the Waste Management Team be given delegated authority to adopt a flexible approach to the needs of residents for additional bin capacity if required.
- 7) The Council work with supermarkets to promote the availability of battery recycling facilities.

8) That training be provided for Members prior to the service changes to enable them to assist residents.

9) That the Council confirms to Kier Street Scene Services Limited that it will be required to provide an Alternate Weekly Refuse Collection Service including weekly food waste. This is set out as Option 3a in the Contract Documents.

REC29: Corporate Enforcement Policy

RESOLVED: That Cabinet be informed that the Regeneration, Environment and Community Panel supports the recommendation to Cabinet in principle, subject to any minor amendments that may come forward, as follows:

“That the Corporate Enforcement Policy be adopted by Cabinet and forwarded to Council for approval”.

*The proposed amendments to the Policy are attached set out below:*

“The Corporate Enforcement Policy was presented to the REC Panel on Wednesday 26<sup>th</sup> October. Following discussions between members and officers the following minor amendments have been recommended to clarify the policy.

1. Insertion of the words “which the Council may take into consideration, as well as other local factors, and includes the following”. This makes it clear that the Council may refer to the CPS guidance when deciding whether to prosecute or not as well as having discretion over the decision for local issues.

Paragraph 7.3.1 now reads:

The CPS guidance gives a number of factors that may lead to a decision not to prosecute **which the Council may take into consideration, as well as other local factors, and includes the following:**

2. Clarification and simplification of the conditions for administering a simple caution in line with the Home Office Circular 016/2008 and insertion of an additional condition.

Paragraph 7.4.2 now reads:

- The offender has made a clear and reliable admission (either verbally or in writing);
- There is a realistic prospect of conviction full Code test;
- It is in the public interest to offer a simple caution; and
- **The offender is 18 years or more at the time that the caution is to be administered**

3. Change of “formal” to “simple” caution.

Paragraph 7.4.3 now reads:

If a person/Company declines the offer of a **simple** caution, the regulator will normally pursue the prosecution action.

4. Deletion of the word “will” and insertion of “may” and deletion of “or subject to, other enforcement action”. This allows for discretion on behalf of the Executive Director as to whether to consider publicising that a person was convicted of an offence and not other enforcement action.

Paragraph 13.3 now reads:

The Executive Director for the service area **may** therefore consider publishing the name and address of each person convicted of an offence together with details of the issues involved.

5. Paragraph 13.3 divided to give an additional paragraph added 13.4:

To reach decision as to whether to publish such information, the Executive Director will consider the following factors:

- The specific details of the offence committed or detrimental activity.
- The public interest in disclosing personal information e.g. the deterrent effect of the publication.
- Whether the publication would be proportionate.
- The personal circumstances of the offender.

This list is not exhaustive and other factors may be relevant in the circumstances of an individual case.

A question was raised in relation to publishing the relevant sanctions for all possible offences in the policy. This would be impracticable given that the policy covers all enforcement action corporately and would result in hundreds of offences being appended to the policy which would need constant updating when legislation changed.”

8: **REPORTS**

i) Corporate Business Plan 2011/12 – 2014/15 (Page 3)	<b>RECOMMENDED:</b> That the Corporate Business Plan attached with the agenda be adopted.  <b>Reason for Decision</b> To establish the Council’s policy framework for the term of the current
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	administration, showing how the Council will develop over the next four years to deliver its business plan and improve quality of life in West Norfolk.
ii) Corporate Enforcement Policy (Page 30)	<p><b>RECOMMENDED:</b> That the Corporate Enforcement Policy be adopted with the amendments now reported as recommended by the Regeneration, Environment and Community Panel.</p> <p><b>Reason for Decision</b> To ensure that the Council is and is seen to be taking a sensible approach to regulation. To demonstrate that any enforcement action required is as a last resort and is applied in a fair and consistent manner to reduce the regulatory burden on businesses and individuals.</p>
iii) Update to Articles within the Constitution (Page 48)	<p><b>RECOMMENDED:</b> That Council approve the following amended sections of the Constitution:</p> <ul style="list-style-type: none"> <li>• Part 1, Summary and Explanation,</li> <li>• Part 2 Articles</li> <li>• Part 3 Responsibilities for Council Functions</li> </ul> <p><b>Reason for Decision</b> To ensure that Parts 1, 2 and 3 of the Constitution are updated and in line with other areas of the Constitution which have previously been approved by Council.</p>
iv) Business Continuity Management and Strategy (Page 84)	<p><b>RECOMMENDED:</b> That the new version of the Business Continuity Policy Statement and Strategy be approved.</p> <p><b>Reason for Decision</b> To ensure that the Council continues to meet the requirements placed upon it by the Civil Contingencies Act 2004 and is well placed to react in the event of a disruption or emergency.</p>
v) Report and Recommendations of the Recycling Task Group (Page 89)	<p><b>RECOMMENDED:</b> That the recommendations as set out below be agreed:</p> <ol style="list-style-type: none"> <li>1) The Council work with the Council's</li> </ol>

new refuse and recycling contractor Kier to increase and improve bring sites, particularly for glass collection when the contract starts in April 2013.

2) That the Council introduce an Alternate Weekly Collection (AWC) Service for general waste and recycling including the issue of new 240 litre wheelie bins for general waste to households. Households will have the option to retain their existing 140 litre bin if they wish. (The Task Group noted that those properties with a black sack collection service would continue to have a weekly, or in case of need, twice weekly collection service).

3) That a weekly food waste collection service be introduced with an initial provision of 50 caddy liners per property using a solid walled caddy for kitchen use and a larger sealed caddy for general collection.

4) The Council work with retailers to promote the availability of battery recycling facilities.

5) In the first two years of the contract from April 2013, the Council makes a provision from the financial savings of £50,000 per year for additional promotion/marketing/education work for the service changes including starter packs for residents and information both on bins and on the inside of bin lids to help increase recycling levels and reduce contamination.

6) That the initial contract for food waste treatment be on a timescale and terms not precluding the use of food waste within technologies that may be introduced as an alternative to incineration.

7) That in considering the bin capacity, the Waste Management Team be given delegated authority to adopt a flexible approach to the needs of residents for



	<p>additional bin capacity if required.</p> <p>8) That training be provided for Members prior to the service changes to enable them to assist residents.</p> <p>9) That the Council confirms to Kier Street Scene Services Limited that it will be required to provide an Alternate Weekly Refuse Collection Service including weekly food waste. This is set out as Option 3a in the Contract Documents.</p> <p><b>Reason for Decision</b></p> <p>To determine the configuration of the service requirements for the new Refuse and Recycling contract due to commence on 1<sup>st</sup> April 2013 with the new contractor Kier and in so doing to deliver a significant improvement to the Council's current recycling performance. Recommendation 4 was slightly amended to take into account comments from the REC panel.</p>
<p>vi) Mid Year Review Treasury Report 2011/21012 (Page 103)</p>	<p><b>RESOLVED:</b> That the report and the treasury activity be noted.</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>
<p>vii) Awarding a Framework Agreement for Demolition Works (Page 119)</p>	<p><b>RESOLVED:</b> That McFletch Ltd, Grantham Industries Ltd, Clarke Demolition Co. Ltd and Erith Contractors Ltd are awarded places on the Framework Agreement and that McFletch Ltd is awarded the initial contract to clear the NORA Project Office site.</p> <p><b>Reason for Decision</b></p> <p>To ensure that the Council complies with public procurement regulations, whilst obtaining best value for future demolition projects.</p>
<p>viii) Polling District and Polling Place Review (Page 122)</p>	<p><b>RECOMMENDED:</b> That the Polling District and Polling Place Review Schedule attached to the report be adopted.</p>

	<p><b>Reason for Decision</b> To ensure that the Council meets its statutory obligations in order to encourage participation in the electoral process.</p>
<p>ix) Revenues and Benefits – Shared Service (Page 130)</p>	<p><b>RECOMMENDED:</b> That, subject to Cabinet being satisfied by a detailed report on 1 December 2011 before any decision is taken, Council be recommended to:</p> <ol style="list-style-type: none"> <li>1) Give delegated authority to Cabinet to enter into a formal partnership with North Norfolk District Council for the operation of a shared service for revenues and benefits.</li> <li>2) Give delegated authority to Cabinet to make arrangements for the secondment of staff.</li> <li>3) Give delegated authority to the Chief Executive, in consultation with the Leader, to execute the contract on behalf of the Council.</li> </ol> <p><b>Reason for Decision</b> The Council and North Norfolk District Council have determined to enter into a partnership for revenues and benefits and must now agree to governance arrangements, formal acceptance of the contract arrangements for ICT systems and other issues to enable the process to continue. The delegation of authority to Cabinet provides for both Councils to agree arrangements in December 2011, subject to the receipt of a satisfactory report being submitted to Cabinet on 1 December, and thereby move on the process more speedily.</p>
<p>x) Appointment of Honorary Aldermen (Page 134)</p>	<p><b>RECOMMENDED:</b> 1) That the Council places on record its deep appreciation of the eminent services to the Council rendered by former Councillors Ann Clery Fox and John Legg</p> <p>2) That a Special Meeting of the Council to confer the title of Honorary Aldermen on former Councillors Ann</p>

	<p>Clery Fox and John Legg be held at 6.30 pm, on Thursday, 15 December 2011 and the engrossment of recommendation (1) above and an aldermanic badge be presented to the Honorary Aldermen at that meeting.</p> <p><b>Reason for Decision</b> In order to honour the eminent services of former Councillors.</p>
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**The Meeting closed at 6.24 pm**