

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

CABINET SCRUTINY COMMITTEE

Minutes from the Meeting of the Cabinet Scrutiny Committee held on Thursday, 18th February, 2016 at 6.00 pm in the Committee Suite, King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX

PRESENT:

Councillors Mrs J Collingham, J Collop (Chairman), P Gidney, I Gourlay (Vice-Chairman), P Kunes, Mrs K Mellish, G Middleton and T Wing-Pentelow

CSC68 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Mrs C Kittow.

CSC69 MINUTES

The Minutes of the Meeting held on 19 November 2015 were agreed as a correct record and signed by the Chairman.

CSC70 URGENT BUSINESS UNDER STANDING ORDER 7

There was no urgent business.

CSC71 DECLARATIONS OF INTEREST

There were no declarations of interest.

CSC72 MEMBERS PRESENT PURSUANT TO STANDING ORDER 34

There were no Members present under Standing Order 34.

CSC73 CHAIRMAN'S CORRESPONDENCE

There was no Chairman's Correspondence.

CSC74 RESPONSE TO PREVIOUS COMMITTEE RECOMMENDATIONS

None.

CSC75 MATTERS CALLED IN PURSUANT TO STANDING ORDER 12

None.

CSC76 SCRUTINY OF CABINET DECISIONS: CABINET REPORT - COMMUNITY INFRASTRUCTURE LEVY: CONSULTATION ON A DRAFT CHARGING SCHEDULE

The Chairman stated that he had asked for this item to be considered by the Committee as he had not attended the Panel meeting, however, he had attended the Cabinet meeting, but still had further questions to ask.

The Chairman asked for clarification on the different rates for the areas within the Borough. The LDF Manager explained that the levy was paid '£ per square metre' on all development containing over 100 square metres (internal) floorspace, or a new dwelling of any size. However, it only related to net additional floorspace. There were some exemptions e.g. charities, social housing and self-builds (a 3 year residence is mandatory). Rates could vary by geographic area or use (or both) based on viability. The Levy became due when the development commenced. It was noted that the landowner was responsible for paying it to the local planning authority who were called the 'charging authority' and who set the CIL Charging Schedule.

In response to further questions from the Chairman, Councillor Collop regarding consultation with Parish Councils, the Leader explained that the income received from CIL would provide the infrastructure required to support new development in the Borough. A balance was therefore required as to what future development was required which was attractive to developers and would encourage home building. The CIL rate varied as property values differed in locations throughout the Borough. The Borough Council had devised a simple and easy to understand formula to ensure that the levy provided an income to provide the necessary infrastructure and to allow development which provided financial certainty to developers.

The Portfolio Holder, Development advised that a briefing session for Parish and Town Council had been scheduled for 29 February 2016 which would provide an update to Parish and Town Councils and an opportunity for those Councils to ask any questions.

The LDF Manager provided an overview of the consultation exercise on the Preliminary Draft Charging Schedule which had been undertaken in January 2015 and involved Parish and Town Councils.

In response to questions from Councillor Collop, the Leader explained that the Council had to come up with a charging schedule which would attract development and give parishes infrastructure income. It was highlighted that the Council had taken specialist advice in the preparation of a charging schedule.

Following further questions from Councillor Collop on the next steps, the LDF Manager advised that assuming Council adopted the drafting Charging Schedule on 25 February 2016, a six week consultation period would be commenced. All representations made would be collated, following which the Planning Inspectorate would be contacted

and an Independent Inspector appointed prior to the Examination. If the Inspector determined that the CIL Charging Schedule was justified, the Council would implement the scheme.

Councillor Mrs Mellish commented that as a Ward Member in Downham Market she was surprised to learn that Downham Market was not in the higher rate category due to the significant amount of development taking place. In response, the LDF Manager referred to a particular site in Wimbotsham which straddled Downham Market and explained that the Consultant engaged by the Borough Council had looked at the costs of developing this site and had determined that an additional charge could not be imposed as it would make the site unviable to develop.

In response to a comment from Councillor Gidney relating to West Winch, the LDF Manager outlined that the Borough Council had worked with the Parish Councils since 2007 and West Winch had produced a draft Neighbourhood Plan which would provide guidance as to how sites would work and what West Winch required out of the plan.

Following further comments from Councillor Gidney regarding the lengthy process particularly in relation to Gravel Hill and questions he would like to put to the Inspector, the LDF Manager explained that in relation to CIL the Planning Inspectorate would appoint an independent Inspector. The Borough Council would not be able to choose an Inspector.

In response to questions from Councillor Gourlay regarding Boal Quay and supermarkets being zero based, the LDF Manager explained that the CIL levy was based on square footage. The Housing Strategy Officer explained that with regard to the Waterfront, there were significant high costs associated with development and if a CIL levy was added to the development costs there would not be enough left to make the site viable.

The Leader added that there were a number of difficult sites to develop which would prove expensive. However, the Leader commented that he was confident the Council would be in a position to develop such sites, for example, Boal Quay, but highlighted that the Council did not want to be a position to make sites unviable to develop.

Councillor Collop referred to paragraph 4.1.4 of the report and asked for clarification as to how the CIL income would be allocated to projects. In response, the LDF Manager explained that paragraph 4.1.4 of the report made it clear that the fact of whether a project received a contribution from CIL, was a political judgement. Officers had suggested those individual areas where a project was critical to the delivery of growth areas and Members would consider these and the list of projects and allocate the CIL contribution accordingly.

Following further comments from Councillor Collop relating to paragraph 4.1.5 and the setting up of a governance structure, the LDF Manager explained that a specific mechanism would be required to ensure that decisions and contributions were recorded in a transparent way.

Councillor Collop asked what was the potential revenue from CIL contributions, the LDF Manager advised that in the medium to long term, the contributions could provide a significant resource for the Council to use.

In response to questions from Councillor Gourlay on potential infrastructure projects being outside King's Lynn, for example, Hunstanton, the LDF Manager advised that the CIL contributions would be accumulated in one account and the Borough Council would determine how best to use the contributions in line with the identified priorities across the Borough.

Following further comments from Councillor Collop, the LDF Manager explained that where there was a Neighbourhood Plan in place, parishes would receive 25% of the contribution and those parishes with no Neighbourhood Plan would receive 15%. The contributions would therefore go to local areas for local choice. However, the remaining 75% - 85% to be spent would be determined by the Borough Council. It was noted that the Borough Council looked after the unparished areas.

Councillor Collop commented that he would like to see projects in King's Lynn benefit from the CIL contribution. The Leader stated that over the past 10 years King's Lynn had received both infrastructure and development.

Councillor Mrs Collingham concurred with the comments made by the Leader and added that King's Lynn had benefitted from Section 106 contributions and gave examples of the Bus Station and Town Hall projects and asked if the CIL contributions were time limited. In response, the LDF Manager advised that he was not aware that the CIL contributions were time limited and added that if the Council so determined the contributions could be saved up and spent on a major project.

The Portfolio Holder for Development commented that the Council would devise a process to ensure that all CIL contributions were accountable and there would also be a thorough audit process. The LDF Manager added that in unparished areas, the Borough Council would be required to have a separate account which clearly set out how the 15% was allocated.

In response to comments made by Councillors Mrs Collingham and Mrs Mellish, the Leader commented that he received daily emails questioning why money had been allocated to projects in King's Lynn

and not in Downham Market or Hunstanton and added that with CIL contributions there would be additional resource to spend in all parts of the Borough.

Following questions from Councillor Collop on the options available to the Borough Council, the LDF Manager explained that the report set out the advantages and disadvantages of the Council introducing a CIL levy. However, it was a political decision to determine whether it wished the Council to receive more or less money.

In response to questions from Councillor Gourlay regarding an update on the two groups in King's Lynn and Gaywood who had considered producing a Neighbourhood Plan, the LDF Manager provided an update and explained that no further information had been received from the King's Lynn group and no response to date had been received from the Gaywood group.

The Chairman, Councillor Collop asked the LDF Manager to look at the situation with King's Lynn as to whether it would receive 15% of the contribution. The LDF Manager undertook to email a response direct to the Committee.

CSC77 **DATE OF NEXT MEETING**

The date of the next meeting was Thursday 17 March 2016 at 6.00 pm.

The meeting closed at 6.52 pm