

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

**CABINET**

**Minutes 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 attended  
(items CAB97 and 100).

CAB89: **MINUTES**

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

CAB90: **URGENT BUSINESS**

There was no urgent business.

CAB91: **DECLARATIONS OF INTEREST**

None

CAB92: **CHAIRMAN'S CORRESPONDENCE**

None

CAB93: **CALLED IN MATTERS**

None

CAB94: **FORWARD DECISIONS LIST**

The forward decision list was noted

CAB95: **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 (REC)  
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 set out in minute CAB97 below):

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

CAB96: **CORPORATE BUSINESS PLAN 2011/12 – 2014/15**

The Policy and Partnerships Manager presented the report setting out a new corporate business plan for the period to the next local elections in 2015. It set out the priorities of the current administration within a broader analysis of quality of life in West Norfolk having taken into account the following:

- discussions with Cabinet members to ensure political imperatives are reflected
- existing long-term regeneration priorities
- the Council’s capital programme
- the outcomes determined by the West Norfolk Partnership’s strategic assessment
- a review of the changing national policy landscape following the 2010 general election
- discussions with the Council’s executive directors and service managers to ensure that new and emerging changes in policy are reflected in the business plan and that it captures the issues that are of strategic importance for the Council.

The indicators proposed were set to be measurable to enable ongoing monitoring of progress against the Plan.

In supporting the Plan, the Leader expressed his thanks to the officers for the work involved which had produced a focussed realistic document which reflected the priorities the Administration wanted to

see. In his view he felt that the 5 areas highlighted were those which were important to people of the Borough.

Councillor Mrs Nockolds commended the document and agreed with the order of issues proposed.

At its meeting on 25 October 2011, the Resources and Performance Panel had supported the recommendations set out in the report.

**RECOMMENDED:** That the Corporate Business Plan attached with the agenda be adopted.

CAB97: **CORPORATE ENFORCEMENT POLICY**

Councillor Long presented a report which showed that the Council had a range of duties and powers implementing legislation affecting individuals and businesses in the Borough. It was important that this role was carried out correctly and proportionately. The report outlined some of these duties/powers and proposed the adoption of a formal Enforcement Policy. Councillor Long drew attention to the deliberation of the report by the REC Panel at its meeting on 26 October where changes in some terminology were drawn attention to and debated. Officers had liaised with Councillors following that meeting to ensure that all the changes required had been highlighted.

Under Standing Order 34 Councillor Lawrence attended the meeting and endorsed the comments made by his Panel and commended them to the Cabinet. The Chairman proposed acceptance of the comments from the REC Panel which Cabinet approved.

Councillor Beales stated that, having previously been involved in the portfolio, he felt it was a straight forward and simple piece of work.

The amendments from the REC Panel were as follows:

“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.

**RECOMMENDED:** That the Corporate Enforcement Policy be adopted with the amendments now reported as recommended by the Regeneration, Environment and Community Panel.

CAB98: **UPDATE TO ARTICLES WITHIN THE CONSTITUTION**

The Leader presented a report which reminded Councillors that Council was required to review its Constitution from time to time. Elements such as the Schemes of Delegation, Standing Orders and Financial Regulations had all been reviewed recently. The report recommended minor amendments to Parts 1, 2 and 3 to bring them into line with all other parts of the Constitution which had previously been approved by Council. It was noted that there were no additional areas of authority added to the report.

Councillor Beales suggested it may be helpful for some Councillors to have some awareness training on the Constitution. He agreed to send some suggestions.

**RECOMMENDED:** That Council approve the following amended sections of the Constitution:

- Part 1, Summary and Explanation,
- Part 2 Articles
- Part 3 Responsibilities for Council Functions

CAB99: **BUSINESS CONTINUITY MANAGEMENT AND STRATEGY**

The Leader presented a report which reminded Members that The Civil Contingencies Act 2004 placed a duty on Category 1 responders (of which the Council was one) to develop and maintain plans to ensure that if an emergency occurred, the authority would be able to continue to perform its critical activities and key services.

It was over two years since the current version of the Business Continuity Policy Statement and Strategy was adopted, during which time responsibility for the function had moved to the Deputy Chief Executive. Work had been undertaken during 2011 to review and update the Policy Statement document, as well as wider Business Continuity Management (BCM) arrangements.

The Leader drew attention to the fact that the Resources and Performance – Audit Committee had supported the recommendations set out in the report.

**RECOMMENDED:** That the new version of the Business Continuity Policy Statement and Strategy be approved.

CAB100: **REPORT AND RECOMMENDATIONS OF THE RECYCLING TASK GROUP**

Councillor Long presented a report which set out the outcomes of the Recycling Task Group, which had been tasked to consider and make recommendations designed to identify ways in which the Council could improve its recycling performance within the constraints of the current



financial situation. He stressed that the overwhelming feeling being expressed by the public was against the provision of an incinerator, and that more recycling was required to facilitate that.

The Task Group examined a range of ideas for increasing the Borough's recycling rate at an affordable cost. These included the recycling of batteries, glass, garden waste, food waste and 'other' plastics. The Task Group examined each of these areas in some detail including consideration of potential methods of collection (door step, bring sites, etc), the availability of markets for materials collected, and the cost implications of each.

The recommendations put forward determined 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, would deliver a significant improvement to the Council's current recycling performance.

Councillor Beales asked whether it was considered that the proposed weekly food collection be classed as "smelly waste" collected weekly, in accordance with the comments from Eric Pickles regarding the potential for financial assistance for weekly bin collections. It was confirmed that there was little information released regarding the detail of his proposals, but the contract would be for an 8 year period, whereas any financial assistance from the Government was only likely to last for a maximum of 5 years.

Under Standing Order 34 Councillor Lawrence attended the meeting and endorsed the comments made by his Panel and the suggested amendment relating to the recycling of batteries and commended them to the Cabinet. The Chairman proposed acceptance of the comments from the REC Panel which Cabinet approved.

At its meeting on 25 October 2011, the Resources and Performance Panel had supported the recommendations set out in the report.

**RECOMMENDED:** That the recommendations as set out below be agreed:

1) The Council work with the Council's 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 additional bin capacity if required.
- 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.

CAB101: **MID YEAR REVIEW TREASURY REPORT 2011/21012**

The Chief Accountant reminded Cabinet that the Council had formally adopted the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management (2009) and remained fully compliant with its requirements.

One of the primary requirements of the Code was:

Receipt by Council of an annual strategy report (including the annual investment strategy report) for the year ahead, a mid year review report and an annual review report of the previous year.

The Mid Year Review Report had been prepared in compliance with CIPFA's Code of Practice, and covered the following:

- An economic update for the first six months of 2011/2012
- A review of the Treasury Management Strategy Statement and Annual Investment Strategy 2011/2012
- The Council's capital expenditure (prudential indicators)
- A review of the Council's investment portfolio for 2011/2012
- A review of the Council's borrowing strategy for 2011/2012

- A review of any debt rescheduling undertaken during 2011/2012
- A review of compliance with Treasury and Prudential Limits for 2011/2012

The Chief Accountant further reminded Members that all funds were now managed in house, and there were no debt rescheduled.

The Leader in commending the report drew attention to the difficult times the economy was experiencing, but that the in house management of funds showed better performance, although nationally money was not earning interest.

Councillor Beales asked whether consideration had been given to paying off the debt for example held by Barclays. It was explained that the 2 large amounts borrowed with Barclays were taken out around the time of the stock transfer for a 50 year period with a break clause. It was not cost effective to pay these off until the break clause. Councillor Beales also commented that the interest rates referred to in the report, despite the difficult times were still at good rates.

Councillor Daubney congratulated officers that in the turbulent times over the last few years the Council had not suffered as had many others.

**RESOLVED:** That the report and the treasury activity be noted.

CAB102: **AWARDING A FRAMEWORK AGREEMENT FOR DEMOLITION WORKS**

The Leader presented a report which explained that a tender exercise was being carried out aimed at creating a Framework Agreement for demolition work. A tender was conducted earlier in the year leading to the demolition of buildings in Boal Street and the Council now needed the former NORA office site to be cleared for disposal. It was also expected that other buildings would need to be demolished as part of the Council's regeneration programme. A Framework had been selected as a means of reducing the time and cost for future demolition procurements and of aggregating the current and future work in order to obtain best value.

In order to contribute to the co-operative procurement agenda the proposed Framework had been constructed so that it could be accessed by other public sector bodies within Norfolk.

This report covered the work that had been completed on the procurement exercise up to 17 October 2011. An update was presented to the meeting giving details of the tenders received by the 28 October, recommending successful contractors for the Framework agreement and the specific project.

**RESOLVED:** 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.

CAB103: **POLLING DISTRICT AND POLLING PLACE REVIEW**

The Chief Executive presented a report setting out a revised Polling District and Polling Place Review Schedule which was being recommended to Council following a review undertaken by him as Returning Officer. He reported that some suggestions had been made to reduce the number of polling stations which he had not supported because they did not make it easy for the electorate in that area to vote. Those areas of proposed change had been arrived at by considering the overall effectiveness of the administration of the elections, which was intended to be of beneficial effect for the electorate.

**RECOMMENDED:** That the Polling District and Polling Place Review Schedule attached to the report be adopted.

CAB104: **REVENUES AND BENEFITS – SHARED SERVICE**

The Deputy Chief Executive presented a report which updated members on progress to date on the shared service work for Revenues and Benefits. The report sought Council approval for the delegation of authority to be given to Cabinet to enter into a formal partnership with North Norfolk District Council, to agree contract arrangements for ICT systems and other issues to enable the process to continue if satisfied, following consideration of a comprehensive report at the Cabinet meeting on 1 December 2011.

**RECOMMENDED:** That, subject to Cabinet being satisfied by a detailed report on 1 December 2011 before any decision is taken, 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.

CAB105: **APPOINTMENT OF HONORARY ALDERMEN**

The report invited members to consider conferring the title of Honorary Alderman on former Councillors Mrs Ann Clery Fox and John Legg in recognition of their eminent services to the Borough. The Leader

thanked Group Leaders for their co-operation and involvement in this process.

Councillor Mrs Spikings confirmed she was pleased to see the two names being put forward.

**RECOMMENDED:** 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

2) That a Special Meeting of the Council to confer the title of Honorary Aldermen on former Councillors Ann 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.

**The Meeting closed at 6.24 pm**