

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

**CABINET**

**Minutes from the Meeting of the Cabinet held on  
Tuesday, 9 April 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, Lord Howard, Mrs E Nockolds,  
D Pope, A Lawrence, B Long and Mrs V Spikings

CAB189: **THE LATE BARONESS THATCHER**

Cabinet held a minutes silence in memory of Baroness Thatcher who had passed away on 8 April 2013.

CAB190: **MINUTES**

**RESOLVED:** The Minutes of the Meeting held on 5 March 2013 were approved as a correct record and signed by the Chairman.

CAB191: **URGENT BUSINESS**

There was no urgent business.

CAB192: **DECLARATIONS OF INTEREST**

Councillor Mrs E Nockolds declared a pecuniary interest in item CAB202: Queen Elizabeth Hospital as an employee of the hospital. She left the meeting during its consideration.

CAB193: **CHAIRMAN'S CORRESPONDENCE**

None.

CAB194: **MEMBERS PRESENT PURSUANT TO STANDING ORDER 34**

None

CAB195: **CALLED IN MATTERS**

None

CAB196: **FORWARD DECISIONS LIST**

The Forward Decision List was noted.

CAB197: **MATTERS REFERRED TO CABINET FROM COUNCIL BODIES**

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

i) **Resources and Performance Panel – 26 March 2013**

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

RP132: Cabinet Report – Community Right To Bid

RESOLVED: That the Panel support the recommendations to Cabinet as follows:

It is recommended that Cabinet agrees:

1. That the Health and Well-Being portfolio lead on this function.
2. The proposed process for compiling the List of Assets of Community Value (section 4), including
  - a That the Policy and Partnerships Manager, in consultation with the Portfolio Holder, makes the decision as to whether to list an asset or not (section 4.5);
  - b That the Deputy Chief Executive, in consultation with the Leader of the Council hears any appeals received as part of this process (section 4.6).

RP133: Cabinet Report – Saddlebow Waste Incinerator

RESOLVED: That the Panel supports the recommendations to Cabinet as follows:

It is recommended that Cabinet approves the allocation of an additional £150,000 to the Incinerator Campaign Budget for 2013/2014 in order to meet the full legal and professional cost of the Public Inquiry.

Exempt report

RP135: Asset Management: King's Court – Lease Part Of Ground Floor

RESOLVED: That the Panel support the recommendations to Cabinet as set out in the report.

ii) **Regeneration, Community and Environment Panel – 27 March 2013**

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

REC149: Crematorium Contract Update

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

That the Executive Director for Leisure and Public Space, in conjunction with the Portfolio Holder for Community be given delegated authority to agree tenders for building works and cremators.

REC150: Pinch Point Funding Application

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

1. That the land marked on the attached plan, valued at £213,000 together with funding of up to £834,000 in 2014/2015, to bring the funding level up to 30% (as required in the conditions of grant) be approved subject to a grant being awarded.
2. That the Capital Programme is amended to include the £834,000 in 2014/2015 should the grant application be successful.

REC151: Queen Elizabeth Hospital Access

RESOLVED: That the Panel support the recommendations to Cabinet as follows:

Cabinet are recommended to amend the Capital Programme to include a £198,000 contribution to the road works specified in the report.

CAB198: **PROPOSED LOAN OF THE KING JOHN CUP**

Councillor Mrs Nockolds explained that The Sainsbury Centre for Visual Arts (SCVA) based at the University of East Anglia had made a request to the authority to loan the King John Cup for the forthcoming exhibition – Masterpieces: Art and East Anglia, from the 14 September 2013 until the 24 February 2014. The SCVA would fund all transport and insurance costs.

The Leader encouraged Cabinet Members to visit the exhibition which would make the existence of the King John Cup better known in the region.

**RESOLVED:** 1) That authority be granted to loan of the King John Cup as detailed in the report.

2) That delegated authority be given to the Cabinet Member responsible for Arts and Culture for future requests to loan items housed in the collections.

CAB199: **HUNSTANTON PROMENADE AND SEAWALL CONDITION SURVEY**

Councillor Long presented a report which reminded Members that the Borough Council was responsible for some 1.5 km of seawall and promenade at Hunstanton, from the fairground to its end near the cliffs. The earliest sea defences in the frontage were built in 1885. The most recent seawall structures were constructed in 1958, following storms in 1949 and 1953. Royal HaskoningDHV (RHDHV) had been commissioned by the Environment Agency (EA) and the Borough Council in March 2012 to conduct a survey of the condition of the promenade and seawall. The Survey (which extended to the Power Boat Ramp, including the EA's frontage) aimed to identify defects and potential instability in the promenade and seawall; to understand the causes of any problems; and to develop clear remediation proposals to address any problems. The report concluded that "Overall, no significant defects were observed and the seawall and promenade did not require any significant structural works in the next five years." However it also stated that "Minor remedial works were required to sustain these defences. The report sought approval for the funding to enable the recommended Year 1 works to take place early in the 2013/2014 financial year. Further works would be required in the future.

**RECOMMENDED:** 1) That the Year 1 remedial works to the Hunstanton Promenade and Seawall be approved, to take place in 2013/14, subject to the appropriate procure process.

2) That the costs of the scheme of £89,000 be met from the General Fund.

CAB200: **CREMATORIUM PROJECT UPDATE AND CREMATOR SPECIFICATION**

The Corporate Project Manager reminded Members that at its meeting on 8 January 2013, Cabinet had received a report on the Capital Scheme for the Crematorium. This report provided Members with an update on the progress on the scheme made to date. The report then allowed the procurement of the new cremator hall, cremators and new office layout.

The Regeneration, Environment and Community Panel had considered the item and had supported the recommendations.

**RESOLVED:** That the Executive Director C Bamfield, in consultation with the Portfolio Holder for Community be given delegated authority to agree the tenders for building works and cremators.

CAB201: **PINCH POINT FUNDING APPLICATION**

Councillor Beales presented a report which advised that the Government published details of a funding stream for Traffic Authorities called Pinch Point Funding. Any bids for support from the available funds had to be submitted by 21 February 2013. The report explained the actions taken by officers in assisting the Norfolk County Council to submit a project relating to the building of a new road between Edward Benefer Way and Lynnsport, designed to reduce pressure on the highway network and in addition providing a new access to the Council's housing land at Marsh Lane and Lynnsport.

In recommending the report, Councillor Beales informed Members he had received a number of communications about the proposal and made the following points in supporting the bid as follows:

- Cyclists would not be compromised by the new roadway proposal, a replacement cycle track would be built;
- Benefits to car users included relief from the congestion in the area;
- The road would bring forward land for development, giving capital receipts and further housing for the town which was in demand;
- Improved access to Lynnsport.

Councillor Daubney endorsed the comments, and drew attention to the great asset that Lynnsport was to the Borough and amongst the other benefits of the proposed scheme, the improvements that the proposed road could bring to Lynnsport.

Councillor Mrs Nockolds drew attention to the fact that a reduction in the number of cars using the current entrance to Lynnsport would benefit the residents of North Lynn. She referred to a number of comments she had received from cyclists who were concerned about any loss of the dedicated cycle path. She reminded Members that the proposal included a Sustrans recommended crossing suitable for cyclists and the cycle path would be apart from the road separated by a ditch.

Dale Gagen, Project Manager explained that he met with a cycling group the previous week to explain the bid, he believed that he alleviated many of the concerns raised. If the bid was accepted he proposed offering them a place on the Officer Working Group for the proposal to ensure their voices were heard in the positioning of crossings etc. Councilor Beales explained that he had not been able to

attend the meeting, but had cycled around the area to ensure he could see points made from a cycling perspective. He was due to meet with the ward Councillors for the area to discuss any concerns with them.

Councillor Long drew attention to the fact that the proposal would also benefit the air quality management area of Gaywood, as there should be less traffic using the area going to Lynnsport etc.

The Regeneration, Environment and Community Panel had considered the item and had supported the recommendations.

**RECOMMENDED:** 1) That the land marked on the plan with the agenda, valued at £213,000 together with funding of up to £834,000 in 2014/2015, to bring the funding level up to 30% (as required in the conditions of grant) be approved subject to a grant being awarded.

2) That the Capital Programme be amended to include the £834,000 in 2014/2015 should the grant application be successful.

**CAB202: QUEEN ELIZABETH HOSPITAL ACCESS**

Councillor Daubney presented a report which considered proposals to improve access to the Queen Elizabeth Hospital. The report explained that at peak times traffic leaving the Hospital was backed up for a considerable time and created a traffic blockage for vehicles using Gayton Road to leave King's Lynn. The proposal was to undertake improvements in the autumn to alleviate the problems at the same time as the County Council were undertaking work to the Queen Elizabeth roundabout in connection with the Sainsbury's and Tesco schemes.

The works would create two lanes from the Queen Elizabeth roundabout on the A149 back to the mini roundabout at Winston Churchill Drive and provide a free flow turn only going north on the A149.

Councillor Daubney reported that the Hospital had agreed to fund their contribution of £100,000 over a 4 year period. The report advised that there was no budget provision for the cost of the scheme within the current Capital programme. It was proposed to fund the £198,000 contribution by the Council and the £100,000 up front hospital contribution from the additional income generated through the changes to discounts on second homes within the Borough. The use of the funds to support the works fitted the Council's Business Plan objectives of improving the quality of the environment and also the priorities of the agreed use of County second homes funding through 'supporting partnership activities.'

Councillor Long reminded Members that the Air Quality for the area should improve with the proposals for the road as traffic would be moving rather than standing.

The Regeneration, Environment and Community Panel had considered the item and had supported the recommendations.

Two options were presented, Option 1 with a freeflow left turn at the roundabout, and Option 2 for a freeflow left turn plus two lanes extended back to the mini roundabout adjacent to Winston Churchill Drive. Option 2 was the option recommended.

Councillor Beales drew attention to the useful constructive debate held in the Regeneration Environment and Community Panel meeting which had shown members in detail what was proposed. He felt that it would bring great benefit for that area of the town.

**RESOLVED:** That the Capital Programme be amended to include a £298,000 contribution to the road works specified in the report, (less a contribution of £100,000 from the hospital giving a net Borough contribution to the scheme of £198,000).

CAB203:     **COMMUNITY RIGHT TO BID**

Councillor Mrs Nockolds presented a report which explained that the Localism Act introduced a range of new rights for local communities relating to a number of the Council's functions and how we delivered services. Those rights included the opportunity to nominate assets of community value for inclusion on a list maintained by the local authority.

The intention of the legislation was to provide the community grounds with an opportunity to make a bid to buy a listed asset on the open market should it come up for sale. It did not, however, require the owner to sell the asset to the community group.

Cabinet was informed that the report outlined the provisions relating to the 'Community Right to Bid', the requirement on the Council in meeting those provisions and proposed a decision-making process for the listing of community assets that was based on the government advice note and that met the requirements of the legislation .

Councillor Beales commented that he felt the intentions of the legislation were sound, but that when individuals were told what to do with their own property, potentially adding up to 8 months onto any sale, it could end up with properties being withdrawn from public use.

The Resources and Performance Panel had considered the item and had supported the recommendations.

**RESOLVED:** 1) That the Health and Well-Being portfolio lead on this function.

2) That the proposed process for compiling the List of Assets of Community Value (section 4), including

- a) that the Policy and Partnerships Manager, in consultation with the Portfolio Holder, makes the decision as to whether to list an asset or not (section 4.5);
- b) that the Deputy Chief Executive, in consultation with the Leader of the Council hears any appeals received as part of this process (section 4.6).

**CAB204: COMMUNITY GOVERNANCE – NUMBER OF PARISH COUNCILLORS – PENTNEY**

Cabinet received a report which, following a request from Pentney Parish Council, sought to increase the number of Parish Councillors on that Council from seven to eight.

**RECOMMENDED:** That the number of Parish Councillors on Pentney Parish Council be increased from seven to eight.

**CAB205: SADDLEBOW INCINERATOR INQUIRY – BUDGET**

Councillor Daubney presented a report which sought authority for additional budget provision to meet the specialist legal and professional costs associated with the completion of the Borough Council's strategy of opposition to the proposed Saddlebow Waste Incinerator. A central plank of the strategy, as agreed by Cabinet in April 2011 and subsequently endorsed by Full Council, had always been to secure a "call-in" of the planning decision by the Secretary of State. This was successfully achieved in the latter part of 2011. Subsequently the Public Inquiry held by the Planning Inspectorate to inform the Secretary of State's decision had commenced.

Cabinet was advised that at the time of writing the report it had already become clear that the Inquiry would run on longer than originally planned, this had inevitably led to an increase in the costs incurred by this authority. Consequently, it was clear that the Borough Council would exceed the current year's budget set aside in the Revenue Outturn 2011/12 report approved at Cabinet on 19 June 2012 of £250,000. Whilst there was still some uncertainty about the final cost the Director of Environment and Planning and Legal Services Manager who were managing the Council's input into the Public Inquiry estimate that the total cost was likely to be in the region of £400,000.

Councillor Long commented that the Council hadn't wanted to have to spend such large amount of money, but it had taken the decision to fight the incinerator and had to see it through. The Council had managed its finances to enable it to provide the funding.



Councillor Beales in supporting the proposals commented that needing to commit to such things as the additional funding was one of the reasons to undertake such cost cutting carried out to date.

In supporting the proposal Councillor Mrs Nockolds stated that the public were looking to the Borough Council to support them against the incinerator.

The Resources and Performance Panel had considered the item and had supported the recommendations

**RECOMMENDED:** That the allocation of an additional £150,000 to the Incinerator Campaign Budget for 2013/14 be approved in order to meet the full legal and professional costs of the Public Inquiry.

CAB206: **EXCLUSION OF 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 they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act.

CAB207: **ASSET MANAGEMENT: KING'S COURT – LEASE PART GROUND FLOOR**

The Property Services Manager presented an exempt report which set out the provisionally agreed terms for the proposed commercial leasing arrangement for surplus office accommodation at the Borough Council's main administrative office accommodation at King's Court, Chapel Street, King's Lynn and sought authority from Cabinet to enter into a formal lease arrangement with the prospective tenant. There would be approximately 34 staff in total moving into the offices.

The Resources and Performance Panel had considered the item and had supported the recommendations

**RESOLVED:** 1) That the proposals for leasing spare office capacity within King's Court to the prospective public sector tenant be noted.

2) That delegated authority be given to the Property Services Manager to finalise the terms of the proposed leasing arrangements in consultation with the relevant Portfolio Holder.

3) That authority be granted to the Legal Services Manager to progress the necessary lease agreement, or any other associated, documentation through to completion.

**CAB208: LEISURE SERVICE PROVISION**

Councillor D Pope presented an exempt report which considered the financial case for the introduction of a Charitable Company and Local Authority Company (LAC) to operate the Council's Leisure Services. The implementation of the arrangements would produce an annual saving to contribute towards the Council's cost reduction targets. Councillor Beales sought clarification on whether the Trust would continue to make savings once established which he considered a fundamental issue which needed to be addressed. The Chief Executive explained that at this stage the report didn't go into the detail in terms of potential downward pressure on Council budgets, but explained that it would take place through the service level agreement, which after the first 2 years would then take place annually. He further explained that the major costs were staffing costs, which would be controlled through a local authority company, which the Council would control.

Councillor Beales sought assurances that the Council would have the room to manoeuvre it would need in the event of exceptional budget circumstances, which the Chief Executive gave assurances that the model did allow for that scenario.

With regard to the membership of the proposed Board, the voting arrangements were questioned, to which it was explained that the level of detail had not yet been finalised. Cabinet agreed that an additional Councillor should be appointed to the Board, making it 3 Councillors. This was agreed.

The Executive Director, C Bamfield explained that this would be the start of a long and detailed process, which would involve a number of officers and Cabinet Members.

Councillor Pope had indicated that Cabinet Members may wish to view the lease arrangements.

The Regeneration, Environment and Community Panel had considered the item at its 27 February 2013 meeting and had supported the recommendations.

**RECOMMENDED:** 1) That the arrangements to establish a Charitable Company and Local Authority Company for the operation of Culture and Leisure facilities with the arrangements to commence on 1 July 2014 be approved.

- 2) That the Chief Executive in consultation with the Leader and Cabinet Members for Assets and Health and Wellbeing be delegated authority to implement all necessary arrangements.
- 3) That an additional Councillor representative be added to the Company's Board.

**The Meeting closed at 6.25 pm**