



Cabinet
Tuesday, 12th January, 2016 at 5.30 pm
in the Committee Suite, King's Court, Chapel Street,
King's Lynn

Reports marked to follow on the Agenda and/or Supplementary Documents

9. **MATTERS REFERRED TO CABINET FROM OTHER BODIES** (Pages 2 - 14)

To receive any comments and recommendations from other Council bodies which meet after the dispatch of this agenda. Copies of any additional comments made will be circulated as soon as they are available.

- Resources and Performance Panel – 5 January 2016
- Regeneration and Development Panel – 6 January 2016
- Environment and Community Panel – 6 January 2016

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RECOMMENDATIONS TO CABINET ON 12 JANUARY 2016 FROM THE RESOURCES AND PERFORMANCE PANEL AT ITS MEETING ON 5 JANUARY 2016

RP94 CABINET REPORT: FINAL COUNCIL TAX SUPPORT SCHEME 2016/2017

In presenting the report, the Revenues and Benefits Manager advised that this report should be read in conjunction with the Cabinet Report '2016/2017 Draft Council Tax Support Scheme for Consultation' of 9 September 2015.

The Panel was advised that the report summarised the results of the Council Tax Support consultation exercise, noted the responses to the consultation and proposed that the Council adopted the draft Council Tax Support Scheme, approved on 9 September 2015, as the Council Tax Support Scheme for 2016/2017.

The Revenues and Benefits Manager explained that the Council must review and agree its Council Tax Support Scheme each financial year. The Council must consult with its major preceptors (the County Council and the Police and Crime Commissioner), publish its draft Council Tax scheme, consult with interested parties, then publish its final Council Tax Support Scheme.

Members were reminded that the draft Council Tax Support Scheme was agreed by Members on 9 September 2015 and published on 18 September 2015. The consultation period concluded on 30 October 2015.

The Revenues and Benefits Manager drew the Panel's attention to the other options considered at section 4 of the report.

The Panel was informed of the financial implications as detailed at section 6 of the report.

Councillor Devereux commented that it was a logical report, but asked if there was anything the Council could do to enhance the number of responses received from the consultation exercise, or alternatively determine not to carry out a consultation exercise. In response, the Revenues and Benefits Manager explained that the Regulations stated that there was a requirement to consult all interested parties. Over the years, the Council had tried a variety of ways to consult as set out below:

- 2013 – letter sent to all those receiving Council Tax benefit (13,000), 100 responses received.
- Online consultation using twitter.
- Writing to Citizens Advice Bureau, housing associations, etc who came into contact with customers.

The Revenues and Benefits Manager advised that other Councils also had low response rates to the consultation exercise.

Councillor Collop asked the Deputy Leader if Cabinet had the information available from other Norfolk authorities when considering the Borough Council's proposed scheme. In response, the Deputy Leader explained that this information had been made available to Cabinet when considering the report at the sifting meeting.

Councillor Collop referred to section 4.1 of the report and commented that there were alternative ways to meet the projections within the Financial Plan other than those detailed within this section of the report. In response, the Deputy Leader explained that the Borough Council had to determine the way forward within its own circumstances and Cabinet felt the proposed scheme was appropriate for the Borough Council. However, the budget would shortly be presented to Members and there would then be an opportunity for debate.

Following further comments from Councillor Collop on the consultation exercise and the proposed changes being understood by the average person on the street, the Chief Executive explained that there was a requirement to consult on an annual basis which proved onerous. The current proposed scheme was the same as the previous year with very little amendment. The practical solution would be to consult when there was a significant change in the scheme which would prove more meaningful. However, the Government had determined the requirement to consult on an annual basis.

Councillor Wareham asked if there was a single document in Plain English available for people to access which set out the relevant information. In response, the Revenues Benefits Manager informed Members that there was not a single document available to access, but the Borough Council had trained advisors who would be advise customers accordingly, there was also an online benefit calculator. Advice could be sought via the telephone, in person or online. There was a complex range of Regulations that it would be an impossible task to try and summarise into one single document.

In response to questions and comments from Councillor Collop on the equality impact assessment, the Deputy Leader explained that the impact of the matter was down to individual interpretation. However, it was important that the Borough Council set out the facts and gave customers access to the relevant information to allow them to make their own decision. The Council had carried out a number of ways over the previous years to encourage responses to the proposed scheme.

In response to questions from the Chairman, Councillor Humphrey on the unsure column of the Pre-Screening Equality Impact Assessment, the Revenues and Benefits Manager explained that if there was a tick in the unsure column this indicated that they may/may not be affected by the proposed changes. Further enquiries were made on individual cases. Members were advised that full Equality Impact Assessment had been included within the 2013 Cabinet Report.

Councillor Collop wished it to be recorded that he did not support the recommendation to Cabinet as set out below.

RESOLVED: That the Panel support the recommendations to Cabinet as set out below:

- 1) Members note the results of the consultation exercise, and
- 2) The draft Council Tax Support Scheme as approved on 9 September 2015 is adopted as the full Council Tax Support Scheme for 2016/2017.

RP95 CABINET REPORT: HOUSING BENEFIT AND COUNCIL TAX SUPPORT RISK BASED VERIFICATION: POLICY UPDATE

The Revenues and Benefits Manager presented the report and explained that the Council used Risk Based Verification to assess the risk of fraud and error in new claims for Housing Benefit and Council Tax Support and determine the level of checking needed for each claim. The policy had been updated to extend Risk Based Verification to claims where a change in circumstances had been reported.

The Panel was informed that the Updated Risk Based Verification Policy was included at Appendix B.

The Revenues and Benefits Manager provided Members with background information as detailed at section 1 of the report.

In response to questions from Councillor Devereux, the Revenues and Benefits Manager explained that the software was provided by a third party supplier and was updated as required. When a benefits claim was analysed, the Borough Council would be aware of the claimant's personal circumstances and benefits the claimant would be eligible for. The risk score was defined as high, medium and low. The risk score would then decide the level of checking needed before benefit was paid.

Councillor Wareham asked if the check undertaken by the Borough Council was similar to the credit worthiness check undertaken when a person applied for credit. In response, the Revenues and Benefits Manager explained that the check undertaken by the Borough Council was less detailed. The Borough Council's check was built on circumstance based and historical data to give a score of risk. The Borough Council's system allowed low risk claims to be processed quickly.

Following questions from the Chairman, Councillor Humphrey, the Revenues and Benefits Manager explained that other Councils and the Department of Work and Pensions used the same software system as the Borough Council. The Borough Council considered the feedback from the software company to further refine the scheme.

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

Members agree to adopt the updated Risk Based Verification policy so it covers new claims and changes in circumstances.

RP96 CABINET REPORT: 2015/2016 BUDGET MONITORING

The Assistant Director explained that the report updated the 2015/2016 revenue estimates and the projections for 2016 to 2018. The figures would form the base on which the new Financial Plan 2015/2020 will be formulated for council tax setting purposes in February 2016.

The Panel was advised that formal approval was required by Cabinet for the amendments to the 2015/16 revenue estimates. The amendments had been reported to Members as part of the monthly monitoring reports for April to September 2015 and were summarised in section 1 of the report.

Members' attention was drawn to the following sections of the report:

- The Revenue Estimates 2015/2016: Original Budget 2015/2016, September Monitoring 2015/2016:
- Projections 2017/2018.
- Cost Reduction Programme.
- General Fund Balance and Reserves.

Councillor Devereux referred to section 1.4 – Support Service Costs – correction of budget duplication and asked for clarification. The Assistant Director explained that this was due to an accounting error and had occurred during the transfer of the leisure services to the Leisure Trust. However, the error had been identified at an early stage and had been corrected as soon as possible in the Monitoring Report.

The Chairman, Councillor Humphrey drew Members' attention to page 32, section 1.4 – Over the period April to September 2015 Service Managers had continued to take every opportunity to reduce costs and increase income in line with the now embedded culture of active management of service costs and commented that this was a great credit to the staff within the authority.

The Deputy Leader echoed the above comments made by the Chairman.

The Chairman, Councillor Humphrey referred to page 33 – Asbestos Survey and asked if the report was now available to Members, he also asked what the cost implications were and when they would be established.. The Assistant Director undertook to ascertain if the report had been received by the Council and email to Members for information.

RESOLVED: That the Panel support the recommendation to Cabinet as set out below:

The changes, transfers to/from reserves and revised revenue estimates for 2015/2016 as detailed in section 1 of the report.

RP97 CABINET REPORT: CORPORATE BUSINESS PLAN 2015/2019

The Personnel Services Manager explained that the report appended the new Corporate Business Plan for the period to the next local elections in 2019. The plan set out the priorities of the current Administration and how the achievement of those priorities would be monitored.

The Personnel Services Manager outlined the amendments that would be made to the document prior to being presented to Cabinet.

Members were informed that the Plan had been developed in a more focused format than in previous years as much of the detail underpinning the strategy already existed in other documents. There was a short narrative which set out the direction of travel and the context within which the organisation operated.

The Personnel Services Manager explained that the Plan would be monitored via the 'Corporate Business Plan Monitoring Report' which was prepared quarterly and formally presented to the Resources and Performance Panel on a six monthly basis. The format of the monitoring report would be reviewed once the new business plan had been agreed to ensure that it continued to deliver the information Elected Members required. Work would also be undertaken, where possible, to align corporate performance targets to the priorities outlined in the business plan.

In response to questions from Councillor Devereux on when the plan would be populated with the measures, resources and timescale, etc, the Personnel Services Manager explained that the Directorate and Service Plans contained the detail of the plan and over the next few months would be fed into the Monitoring Report which was prepared quarterly and presented to the Panel on a six monthly basis, The format of the report would be reviewed once the new business plan had been agreed to ensure that it continued to deliver the information Elected Members require. Work would also be undertaken, where possible, to align the corporate performance targets to the priorities outlined in the business plan.

Following further comments from Councillor Devereux regarding the technical detail being included in the plan, the Chairman, Councillor Humphrey explained that the Plan was a starting point which set out the Council's priorities and how they would be achieved. Officers would monitor the outcomes and there would be an opportunity for Member input. When the first monitoring report was presented to the Panel, it would contain the technical information required.

Councillor Devereux made the following comment, how could a plan be approved without any technical details being included?

The Deputy Leader, Councillor Beales added that he could understand the comments being made by Councillor Devereux. The document presented was a policy framework. The Deputy Leader referred to the financial constraints from the Treasury and added that the detail would be included in the Financial Plan. The Corporate Business Plan had been based on the current Administration's Manifesto which provided a steer both to Members and Officers on the way forward. The Council had a full range of policies.

The Chief Executive informed the Panel that the Corporate Business Plan was the top tier of a suite of documents and suggested that it might be helpful to Members to receive examples from the suite of documents when the monitoring report was presented to the Panel.

Councillor Collop concurred with the comments made by Councillor Devereux.

The Chairman, Councillor Humphrey drew Members' attention to page 41 of the Agenda – Policy Implications:

“This document sets the Council's policy framework for the next four years and as such is the Council's primary policy document.”

The Chairman, Councillor Humphrey explained that the Corporate Business Plan provided a direction of travel for the next 4 years and drew the Panel's attention to page 46, second paragraph, which achieving priorities. Under each priority there was a series of agreed actions set out and how they would be achieved. The Chairman advised the Panel that there would be an opportunity to challenge the detailed information when the monitoring report was presented to Members.

Councillor Morrison commented that he agreed with the comments made by Councillors Devereux and Collop and wondered whether an alternative name could be used instead of plan. In response, the Chairman, Councillor Humphrey stated that the plan set out the Council's priorities and objectives over a 4 year period and was happy to call it a Plan.

The Deputy Leader explained that the Corporate Business Plan required more technical detail, but the Plan showed what the Council wished to achieve and added that the Panel may wish to amend the name.

Following a discussion on the title of the Corporate Business Plan, Councillor Devereux proposed the following:

“That Cabinet be asked to consider rebranding the Corporate Business Plan to Corporate Business Plan – Policy Framework with a clear suite of documents underneath to support the plan.”

Councillor Morrison seconded the proposal and on being put to the vote was carried.

RESOLVED: That the Panel support the recommendation to Cabinet as follows with the additional recommendation (2) set out below:

- (1) That the attached Corporate Business Plan is adopted.
- (2) That Cabinet be asked to consider rebranding the Corporate Business Plan to Corporate Business Plan – Policy Framework with a clear suite of documents underneath to support the plan.

RECOMMENDATIONS TO CABINET 12 JANUARY 2016 FROM THE REGENERATION AND DEVELOPMENT PANEL MEETING HELD ON 6 JANUARY 2016

RD20: LYNNSPORT DEVELOPMENT

The report proposed amendments to the current agreements and leases with Alive Leisure and Alive Management for future operation of the new tennis courts and multi-purpose synthetic pitch including the appointment of a Tennis Development Officer.

The Chairman thanked the Executive Director for his report and invited questions and comments from the Panel, as summarised below.

The Vice Chairman commended the proposals to bring Tennis facilities to King's Lynn. She asked if any thought had been given to include Cricket facilities. Councillor Mrs Watson commented that there was some good cricket clubs in the Borough which were very well subscribed. The Vice Chairman explained that she would like to see the sport made more available for young people who did not have transport or the funds available to join a Cricket club. The Executive Director agreed to pass her comments on to Alive Leisure and the Sports Development Unit.

Councillor Tyler explained that he was pleased that the new facilities would be available and provide opportunities for local people to become engaged in sport. He asked if the installation of the new facilities would be at the detriment to any existing facilities on the proposed site. The Executive Director confirmed that no facilities would be lost from the use of the space.

In response to a question from Councillor Baron Chenery of Horsbrugh, the Executive Director explained that a job advert for the position of Tennis Development Officer had been published before Christmas, but a poor response had been received. Further advertising of the job was now taking place through the Lawn Tennis Association and other relevant clubs and organisations.

Councillor Bubb asked if an indoor Tennis facility had been considered. The Executive Director explained that any such facility would need to be self-financing and this was something that could potentially be investigated in the future if the current proposals proved popular and generated a surplus.

The Portfolio Holder for Regeneration and Industrial Assets referred to the new Kingsway Pavilion and to improve the facilities for Cricket would be investigated.

The Portfolio Holder for ICT, Leisure and Public Space commented that he felt that this was a very good scheme and would be an added asset to Lynnsport.

RESOLVED: That the Regeneration and Development Panel support the recommendations to Cabinet as set out below:

Cabinet is recommended to:

- (i) Agree to incorporate the management of the new facilities at Lynnsport in the current arrangements with Alive Leisure and Alive Management.
- (ii) Agree the appointment of a three year Tennis Development Officer to maximise the use of the new courts.

RD22: EXEMPT CABINET REPORT – PROPOSED SURGERY DEVELOPMENT – KING'S LYNN

The Property Services Manager presented the report which contributed towards the savings required as part of the Cost Reduction Programme and assisted to diversify the Council's investment property portfolio whilst helping to facilitate and enhance the delivery of medical services within King's Lynn.

The Chairman thanked the Property Services Manager for his report and invited questions and comments from the Panel.

In response to a question from Councillor Tyler, the Property Services Manager explained that the NHS had taken the view that King's Lynn would be expanding and the population would grow. The proposed facility would provide a wider range of services and incorporate a wider catchment area.

Councillor Bambridge addressed the Panel under Standing Order 34. She referred to patients of St James surgery and felt that patients without transport may have problems accessing the new centre, especially as there was not a current bus route serving the area.

The Vice Chairman referred to the proposed site and the Property Services Manager explained that due diligence would be carried out and dealt with accordingly. Spend incurred would be reflected in the rate of return. The lease with the NHS would be on a 25 year basis and the Borough Council would retain the property asset.

The Portfolio Holder for Regeneration and Industrial Assets explained that this was primarily a commercial transaction but would also provide an improved health service. He explained that the Council would get a 6% return on their investment.

The Chairman commented that the Council had put lots of money into projects with the College, NWES and she felt that this proposal was lower risk than those undertaken previously.

The Chief Executive commented that this was a commercial transaction and the Council were not subsidising a private business. The lease would be with NHS England on a long term basis. Improved health benefits were a bonus.

The Portfolio Holder for Regeneration and Industrial Assets explained that the NHS would be obliged to look at bus routes and the impact of the surgery development.

Councillor Baron Chenery of Horsburgh commended the proposals as he felt that it would take some of the pressure off the Queen Elizabeth Hospital. The Property Services Manager commented that the proposals included a GP training facility.

Councillor Mrs Fraser queried whether the proposals would have an impact on neighbouring villages. She was concerned that village surgeries could be closed and moved into the town centre. The Portfolio Holder for Regeneration and Industrial Assets explained that this was out of the Councils control, but felt that the expanding population and growth anticipated for King's Lynn was the primary reason for the proposals.

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

RD23: EXEMPT CABINET REPORT – NAR OUSE REGENERATION AREA – PROPOSED SALE OF LAND

The Property Services Manager presented the report which set out the provisionally agreed terms for the proposed disposal of a parcel of land at NORA, and authority was sought from Cabinet to progress the disposal through to completion.

The Chairman thanked the Property Services Manager for his report and invited questions and comments from the Panel.

In response to a question from Councillor Tyler, the Property Services Manager confirmed that he was unaware of any archaeological importance on the site.

RESOLVED: That the Regeneration and Development Panel supported the recommendations to Cabinet as set out in the report.

RD24: EXEMPT CABINET REPORT – KING’S LYNN ACQUISITION – BOAL QUAY AND THE FRIARS

The Property Services Manager presented the report which set out the provisionally agreed terms for the proposed acquisition of parcels of land at Boal Quay/The Friars, and authority was sought from Cabinet to progress the acquisition through to completion.

The Chairman thanked the Property Services Manager for his report and invited questions and comments from the Panel.

The Panel discussed the proposed land to be acquired and other parcels of land in the vicinity. The Panel requested to be kept updated on progress with the acquisition of additional land on the site and any other issues which arose.

The Portfolio Holder for Regeneration and Industrial Assets felt that it was right to proceed with acquiring the land which was available which would assist the Council in moving forward with potential development of the site in the future. He confirmed that any future land acquisitions would be subject to an additional Cabinet report.

RESOLVED: That the Regeneration and Development Panel supported the recommendations to Cabinet as set out in the report.

RD25: EXEMPT CABINET REPORT – KING’S LYNN LAND ACQUISITION – WISBECH ROAD

The Property Services Manager presented the report which set out outline terms for the proposed acquisition of a parcel of land at the southern end of the Waterfront Regeneration Area, and authority was sought from Cabinet to progress the acquisition through to completion, subject to agreeing acceptable terms in consultation with the relevant Portfolio Holder.

The Chairman thanked the Property Services Manager for his report and invited questions and comments from the Panel.

In response to a question from Councillor Whitby, the Property Services Manager confirmed that access to the site was available.

The Portfolio Holder for Regeneration and Industrial Assets explained that the acquisition would have no effect on Hardings Pits. The acquisition of the site would improve the marriage value of the land and the assembly of development land in the area. It joined up with land already under the Council’s ownership.

The Property Services Manager confirmed that at this stage the proposals were to acquire the land, any development proposals would be subject to Cabinet consideration in the future.

In response to a question from Councillor Tyler, the Property Services Manager explained that any flood risk issues would form part of the planning application if and when development was to take place on the site.

RESOLVED: That the Regeneration and Development Panel supported the recommendations to Cabinet as set out in the report.

RECOMMENDATIONS TO CABINET 12 JANUARY 2016 FROM THE ENVIRONMENT AND COMMUNITY PANEL MEETING HELD ON 6 JANUARY 2016

EC21: SMOKE AND CARBON MONOXIDE REGULATIONS

The Strategic Housing Manager presented the Cabinet report which noted the new duties placed upon the Council in relation to the Smoke and Carbon Monoxide Alarm (England) Regulations. The report outlined the impact of the regulations, the role of the Council as enforcing authority and the power to impose a penalty charge of up to £5,000 in cases of non-compliance. The Strategic Housing Manager explained that the approach to deal with the penalty charge was consistent with the Council's general enforcement approach and information, advice and guidance would be provided to landlords. The Council also had a stock of alarms which they had been giving to landlords for free.

The Chairman thanked the Strategic Housing Manager for his report and invited questions and comments from the Panel, as summarised below.

The Chairman felt that owner and occupiers of properties should be encouraged to ensure that adequate alarms were installed in their properties.

In response to a question from Councillor Bubb, the Strategic Housing Manager explained that high risk properties were regularly inspected and the inspecting officer would carry out a check to ensure that the appropriate alarms were installed. Housing Services had also asked Visiting Officers to check when they were conducting visits.

Some work on raising awareness amongst landlords had already commenced, with the issue being raised at a recent landlord's forum.

Councillor Mrs Collop referred to page 24 Regulation 4.3 and asked who would be liable if the tenant damaged or removed the alarm. The Strategic Housing Manager explained that if the landlord had fitted the alarms and they had been wilfully damaged the landlord should not be liable unless they were aware that the alarms were not in working order and had not taken any action.

Councillor Mrs Bower referred to elderly and vulnerable people and felt that they may not be aware of the regulations and the Strategic Housing Manager agreed to take the comments on board.

The Vice Chairman informed those present that she had previously attended sessions run by the fire service on the importance of alarms.

The Portfolio Holder for Housing and Community, Councillor Lawrence commented that this report dealt with the duties placed on private landlords. He explained that alarms were cheap to purchase and easy to install. He explained that he met with Care and Repair regularly to raise awareness of the importance of alarms in the properties of elderly and vulnerable people. The Portfolio Holder informed the Panel that it was a Building Regulation that new properties had alarms hard wired into the electrical system.

In response to a question from Councillor Squire, the Strategic Housing Manager confirmed that information had been shared with letting agencies regarding the new regulations.

Councillor Mrs Fraser explained that she was unaware that wood burners were a Carbon Monoxide risk. The Strategic Housing Manager explained that the act only excluded gas appliances and focused on open fires and solid fuel, which could cause a Carbon Monoxide risk if the chimney or flue became blocked.

The Assistant Director informed the Panel that Careline installed smoke alarms and tested them once a year. Careline also held records of whom had a smoke alarm installed and when the batteries needed replacing.

The Chairman requested that consideration be given to promoting the importance of smoke and Carbon Monoxide Alarms, not only to private landlords, but to the wider public. The Portfolio Holder for Housing and Community suggested that an item could be published in the Members Bulletin.

RESOLVED: The Environment and Community Panel support the recommendations to Cabinet as set out below:

- (i) Cabinet note the report.
- (ii) Cabinet recommend the approval of the statement of principles in relation to determining the amount of the penalty charge as detailed in Appendix A to Council.