

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

**Minutes from the Meeting of the Cabinet held on
Tuesday, 5 February 2013 at 5.30pm in the Committee Suite,
King's Court, Chapel Street, King's Lynn**

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

An apology was received from Councillor Lord Howard.

CAB159: **THE LATE COUNCILLOR DAVID JOHNSON**

The Cabinet held a minutes silence in memory of the Late Councillor David Johnson who had passed away on Thursday.

CAB160: **MINUTES**

RESOLVED: The Minutes of the Meeting held on 8 January 2013 were approved as a correct record and signed by the Chairman.

CAB161: **URGENT BUSINESS**

There was no urgent business.

CAB162: **DECLARATIONS OF INTEREST**

None.

CAB163: **CHAIRMAN'S CORRESPONDENCE**

None.

CAB164: **MEMBERS PRESENT PURSUANT TO STANDING ORDER 34**

The following Councillors attended under Standing Order 34 for the items shown:

Councillor P Foster – Items CAB 169, 170 and 171
Councillor P Cousins - Item CAB170

CAB165: **CALLED IN MATTERS**

None.

CAB166: **FORWARD DECISIONS LIST**

The Forward Decision List was noted.

CAB167: **MATTERS REFERRED TO CABINET FROM COUNCIL BODIES**

i) **Resources and Performance Panel: 29 January 2013**

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

RP108: Cabinet Report: Pay Award 2013/2014

RESOLVED: That Cabinet be informed that the Resources and Performance Panel supported the recommendations as set out in the report to Cabinet:

- 1) That an annual pay award of 1% be implemented with effect from 1.4.13.
- 2) That the authority continued its practice of matching the bottom point of PG13 to the lowest point on the national pay scales.

RP109: Cabinet Report: The Financial Plan 2012/2016

RESOLVED: That Cabinet be informed that the Resources and Performance Panel supported the recommendations as set out in the report to Cabinet:

Recommendation 1

It is recommended that Council approve the revision to the Budget for 2012/2013 as set out in the report.

Recommendation 2

Council is recommended to reaffirm the Balances and Reserves Policy and the maximum balances set for the reserves as noted in the report.

Recommendation 3

It is recommended that Council:

- 1) Approves the budget of £17,364,570 for 2013/2014 and noted the projections for 2014/2015 and 2015/2016.
- 2) Approves the level of Special Expenses for the Town/Parish Councils as detailed in the report.
- 3) Approves the Fees and Charges 2013/2014 detailed in Appendix 3.
- 4) Approves a Band D council tax of £111.97 for 2013/2014.

Recommendation 4

Council is recommended to approve a minimum requirement of the General Fund balance for 2013/2014 of £902,348.

ii) Regeneration, Community and Environment Panel – 30 January 2013

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

REC122: Cabinet Report: Designation Of A Conservation Area In Dersingham

RESOLVED: That the Panel supported the recommendation to Cabinet as follows:

That the new conservation area and conservation area character statement for Dersingham, as proposed be approved and endorsed.

REC123: Cabinet Report: The Financial Plan 2012/2016

RESOLVED: That the Panel supported the recommendations to Council as follows:

- (1) It is recommended that the Council approve the revision to the Budget for 2012/2013 as set out in the report.
- (2) Council is recommended to reaffirm the Balances and Reserves Policy and the maximum balances set for the reserves as noted in the report.
- (3) It is recommended that Council:
 - (i) Approves the budget of £17,364,570 for 2013/2014 and notes the projections for 2014/2015 and 2015/2016.
 - (ii) Approves the level of Special Expenses for the Town/Parish Councils as detailed in the report.
 - (iii) Approves the Fees and Charges 2013/2014 detailed in Appendix 3.
 - (iv) Approves a Band D Council Tax of £111.97 for 2013/2014
- (4) Council is recommended to approve a minimum requirement of the General Fund balance for 2013/2014 of £902,348.

CAB168: FINANCIAL PLAN 2012-2016

Cabinet considered a report which explained that as part of the council tax setting process, the Council updated its longer term Financial Plan on an annual basis to take account of any changes in financial settlements, inflation on service costs and revised priorities of the administration.

The report reminded Members that in February 2012 the Council set out a Financial Plan for 2011/2015 that took account of the coalition government's aim of reducing the national deficit and the impact on the

Council of significant reductions in Government grant. The Plan showed the formula grant to the Council reducing by 12% in cash terms over the period 2012/2015.

It was explained that in the financial settlement announced by Government on 19 December 2012 it was confirmed that the level of funding to be available to the Council for the year 2013/2014 was £12,007,360. This figure included a sum of £1,026,620 which was a new grant paid by Government to compensate the Council and parish/town councils for the reduction in the council tax base that resulted from the new local council tax support scheme which replaced council tax benefit in April 2013. The level of funding which was comparable to previous years was net of the new grant - £12,007,360 less £1,026,620 = £10,980,740.

Although the 2013/2014 funding of £10,980,740 was a reduction of £398,510 (3.5%) on the grant paid by Government for 2012/2013 the financial settlement was favourable when compared to the projections made by the Council in February 2012. As part of the Financial Plan 2011/2015 the Council had assumed a reduction in funding for 2013/2014 to £10,313,790 – the actual settlement was £666,950 higher than projected.

However, the settlement also provided the funding figure for 2014/2015 which amounted to £10,449,030. This sum was a reduction in funding of £1,558,330 (13%) from the 2013/2014 figures of £12,007,360. When compared to the current Financial Plan the funding level for 2014/2015 was £607,190 lower than projected.

In total over the two years 2013/2014 and 2014/2015 the Government had provided funding of £59,760 more than anticipated in the current Financial Plan.

There were no provisional figures for the level of funding to the Council for 2015/2016 but it had been assumed that a further cut of 4% would be made.

The Council over the past few years had quietly gone about its business in seeking efficiencies and different ways of delivering services producing significant levels of savings and reductions in staffing and as a consequence the pay bill. Since 2011 service reviews had reduced ongoing annual spending each year rising to £5.7m savings in the original projected spending for 2013/2014. Very few authorities could match the record of the Council and many still had difficulties in dealing with the budget for the current year let alone future years. The Council's early actions had provided it with breathing space to properly consider measured and well managed changes to services as necessary.

The costs of services of the Council have been updated. Once again the impact of the recession and the uncertainty of the economy make the longer term picture difficult to project.

- Containing spending – a number of service budgets have been held at 2012/2013 levels and increases have been made only where known price increases have occurred.
- Projecting levels of income in certain services including planning/car parks and industrial estates remains difficult in this period and a cautious approach has been taken in projecting forward into 2013/2016.

When producing the revised estimates and projections for the full term of the Financial Plan use was made of working balances and reserves to protect the Council from volatile changes in the cost of services and receipt of income.

The effect of using the balances in this way was to provide the Council with time to consider in a more proactive and measured way how to deal with situations like the reduction in grant or changes in income from services. At no time does the Plan take working balances below the minimum level as stated in the Balances and Reserves Policy of the Council.

As part of the financial settlement the Government has once again included an incentive for councils to hold council tax to current levels. If the Council set council tax Band D at £111.97 – no increase – then the Government would provide extra grant equivalent to 1% of council tax income. This would equate to £63,550 for the Council but would only be paid for two years in 2013/2014 and 2014/2015. The Financial Plan for 2013/2016 assumed no increase in council tax for the whole of the period through to March 2016.

The record of the Council on council tax over the past few years had been exceptional. If the Council delivered council tax at the proposed levels in the Plan then over a period of 11 years since April 2005 the council tax would have risen from £108.67 to £111.97 - by only 3%.

The Council could 'balance the budget' for the three year period 2013/2016 through the use of working balances. At the end of this period the level of balances would be close to the minimum levels set by Council. This planned use of working balances and reserves, which was in accordance with Government policy, allowed for time to properly plan and organise changes in services and ways of service delivery. It did however highlight that in 2015/2016 the Council would need to manage the fact that spending was £1,684,140 above the level of income/funding available and that a cost reduction programme should remain active. Work was already underway on a number of initiatives that would reduce service costs.

Cabinet's attention was drawn to a typing error in page 20 of the report relating to Downham Market's special expenses which should read £16.06, not £16.10.

Councillor Long drew attention to the fact that the King's Lynn Internal Drainage Board precept had been frozen, and they had agreed to freeze them for the duration of the budget period shown on in the Plan.

Councillor Beales complimented the Chairman on the delivery of this budget and officers for the work put into being in the current position. He drew attention to the Council's extraordinary record on Council Tax levels since 2005.

Councillor Daubney reminded Cabinet that there was no room for complacency, but management team and officers had been accurate in their estimation of the Government subsidy enabling accurate budgeting. Members always had to be aware of the fact that the money was from the public purse. He drew attention to the detailed debates and discussions which had taken place at the Resources and Performance and Regeneration, Environment and Community Panels.

RECOMMENDED: 1) That Council approve the revision to the Budget for 2012/2013 as set out in the report.

2) That Council reaffirm the Balances and Reserves Policy and the maximum balances set for the reserves as noted in the report.

3) That Council:

i) Approves the budget of £17,364,570 for 2013/2014 and notes the projections for 2014/2015 and 2015/2016.

ii) Approves the level of Special Expenses for the Town/Parish Councils as detailed in the report, with the amendment to the Downham Market Precept on page 20 of the booklet being amended from £16.10 to £16.06.

iii) Approves the Fees and Charges 2013/2014 detailed in Appendix 3.

iv) Approves a Band D Council Tax of £111.97 for 2013/2014.

4) That Council approve a minimum requirement of the General Fund balance for 2013/2014 of £902,348.

CAB169: PAY AWARD 2013/14

The Leader presented a report which reminded Members that the Council's annual pay increase for all employees was locally determined having regard to national, regional and local pay and labour market information. The report recommended the pay increase of 1% for staff for 2013/14 which was within budget.

The Executive Director Central Services in explaining the report reminded Members that the local arrangements which incorporated performance related pay meant that staff were not automatically advanced through the grade each year unlike national agreement arrangements. She also informed Members of the comments received from the GMB Union after the agenda had been dispatched.

The Resources and Performance Panel had considered the report and supported the recommendations. The Joint Employee Committee had also commented on the report with the Unions not supporting the recommendations, and Unison comments were contained within the report.

The Chairman reminded Cabinet that the pay freezes for staff had contributed to the overall savings and it was necessary to balance the budget, but it was also important to see where staff were with the cost of living increases.

Under Standing Order 34, Councillor Foster drew attention to the wording of the resolution in its grammatical context. He also commented on the fact that for the lower graded staff, 1% increase on their pay was a very small amount compared to the higher graded staff.

The Executive Director, Central Services explained that the recommendations also reflected the fact that if the national agreement enhanced the bottom grade some budget had been held back to ensure the bottom of PG13 would match any enhancement.

Councillor Daubney acknowledged that 1% was not a generous increase, but having spoken to many employers in the area, the increase was not out of the way with others given. He reminded members of the ability for staff to earn the performance related pay payment for meeting and exceeding targets through the performance appraisal system.

Councillor Mrs Spikings reminded Members of the increases pensioners were receiving to their pensions which was very modest.

Councillor Beales, in acknowledging the hardship people were experiencing in the current climate stated that he was re-assured that the additional budget was retained to increase the lowest grade should it be agreed nationally.

Councillor Long reminded Members that a small pay rise was better than no pay rise, and the danger with higher rises and higher wage bill would be the risk of further cuts to the numbers of staff. He felt the increase was a sensible figure particularly when linked to the bottom figure as per the national situation.

RESOLVED: 1) That a pay award of 1% be implemented w.e.f 1.4.13.

2) That the authority continues its practice of matching the bottom point of PG13 to the lowest point on the national pay scales.

CAB170: **AMENDMENT TO THE PLANNING SCHEME OF DELEGATION IN RELATION TO SMALL-SCALE (MINI) WIND TURBINES**

Councillor Mrs Spikings presented a report which explained that a disproportionate number of planning applications dealing with small-scale wind turbines were being taken to the Planning Committee for a decision, as a result of objections from Parish Councils. The issues were very similar with these applications, and very often they resulted in no comment from the Committee.

This had the effect of applications going before the Committee that really ought not to be going, and it was not considered to be the best use of the Committee's time. The Committee generally considered the more complex, controversial or balanced applications.

The report put forward three options, with the preferred option being some changes to the scheme of delegation recommended to Cabinet. A copy of the revised Scheme of Delegation, with the proposed changes highlighted, was attached to this report.

Under Standing Order 34, Councillor Foster drew attention to the terminology of the word "site" in the delegation which did not give a size when a site was considered. So it could be a small or large area, the cumulative effect of which couldn't be properly measured. The Executive Director Regeneration and Development suggested the use of the terminology "cluster" or "defined grouping" which was accepted.

Councillor Cousins supported the delegation but drew attention to the proliferation of them in Walpole and asked when the density of them in an area would reach a limit.

The Planning Control Manager drew attention to the fact that the provision of them was Government Policy so there could be no blanket ban, but each application would have to be considered on its merit, however the proposed amendment in terminology to include reference to cluster or defined grouping may assist in consideration of an application. The Chairman reminded Members that the policy around the provision of them was not up for consideration with this paper it was the onward delegation of decisions.

Councillor Mrs Spikings drew attention to the need to include the following wording into paragraph 1.3.1, "(h) Urgent Works Notices and (i) Repairs Notices", in order to ensure all elements were included.

Councillor Beales drew attention to the fact that the Council had to be guided by national policy, but the safeguard still existed that Councillors or the Executive Director would still be able to call a decision into the Committee for consideration in the usual way.

Councillor Long drew attention to the number of turbines in his area, which were often not popular with parish councils. However when those Councils knew that bat or owl surveys for example were required,

they should draw it to their attention rather than automatically referring for refusal.

RECOMMENDED: That the changes to the Planning Scheme of Delegation, as set out in option 2 of the report, and shown in the attached document, be approved with the following amendments / additions:

- The issue of no more than 3 turbines on a “site” be amended to a “cluster or defined grouping”.
- inclusion of the following additional wording to the enforcement section 1.3.1:

(h) Urgent Works Notices

(i) Repairs Notices

CAB171: NEIGHBOURHOOD DEVELOPMENT AREA DESIGNATIONS FOR WEST WINCH / NORTH RUNCTON, SOUTH WOOTTON AND HUNSTANTON

The LDF Manager presented a report which explained that the Council had a legal duty to support and advise any relevant body within its administrative boundary in the process of Neighbourhood Planning. As part of this legal duty the Council had to make the decision whether or not to designate any Neighbourhood Development Areas that were applied for by a relevant body. The Council had received three applications for the designation of Neighbourhood Development Areas: South Wootton; Hunstanton; and West Winch and North Runcton.

Councillor Beales asked why Cruso Wilkin had objected to Hunstanton Town area including the beach. It was reported that they were representing the owners of the beach, however the parish area did include the beach line. Councillor Beales also asked if the expenses referred to were for each designation, to which it was confirmed it was the case. With the potential income that would be available under CIL for such parishes it was highly likely that there would be a large number submitted. However, there was no additional resources allocated at this time which may have to be reviewed. Councillor Beales acknowledged that the expectations of Parishes would have to be managed with the speed of dealing with them.

RESOLVED: 1) That the designation of the three Neighbourhood Development Areas as proposed be approved; and

2) That the powers to make future decisions on Neighbourhood Development Area designations be delegated to the Executive Director of Development and Regeneration, in consultation with the Cabinet Member for Development.

CAB172: **PROPOSED DESIGNATION OF A CONSERVATION AREA FOR DERSINGHAM**

Councillor Mrs Spikings presented a report which explained that following requests from the previous Borough Councillor for the area, Paul Burall, a new conservation area and character appraisal had been prepared for Dersingham. It had been subject to full consultation, amended as a result and was now presented for the approval of Cabinet.

The Regeneration Environment and Community Panel had debated the report and supported the recommendation.

RECOMMENDED: That the new conservation area and conservation area character statement for Dersingham, as proposed, be approved and endorsed.

CAB 173: **COUNCIL REPRESENTATION TO EXTERNAL BODIES: NWES**

Councillor Beales presented a report which reminded Members that in December 2012, the Borough Council and NWES entered into a strategic partnership to deliver the King's Lynn Enterprise and Innovation Centre (KLIC) and strengthen the provision of enterprise, business support and advice for start-ups and SMEs in West Norfolk. A key component of this strategic partnering was council representation to the NWES Board, which had been captured in the Partnership Agreement approved by Cabinet in December 2012.

The report invited Cabinet to appoint a Cabinet Member to the Board of Norfolk and Waveney Enterprise Services (NWES). Councillor Beales proposed that as Councillor Daubney had the required knowledge and experience to be able to serve on the body and was no longer constricted by any interest, he be nominated to serve.

RESOLVED: That Councillor N Daubney be nominated as Borough Council representative to the Board of Norfolk and Waveney Enterprise Services (NWES).

The Meeting closed at 6.30 pm