

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

CABINET

**Minutes from the Meeting of the Cabinet held on Tuesday, 6th December, 2016 at
5.30 pm in the Committee Suite, King's Court, Chapel Street,
King's Lynn**

PRESENT: Councillor B Long (Chairman)
Councillors A Beales, R Blunt, A Lawrence, Mrs K Mellish and Mrs E Nockolds

An apology for absence was received from Councillor N Daubney

CAB90 **MINUTES**

RESOLVED: The Minutes of the Meetings held on 25 October and 17 November 2016 were approved as a correct record and signed by the Chairman.

CAB91 **URGENT BUSINESS**

None

CAB92 **DECLARATIONS OF INTEREST**

Councillor Mrs Mellish declared a personal interest in item Council Tax Discounts for Empty, Unfurnished and Uninhabitable Properties.

CAB93 **CHAIRMAN'S CORRESPONDENCE**

None

CAB94 **MEMBERS PRESENT UNDER STANDING ORDER 34**

The following Councillors attended under Standing Order 34 for the items shown:

Councillor C Joyce - Council Tax Discounts for Empty, Unfurnished and Uninhabitable Properties
Councillor D Pope for the whole meeting.

CAB95 **CALLED IN MATTERS**

None

CAB96 **FORWARD DECISIONS**

The Forward Decisions List was noted.

CAB97 **MATTERS REFERRED TO CABINET FROM OTHER BODIES**

The Audit Committee had supported the recommendation on the Financial Regulations.

The Environment and Community Panel supported the recommendations on the Review of Hackney Carriage and Private Hire Licensing Procedures and Conditions.

The Regeneration and Development panel had supported the recommendations on the Nar Ouse Business Park Enterprise Zone Implementation.

CAB98 **COUNCIL TAX DISCOUNTS FOR EMPTY, UNFURNISHED AND UNINHABITABLE PROPERTIES**

Cabinet considered a report which explained that since April 2004 the Council had had the power to increase the council tax charge for second homes. Since April 2013 the Council had had the power to further increase the council tax charge for second homes, and to increase the charge for properties which were unfurnished, uninhabitable or long term empty, and to charge a premium of a maximum additional 50% for properties left empty for more than two years.

The aim of these powers was to encourage properties back into use and raise additional revenue for areas affected by high numbers of second homes. The report set out 3 options for changing discounts, giving the financial implications for each option.

Cabinet debated the issue, and points were raised on the importance of bringing properties back into use, and the fact that the exemptions that were in place included for probate purposes, and that for general sale purposes, a month would be permitted.

Under Standing Order 34, Councillor C Joyce asked how the Council would respond when a tenant had notified the Council they had moved, and at a later date the Landlord stated that the tenant was still in occupation to a certain date and therefore liable for the Council Tax rather than the Landlord. Councillor Joyce also asked how a property was deemed uninhabitable.

The Revenues and Benefits Manager explained that the Council would look at all aspects of a case and each case would be considered on its merits. With regard to deeming a property uninhabitable it was explained that the condition of the property and the level of furnishings within the property, such as a bed and a kitchen would be looked at.

Councillor Long proposed Option 3 as a recommendation to Council drawing attention to the fact that it would give a month's grace and a discount of 25% would bring increased finances into the Authority.

RECOMMENDED: That option 3 set out in the report (to reduce the discount on empty properties to a period of one month and a discount on uninhabitable properties to 25% for 12 months) regarding the discounts for

empty / unfurnished and uninhabitable properties be implemented from 1 April 2017 be adopted.

Reason for Decision

Amending the discounts will encourage owners of empty properties to bring them back into use and reduce the cost of awarding council tax discounts, bringing in extra income.

CAB99 COUNCIL TAX SUPPORT SCHEME 2017/18

Cabinet considered a report which explained that the Council must review and agree its Council Tax Support scheme each financial year. This process included consulting with major preceptors, publishing a draft Council Tax Support scheme and then consulting with interested parties before the final Council Tax Support scheme is approved.

The draft Council Tax Support scheme for consultation was agreed by Cabinet on 7 September 2016. The consultation period ended on 23 October 2016. The report detailed the results of the consultation and recommended the final Council Tax Support scheme for 2017/2018.

It was noted that child benefit and child maintenance were not taken into account in income terms, and also that the level of response to the consultation process was greater than previous years.

RECOMMENDED: 1) That the responses from the Council Tax Support consultation at Section 2 of the report be noted.

2) That the draft Council Tax support scheme detailed in the Cabinet report of 7 September 2016 be recommended to Council as the final Council Tax Support scheme for 2017/2018

Reason for Decision

To ensure a Council Tax Support scheme for 2017/2018 is agreed by full Council by 31 January 2017

CAB100 BUDGET MONITORING 2016/2017

Cabinet considered a report which explained that the original budget 2016/2017 was approved by Council on the 25 February 2016. Throughout the year the Assistant Director (S151 Officer) had monitored the budget and, where necessary, Executive Directors had sought approval for additional budget provision. The purpose of the report was to formally establish base estimates and projections on which a revised Financial Plan for 2016/2021 could be built. This would leave the report to Cabinet on 31 January 2017 and Council in February 2017 to focus on future years.

Under Standing Order 34 Councillor Pope sought clarification on the table in 1.2 of the report, to which the S151 Officer undertook to check the figures contained within the table and distribute them to Members. (the amended table was distributed on 7 December to all Members).

RESOLVED: That the changes, transfers to reserves and revised revenue estimates for 2016/2017 as detailed in the report be approved subject to clarification of the figures in the table in 1.2.

Reason for Decision

Formal approval is required by Cabinet for the amendments to the 2016/2017 revenue estimates. The amendments have been reported to members as part of the monthly monitoring reports for April to September 2016 and are summarised below.

CAB101 REVIEW OF FINANCIAL REGULATIONS

Cabinet received a report which showed that the Financial Regulations were last reviewed in 2011/12 and were due for review. In that time there had been a number of changes in the structure of the Council and new issues had arisen that needed to be included in the regulations.

A copy of the proposed revisions was presented. The Audit Committee had considered the document and was content with the proposals.

RECOMMENDED: That the revised Financial Regulations be adopted.

Reason for Decision

Financial Regulations are key to the way in which the Council conducts its financial affairs and it is essential that they are a robust platform to instruct officers and provide assurance of good governance.

CAB102 REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING PROCEDURES AND CONDITIONS

Cabinet considered a report which explained that following high profile cases of child sexual exploitation (CSE) involving taxi drivers in places such as Rotherham, the Borough Council wished to introduce safeguarding awareness training for members of the taxi trade. To ensure that members of the trade complete this training would require an amendment to licensing conditions. The amendment to conditions would empower the Licensing & Appeals Board to take action against those who do not complete the training voluntarily.

It was therefore proposed that the Borough Council's Hackney Carriage and Private Hire Licensing Procedures & Conditions be amended to include a requirement that all existing licensed combined drivers and new applicants for combined drivers either attend safeguarding training or pass the 'safeguarding' element of the Borough Council's Knowledge Test.

It was noted that whilst introducing this new requirement the opportunity had been taken to make minor amendments to three existing licensing conditions; Driver Standard Agency (DSA), window tints and 'MOT tests for hackney carriages and private hire vehicles.

In endorsing the proposals Members drew attention to the fact that a large number of drivers had already voluntarily attended a safeguarding training session.

RECOMMENDED: That the revised licensing procedures and conditions be adopted.

Reason for Decision

To introduce safeguarding awareness for combined drivers and keep the current procedures and conditions up to date and fit for purpose.

CAB103 CIL - RESULT OF EXAMINATION

Cabinet consider the report which covered three subjects:

- The CIL Examination in September and the outcomes
- The implementation of CIL
- Possible mechanisms for deciding how to allocate funds raised from CIL

The CIL Examiner had reported and concluded that with specified modifications the Borough Council could implement a CIL Charging Schedule. His modifications included the requirement that the proposed CIL of £10m² in King's Lynn be reduced to £0m² having regard to the values found in the town.

Progress on the operation of a CIL was outlined showing the process of integrating CIL into our current systems to ensure liability to pay and the mechanisms to collect CIL were adequate. A start date for liability to pay CIL was proposed as 15 February 2017.

A preferred mechanism of a new Task Group recommending to Cabinet for the CIL spend was proposed. Discussions and consideration of the requirements and requests of other bodies were built in to the process.

In response to a question on the straddling of the charging zones of the Knight's Hill Site, the LDF Manager explained that the zones were in line with parish boundaries. With regard to the issue of State Aid referred to in the Inspector's report, he confirmed that legal advice had been taken which meant the Council believed it was compliant.

Under Standing Order 34, Councillor Pope spoke against the high level of CIL to be charged in some areas. He asked whether the applications which were completed by February would be subject to CIL, whether the distribution of CIL money would be clear, and whether there would be a time limit by which any CIL money would have to be spent by parishes before it was withdrawn.

The LDF Manager explained that the timescale related to the date the permission was finalised and granted so if completed before 15 February they would not be liable. He further explained that there were s106 agreements in the mix at the moment, and there would still continue to be so after CIL was introduced. He confirmed there was no "use by" date for CIL money raised, although there were clear requirements on the accounting for the spend.

Cabinet debated the issue of developers being able to budget against CIL levels better than some S106 agreements. The question of it being a further tax on developers which could potentially bankrupt some builders if the economy took a down turn was also raised, but it was noted that the costs were known up front before development.

It was also noted that the Council could choose to review its CIL scheme, but the whole process would have to be started again.

RECOMMENDED: 1) That the Borough Council adopts a CIL Charging Schedule as amended by the Examiner.

2) That a formal start date for CIL is set as 15 February 2017.

3) That the Borough Council agrees to have a policy which allows for payment in kind to be accepted.

4) That the provisions for the collection and operation of CIL are noted.

5) The Borough Council works towards a method of CIL governance as outlined in Appendix 4 to the report.

6) That delegated authority be given to the Executive Director - Planning and Environment in consultation with the Portfolio Holder for Development to set up arrangements for CIL governance having regard to the Preferred Option.

Reason for Decision

In order to implement CIL in the Borough

CAB104 RESULTS OF THE BID BALLOT

Cabinet considered a report which detailed the successful vote to establish a Business Improvement District (BID) for King's Lynn and arrangements to progress to implementation in April 2017.

The recommendations were supported and the Council representative on the BID Group was put forward as the Cabinet member for Human Resources, Facilities and Shared Services. This was agreed.

RESOLVED: 1) That delegated authority be granted to the Executive Director, Commercial Services and Assistant Director, Section 151 Officer in consultation with the Leader and the Portfolio Holder for Human Resources and Shared Services authority to assist the BID Steering Group, to jointly establish the BID, and the provision of a modest set up loan.

2) That the Cabinet Member for Human Resources, Facilities and Shared Services be appointed to the Board of the BID.

Reason for Decision

To enable the BID to be completed.

CAB105 TIMETABLE OF MEETINGS 2017/18

The report sets out a draft timetable of meetings for the 2017/18 municipal year. It was acknowledged that some dates may have to be moved during the course of the year to deal with business as it came up.

It was agreed that officers investigate the automatic insertion into Councillors calendars of all meetings.

RESOLVED: 1) That the Timetable for the 2017/18 Municipal Year be approved.

2) That if possible the diary dates be automatically added to members diaries

Reason for Decision

To enable the decision making process to take place.

CAB106 POLLING DISTRICT AND POLLING PLACE REVIEW

Cabinet considered a report which presented a revised polling district and polling place review schedule to ensure polling stations were available where the usual ones were no longer available. The following changes were proposed:

Ward/Polling Districts	Polling Station	Comment	Proposed Solution
Gaywood Chase PL1 St. Margarets with St. Nicholas PM2	Highgate Community Centre	Premises closed	King's Centre, Wellesley Street
St. Margarets with St. Nicholas PM1	Red Cross Society, Austin Fields	Premises closed	King's Centre, Wellesley Street

RECOMMENDED: That the Polling District and Polling Place Review Schedule be adopted.

Reason for Decision

To ensure that the Council meets its statutory obligations.

CAB107 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 items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act.

CAB108 ENTERPRISE ZONE - DEVELOPMENT AND INFRASTRUCTURE

Cabinet considered a report which explained that the Nar Ouse Regeneration Area was designated Enterprise Zone status by the Government in April 2016 as part of a multi-site New Anglia Local Enterprise Partnership (NALEP) Space to Innovate Enterprise Zone. The report followed on from the previous report to Cabinet on 9th September 2015. The report outlined the arrangements and approvals required for delivery of the Enterprise Zone to facilitate development of the employment land at the Nar Ouse Business Park.

Cabinet discussed the partnership arrangement with the LEP for the development.

Under Standing Order 34, Councillor Pope asked what the life span of the agreement with the LEP and what the financial arrangements were for sharing any income. It was explained that it was a 25 year agreement with the LEP, and the sharing arrangements would depend on the investment made.

Councillor Pope also sought information on the movement of pipes across the site and the timings to which it was explained that ongoing discussions were being held with the company to schedule a time.

It was also noted that discussions were currently being held with interested tenants for the site.

It was proposed that recommendation 1 be amended as follows:

That the Chief Executive, in consultation with the Regeneration Portfolio Holder, be authorised to agree a revised business rates allocation with NALEP in order to increase the size of Pot B by reducing in equal measures Pots A and C until such a time as the full cost of the infrastructure has been repaid to the Borough Council.

This was agreed.

RESOLVED: 1) That the Chief Executive, in consultation with the Regeneration Portfolio Holder, be authorised to agree a revised business rates allocation with NALEP in order to increase the size of Pot B by reducing in equal measures Pots A and C until such a time as the full cost of the infrastructure has been repaid to the Borough Council.

2) That delegated authority be granted to the Chief Executive in consultation with the Regeneration Portfolio Holder and Assistant Director (Section 151 Officer) to complete the Agreement related to the allocation of business rates generated in New Anglia Space to Innovate Enterprise Zone with NALEP.

3) That delegated authority be granted to the Property Services Manager in consultation with the Assistant Director (Section 151) and the Regeneration Portfolio Holder and the Assistant Director (Section 151) to negotiate the co-investment proposal with NALEP

4) That delegated authority be granted to the Property Services Manager in consultation with the Regeneration Portfolio Holder to progress development opportunities on Nar Ouse Business Park, including entering into pre-let agreements with potential tenants and commencing with the design and procurement of works.

5) That delegated be granted authority to the Chief Executive in consultation with the Regeneration Portfolio Holder to commission and complete necessary legal documentation to develop detailed design and procurement of site infrastructure.

6) That the capital programme 2016/20 be amended to include the costs associated with the site infrastructure, development opportunities and funding arrangements for Nar Ouse Business Park set out in paras 3.5 & 3.6 of the report.

7) That the Treasury Management Strategy be amended to ensure adequate borrowing limits are available to accommodate the Nar Ouse Business Park capital works.

8) That delegated Authority be granted to the Chief Executive in consultation with the Regeneration Portfolio Holder, Executive Director Development and Regeneration, and the Development Portfolio Holder to progress with the planning strategy for the Nar Ouse Business Park in preparation of the outline consent expiring in November 2019.

9) That the development of a comprehensive marketing strategy to promote the Nar Ouse Enterprise Zone to investors, developers and businesses be approved.

Reason for Decision

This proposal meets the following corporate objectives to stimulate business growth and investment and remove physical barriers to growth.

CAB109 CARE & REPAIR FRAMEWORK AGREEMENT FOR AIDS AND ADAPTATIONS WORKS

The report explained that a tender process had been carried out to establish a framework agreement for aids and adaptations works managed by Care & Repair. The majority of the works carried out under the proposed framework would be level access showers and external access ramps and hard-standings. Most of these works were grant funded.

The Procurement officer explained that to date none of the contractors had been eliminated from the proposals set out in the report, although there were a small number yet to complete.

Cabinet discussed the value of the Framework agreement which permitted a larger number of contractors which meant that the waiting times should reduce for the service, which was essential for the clientele involved.

RESOLVED: That the signing of framework agreements with the contractors named in this report, subject to completion of due diligence checks on these businesses be approved.

Reason for Decision

To ensure that the Council obtains best value for the grants that it administers for aids and adaptations work for elderly and vulnerable people and to ensure compliance with procurement regulations.

CAB110 INSURANCE CONTRACT TENDER

Cabinet noted that a tender process had been carried out to obtain best value for the Council's insurance arrangements. The tenders had been evaluated

and it was recommended to place the majority of the insurance programme with Zurich Municipal (current insurer), with the exception of the Fine Art policy which would go to WRB Syndicate via Blackwall Green effective from 1 January 2017.

Cabinet was informed that to mitigate against the risks identified it would be necessary to budget above inflation for future increases in premiums. It was proposed that the Council have a contingency sum within the Council's budget.

Under Standing Order 34, Councillor Pope sought information on the use of the Brokers as part of the tender process. It was explained that their expertise was used in drawing up the tender documentation and evaluation of the tender. They were paid a fixed fee for this service.

A discussion was held on the tender process and the detail of the tender price and that in future years with the Council's options for re-tendering should it be necessary, with the potential option in the future for a framework agreement to sign up to.

RESOLVED: 1) That the signing of contract(s) with Zurich Municipal (current insurer), with the exception of the Fine Art policy to go to WRB Syndicate via Blackwall Green effective from 1 January 2017 be approved.

2) That the Council hold a contingency sum within the Council's budget of for insurance purposes as set out in the report.

Reason for Decision

To ensure that the Council maintains necessary insurance cover for its operations and complies with Public Contracts Regulations.

The meeting closed at 7.26 pm