

BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK

CABINET

**Minutes from the Meeting of the Cabinet held on
Tuesday, 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.

CAB34: MINUTES

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

CAB35: URGENT BUSINESS

There was no urgent business.

CAB36: DECLARATIONS OF INTEREST

There were no declarations of interest.

CAB37: CHAIRMAN'S CORRESPONDENCE

None.

CAB38: MEMBERS PRESENT PURSUANT TO STANDING ORDER 34

None

CAB39: CALLED IN MATTERS

None

CAB40: FORWARD DECISIONS LIST

The Forward Decision List was noted.

CAB41: 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.

CAB42: **MATERIALS RECYCLING FACILITY**

Councillor Long presented a report which outlined the process, outcome and implications of the procurement which had been undertaken by the eight Norfolk Authorities for the future recycling of dry recyclable material collected at the kerbside across Norfolk. Having taken guidance from Members (via the Norfolk Waste Partnership), officers progressed the procurement based on the following principles:

- That it would be better to work together as a consortium to achieve economies of scale and a better financial position through competitive bidding process.
- That there was a genuine need to be able to collect a wider range of materials as consistently requested by the public and Members.
- That there was a need to maximise recycling rates, as per the agreed Norfolk Waste Strategy.
- That the future consortium model should be based on all Councils being equal in terms of the same cost per tonne regardless of location and transport costs.

The process had been undertaken in accordance with EU procurement rules to select the most economically advantageous bidder.

Following the review of the tenders, the report sought authority to enter into a 10 year contract with Norse Commercial Services Ltd from 1 April 2014, and for this to be then delivered via a Teckal-compliant Joint Venture Company (JVC) which would be formed involving the company and all local authorities, which would then mean that with the current regulations it wouldn't require EU procurement in the future.

Councillor Long congratulated the officers and Members involved in the negotiations for the contract, which were financially favourable for the Borough Council and involved a profit sharing arrangement between the eight councils and Norse.

Councillor Beales congratulated all those involved in the negotiations and commented on the fact that the proposal was beneficial to the Council, and asked for an approximate figure of savings for the Council. He also applauded the fact that the transport costs would be borne by all the authorities. In response, Councillor Long explained that it would be approximately £250 - £350,000.

Councillor Daubney concurred with the congratulations, specifically to Dale Gagen and Barry Brandford who had led the negotiations from an officer side, and Councillor Long who had led from a member side and persuaded the other authorities to appreciate the vision of what he wanted to achieve. He also applauded the fact that the new arrangements would lift any confusion people had about what was or wasn't recyclable as most things would be recyclable.

Councillor Long drew attention to the fact that currently 10% of the matter put into the recycling bins was not accepted, and the new arrangements would increase the tonnage considerably including the collection of glass. The proposals were the right thing for the environment and produced considerable savings.

Councillor Daubney drew attention to the discussion at the Regeneration Environment and Community Panel where they had asked for the public to be able to access the site and view the workings via the walkways which they had asked to be retained. It was considered that to demand this to be part of the contract would be unreasonable, however, a request would be made to occasionally make available public visits on a pre-booked basis.

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);

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;

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.

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

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.

6) That the contractor be requested to make the facilities available to occasional public tours.

CAB43: **COUNCIL CALL RECORDING POLICY**

Councillor Daubney presented a report which explained that in order to protect both employees and the Council, from time to time it may be necessary to record incoming and outgoing telephone calls which were handled by our staff for the purpose of improving customer service, training and for monitoring purposes. To legally record calls, the Council must publish its Call Recording Policy on its website and take reasonable steps to inform callers that call recording may take place. The draft policy presented outlined the Borough Council of Kings Lynn & West Norfolk's draft policy on the recording of telephone calls across the authority.

Honor Howell, CIC Manager explained that the call recordings would be retained for the same period as CCTV images, and that when staff were taking any payments over the telephone the recording would cease immediately to ensure the security was not breached. It was hoped that when customers knew their calls were being recorded it may on occasions cause some members of the public to moderate their behaviour or language.

The Resources and Performance Panel had considered the report and accepted the recommendations.

RECOMMENDED: That the policy on call recording by the authority be adopted and the areas in which call recording may occur noted.

CAB44: **KING'S LYNN TOWN CENTRE ACTION PLAN**

Councillor Beales presented a report which explained that nationally town centres were facing a number of external challenges to their economic vitality and viability and King's Lynn had not been immune from these. Central Government had acknowledged that there were risks to traditional town centres and had taken some steps to help mitigate the impact, including commissioning the 'Portas Review', and implementing some of the recommendations and making changes to the national Planning framework

aimed at supporting the viability of town centres. However these national initiatives needed to be supported and supplemented by local actions in response to local issues and opportunities.

The report set out the priorities and key actions in the draft King's Lynn Town Centre Action Plan which sought to create a holistic approach to strengthening the town centre 'offer' for residents, businesses and visitors. The Plan also addressed the following Corporate Business Plan priorities and outcomes:

- People in West Norfolk benefit from a growing economy
 - 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
 - Support the preservation and enhancement of our historic and built heritage
- Help people value their cultural heritage
 - Preserve and enhance the cultural and historical assets of the area

Councillor Beales reminded Members that some of the items included in the Plan had already commenced or had recently completed, such as the Tuesday Market Place, and the work with Amiens. The Plan would now go out to consultation with the Town Centre Partnership and other key stakeholders.

Councillor Mrs Spikings drew attention to Theme 4: "a town that is easily accessible" which referred to pedestrian friendly. In applauding this, attention was also drawn to the fact that the Borough was largely a rural area, which did have problems with public transport, meaning that the car was vitally important to most of the residents, and therefore should not be disregarded in the future consideration for the town centre.

Councillor Beales acknowledged the importance of the car in such a rural county, and drew attention to the wording in the report as enhancing all forms of transport.

Councillor Daubney stated that the importance of the car to the town was clear, and was pleased to bring so many of the individual plans by so many organisations and business into one document which showed just how much was being done in the town centre.

Councillor Mrs Nockolds commented that she felt theme 6: Events and Promotions, was an extremely important part, supporting other themes, promoting the town and bringing in the visitors.

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.

CAB45: **MAJOR HOUSING DEVELOPMENT – PROCUREMENT PHASE**

Councillor Beales presented a report which updated members on progress made on the Major Housing Development project since the last report to Cabinet on 30th October 2012 and requested authority to take the proposal to market.

The report explained that the proposal was to build an estimated 587 housing units of which 87 (15%) would be affordable units, with an extension clause purely at the discretion of the Borough Council to extend the project to up to 1,000 units. The project was aimed at achieving a significant delivery of housing over a 4-5 year period, a commercial return for the Council over the longer term and act as a stimulus to the economic activity in the local area including the creation of apprenticeships in West Norfolk.

All options / models presented to the Council in response to the procurement exercise would be appraised against a pre agreed set of evaluation criteria as laid out in the European Union's procurement regulations.

Councillor Beales explained that an investor was likely to be something such as a pension fund with capital to invest into a safe and sensible environment, and the proposal was an opportunity to turn a dormant asset into cash for the benefit of the Council Tax payer. The report at this stage was only requesting authority to move to the procurement stage.

Councillor Lord Howard, in supporting the scheme, asked what level of the fees referred to in the report were legal fees, to which it was explained that approximately £15,000 were legal fees with other fees being property advice and evaluation of tenders by the property advisors. Councillor Lord Howard expressed the hope that the fees would not increase beyond the levels quoted.

Councillor Lawrence asked Members to support the proposals in order to help the local economy and the housing need.

Councillor Daubney referred to the detailed discussions held at the Resources and Performance Panel where they had received a presentation, and drew attention to the many benefits of the proposed scheme should it progress in the way intended.

RECOMMENDED: 1) That a Procurement Exercise be approved.

2) That the response on the procurement of the Developer Phase to include options for the Council to:

- Contribute land only
 - Contribute land plus funding to achieve 50% of the total development costs
- 3) That the response on the procurement of the Investment Phase include options for the Council to consider:
- 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
- 4) That a budget of £168,000 be approved to progress the procurement to the award stage.
- 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.

CAB46: **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 it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act.

CAB47: **ASSET MANAGEMENT – PROPOSED SALE OF LAND AT GAYWOOD**

Councillor Beales presented a report which set out the provisionally agreed terms for a proposed disposal of land and buildings in King's Lynn, and authority was sought from Cabinet to progress this disposal through to completion. In referring to the re-location of the nursery, Councillor Beales suggested that if the cost was to exceed £150,000, a further report be brought back to Cabinet. This was agreed.

- RESOLVED:**
- 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.

The Meeting closed at 6.05 pm