

BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK

CABINET DECISION SHEET

Decision Sheet from the Meeting of the Cabinet held on Monday, 30 July 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, A Lawrence, B Long,
Mrs E Nockolds, D Pope and Mrs V Spikings.

1. **MINUTES**

RESOLVED: The Minutes of the Meeting held on 1 July 2013 were approved as a correct record and signed by the Chairman.

2. **URGENT BUSINESS**

There was no urgent business.

3. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

4. **CHAIRMAN'S CORRESPONDENCE**

None.

5. **MEMBERS PRESENT PURSUANT TO STANDING ORDER 34**

None

6. **CALLED IN MATTERS**

None

7. **FORWARD DECISIONS LIST**

The Forward Decision List was noted.

8. **MATTERS REFERRED TO CABINET FROM COUNCIL BODIES**

i) **Resources and Performance Panel: 23 July 2013**

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

RP28: Cabinet Report: Major Housing Development – Procurement Phase

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

RP29: Cabinet Report: Call Recording Policy

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

RP30: 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 Scheduled 12A to the Act.

RP31: Exempt Cabinet Report: Asset Management – Proposed Disposal of Land at Gaywood

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

ii) Regeneration Environment and Community Panel: 26 June 2013

REC22: Draft King's Lynn Town Centre Action Plan

RESOLVED: (i) The Panel noted the report and draft plan.
(ii) That the Panel be given the opportunity to comment on the final version of the Plan, prior to consideration by Cabinet.

iii) Regeneration Environment and Community Panel: 24 July 2013

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

REC37: Cabinet Report – Materials Recycling Facility Contract

RESOLVED: That the Regeneration, Environment and Community Panel make the following recommendations to Cabinet:

Cabinet is recommended to:

(1) Award to Norse Commercial Services Ltd (“Norse”) a ten year contract for the recycling of dry recyclable material (being the enhanced contract with glass) pursuant to the procurement process

carried out, on the basis that such contract be entered into between the District Councils of the Norfolk Waste Partnership and the JVC (as defined below).

(2) Approve the entry into a joint venture shareholders' agreement between the District Councils and Norse on the basis of the Memorandum of understanding attached at Appendix 1 for the purposes of establishing a joint venture company (the "JVC") to be the contractor under the recycling contract; and

(3) Approve the entry into of such ancillary documents as shall be necessary pursuant to the establishment of the JVC and the recycling contract to the JVC.

(4) Grant delegated authority to the Chief Executive in consultation with the Portfolio Holder for the Environment to conclude those agreements and ancillary documents on behalf of the Council including any minor changes to approve the final terms of the Memorandum of Understanding and Contract with NORSE, including the interim arrangements between the start date of the new contract and the commissioning date of the new equipment to be installed to enable the extended range of materials to be efficiently and cost effectively recycled.

(5) Grant delegated authority to the Legal Services manager to complete the contract with NORSE and the Joint Venture Company, and all ancillary documents.

(6) Ensure that the walkways at the Costessey recycling plant are maintained in any design proposals for upgrading the facilities at the plant.

9. **REPORTS**

<p>i) Materials Recycling Facility – (page 8)</p>	<p>RECOMMENDED: 1) That a ten year contract for the recycling of dry recyclable material (being the enhanced contract with glass) be awarded to Norse Commercial Services Ltd ("Norse") pursuant to the procurement process carried out, on the basis that such contract be entered into between the District Councils of the Norfolk Waste Partnership and the JVC (as defined below);</p> <p>2) That the entry into a joint venture shareholders' agreement between the District Councils and Norse be approved on the basis of the Memorandum of understanding attached at Appendix 1 to the report, for the purposes of establishing a joint venture company (the "JVC") to be the contractor under the recycling contract;</p>
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	<p>3) That the entry into of such ancillary documents as shall be necessary pursuant to the establishment of the JVC and the recycling contract to the JVC be approved.</p> <p>4) That delegated authority be granted to the Chief Executive in consultation with the Portfolio Holder for the Environment to conclude those agreements and ancillary documents on behalf of the Council including any minor changes to approve the final terms of the Memorandum of Understanding and Contract with NORSE, including the interim arrangements between the start date of the new contract and the commissioning date of the new equipment to be installed to enable the extended ranged of materials to be efficiently and cost effectively recycled</p> <p>5) That delegated authority be granted to the Legal Services Manager to complete the contract with NORSE and the Joint Venture Company, and all ancillary documents.</p> <p>6) That the contractor be requested to make the facilities available to occasional public tours.</p> <p>Reason for Decision</p> <p>To ensure that arrangements are put into place to process the day recyclates collected in the Borough from the 1 April 2014. To achieve an increase in recycling rates. Recommendation 6 is to take into account the comments from REC.</p>
<p>ii) Council Call Recording Policy (page 25)</p>	<p>RECOMMENDED: That the policy on call recording by the authority be adopted and the areas in which call recording may occur noted.</p> <p>Reason for Decision</p> <p>The interception, recording and monitoring of telephone calls is governed by a number of different pieces of UK</p>

	<p>legislation. The main ones are:</p> <ul style="list-style-type: none"> • Regulation of Investigatory Powers Act 2000 (RIPA) • Telecommunications (Lawful Business Practice)(Interception of Communications) Regulations 2000 • Data Protection Act 1998 • Telecommunications (Data Protection and Privacy) Regulations 1999 • Human Rights Act 1998 <p>This policy will ensure that any call recording that takes place is appropriate and governed under the procedures and requirements of the Council's Policy.</p>
<p>iii) King's Lynn Town Centre Action Plan (page 34)</p>	<p>RESOLVED: That the King's Lynn Town Centre Action Plan be approved as the draft for consultation with the King's Lynn Town Centre Partnership and other key stakeholders.</p> <p>Reason for Decision</p> <p>The purpose of the King's Lynn Town Centre Action Plan is to bring together in one place the priorities and plans for the town centre. As the Plan needs to be as comprehensive as possible the input and endorsement from the King's Lynn Town Centre Partnership and other key stakeholders is important.</p> <p>The draft King's Lynn Town Centre Action Plan addresses the following Corporate Business Plan priorities and outcomes:</p> <ul style="list-style-type: none"> • People in West Norfolk benefit from a growing economy <ul style="list-style-type: none"> - Develop vibrant town centres: help our town centres adapt successfully to changing retail, cultural and leisure trends - Work with partners to redevelop King's Lynn town centre • Improve our built environment <ul style="list-style-type: none"> - Support the preservation and enhancement of our historic and built heritage

	<ul style="list-style-type: none"> • Help people value their cultural heritage <ul style="list-style-type: none"> - Preserve and enhance the cultural and historical assets of the area
<p>iv) Major Housing Development – Procurement Phase (page 54)</p>	<p>RECOMMENDED: 1) That a Procurement Exercise be approved.</p> <p>2) That the response on the procurement of the Developer Phase to include options for the Council to:</p> <ul style="list-style-type: none"> - Contribute land only - Contribute land plus funding to achieve 50% of the total development costs <p>3) That the response on the procurement of the Investment Phase include options for the Council to consider:</p> <p style="padding-left: 40px;">An Investor/Council partnership with the Council contributing land only agreeing in principle that the Council will act as the guarantor for the investor subject to owning the secured asset at the end of the investment period</p> <p>4) That a budget of £168,000 be approved to progress the procurement to the award stage.</p> <p>5) That a further report be presented by 28 February 2014 when bids will be reduced to a maximum of 3. The report will consider and evaluate the risk and financial implications of each of the remaining bids to enable Cabinet to consider the final proposals to put to Council.</p> <p>Reason for Decision</p> <p>To invite bids for the proposal to build an estimated 587 housing units (with an extension clause at the discretion of the Borough Council to extend the project to up to 1,000 units).</p>

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.”

6) Asset Management - Proposed Sale of Land at Gaywood (page 69)	<p>RESOLVED:</p> <ol style="list-style-type: none">1) That the disposal of this land asset be progressed along the lines set out within the report.2) That delegated authority be given to the Property Services Manager to finalise the terms of the proposed disposals set out within this report.3) Authority be granted to the Legal Services Manager to progress the necessary transfer, or any other associated, documentation through to completion.4) That if the cost of the re-location of the nursery exceeds £150,000, a further report be submitted to Cabinet. <p>Reason for Decision</p> <p>The proposal set out within this report will rationalize the Council's operational portfolio and help to contribute to the Council's Cost Reduction Programme and will provide the Borough Council with a sizeable capital receipt.</p>
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The Meeting closed at 6.05 pm