

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

**CABINET**

**Minutes from the Meeting of the Cabinet held on  
Tuesday, 6 March 2012 at 5.30pm in the Committee Suite, King's Court,  
Chapel Street, King's Lynn**

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

An apology for absence was received from Councillor Lord Howard.

Under Standing Order 34 the following Councillors attended and addressed  
Cabinet on the items shown:

D J Collis (CAB168)  
I Gourlay (CAB163)  
P Foster (CAB160, 163 and 168)  
Mrs J Leamon (CAB159)  
J Loveless (CAB163)

CAB152: **MINUTES**

**RESOLVED:** That the Minutes of the Meeting held on 7  
February 2012 be approved as a correct record and signed by the  
Chairman.

CAB153: **URGENT BUSINESS**

There was no urgent business. However a late Exempt item was  
considered on the Procurement Update for the Black Bin Recycling  
Project.

CAB154: **DECLARATIONS OF INTEREST**

None

CAB155: **CHAIRMAN'S CORRESPONDENCE**

None

CAB156: **CALLED IN MATTERS**

None

CAB157: **FORWARD DECISIONS LIST**

The forward decision list was noted.

CAB158: **MATTERS REFERRED TO CABINET FROM COUNCIL BODIES**

i) **Resources and Performance Panel: 28 February 2012**

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

RP119: Pay Policy Statement 2012/2013

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 Cabinet recommend to Council the attached Pay Policy Statement for 2012/2013.

RP120: Review Of The Trial Period Following The Introduction Of A System For Charging For Pre-Application Advice

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 Cabinet agrees to continue with a charging regime for pre-application advice on a permanent basis.

ii) **Regeneration, Environment and Community Panel Meeting: 29 February 2012**

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

REC78 Queen Elizabeth II Fields Challenge

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

Recommendation 1

The Council engaging in the Queen Elizabeth II Fields in Trust programme and to the nomination of open spaces in section 3.

Recommendation 2

Delegate authority to the Executive Director, Leisure and Public Space, in consultation with the Cabinet Member for Shared Services and External Relations to agree Deeds of Dedication.

### Recommendation 3

That delegated authority be granted to the Portfolio Holder for Shared Services and External Relations in consultation with Officers to agree additional areas to be put forward for the Fields in Trust Scheme during the year of the Queen's Diamond Jubilee.

### CAB159: **NOTICE OF MOTION 8/11: DEVELOPMENT OF EMPLOYMENT OPPORTUNITIES IN VILLAGES**

Councillor Mrs Spikings presented a report which addressed the following Notice of Motion 8/11 in the name of Councillor Tilbury referred to Cabinet by Council on 27 October 2011.

“This Council calls on the Cabinet to examine, and bring forward, positive proposals to encourage the development of employment opportunities in villages across the Borough.”

The report explained the employment policy of the Core Strategy which adopted a flexible approach to employment development in rural areas. If any new policy of making specific allocations in villages were to be developed it would risk diluting the current flexibility to respond positively to the type of new businesses in villages. An explanation was also given of the pro-active and flexible approach taken by the Economic Development Team to such cases. In summing up Councillor Mrs Spikings stressed that an overall positive and flexible approach was taken by the Council when looking at employment opportunities in the rural areas.

Under Standing Order 34, Councillor Mrs Leamon commented that it was important to recognise the need for employment in rural areas to prevent to need for the whole community to travel into a town for work. She stated that she was pleased to hear that such applications would be dealt with positively, although it was also important not to lose those businesses which were regularly converted into housing at every opportunity.

Councillor Daubney, in commenting on the report, felt that it had clearly answered the question demonstrating the flexibility in the approach.

Councillor Beales re-iterated the point that he felt the current approach of dealing with each application on its merits was the best way to deal with them.

The Executive Director Regeneration and Development in commenting on the report explained that he believed there hadn't been a refusal of a business application in rural areas unless there had been a technical objection such as access or drainage. The Core Strategy demonstrated its policies were wherever possible business friendly and the planning process, including Members, was resisting the loss of business and employment sites in rural areas.

**RESOLVED:** That the current approach to handling proposals for employment development in villages in line with the Adopted Core Strategy policy CS11 be endorsed, and the approach from the Economic Development Team be noted.

CAB160: **RECYCLING PROCESSING CONTRACT RENEWAL**

Councillor Long presented a report which explained that a review of the current arrangements for processing of recycling materials had been carried out by the district councils who were members of the Norfolk consortium contract. The contract covered recycling materials that were processed at the Costessey Materials Recycling Facility, at present consisting of paper, plastic bottles, cardboard, aerosols, food and drinks cans.

He explained that Legal advice had been obtained which confirmed that the consortium contract, which had already been extended once, could not be extended beyond March 2014. As a late entry to the contract in 2006, this Council agreed to continue the contract arrangements unless the other councils involved determined to end the contract. North Norfolk had now taken a formal decision at their Cabinet on the 6<sup>th</sup> February to carry out a procurement exercise for a new contract, and the other consortium members were expected to follow.

This report therefore, requested approval to agree to terminate the existing contract arrangements from 31<sup>st</sup> March 2014 and enter into a procurement exercise with other consortium members.

A tender exercise offered the best opportunity to increase the range of recycling materials that this Council could collect in a cost effective manner, in line with the policy set in the Corporate Business Plan.

Under Standing Order 34 Councillor Foster commented that any increases in the old contract were dealt with under the RPI, which he felt would be better with the CPI. Dale Gagen, Project Manager explained that the negotiations for the new contract would include which inflationary factor to use, although it was hoped that in this procurement round the value of recyclable material was higher resulting in a payment by the contractor for the waste.

**RESOLVED:** 1) That the Executive Director for Leisure and Public Space is authorised to commence a joint procurement with other Waste Collection Authorities, where they determine to do so, and Norfolk County Council (in respect of their provision of Household Waste Recycling Centres) for the processing of co-mingled dry recyclable materials and associated services.

2) That the existing contractor NEWS Ltd is advised that the Council intends to end existing arrangements on the 31<sup>st</sup> March 2014 as provided for within the contract between the two parties.

CAB161: **REVIEW OF THE TRIAL PERIOD FOLLOWING THE INTRODUCTION OF A SYSTEM OF CHARGING FOR PRE-APPLICATION ADVICE**

Councillor Mrs Spikings reminded those present that at its meeting of 8 February 2011, Cabinet had authorised the setting up of a charging regime covering the provision of pre-application advice with a review of the process after 6 months operation.

The report provided a review of the trial period, which was generally regarded as a success, with a recommendation that the charging regime be maintained into the future.

Councillor Mrs Spikings explained that any comments received on the process had been used to improve the service, and overall feedback had been that it was a useful process. The service had brought in £49,703 against an estimated £15,000.

Councillor Beales acknowledged that despite having concerns at the beginning of the process he felt the service worked well and had received good comments.

Cabinet noted that the Resources and Performance Panel had given consideration to the item and had supported the recommendations.

**RESOLVED:** That the charging regime for pre-application advice be approved on a permanent basis.

CAB162: **PAY POLICY STATEMENT**

Councillor Daubney presented a report which explained that under Section 38 of the Localism Act 2011, English and Welsh local authorities were required to produce a pay policy statement for 2012/13 and for each financial year after that.

The report summarised the Borough Council's relevant policies relating to levels and elements of remuneration for Chief Officers and included the relationship between the remuneration of Chief Officers and other officers as recommended within the Hutton Report.

Cabinet noted that the Resources and Performance Panel had given consideration to the item and had supported the recommendations.

**RECOMMENDED:** That the Pay Policy Statement for 2012/13 be approved.

**CAB163: QUEEN ELIZABETH II FIELDS CHALLENGE**

Councillor Mrs Nockolds presented a report which sought approval to enter into a Deed of Dedication with the National Playing Fields Association to dedicate certain open spaces as Queen Elizabeth II Fields in Trust. The Queen Elizabeth II Fields in Trust programme was a legacy to mark the two significant events taking place in the UK in 2012; Her Majesty, the Queen's Diamond Jubilee and the London 2012 Olympics.

Under Standing Order 34, Councillor Loveless commented that he was disappointed with the list of open spaces presented, he felt the Walks in King's Lynn was the most protected of open spaces in the area and so suggested the inclusion of sites such as the recreation field at the bottom of Fairstead and the field between Gaywood Hall Drive and Cemetery Drive in Gaywood which were less high profile but used for recreation. He felt that other Members may also have some suggestions to make.

Under Standing Order 34 Councillor Gourlay wished to put forward the Woodside recreation area on Fairstead, as he felt it was an area which served Fairstead and Gaywood Park and was in great need of upgrading and attention. He also drew attention to the fact that Fairstead didn't have a football ground so he felt the area on Anthony Nolan Way would be a good area.

Under Standing Order 34 Councillor Foster asked who the protection of the fields would be from if they were owned by the Council. It was explained that it would offer protection for the future.

In considering any additions to the list Councillor Beales drew attention to the need to look to the longer term aims for the area, where, for example, permitting development on a very poor play area may lead to the provision of a much better play area. The Executive Director Leisure and Open Space explained that a clause in the agreement permitted the replacement of a site for another.

Cabinet noted that the Regeneration, Environment and Community Panel had given consideration to the item and had supported the recommendations.

**RESOLVED:** That the following be approved:

- 1) The Council engaging in the Queen Elizabeth II Fields in Trust programme and to the nomination of open spaces in section 3.
- 2) That delegated authority be granted to the Executive Director, Leisure & Public Space, in consultation with the Cabinet Member for Shared Services and External Relations to agree Deeds of Dedication.
- 3) That delegated authority be granted to the Portfolio Holder for Shared Services and External Relations in consultation with Officers to

agree additional areas to be put forward for the Fields in Trust Scheme during the year of the Queen's Diamond Jubilee.

**CAB164: REGULATION OF INVESTIGATORY POWERS ACT 2000**

The Chief Executive presented a report which advised Members of the outcome of an inspection by the Information Commissioner's Office and explained how the Inspector's recommendations had been enacted. He explained that the use of covert surveillance was tightly regulated and very rarely used as shown in the report.

The report explained that the revised Codes of Practice also now specified a role for Councillors and required that Councillors should review the Council's use of RIPA and its policy at least once a year. It also recommended that internal reports on the use of RIPA were considered on at least a quarterly basis to ensure that it was being used consistently within the Council's policy and that the policy remained fit for purpose. It was therefore proposed that the portfolio holder should receive a report on the use of RIPA powers on a quarterly basis.

**RESOLVED:** 1) That the recommendations of the 2010 inspection be noted.

2) That the appointment of the Chief Executive as the Council's Senior Responsible Officer be confirmed.

3) That the Legal Services Manager be authorised to make any necessary amendments to the RIPA Policy which are necessary to maintain consistency with legislation and Codes of Practice.

4) Agree that the Portfolio holder should receive reports on the use of RIPA powers for review on a quarterly basis.

**CAB165: APPOINTMENT OF REPRESENTATIVES TO NORFOLK REVENUES AND BENEFITS JOINT COMMITTEE**

Councillor Daubney presented a report which sought the nomination of three representatives to serve on the Joint Committee for the new Norfolk Revenues and Benefits Partnership for the municipal year 2012/2013.

The report suggested that, at least for the first year of the operation of the Joint Committee, the Leader and Portfolio Holder for Shared Services and External Arrangements continue with their work. This would ensure that past experiences and insight to the issues involved were available to the Committee.

One of the major cornerstones to the partnership was the provision of ICT and within the partnership it had been agreed that the Council would be the host of the ICT systems providing the service to North Norfolk. This was a new venture for the Council and it was suggested that, at least in the first year, the Portfolio Holder for Leisure and Operational Assets, with responsibility for ICT policy and implementation was the third member of the Joint Committee.

**RESOLVED:** That the following Cabinet Members be nominated to serve on the Norfolk Revenues and benefits partnership for the municipal year 2012/2013: The Leader and Cabinet Members for Shared Services and External Arrangements, and Leisure and Operational Assets.

CAB166: **COMMUNITY GOVERNANCE REVIEW**

Cabinet considered a report which reminded Members that in September 2010 the Borough Council resolved “that minor amendments to parish boundaries be considered on a case by case basis”. Three minor amendments which had been logged by parish councils were now to be the subject of a Community Governance Review which was a review of part or the whole of the borough. The parishes involved were: Castle Rising, North and South Wootton. And Terrington St Clement and Walpole Cross Keys.

Under Standing Order 34, Councillor Foster asked whether the road involved in the Castle Rising case was Lynn Road as per the schedule or Lower Road as per the map. It was agreed that this would be checked. (NB: it was subsequently clarified that Lynn Road was the correct name according to the Register of Electors which was the document used for this exercise. The Lower Road was an OS map reference).

**RECOMMENDED:** That the terms of reference and timetable for the Review attached to the report be approved.

CAB167: **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 item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act.”

CAB168: **PROCUREMENT UPDATE FOR BLACK BIN RECYCLING PROJECT**

Cabinet considered a late report which explained that on the 4th October 2011 Cabinet authorised Officers to commence a procurement exercise for the recycling of ‘Black Bin Waste’. It updated Members on



the progress made to date and requested permission for officers to enter into contract negotiations with Duratrust, part of the Cardinal Mark group.

Under Standing Order 34 Councillor Collis addressed the Cabinet with regard to the tender and contract arrangements. In response D Gagen, Project Manager provided further information relating to the negotiations. He undertook to come back to Cabinet for further instructions in due course and before any contract was signed.

**RESOLVED:** That contract negotiations with Duratrust be approved.

**The Meeting closed at 6.31 pm**