

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

**CABINET**

**Minutes from the Meeting of the Cabinet held on Wednesday, 10th June, 2015 at 5.30 pm in the Committee Suite, King's Court, Chapel Street, King's Lynn**

**PRESENT:** Councillor Daubney (Chairman)  
Councillors Beal, Beales, Daubney, Howard, Lawrence, Long, Nockolds, Pope and Spikings

CAB1 **MINUTES**

**RESOLVED:** The Minutes of the Meeting held on 31 March 2015 were approved as a correct record and signed by the Chairman.

CAB2 **URGENT BUSINESS**

There was no urgent business

CAB3 **DECLARATIONS OF INTEREST**

Councillor Lord Howard declared a non pecuniary interest in the Fields in Trust Item as Vice President of the Trust.

CAB4 **CHAIRMAN'S CORRESPONDENCE**

None.

CAB5 **MEMBERS PRESENT UNDER STANDING ORDER 34**

The following Councillors attended for the Items shown below:

Mrs K Mellish – Review of Overview and Scrutiny and Acquisition of Morston Assets sites at the Nar Ouse Regeneration Area

J Moriarty – Review of Overview and Scrutiny and Appointments to Outside Bodies and Partnerships.

CAB6 **CALLED IN MATTERS**

None

CAB7 **FORWARD DECISIONS**

The Forward Decision list was noted.

CAB8 **MATTERS REFERRED TO CABINET FROM OTHER BODIES**

i) **Resources and Performance Panel: 2 June 2015**

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

RP10: Cabinet Report: Review of Overview and Scrutiny

RESOLVED: The Panel supported the recommendation to Cabinet and Council as set out in the report, subject to amending the wording of Recommendation 3 to read:

Cabinet and Council are recommended to:-

- 1 Received and comment on the findings of the CfPS review.
- 2 Instruct officers to arrange a workshop for Members with the CfPS to consider in more depth their report and examples of good practice from similar authorities
- 3 To establish a **Working Group** to consider the CfPS report and the outcome of the Member workshop and make recommendations to Cabinet.
- 4 To bring a further report to Cabinet to finalise revised arrangements for the performance of the overview and scrutiny process within the Borough Council

ii) **Regeneration, Environment and Community Panel: 3 June 2015**

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

(i) Cabinet Report - Fields in Trust

RESOLVED: That the Regeneration & Development and Environment & Community Panel supports the recommendations to Cabinet as follows:

That Cabinet agrees to:

- a) Enter into a Deed of Dedication with Fields in Trust for the open space shown in Appendix 2 in the report as a Centenary Field.
- b) Delegate authority to the Executive Director, Commercial Services in consultation with the Cabinet Member for ICT Leisure and Public Space to agree the Deed of Dedication with Fields in Trust.

(ii) Cabinet Report - King's Lynn Surface Water and Highway Infrastructure improvements and Major Housing Development at Lynnsport and Marsh Lane – Compulsory Purchase Orders

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

1. That Cabinet authorise the Property Services Manager to acquire the land, or secure rights as necessary, identified within this report, in consultation with the relevant Portfolio Holder.
2. That the Council makes a Compulsory Purchase Order (or Compulsory Purchase Orders) in respect of the parcels of land and interests referred to pursuant to Section 226(1)(a) Town and Country Planning Act 1990.
3. That the Property Services Manager be given delegated authority to make any necessary changes to the Order plan and to the interests which are to be acquired, should further information come to light requiring such amendments, in consultation with the relevant Portfolio Holder(s).
4. That the Legal Services Manager is given delegated authority to make and complete all necessary documents in relation to the private treaty acquisitions and/or the compulsory purchase orders as necessary.

iii) **Audit Committee – 8 June 2015**

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

AR7: Revenue Outturn 2014/2015

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

It is recommended that Cabinet approves:

1) The revenue outturn and proposed transfers to reserves for 2014/2015.

AR8: Capital Programme and Resources 2014/2018

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

1) That Cabinet note the outturn of the capital programme for 2014/2015 of £11,040,092.

2) That the financing arrangements for the 2014/2015 Capital Programme be approved.

3) That Cabinet approve the revised 2015/2018 Capital Programme as detailed in the report.

CAB9 **REVENUE OUTTURN 2014/15**

The Principal Accountant presented a report which set out in summary the revenue outturn of 2014/2015 for the General Fund (council tax accounts). The report showed details of the major differences between actual costs/income and the revised estimates for 2014/2015 reported in February 2015 monitoring.

The accounts showed actual Borough spend of £18,781,895 which was, after the transfer to reserves, £80,445 less than the February Revised Estimate for 2014/2015. This additional saving would be held within the General Fund balance that was carried forward to 2015/2016.

It was explained that the Councils continuing strategy was to identify budget savings, as part of the monitoring process and at year end. These savings were then transferred to the General Fund Balance for use in future years.

Councillor Daubney commended the Outturn position as reported. Councillor Beales sought clarification on points in the report, particularly why the Special Expenses figure had changed in monitoring instead of being set for the year. The Assistant Director explained that the change had been presentational as it was showing in the Service Line and had been moved to comply with the recommendations of the auditors. It was noted that not all of the Special Expenses were recovered during the course of the year. The Principal Accountant also explained that the transfer to reserves was shown in such a way to comply with the requirements of the auditors.

Councillor Pope asked whether the £28,000 allocated to the Willows Park was additional as the amount would not have been sufficient for the work carried out there. The detail on this was to be confirmed.

Councillor Daubney confirmed that the item had been debated at the Audit Committee, and accepted.

**RESOLVED:** That the revenue outturn and proposed transfers to reserves for 2014/2015 be approved.

CAB10 **CAPITAL PROGRAMME AND RESOURCES 2014-18**

The Assistant Director, Resources presented a report which provided details of the outturn of the 2014/2015 capital programme and outlined amendments and rephrasing to the spending on schemes, revising the programme for 2015/2018. The capital programme outturn for 2014/2015 totalled £11,040,092 against an approved budget of £13,715,050. It had been necessary to re-phase a total of £3,233,350 of scheme costs to future years. Capital receipts generated in the year totalled £667,000 of which £663,376 were useable. The capital resources available to fund expenditure in 2014/2015 were detailed in section 3 of the report. It was noted that the Net Borrowing figure in section 6.1 of the report should read £15,340,000, instead of £6,028,000.

Councillor Long sought clarification on the underspends set out in section 2.3 of the report. It was explained that the Tuesday Market Place and the Queen Elizabeth roundabout had come in under the Council's budget figure for them.

Councillor Pope sought clarification on the IEG4 budget line, to which it was explained that it was part of the online benefits system which was introduced from April. It had originally been anticipated that it would be paid from in year revenue savings, but it had been taken from this year and the savings would be accrued in future years.

Councillor Beales commented on the content of the report which he felt showed the ambition of the Council with the successful delivery of schemes and the plans for the future.

Councillor Daubney confirmed that the item had been debated at the Audit Committee, and accepted.

**RESOLVED:** 1) That the outturn of the capital programme for 2014/2015 of £11,040,092 be noted.

2) That the financing arrangements for the 2014/2015 capital programme be approved.

3) That the revised 2015/2018 capital programme as detailed in the report be approved.

CAB11 **FIELDS IN TRUST**

Councillor Beales presented a report and explained that he had given an undertaking to Council that he would look into the long term protection of the Lynnsport 2 area of the Marsh Lane proposals. The report sought approval to enter into a Deed of Dedication with Fields in Trust (formerly the National Playing Fields Association) for Sports Pitches on the Lynnsport site.

Fields in Trust was a National Charity operating throughout the UK to safeguard recreational spaces. The Council had worked with Fields in Trust to dedicate open spaces across the Borough as part of Queen Elizabeth II Diamond Jubilee.

Fields in Trust were currently leading a national initiative on Centenary Fields aimed at securing recreational spaces in perpetuity in honour of the memory of those who lost their lives in World War I.

By entering into an arrangement with Fields in Trust the Council could provide protection in perpetuity for the identified open space at Lynnsport.

Councillor Pope, within whose portfolio it would now fall reassured Members that this would protect the space, and the Council would then maintain it.

Councillor Long asked if a plaque would be erected on the site to commemorate those who lost their lives in World War I, to which it was confirmed there would be.

Councillor Daubney confirmed that the item had been debated at the Joint Panels Meeting, and had accepted the recommendations.

**RESOLVED:** 1) That a Deed of Dedication with Fields in Trust be entered into for the open space shown in Appendix 2 in the report as a Centenary Field.

2) That delegated authority be granted to the Executive Director, Commercial Services in consultation with the Cabinet Member for ICT Leisure and Public Space to agree the Deed of Dedication with Fields in Trust.

CAB12 **KING'S LYNN SURFACE WATER AND HIGHWAY INFRASTRUCTURE IMPROVEMENTS AND MAJOR HOUSING DEVELOPMENT AT LYNNSPORT AND MARSH LAND - COMPULSORY PURCHASE ORDERS**

Councillor Beales presented a report which reminded Members that the Council was seeking to progress the delivery of a new road that would

link Edward Benefer Way to Lynnsport, Greenpark Avenue and Columbia Way, and the proposed residential development sites at Lynn Sport and Marsh Lane. The Council was working with various agencies in seeking to deliver this major project.

In addition to the above, the Water Management Alliance (King's Lynn Internal Drainage Board) was seeking to improve the surface water infrastructure around King's Lynn to protect the town from flood hazard by diverting water flows from the Gaywood River catchment area during periods of flood risk. The proposed diversion route included the Bawsey Drain that ran through Lynnsport and the North Lynn Drain that ran along the eastern boundary to the North Lynn Industrial Estate. These surface water improvements required a Pumping Station site.

The provision of the new road would affect part of the surface water drainage system as part of the North Lynn Drain will need to be culverted to accommodate the road. The culverting exercise would affect the drainage flows within the system and the rate of surface water run-off from the new road itself meant that down-stream capacity may need to be increased.

Councillor Beales explained that the site required for the Pumping Station, and the land required for increasing down-stream capacity were not owned by the Council, nor were they owned by the Water Management Alliance. Authority was sought from the Cabinet (and Full Council) to acquire the sites identified within the report and to make use of Compulsory Purchase powers, if necessary.

The report identified the known interests and parcels of land proposed to be acquired and to be included in a Compulsory Purchase Order, or Orders, if necessary and the specific power under which the compulsory purchase order(s) would be made. It was explained that should a landowner come forward after an Order had been made, compensation would be given.

Councillor Long drew attention to the overall benefit of the new pumping station which would ensure further protection for King's Lynn in times of flood risk.

Councillor Daubney confirmed that the item had been debated at the Joint Panels Meeting, and had been accepted.

**RESOLVED:** That Cabinet authorise the Property Services Manager, in consultation with the relevant Portfolio Holder to acquire the land, or secure rights as necessary, as identified within this report.

**RECOMMENDED:** 1) That the Council makes a compulsory purchase order (or compulsory purchase orders) in respect of the parcels of land and interests referred to pursuant to Section 226(1)(a) Town and Country Planning Act 1990.

2) That the Property Services Manager be given delegated authority to make any necessary changes to the Order plan and to the interests which are to be acquired, should further information come to light requiring such amendments, in consultation with the relevant Portfolio Holder(s).

3) That the Legal Services Manager be given delegated authority to make and complete all necessary documents in relation to the private treaty acquisitions and/or the compulsory purchase orders as necessary.

### CAB13 **REVIEW OF OVERVIEW AND SCRUTINY**

Councillor Daubney presented a report which explained that in 2014 a Corporate Peer Challenge was undertaken at the Borough Council. One of the issues which emerged quite strongly from the review was a fairly widespread concern amongst the Members who participated that the current Overview on Scrutiny arrangements were not particularly effective. An in depth review of the Council's overview and scrutiny function was subsequently commissioned from the Centre for Public Scrutiny (CfPS). The report summarised the main findings and recommendations arising from the review and recommends a way forward to seek to enhance the effectiveness of the Overview and Scrutiny arrangements.

The Chief Executive summed up the recommendations of the CfPS and explained that he proposed to hold a workshop of Members to ascertain their views on future structures. He suggested that a Task Group be set up to consider the findings of the workshop, and make recommendations to Cabinet and Council on future structures.

Councillor Daubney drew attention to the full debate on the matter at the Resources and Performance Panel.

Under Standing Order 34 Councillor Moriarty addressed the Cabinet in that he was pleased Councillors would be able to contribute to the process when the opportunity arose.

Councillor Daubney drew attention to the comment from the Resources and Performance Panel that they disliked the term Task and Finish Group, and had requested that it be called a Working Group. Councillor Beales asked for clarification on the difference between the two types of bodies, and expressed the wish that as many members as possible would participate in the workshop to make their views known.

The Democratic Services Manager explained that constitutionally, a Task Group was a proportional body which could be set up by any of the main Council bodies, and an Informal Working Group was a body

which could be set up by Scrutiny to carry out a piece of work for them, and did not have to be proportional.

Under Standing Order 34 Councillor Mrs Mellish informed Cabinet that she had attended the Resources and Performance Panel and she felt that the term Task and Finish was the issue, whereas a Task Group would be acceptable. She also commented on other elements of the recommendations such as the sifting meetings involving the whole Committee or Panel or the reduction of number of meetings.

Councillor Lord Howard sought clarification on how the matter would progress. It was explained that once the recommendations were approved by Council a workshop would be set up, from which the findings would be reported to the new Task Group which would then consider them and report through the process to Council for a final decision.

Councillor Beales drew attention to what he felt was the major thread in that the Panels were dominated by Cabinet reports. He commented that he hoped the structures would ensure Cabinet would still be scrutinised in some way, and that he hoped public speaking would be introduced to Cabinet and Scrutiny meetings. He expressed the hope that it would be dealt with in an open and accountable manner.

**RECOMMENDED:** 1) That the findings of the CfPS review be noted.

2) That officers be instructed to arrange a workshop for Members with the CfPS to consider in more depth their report and examples of good practice from similar authorities.

3) That a 9 Member, Council Proportional Task Group be set up to consider the CfPS report and the outcome of the Member workshop and make recommendations to Cabinet.

4) That a further report be brought to Cabinet to finalise revised arrangements for the performance of the overview and scrutiny process within the Borough Council.

#### CAB14 **OFFICER EMPLOYMENT RULES AMENDMENT**

The Executive Director, Central and Community Services presented a report which recommended amendments to the Council's standing orders to bring into effect changes to the Officer Employment Rules in the Constitution following the enactment of The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (SI 2015/881).

**RECOMMENDED:** That the Council's Constitution be amended to reflect the requirements of The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (SI 2015/881).

CAB15 **APPOINTMENTS TO OUTSIDE BODIES AND PARTNERSHIPS**

Councillor Daubney presented a report which sought nominations for Executive Appointments to serve on outside bodies and partnerships for 2015/16. The proposed nominations were set out in the appendix to the report.

Under Standing Order 34, Councillor Moriarty drew attention to the number of Bodies which were appointed to and the arrangements where reports were made to the Panel meetings for those members attending Outside Bodies they were appointed to. He asked if Cabinet Members would consider putting more information into their Cabinet reports on the bodies attended, or reporting in elsewhere.

In response, Councillor Daubney acknowledged that Cabinet Members could report more on the bodies they had attended and agreed to look at where they were reported to, such as the Members Bulletin.

Councillor Long commented that there were many ways of reporting back and some bodies reported themselves, each would have to be taken on its merits.

Councillor Beales acknowledged that if a body did not justify some form of report back, it probably didn't justify appointing someone to it.

**RESOLVED:** 1) That representatives be appointed to serve in an Executive capacity on the outside bodies and partnerships requiring appointment in 2015 as set out in the Appendix attached to the report.

2) That the reporting arrangements be noted, as shown in section 3 of the report.

3) To note that all other appointments to Outside Bodies will be made at the Council meeting on 25 June 2015.

4) To agree that, following the retirement of the Deputy Chief Executive, that the Executive Director for Central and Community Services, Debbie Gates, be appointed to the Alive Management Board of Directors.

CAB16 **2015/16 APPOINTMENTS OF MEMBERS TO SERVE ON CABINET TASK GROUPS AND COMMITTEES**

Cabinet considered a report which invited it to agree to arrange for the appointment of members to serve on the LDF Task Group; the Broadcasting of Public Meetings Task Group; and agree the

membership of Joint Safety and Welfare Committee and Joint Employee Committee for 2015/16.

**RESOLVED:** 1) That officers be instructed to seek the Membership from Group Leaders for the Local Development Framework Task Group and Broadcasting Task Group for the new Municipal Year.

2) That the following Memberships be approved for 2015/16:  
Joint Safety and Welfare Committee – Councillors N Daubney, B Long and D Tyler.

Joint Employee Committee – N Daubney, I Devereux, M Chenery of Horsbrugh, B Long, D Pope.

**CAB17 SCHEME OF DELEGATION**

Councillor Daubney presented a report which recommended an updated scheme of delegation for approval. The Scheme has been amended to take account of the changes in Portfolio responsibilities. Councillor Daubney drew attention to the recommendation which gave authority to the Chief Executive in consultation with the Leader to make minor amendments where anomalies occurred.

**RECOMMENDED:** 1) That Council approve the amended Scheme of Delegation.

2) That the Chief Executive, in consultation with the Leader be given delegated Authority to make minor amendments to the Scheme to resolve any anomalies which may occur.

**CAB18 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.”

**CAB19 ACQUISITION OF MORSTON ASSETS SITES AT THE NAR OUSE REGENERATION AREA**

Councillor Beales presented a report which considered the acquisition of the sites from the Administrators of Morston Assets Ltd in order to facilitate the comprehensive redevelopment of the Nar Ouse site.

Councillor Beales informed Members of the different areas on the sites and the associated ownership. He drew attention to the fact that he felt it was in the wider public interest for the Council to acquire the sites,

much of which needed remediation, which be unlikely to be carried out by the private sector.

The Chief Executive drew Members attention to the permitted uses of each area, and the potential to apply for LEP funding.

Members discussed the issue of valuations, testing and remediation required for the sites. It was noted that the investigatory work on the sites would be carried out independently so as not to invalidate the enforcement role of Council officers.

Under Standing Order 34, Councillor Mrs K Mellish addressed the Cabinet in support of the proposals seeking assurances that there were serious negotiations taking place. This assurance was given.

Attention was drawn to the minor change to recommendation 2 which the Panels had amended to “noting the conditional offers”. The Chief Executive also drew attention to the need to ensure there was sufficient authority to use the capital programme for the purposes set out.

**RECOMMENDED:** 1) That officers be instructed to undertake comprehensive due diligence of the Morston Assets sites including jointly commissioning with the Administrators, detailed site investigations to enable a full assessment of remediation and development costs of the sites.

2) That the conditional offers to the administrators for all of the Morston Assets sites as set out in paragraph 3.1 of the report be noted.

3) Subject to the results of the due diligence, delegated authority be granted to the Property Services Manager and Legal Services Manager in consultation with the Leader and Portfolio Holder for Regeneration, to submit revised firm offers to the Administrators to acquire part or all of the Morston Assets land holdings at the Nar Ouse Regeneration Area, subject to the total sum being equal to or less than the sums identified in the conditional offer.

4) That the Legal Services Manager be authorised to make and complete all necessary documents in relation to the acquisitions identified in this report.

5) That the costs of the site investigations to be met from the approved NORA capital budget.

**The meeting closed at 7.10 pm**