

BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK

CABINET

**Minutes from the Meeting of the Cabinet held on
Wednesday, 6 June 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, Lord Howard, A Lawrence, B Long, Mrs E Nockolds,
and Mrs V Spikings.

An apology for absence was received from Councillor D Pope

CAB1: MINUTES

RESOLVED: That the Minutes of the Meeting held on 3 April 2012 be approved as a correct record and signed by the Chairman.

CAB2: URGENT BUSINESS

There was no urgent business.

CAB3: DECLARATIONS OF INTEREST

Councillor Lord Howard declared a prejudicial interest in item CAB11 Castle Rising amendments and left the room during its consideration.

CAB4: CHAIRMAN'S CORRESPONDENCE

The Chairman reported receipt of a further item of objection to the CAB11 : Community Governance Review: Castle Rising 4(5) item.

CAB5: MEMBERS PRESENT PURSUANT TO STANDING ORDER 34

Councillor P Foster attended for items CAB10, 13 and 14
Councillor T de Winton attended for item CAB14.

CAB6: CALLED IN MATTERS

None

CAB7: FORWARD DECISIONS LIST

The forward decision list was noted.

CAB8: MATTERS REFERRED TO CABINET FROM COUNCIL BODIES

i) **Resources and Performance Panel: 29 May 2012**
There were no recommendations from this meeting.

ii) Regeneration, Environment and Community Panel Meeting: 30 May 2012

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

REC8: Local Authority Mortgage Scheme (LAMS)

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

Recommendation 1

It is recommended that the Council joins the LAMS, under the cash-backed option, and invest the minimum £1m. The scheme to be designed to benefit newly built properties on the Council's site at NORA creating very complete mortgage offers, and reducing the risks associated with development.

Recommendation 2

It is recommended that a decision on the maximum loan size and other details and relevant timing is delegated to the Deputy Chief Executive in consultation with the Leader and Portfolio Holder for Environment and Community.

REC10: Nora Housing Joint Venture – Progress

RESOLVED: That the report be noted and that Cabinet be informed that the Regeneration, Environment and Community Panel support the Recommendations outlined in the original report, including the subsequently amended Recommendation 1) as follows:

Recommendation 1 (as per amendment)

That subject to satisfactory contract negotiations that the Deputy Chief Executive in consultation with the Portfolio Holder for Regeneration be authorised to sign a contract, allowing for the necessary infrastructure works and up to 55 housing units (phase 1) to be built on the NORA site.

Recommendation 2

The Deputy Chief Executive in consultation with the Portfolio Holder for Regeneration be authorised to agree the terms for the sale of 10 units with Freebridge Community Housing.

Recommendation 3

The Sector Mortgage scheme (LAMS covered under a separate report to Cabinet) be used to help sell the development.

Recommendation 4

That regular updates on the progress of the project together are pre sales are given to the Regeneration, Environment and Community Panel.

iii) **Standards Committee – 17 May 2012**

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

“6 NEW STANDARDS REGIME

RESOLVED: That Cabinet be advised that the Standards Committee supports the recommendations as set out in the report to Cabinet, with the additional recommendations as follows:

- 1) The Standards Committee recommended that the Council apply the current arrangements relating to confidentiality for dealing with new complaints.
- 2) The details of the action taken by the Monitoring Officer where investigation concludes that there is evidence of a breach of the Code and the matter is resolved without the need for a hearing and they should be made publically available.
- 3) That the Monitoring Officer be required to consult the Independent Person before determining not to refer a complaint for investigation.”

CAB9: **NEW STANDARDS REGIME**

This report was withdrawn for further discussion.

CAB10: **ESTABLISHMENT OF NORFOLK POLICE AND CRIME PANEL**

The Chief Executive presented a report which explained that the Police Reform and Social Responsibility Act 2011 (The Act) introduced significant changes in police governance and accountability, in particular replacing the Police Authorities with directly elected Police and Crime Commissioners (PCCs). PCC elections were scheduled for 15 November 2012.

It explained that accountability for the delivery and performance of the police service within each force area would rest with the PCC on behalf of their electorate. The PCC would set and shape the strategic objectives of their force area in consultation with the Chief Constable. The PCC would be accountable to their electorate; the Chief Constable would be accountable to their PCC.

The Act required that the local authorities in each police force area must establish and maintain as a joint committee, a Police and Crime Panel (PCP) for that police area, and that all the local authorities must agree to the making of Panel Arrangements for the PCP. The report explained that the Panel Arrangements must be collectively agreed by all the local authorities by 1 July 2012. If the local authorities failed to agree unanimously to the Panel Arrangements, the Secretary of State had reserve powers under the Act to establish the PCP and determine the Panel Arrangements.

The report explained that the PCP would have the following duties and powers which must be exercised in accordance with the Act and associated Regulations:

- the power of veto, by two-thirds majority, over the PCC's proposed budget and precept;
- the power of veto, by two-thirds majority, over the PCC's proposed candidate for chief constable;
- the power to ask Her Majesty's Inspectorate of Constabulary (HMIC) for a professional view when the PCC intends to dismiss a chief constable;
- the power to review the PCC's draft police and crime plan and make recommendations to the PCC who must have regard to them;
- the power to review the PCC's annual report and make reports and recommendations at a public meeting, which the PCC must attend;
- the power to require any papers in the PCC's possession (except those which are operationally sensitive);
- the power to require the PCC to attend the panel to answer questions;
- the power to appoint an acting PCC (from within the PCC's staff) when the elected PCC is incapacitated or suspended (until she/he is no longer incapacitated or suspended), or resigns or is disqualified (until a new commissioner is elected); and
- responsibility to investigate complaints against the PCC, although serious issues must be passed to the Independent Police Complaints Commission (IPCC).

Under Standing Order 34 Councillor Foster made the following comments:

- There was not continuity throughout the report in the terminology for different types of Councils – there should be reference throughout of County, District, and Boroughs.
- He queried the arrangements for removing an Independent Member as one element (11) appeared to require 2/3 of the membership to vote and 6.6 required the single majority.

- The reference to elements of the County Council's constitution should state the date as it could potentially change in the future.

RECOMMENDED 1) That the establishment of a Police and Crime Panel for Norfolk, as a Joint Committee of the District, Borough and County Councils, and the proposed Panel Arrangements be approved.

2) That Councillor Long be appointed to the PCP and Councillor E Nockolds be appointed a named substitute.

3) That the proposed Rules of Procedure be agreed and recommend to the PCP that they be adopted (subject to clarification and agreement with the Leader).

CAB11:

COMMUNITY GOVERNANCE REVIEW

The Chief Executive presented a report which reminded Cabinet that Council agreed on 29 March 2012, to conduct a Community Governance Review based on three Parish Council requests that had been received for amendments to parish boundaries. The first consultation period (as per the Terms of Reference) closed on 4 May 2012, with residents and interested organisations having had the opportunity to give their views on the suggestions put forward from three Parish Councils South Wootton (3 areas), Castle Rising (2 areas) and Walpole Cross Keys (1 area) for amendments to parish boundaries.

The results of that consultation were now reported, with an additional representation received from an elector in Congham objecting to the Castle Rising 4 (5) proposal.

Councillor Lord Howard left the room during consideration of this item as Chairman of Castle Rising Parish Council.

RECOMMENDED: That the attached draft proposals be approved with the exception of the Castle Rising proposal 4(5).

CAB12:

STREET NAMING AND NUMBERING POLICY

Councillor Mrs Spikings presented a report which reminded Cabinet that Council had a statutory obligation for the naming and numbering of streets and buildings within its designated administrative boundary. The purpose was to ensure that any new or amended street and building names and/or numbers were allocated logically and in a consistent manner to facilitate effective service delivery from both public and private sector bodies and in particular to ensure that emergency services were able to locate any address to which they may be summoned. No charge was currently levied by the Council for the provision

of the Street Naming and Numbering service function or the additional associated discretionary services despite the significant costs of providing this service in terms of consultation, liaison and preparation of schedules and plans. As a consequence, many Councils were already charging for the provision of this service to recover at least some of the operational costs. The report proposed the introduction of a schedule of charges for Street Naming and Numbering to help offset the cost of providing this service. Address information was held within the Council's Local Land and Property Gazetteer (LLPG). The LLPG was managed by the Council's Address Management Team and regular updates from the LLPG were sent to the National Land and Property Gazetteer (NLPG), this was a requirement of the GeoPlace Data Co-operation Agreement. To help manage and improve the address data held within the LLPG and improve consistency an Address Management Policy had been prepared and was presented for adoption.

Councillor Beales, in supporting the recommendations reminded Members that to date the wider tax payer had been subsidising the service and it was appropriate for the user of the service to pay.

RECOMMENDED: 1) That the introduction of charging for Street Naming and Numbering as set out in the scale of charges within this report be approved.

2) That the charging schedule in Appendix B in the report be introduced from 1st July 2012

3) That the Address Management Policy as detailed in Appendix C in the report be adopted.

CAB13:

SCHEME OF DELEGATION AND TERMS OF REFERENCE AND SCHEME OF DELEGATION OF PLANNING COMMITTEE UPDATE

Cabinet considered a report which recommended an updated scheme of delegation for approval. The Scheme had been amended to take account of the changes in the Cabinet areas of responsibility. The report also suggested an addition to the Terms of Reference and Scheme of Delegation of the Planning Committee to include the issue of cross border decision making.

Under Standing Order 34, Councillor Foster drew attention to the reference in the report to the Standards Board for England which was no longer in existence. It was commented that once the Standards Regime report was agreed by Council it would pick up constitutional changes.

Councillor Beales drew attention to the benefits of Cabinet Members working together on projects rather than being only lead by individuals. He felt it was a very positive way of working.

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 minor amendments to the Scheme of Delegation to resolve any anomalies which may occur.

3) That the Planning Committee's Terms of Reference and Planning Scheme of Delegation be amended to include the following:

"Terms of Reference: C.8 Determine whether or not to delegate decision-making in the Council's area to other neighbouring Councils when dealing with cross-border planning applications.

Planning Scheme of Delegation: That power be delegated to the Planning Committee to agree that individual cross-border planning applications be wholly determined by either the Council or by the neighbouring planning authority. "

CAB14: LOCAL AUTHORITY MORTGAGE SCHEME (LAMS)

Councillor Long presented a report which dealt with a proposal to participate in the Local Authority Mortgage Scheme (LAMS), a national mortgage indemnity scheme for first time buyers operated by Sector Treasury Services. The scheme would assist first time buyers to secure an affordable mortgage, and under the proposals to target the new build development at NORA, would create an exceptional incentive for new purchasers of these homes. The scheme offered the option of entering under an un-funded option, or a cash-backed option where with a £1m minimum investment a comparatively good return on funds invested could be achieved as well as the wider benefits of the scheme.

The Regeneration Environment and Community Panel with Resources and Performance Panel Members invited had considered the report and supported the recommendation.

Under Standing Order 34 Councillor Foster queried the number of Building Societies which were affiliated to the scheme. It was confirmed it was 8.

Under Standing Order 34 Councillor de Winton commented that the questions he had raised with officers regarding the scheme had been answered to his satisfaction resulting in the withdrawal

of his concerns and objections to the scheme. He felt that the report would have been better to go to Resources and Performance Panel rather than the Regeneration Environment and Community Panel.

Councillor Daubney commented that it was for the Panels to decide on the breakdown of their workload.

Councillor Long commented that he felt that there was a considerable debate on the subject at the Panel which had consisted of Members from both Panels. He confirmed that the difference in rates available for participants of the scheme was 3.5% rather than 6%.

Councillor Foster's question had been answered by officers prior to the meeting.

RECOMMENDED: 1) That the Council joins the LAMS, under the cash-backed option, and invest the minimum £1M. The scheme to be designed to benefit newly built properties on the Council's site at NORA creating very complete mortgage offers, and reducing the risks associated with development.

2) That a decision on the maximum loan size and other details and relevant timing be delegated to the Deputy Chief Executive in consultation with the Leader and Portfolio Holder for Environment and Community.

CAB15: **APPOINTMENTS TO OUTSIDE BODIES**

Cabinet was presented with a report which sought nominations for Executive appointments to serve on outside bodies and partnerships requiring confirmation for 2012. The proposals for the positions were set out in the agenda.

RESOLVED: 1) That representatives be appointed to serve in an Executive capacity on the outside bodies and partnerships requiring appointment in 2012 as set out in the Appendix to the report.

2) That the reporting arrangements be noted, as shown in section 3 of the report.

3) That it be noted that all other appointments to Outside Bodies will be made at the Council meeting on 21 June 2012.

CAB16: **2012/13 APPOINTMENT OF MEMBERS TO SERVE ON CABINET TASK GROUPS AND COMMITTEES**

Cabinet was invited to agree to the appointment of Members to serve on the Cabinet Task Groups, and the membership of Joint

Safety and Welfare Committee and Joint Employee Committee for 2012/13. Councillor Daubney confirmed that there would be no changes to the existing membership.

RESOLVED: 1) That Officers be instructed to seek membership of the Local Development Framework Task Group for 2012/13 as set out in the report.

2) That the current Membership for the Mart Task Group and the King's Lynn Representational Arrangements Task Group continue for the new Municipal Year.

3) That the Memberships for 2012/13 of the: Joint Safety and Welfare Committee continue as Councillors N Daubney, B Long and D Tyler;

and Joint Employee Committee continue as Councillors N Daubney, M Chenery of Horsburgh, M Langwade, B Long and M Pitcher.

CAB17: **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."

CAB18: **UPDATE ON THE NORA HOUSING JOINT VENTURE AND AUTHORITY TO SIGN CONTRACTS FOR THE INFRASTRUCTURE FOR THE SITE AND THE BUILDING OF HOUSING UNITS**

Councillor Beales presented a report which informed Members of the outcome of contract negotiations to build the first phase of units together with the infrastructure costs associated with the whole scheme of 155 units. He presented a slightly amended recommendation 1 which reflected the current position. It further requested permission to sign contracts to start the proposed work and a contract to sell 10 housing units at sales cost to Freebridge Community Housing.

The Regeneration Environment and Community Panel had considered the report and amended recommendation and supported them.

RESOLVED: That

1) Subject to satisfactory negotiations the Deputy Chief Executive in consultation with the Portfolio Holder for Regeneration be authorised to sign a contract allowing for the

necessary infrastructure works and up to 55 housing units (phase 1) to be built on the NORA site.

2) The Deputy Chief Executive in consultation with the Portfolio Holder for Regeneration be authorised to agree the terms for the sale of 10 units with Freebridge Community Housing.

3) The Sector Mortgage scheme (LAMS covered under a separate report to this Cabinet) be used to help sell the development.

4) That regular updates on the progress of the project together with pre sales are given to the Regeneration, Environment and Community Panel.

The Meeting closed at 6.21 pm