Borough Council of
King's Lynn &
West Norfolk

Cabinet
Tuesday, 2nd February, 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 – 26 January 2016
- Regeneration & Development Panel – 27 January 2016
- Environment and Community Panel - 27 January 2016

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RECOMMENDATIONS TO CABINET ON 2 FEBRUARY 2016 FROM THE RESOURCES AND PERFORMANCE PANEL AT ITS MEETING ON 26 JANUARY 2016

RP110 **CABINET REPORT: BUDGET 2016/2017**

The Assistant Director presented, with the aid of a power-point presentation, the Financial Plan for 2015-2020 which was produced as part of the council tax setting process to take account of any changes in financial settlements, inflation on service costs and revised priorities of the Administration. The presentation provided Members with background information and highlighted the key issues of the Financial Plan for 2015-2020.

A copy of the presentation is attached to the minutes as an Appendix.

The Assistant Director advised Members that the Financial Plan 2015/2020 included significantly more downside risks around funding than in previous years. The estimated business rates growth presented a significant level of risk. If the anticipated projects did not progress as planned or were cancelled the growth would not be achieved.

The Panel was invited to ask questions/comment, a summary of which is set out below.

In response to questions from the Chairman, Councillor Humphrey, the Assistant Director explained that the Government had issued a consultation document on New Homes Bonus: 'Sharpening the Incentive'. The plan assumed that the Government's 'preferred options' would be adopted and that the outcome of the proposals contained in the consultation would be a reduction in New Homes Bonus in 2017/2018 from the current arrangement. A link to the website could be found on the page 38 of the Financial Plan. The deadline for responses to the consultation document was 10 March 2016.

With regard to the New Homes Bonus, the Chief Executive informed the Panel that the Government had taken approximately half the funding allocated for News Homes Bonus and moved the funding to enhance better care funding from the third year onwards.

Following further questions from the Chairman, Councillor Humphrey on the estimated business rates growth, the Assistant Director explained that the Revenues and Benefits Manager and the Group Accountant were currently working on the NNDR, the return to Government on the estimated growth year on year. As part of this process the potential growth would be assessed and factored into the budget process. However, it was highlighted that there was a risk if the proposed

development did not come forward and would therefore have a financial impact upon the Borough Council.

Councillor Anota referred to page 109 of the Financial Plan – Special Expenses 2016/2017 and asked for clarification. In response, the Assistant Director explained that special expenses were functions carried out by Parish Councils, but which the Borough Council undertook on their behalf and gave an example of the grass cutting service. The Executive Director, Commercial Services informed Members that play areas was another example of special expenses and advised that there was a total of 57 within the Borough.

In response to questions from Councillor Collop on the estimated figures relating to the increase in Council Tax, the Leader explained that this was a political judgement and that the Conservative Manifesto had stated that Council Tax would not be raised over and above the rate of inflation. The Leader added that the Government focus was on Councils' 'core spending power' inclusive of locally generated resources. The core spending power analysis tabled published by the Government for each Council assumed that Councils in the lowest quarter of Council Tax levels (which included the Borough Council) would introduce the full £5 per annum per dwelling Council Tax increase now permitted for each of the next four years.

The Leader explained that the figures shown in the Financial Plan for 2016/2020 included a 0.8% increase in Council Tax for 2016/2017, with a 1.9% increase each year from 2017/2018. However, it would be open to the Council to take advantage of the opportunity to raise Council Tax by the maximum £5 per annum should Members wish to do so in future years.

In response to further questions from Councillor Collop on the target savings required by the end of the Financial Plan totalling £2.7m, the Leader, commented that it was a significant target to achieve, but was confident that both Members and officers could work together to identify savings. Since 2009, the Council had achieved savings amounting to £7.9m which was a remarkable achievement. The Leader outlined the significant changes being presented to Councils and the way they would operate in the future and drew Members' attention to the risks outlined in the budget by the Assistant Director. In conclusion, the Leader advised that there would be difficult decisions for the Council to make to achieve the level of savings required. The Leader added that even if the Council had determined to introduce the £5 Council Tax increase, a significant amount of savings would still need to be made.

The Chief Executive concurred with the comments made by the Leader and explained that even if the Council chose to raise Council Tax by £5 per annum for the following four years as Government had assumed Councils would introduce, there would still be a significant amount of savings to be identified.

The Chief Executive advised that since the publication of the Financial Plan report, there had been an announcement from the NHS Foundation Trust that they were appealing to reduce their business rates and that if the proposal was successful it would result in reduced business rates income to the Borough Council and put increased pressure on the Council's finances.

The Chief Executive explained that the Council was concerned regarding the Internal Drainage Boards levies which were paid by the Council to the various Boards. The levies counted as spending of the Council, but a contribution was made by Government as part of the financial settlement. Any substantial increase in the levies had an impact on the council tax payer who would pick up the residual costs. The Chief Executive highlighted that with the significant reduction in the RSG, any increase in IDB levies in the future would have to be met from council tax or cost savings.

The Chief Executive also referred to the 2017 revaluation of business rates and emphasised that there were significant risks in the Council's budget in future years. The Council would commence work immediately to identify potential savings, but explained that Members would be presented with difficult decisions with regard to discretionary services and that those services would be required to be reduced or alternatively cease.

In response to questions from Councillor Collop on the future savings and difficult challenges facing the Council, the Leader commented that the Council relied on the advice from the Treasury Team. However, the Leader added that the Council had no control over a strategy to deal with the economy. The Leader stated that he was proud of the Borough Council and commended the work undertaken by staff to date in identifying savings and that he was confident the future savings would be achieved. However, he echoed the comments of the Chief Executive in that there would be difficult decisions for Members to make regarding the level of discretionary services provided in future years.

In response to the questions from the Chairman, Councillor Humphrey regarding the reimbursement of the lump sum pension payment, the Assistant Director explained that by making an early payment to the Norfolk Pensions Service gave the Council a saving of approximately £176,000 over the three years 2014/2017. It was explained that a review was undertaken every 3 years and the next one was due in 2017/2018. The Financial Plan 2015/2010 proposed a further upfront lump sum payment of £3,175,000 to Norfolk Pensions to cover the deficient contributions for the period 2017/2020. This would save the Council approximately (£225,000) over the 3 years.

In response to questions from Councillor Anota on business rates growth, the Assistant Director explained that the Council had looked at developments that might come forward and gave an example of

Downham Market. The Council made judgements on the information currently known during the budget process.

The Chairman, Councillor Humphrey commented that staff were aware of the efficiencies that would be required and added that managing expectations was vital and suggested that Cabinet gave consideration to getting the message out to the public that the Council would be required to consider its future level of service with regard to discretionary services provided.

RESOLVED: The Panel supported the recommendations to Cabinet as set out below:

Recommendation 1

It is recommended that Council approve the revision to the Budget for 2015/2016 as set out in the report.

Recommendation 2

Council is recommended to reaffirm the Policy on Earmarked Reserves and General Fund Working Balance and the maximum balances set for reserves as noted in the report.

Recommendation 3

It is recommended that Council:

1) Approves the budget of £17,970,200 for 2016/2017 and notes the projections for 2017/2018, 2018/2019 and 2019/2020.
2) Approves the level of Special Expenses for the Town/Parish Councils as detailed in the report.
3) Approves the Fees and Charges 2016/2017 detailed in Appendix 4.
4) Approves a Band D Council tax of £112.87 for 2016/2017.
5) Instructs Management Team to present the Council's Efficiency Plan to Cabinet as soon as the Government guidance is published and that the Council takes up the option to 'fix' the four year settlement referred to in paragraph 1.3 above.

Recommendation 4

Council is recommended to approve a minimum requirement of the General Fund Balance for 2016/2017 of £932,756.

Recommendation 5

Instructs Management Team to present the Council's Efficiency Plan to Cabinet as soon as the Government guidance is published and that the Council takes up the option to 'fix' the four year settlement referred to in paragraph 1.3 above.

a Financial Plan 2015/2020 Presentation by Assistant Director
Attached as an Appendix to the Minutes.

RP111 **CABINET REPORT: CAPITAL PROGRAMME 2015/2020**

The Assistant Director explained that the report:

- Revised the 2015/2016 projections for spending on the Capital Programme.
- Set out an estimate of capital resources that would be available for 2015-2010.
- Details of new capital bids that were recommended to be included in the Capital Programme for the period 2016-2020.
- Outlined provisional figures for capital expenditure for the period 2015-2020.

The Assistant Director explained that the current economic conditions continued to create a challenging environment for achieving capital receipts to support the funding of the Council's Capital Programme. It was highlighted that the Council was faced with a situation where capital resources to fund the Capital Programme continued to be limited.

Members were advised that the report set out a programme for 2015/2020 that could be delivered if predicted land sales came about. It was explained that the Capital Programme 2015-2020 included a number of major projects including the Major Housing Development.

The Panel's attention was drawn to the following sections of the report:

- Summary of the monitoring position of the budget to 30 November 2015.
- Revised Capital Programme 2015/2016.
- Proposed amendments to the Capital Programme 2015/2016.
- Medium Term Capital Programme 2016-2018.
- Capital Programme 2018/2019 and 2019/2020 and New Bids.
- Capital Resources 2015/2020.
- Financial Implications.
- Risk Implications.

At the invitation of the Chairman, the Portfolio Holder, Regeneration and Industrial Assets informed Members that the Major Housing Scheme was the Council's largest single borrowing requirement, but provided Members with assurance in that the Marsh Lane development would be developed in sub phases in order to manage the risk.

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

1) Cabinet recommends to Council the amendments to capital schemes and resources for the 2015-2020 Capital Programme as detailed in the report.

2) Cabinet recommends to Council that new capital bids are to be funded from available capital resources and included in the capital programme 2016-2020 as detailed in the report.

RECOMMENDATIONS TO CABINET 2 FEBRUARY 2016 FROM THE ENVIRONMENT AND COMMUNITY PANEL MEETING HELD ON 27 JANUARY 2016

EC33: CABINET REPORT – COMMUNITY INFRASTRUCTURE LEVY

The LDF Manager presented the Cabinet report which set out the CIL draft charging schedule. He referred to the Viability Assessment which set out the justification for the charging and the various rates of CIL which could be applied. He explained that the maps contained within the report pertained to strategic sites and showed the different levels of CIL proposed to be charged within the area.

He reminded those present that Parishes with Neighbourhood Development Plans would receive a higher percentage of CIL than those without a Plan unless the area was within a zero level area.

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

In response to a question from Councillor Moriarty, the LDF Manager explained that Appendix 3 of the report showed a map of the different CIL levels which would be charged in each area.

Councillor Smith referred to the different levels of CIL proposed to be charged in the King's Lynn area and asked if the different levels charged would deter development in areas where the CIL level was higher. The LDF Manager explained that the boundary recommendations had been created by the Consultants and the CIL levels proposed reflected the land value and sale value of homes in the different areas. He explained that there was a limit on how much properties could be sold for in certain areas.

Councillor Westrop accepted that there were limited values to how much properties could be sold for in certain areas, but asked what would happen if market conditions changed. The LDF Manager confirmed that levels could be reviewed. He referred to Appendix 1 which set out what CIL money could be used for. Information had been used from Strategic Economic Plans to set out what would be required to cope with additional housing created in the Borough and included improved infrastructure, education and health. He explained that political judgement would be required on how CIL contributions would be spent. He clarified that the CIL regulations stated that CIL monies had to be spent and could not be used to achieve a surplus.

The LDF Manager confirmed that the CIL levels proposed were based on Land Registry data and selling prices. The figures proposed by the Consultant had been tested and additional research conducted. He explained that the levels proposed should stand for two or three years before a review would be required which would be presented to Members for consideration.

Councillor Bubb asked if consideration had been given to areas which were liable to flooding. The Vice Chairman, Councillor Bambridge referred to the Waterfront area in King's Lynn and asked how urgent sea defence works were in this area. The LDF Manager

explained that the report outlined the infrastructure required to enable development to take place.

In response to a question from Councillor Moriarty, the LDF Manager explained that some Local Authorities had already been through the examination process. He explained that the CIL proposals would be examined and challenged by the Inspector. It was possible that the CIL charging schedule could come into effect in 2016 if no problems were encountered. Once in place, developers would be liable to pay CIL rates and there was not a get out clause.

The Portfolio Holder for Environment, Councillor Long referred to the references to flood defences. He explained that a lot of improvements had been made to flood defences in the last couple of years and additional work could be required if there was development in areas at risk of flooding. If CIL was not available there may not be funds available to carry out the required works to enable development land to be unlocked. CIL could also be used as an enabler for grants and funding.

In response to a question from Councillor Westrop, the LDF Manager outlined the Governance arrangements. He explained that all income and expenditure would need to be accounted for. Work would be carried out to ensure that developers knew exactly what they would be required to pay and their obligations. A CIL Board could be created to look at what the funds could be spent on. The Chief Executive explained that changes would be required to the Councils Scheme of Delegation and a report would be presented to Members for consideration at the appropriate time.

In response to a question from Councillor Squire, the LDF Manager explained that the calculations as set out in the report showed how the values worked and he did not feel that the levels would affect small scale developers more than larger developers. He reminded those present that anyone could come along to the Public Examination to challenge the figures proposed.

In response to a question from the Vice Chairman, Councillor Bambridge, the LDF Manager explained that education had been included in the list on what CIL funds could potentially be spent on. Discussions would be required with Norfolk County Council, but it would ultimately be up to Members to decide where to spend CIL money.

Councillor Smith referred to page 22 of the report which outlined CIL liabilities. He asked what provision would be made for developers having to pay within the commencement date of development as it could be difficult for them to raise the required funds upon commencement of development. The LDF Manager explained that the liability for CIL kicked in on commencement of development, but an instalment policy would be introduced. He explained that developers would need to build CIL into their development costs.

In response to a request from Councillor Smith, the LDF Manager agreed to check through the report to ensure that all figures were included before the proposals were sent for examination.

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

That Cabinet agreed to recommend to Council that it:

1. Undertakes a formal consultation on a Draft Community Infrastructure Levy (CIL) Charging Schedule.

2. Proceeds to formal Examination of the Draft Charging Schedule.

3. For the purposes of the consultation the draft CIL rates will be those outlined in section 2.4.3 of this Report.

4. Authorises the Executive Director for Planning and Environment in consultation with the Leader of the Council to prepare the specific consultation documentation as required, based on the Draft Charging Schedule and the information in Appendices 1,2,3 and the consultant HDH's Viability Assessment (January 2016).

EC34: CABINET REPORT – ELECTRIC VEHICLE CHARGING

The Executive Director, Commercial Services presented the Cabinet report which considered the introduction of charging points for electric vehicles and charges for the use of the service.

The Chairman invited questions and comments from the Panel, as summarised below.

In response to a question from Councillor Bubb, the Portfolio Holder for Environment, Councillor Long explained that all electric vehicles, by default, had details of where charging points were available programmed into their Satellite Navigation system. He explained that the charging points rapidly charged vehicles to 80% charge, but they could be fully charged if required. The plug could be locked into the vehicle whilst it was charging so that others could not unplug it. He explained that at the moment the usage pattern indicated that there were unlikely to be queues for the charging points.

RESOLVED: That the Environment and Community Panel support the recommendation to Cabinet as set out below.

Cabinet is recommended to agree a fixed charge based on parking costs up to a maximum of three hours and 25p per KWh charge for electricity.

RECOMMENDATIONS TO CABINET ON 2 FEBRUARY 2016 FROM THE JOINT MEETING OF THE REGENERATION & DEVELOPMENT AND ENVIRONMENT & COMMUNITY PANEL MEETING HELD ON 27 JANUARY 2016

RD43: BUDGET 2016/2017

The Chairman offered thanks to the Assistant Director for the amount of work she and her team had put into presenting the budget in what was a difficult period.

The Assistant Director presented, with the aid of a power-point presentation, the Financial Plan for 2015-2020 which was produced as part of the council tax setting process to take account of any changes in financial settlements, inflation on service costs and revised priorities of the Administration. The presentation provided Members with background information and highlighted the key issues of the Financial Plan for 2015-2020.

A copy of the presentation is attached to the minutes.

The Assistant Director advised Members that the Financial Plan 2015/2020 included significantly more downside risks around funding than in previous years. The estimated business rates growth presented a significant level of risk. If the anticipated projects did not progress as planned or were cancelled the growth would not be achieved.

The Chairman invited questions and comments from the Panel, as summarised below.

Councillor Crofts referred to the Internal Drainage Board Levy and the Chief Executive explained that the Council was concerned regarding the Internal Drainage Boards levies which were paid by the Council to the various Boards. The levies counted as spending of the Council, but a contribution was made by Government as part of the financial settlement. Any substantial increase in the levies had an impact on the council tax payer who would pick up the residual costs. The Chief Executive highlighted that with the significant reduction in the RSG, any increase in IDB levies in the future would have to be met from council tax or cost savings. The Leader of the Council, Councillor Daubney informed those present that he had asked Members of the Council who were representatives on Internal Drainage Boards to ensure that they were kept up to date with the Internal Drainage Board's finances and any forward planning to ensure that information relating to potential increase in levies was communicated to the Council.

Councillor Mrs Watson referred to an article she had seen in the media relating to increased Council Tax to be paid in areas liable to flooding to pay for flood defences. The Chief Executive explained that no announcement had been made officially to the Council and it was unlikely that proposals would be introduced for the forthcoming financial year. The Leader of the Council, Councillor Daubney explained that some Authorities had met with the Department for Communities and Local Government where defences were inadequate.

In response to a question from Councillor Kunes, the Assistant Director explained that Bellwin was a holding fund for disasters. Costs incurred could then be claimed back from the fund. She informed those present that the fund had been utilised during the tidal surge a few years ago.

In response to a question from Councillor Moriarty, the Assistant Director explained that a NNDR return had to be submitted to Government which was based on an estimation of Business Rates collected. It took into account potential appeals using information from the Valuation Office. This was then factored into the budget. It was highlighted that there was a risk if proposed development did not come forward and this would have a financial impact.

In response to a further question from Councillor Moriarty, the Assistant Director confirmed that Special Expenses had been frozen as this was a condition of the freeze grant. Now that there was no freeze grant, the amount of Special Expenses charged had been revisited and would be recharged to the relevant Parish Council. She reminded those present that the Environment and Community Panel had recently considered a review of grounds maintenance, which was a Special Expense. The Assistant Director explained that special expenses were functions carried out by Parish Councils, but which the Borough Council undertook on their behalf. Special Expenses would appear as a separate line on Council Tax Bills.

In response to a question from Councillor Moriarty, the Chief Executive explained that the Council had looked at various ways to generate income. He referred to the seriousness of the budget and the downside risks, which included lack of investment from Businesses, resulting in reduced Business Rates. He highlighted that if the national deficit was not met, the Government could look at reducing aid to Councils even further. He commented that a combination of measures and discretionary services would need to be looked. He referred to joint working and providing services to other Local Authorities, and commented that all Local Authorities were in the same position and therefore unlikely to be able to pay to outsource services. The Chief Executive commented that a wide range of opportunities would be explored and it was important to try and make savings as quickly as possible.

The Chief Executive informed those present that from 2020 onwards it would be unlikely that any RSG would be provided and the Council would have to be self-sufficient.

The Vice Chairman, Councillor Mrs Wright referred to the New Homes Bonus and the Assistant Director explained that the Government had taken approximately half the funding allocated for New Homes Bonus and diverted the funding to enhance social care. This would have a financial impact on all Shire District Authorities. The Chief Executive explained that the Council was still required to work towards meeting the five year housing supply, but there would now be less of a financial incentive for doing so.

Councillor Hipperson referred to Parish Precepts and explained that he was aware that advice had been provided to Parish Councils that they should increase the amount held in reserves. He asked if there was any guidance available on required levels etc. The Assistant Director advised him to contact the Norfolk Association of Local Councils who may be able to provide guidance.

The Leader, Councillor Daubney acknowledged the huge amount of work required to achieve the required savings. He explained that Management Team and the Cabinet had looked at savings plans and Members would be required to make difficult decisions. He explained that the Council would be required to draw on their balances; therefore it was important that as much budget was saved as possible as other factors could have an impact on the budget available such as a decrease in Business Rates.

Councillor Moriarty referred to the New Homes Bonus. The Chief Executive explained that the Government had issued a consultation document on New Homes Bonus: 'Sharpening the Incentive'. The plan assumed that the Government's 'preferred options' would be adopted and that the outcome of the proposals contained in the consultation would be a reduction in New Homes Bonus in 2017/2018 from the current arrangement. A link to the website could be found on the page 38 of the Financial Plan. The deadline for responses to the consultation document was 10 March 2016.

RESOLVED: That the Regeneration and Development & Environment and Community Panel supported the recommendations to Cabinet as set out below:

Recommendation 1

It is recommended that Council approve the revision to the Budget for 2015/2016 as set out in the report.

Recommendation 2

Council is recommended to reaffirm the Policy on Earmarked Reserves and General Fund Working Balance and the maximum balances set for reserves as noted in the report.

Recommendation 3

It is recommended that Council:

1) Approves the budget of £17,970,200 for 2016/2017 and notes the projections for 2017/2018, 2018/2019 and 2019/2020.
2) Approves the level of Special Expenses for the Town/Parish Councils as detailed in the report.
3) Approves the Fees and Charges 2016/2017 detailed in Appendix 4.
4) Approves a Band D Council tax of £112.87 for 2016/2017.
5) Instructs Management Team to present the Council's Efficiency Plan to Cabinet as soon as the Government guidance is published and that the Council takes up the option to 'fix' the four year settlement referred to in paragraph 1.3 above.

Recommendation 4

Council is recommended to approve a minimum requirement of the General Fund balance for 2016/2017 of £932,756.

Recommendation 5

Instructs Management Team to present the Council's Efficiency Plan to Cabinet as soon as the Government guidance is published and that the Council takes up the option to 'fix' the four year settlement referred to in paragraph 1.3 above.

RD44: CAPITAL PROGRAMME 2015-2020

The Assistant Director presented the report which:

- Revised the 2015/2016 projections for spending on the Capital Programme.

- Set out an estimate of capital resources that would be available for 2015-2010.
- Provided details of new capital bids that were recommended to be included in the Capital Programme for the period 2016-2020.
- Outlined provisional figures for capital expenditure for the period 2015-2020.

The Assistant Director explained that the current economic conditions continued to create a challenging environment for achieving capital receipts to support the funding of the Council's Capital Programme. It was highlighted that the Council was faced with a situation where capital resources to fund the Capital Programme continued to be limited.

Members were advised that the report set out a programme for 2015/2020 that could be delivered if predicted land sales were forthcoming. It was explained that the Capital Programme 2015-2020 included a number of major projects including the Major Housing Development.

The Panel's attention was drawn to the following sections of the report:

- Summary of the monitoring position of the budget to 30 November 2015.
- Revised Capital Programme 2015/2016.
- Proposed amendments to the Capital Programme 2015/2016.
- Medium Term Capital Programme 2016-2018.
- Capital Programme 2018/2019 and 2019/2020 and New Bids.
- Capital Resources 2015/2020.
- Financial Implications.
- Risk Implications.

The Chairman thanked the Assistant Director for the report and invited questions and comments from Members, as summarised below.

Councillor Moriarty asked if Devolution would have an impact on the delivery of the Capital Programme. The Chief Executive explained that a Devolution deal would not bring in extra money, but it would provide levers to access services and spend money more effectively.

The Leader of the Council, Councillor Daubney informed those present that Cambridgeshire had recently said no to a Devolution Deal. The Leader of the Council explained that it was a shame as he felt the East of England and East Anglia had been underinvested in and the Devolution Deal would have provided greater opportunities to access funding. He explained that a Devolution deal not including Cambridgeshire was now being looked at with Suffolk.

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

1) Cabinet recommends to Council the amendments to capital schemes and resources for the 2015-2020 Capital Programme as detailed in the report.

2) Cabinet recommends to Council that new capital bids are to be funded from available capital resources and included in the capital programme 2016-2020 as detailed in the report.