

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

Minutes from the Meeting of the Cabinet held on Tuesday, 28th November, 2017 at 5.30 pm in the Council Chamber, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ

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

CAB81 MINUTES

RESOLVED: The Minutes of the Meeting held on 17 October 2017 were approved and signed as a correct record by the Chairman.

CAB82 URGENT BUSINESS

None

CAB83 DECLARATIONS OF INTEREST

None

CAB84 CHAIRMAN'S CORRESPONDENCE

None

CAB85 MEMBERS PRESENT UNDER STANDING ORDER 34

Under Standing Order 34 the following Councillors attended and addressed Cabinet for the items shown:

Public Toilets – Councillors G Middleton, J Collop & S Collop, T Parish and D Pope

Planning Scheme of Delegation – Councillors J Moriarty, T Parish and V Spikings

Parish Partnership Scheme – Councillors A Tyler, J Collop and L Bambridge

Member Champions – Councillor A Wright

CAB86 CALLED IN MATTERS

None

CAB87 FORWARD DECISIONS

The Forward Decision List was noted.

CAB88 MATTERS REFERRED TO CABINET FROM OTHER BODIES

Comments on the Planning Scheme of Delegation, Public Toilets and Parish Partnership reports had been included in the items.

CAB89 PUBLIC TOILETS

The Public Open Space Manager presented a report which considered proposals to amend the current funding of public toilets and potential for closures. The context was to enable Cabinet to consider the implications prior to the budget being approved.

The Environment and Community Panel and King's Lynn Area Consultative Committee (KLACC) had considered the proposals and made suggested recommendations. Consultation had also taken place with relevant Parish Councils.

The Council currently provided 22 public conveniences in the Borough at an annual cost of £374,000.

The report proposed that of the existing 22 public conveniences:

- 13 remain open as per current arrangements including the full reopening of the Ferry Street toilets as listed in section 2.2 of the report.
- 4 be charged to Special Expenses including 2 in The Walks, Memorial Playing Field, Downham Market and Heacham village on the basis of 80% locally and 20% from general rates.
- 1 at Wales Court handed over to Downham Town Council after refurbishment costing £40,000.
- 2 at Gaywood and Howdale, Downham Market be closed pending demolition or alternative use of the sites.
- 2 at Old Hunstanton and Holme-next-the-Sea subject to further investigation.

Under Standing Order 34, Councillor G Middleton, on behalf of the King's Lynn Area Committee (KLACC) addressed the Cabinet in support of the recommendation relating to the Gaywood toilets, which the Committee had considered were not up to the standard that should be expected to protect public health. He also drew attention to the recommendation from the Committee that the Walks toilets should not be funded 100% from Special Expenses as they were used by people outside of the town particularly for events in the park.

Under Standing Order 34 Councillor J Collop addressed the Cabinet and stated that contrary to the recommendation from KLACC, the Labour Group wanted to keep the Gaywood toilets open. He stated that he did not consider it acceptable that the toilet facilities of private businesses should be used.

Under Standing Order 34, Councillor S Collop addressed the Cabinet commenting that the library had not been consulted on the closure of the Gaywood toilets and the additional traffic caused for their toilets. She reported that the staff at the library had suggested that any new block could be built onto the library.

Under Standing Order 34, Councillor T Parish addressed the Cabinet stating that there had been some confusion in Heacham regarding the situation for their toilets. He asked if the change to 80/20 funding would mean that the parish had to raise their precept.

It was confirmed that the amount would feature on the Council Tax bill as a Special Expense, not requiring it to be raised through the precept.

Under Standing order 34, Councillor D Pope asked Cabinet whether the ownership of the Wales Court Downham Market toilets would be handed to the Town Council. He also questioned the level of estimate for their refurbishment.

It was confirmed that the ownership would be transferred to the Town Council and explained that the toilet block would have to be completely stripped and refurbished as the current facilities were obsolete and unusable. The figure of £40,000 was an estimate, but the materials alone would be of considerable cost.

Councillor Long drew attention to a meeting he had held with Downham Town Council where the Wales Court toilets were discussed. They had indicated that they had not yet taken a decision to transfer the toilets to themselves. Cabinet expressed concern that re-furbishment would take place without the handover, therefore it agreed to include the refurbishment finances in the recommendation for the budget subject to further discussions with the Town Council, and to delegate the final decision on any transfer to the Cabinet Member in consultation with officers.

The points raised by KLACC and Environment and Community Committee were taken into account particularly regarding the Gaywood toilets and it was considered that the health and safety of all residents had to be taken into account.

RESOLVED: 1) That the provision toilets be maintained as listed in Section 2.2 of the report.

2) That 80% of the cost of the following toilets be charged as a Special Expenses charge:

- Walks Management Building
- Walks Broadwalk

- Memorial Playing Fields, Downham Market
 - Heacham village
- 3) That £40,000 in capital funding be allocated to carry out a refurbishment of the Wales Court toilets, Downham Market subject to the outcome of discussions with Downham Market Town Council.
- 4) That following discussions with the Downham Market Town Council on the transfer to the ownership of the Wales Court toilets to Downham Market Town Council. Authority be granted to the Cabinet Member in consultation with the Executive Director – Commercial Services to transfer ownership if appropriate.
- 5) That delegated authority be given to the Executive Director Commercial Services in consultation with the Portfolio Holder for Housing and Community to arrange for demolition or alternative use of the toilets at Gaywood and Howdale, Downham Market.
- 6) That delegated authority be granted to the Executive Director Commercial Services in consultation with the Portfolio Holder for Housing and Community to investigate options for Old Hunstanton and Holme-next-the-Sea.

Reason for Decision

To maintain an adequate supply of public conveniences and contribute towards the Council's budget targets.

CAB90 **PLANNING SCHEME OF DELEGATION**

Councillor Blunt presented a report which explained that the Planning Scheme of Delegation determined which applications would go to Planning Committee, and which could be dealt with under powers delegated to the Executive Director - Environment & Planning. The Planning Committee should deal with the more contentious and often finely balanced applications, and those that required a particular level of public scrutiny.

The Scheme was last amended in March 2015, where it was updated in line with legislative changes and particular issues. However the impact of the high number of applications that were going to the Planning Committee, was an issue that needed to be resolved, and it was evident that this Council take more applications to Committee than any of our neighbouring Councils. As a result the officer and indeed Councillor time and resources that were currently going into the preparation and operation of the Committee was considered to be disproportionately high.

The preferred way forward was to amend the Scheme of Delegation through the creation of a Sifting Panel, reviewing those applications that would normally go to Planning Committee, to determine whether or not they should go. The Sifting Panel would be made up of the Chairman and Vice-Chairman of the Planning Committee, the Portfolio Holder for Development, a Member of the Planning Committee and the

Executive Director and Assistant Director (Environment & Planning). The Sifting Panel had been the subject of a 3 month trial period, as well as a further trial in front of Planning Committee members, and was considered to be an acceptable way forward.

Councillor rights to call-in a planning application within 28 days of its publication on the weekly list would however remain. The scheme would be reviewed after 12 months of operation.

Under Standing Order 34, Councillor J Moriarty addressed the Cabinet expressing concern about the Sifting Panel and its trial run. He considered that there should have been notes of the trial meetings held to date and more evidence presented on the potential figures involved. He considered that the removal of the requirement for Parish Council disagreements with officers recommendations going straight to Committee were in contravention of the Localism Act and the Statement of Community Involvement and the report should have been submitted to a Scrutiny Panel. He considered that the sifting panel would already know the officers view on applications when it looked at them and that parishes should have been consulted on the proposed changes. He felt that more detail was required on the mechanics of the scheme.

It was confirmed that the proposals did not contravene the Localism Act or the Statement of Community Involvement, as the consultation arrangement on applications for parishes was not changing. It was also confirmed that at the stage the Panel would meet the view of officers would not be known, and that if there was any question mark as to whether an application should go to Committee the Panel would send it. With regard to the issue of minutes of the sifting processes was explained that a list would be prepared of the outcome of the meeting, but it was not intended to make the whole process more bureaucratic. The Planning Committee had seen the process in operation and had supported the recommendations.

Under Standing Order 34, Councillor Parish addressed Cabinet and stated that he took exception to any view that parishes caused trouble when at odds with officer's opinions. He confirmed that he had supported the new process when it was viewed by the Planning Committee. He expressed concern that with the requirement for call ins only in the Members ward, members may chose not to call it in. He suggested that if a matter was called in to Committee, either the ward member or a representative from the Parish should attend to speak.

In response it was stressed that the point he raised about parishes causing trouble certainly was not the case. With regard to the issue of speaking on an item at Committee, it was confirmed that the Parish would be able to speak as part of the process already. It was considered that attendance by members, or when they weren't able to attend, an email explanation was respectful of the Committee.

Under Standing Order 34, Councillor Mrs V Spikings addressed the Cabinet and expressed the view that Members who had called items in should be told that if they don't attend Committee or send an explanatory email, the item would be dealt with under delegated powers. In expressing her support for the recommendation, Councillor Mrs Spikings drew attention to the fact that the Planning Department were under pressure to deliver within the deadlines, and the preparation of reports was extremely time consuming. Members would be able to attend the sifting process should they wish to do so and items called in by Members would not come before the Panel.

Councillor Beales commented that where a Councillor was active in their ward they would generally call an item in if requested. He confirmed if he was not able to attend a called in matter at Committee he had always sent an explanatory email to the Chairman for the Committee's information. With regard to the issue of the information on numbers of applications etc he suggested that these be available to for the 12 months review, along with some further refinement on the "exceptional circumstances" which would allow call in across wards.

The Cabinet agreed that the proposal should improve the processes by looking at the mechanisms with a review after 12 months, without entering into a bureaucratic process.

RECOMMENDED: 1) That applications due to go to Planning Committee (except those subject to the Member call-in right) be considered first by a Sifting Panel. The Sifting Panel may resolve that an application that would need to go to Planning Committee under 1.1.2 – 1.1.4 of the current Scheme of Delegation (attached to the report) can be determined under officer delegated powers.

2) That the current Member call-in right and the current timescale for it be retained but amended to ensure that Members only call-in applications within their own Wards (unless exceptional reasons dictate otherwise), and that reasons for calling-in the application are given.

3) That the operation of the Sifting Panel and the detail of "exceptional circumstances" set out in the report be reviewed after 12 months of its commencement and the relevant Scrutiny Panel be invited to carry out the review.

Reason for Decision

To allow a more proportionate use of the Planning Committee, both in terms of Members and officers time and resources.

CAB91 PARISH PARTNERSHIPS SCHEME

Councillor Long presented a report which explained that in 2016 the King's Lynn Area Consultative Committee (KLACC) had their Terms of Reference extended to allow bids to be made into Norfolk County

Council's Parish Partnership fund. This was a fund that provided match funding for small-scale highway schemes within Parishes, which was extended to cover unparished areas of the County. The maximum value of schemes was £50,000, therefore the maximum amount of match funding was £25,000. Parish Councils and District/Borough Councils in unparished areas had to submit bids for the fund, and the deadline for the submission of bids to the County Council for the next round of funding was 11 December 2017. Any bid was expected to have the support of the relevant County Councillor(s), which was the case with this application.

One scheme was put forward for the 2018/19 funding year, namely the provision of two moveable Speed Awareness Messaging (SAM) signs to be located on either Vancouver Avenue, Goodwins Road, or Tennyson Road.

The total cost of the scheme was £7,000, therefore agreement from Cabinet for match funding of £3,500 was requested.

Under Standing Order 34, Councillor A Tyler addressed the Cabinet explaining that the KLACC had supported the proposal acknowledging that the incidences of speeding in the area were high. He also referred to the need for a zebra crossing on Tennyson Road.

Councillor Long acknowledged that where parishes had purchased the devices it had helped speed in the villages, and also recorded the levels of speeds cars were doing.

Under Standing Order 34, Councillor J Collop, in supporting the recommendation, explained that he and Councillor Mrs Collop had attended a well attended meeting in the ward on the issue of speeding through the area, particularly at night. The issue of HGVs using the route had also been raised with the County Council.

Under Standing Order 34 Councillor Miss L Bambridge explained that she had organised the meeting referred to above, and drew attention to the fact that a number of properties had had their garden walls damaged due to speeders in an area which had a number of school routes through it. She informed Cabinet that following a session of the volunteer speedwatch team clocking 30 vehicles in 1 hour, the police had prosecuted 27 people in 2 hours along the roads.

RESOLVED: That the request for match funding for the provision of two SAM signs on Vancouver Avenue, Goodwins Road or Tennyson Avenue, to be paid for through an increase in King's Lynn Special Expenses be agreed.

Reason for Decision

Cabinet is required to consider any Parish Partnership fund bids endorsed by

KLACC, as per the Committee's terms of reference.

CAB92 CHARGING FOR HOUSING ACT 2004 ENFORCEMENT

The Housing Services Operations Manager presented a report which reviewed powers and made recommendations to introduce charges in relation to the recovery of costs associated with private sector housing enforcement under Housing Act 2004. She explained that wherever possible it was encouraged that landlords and tenants would sort their issues between them, but on occasions it required the Housing Standards Team to step in. It would still be encouraged to resolve the issue informally without having to go down a Notice route, but the recommendations allowed for the charging process should that be required. She confirmed there was a route of appeal to an independent body for landlords should they feel the need. It was confirmed that there had been 14 incidences of intervention with formal notices in the past year.

Cabinet confirmed it was not intended to be heavy handed, but it was necessary that the housing provided in the Borough was of a standard fit for people to live in and the Council should not have to subsidise those landlords who were remiss.

RECOMMENDED: That the policy to introduce charges in relation to housing enforcement notices and reasonable administrative costs for emergency remedial action and works in default as set out in the report be approved.

Reason for Decision

To ensure that the Council is able to recover legitimately incurred costs for housing enforcement as set out in Housing Act 2004.

CAB93 COUNCIL TAX SUPPORT SCHEME 2018/19 : FINAL SCHEME

Councillor Lawrence presented a report which reminded Members that the Council must review and agree its 2018/2019 Council Tax Support (CTS) scheme for working age people by 31 January 2018. Options for the draft CTS scheme for 2018/2019 were presented to the Corporate Performance Panel on 17 July 2017 and the preferred draft CTS scheme was chosen. This was agreed by Cabinet on 6 September 2017. The draft CTS scheme was then opened to public consultation from 7 September 2017 to 18 October 2017.

The report detailed the results of the consultation and the recommended final CTS scheme for 2018/2019.

The Executive Director - Resources drew members attention to the delegation proposed to permit the Leader in consultation with officers to prepare the first stage of the scheme in the future with the report coming to Cabinet after the consultation process.

- RECOMMENDED:** 1) That the responses from the Council Tax Support consultation at Section 3 and Appendix B to the report be noted.
- 2) That the draft Council Tax support scheme detailed in the Cabinet report of 6 September 2017 be recommended to Council as the final Council Tax Support scheme for 2018/2019.
- 3) That in future years delegated authority be given to the Leader, in consultation with the relevant Portfolio Holder and s151 Officer, to agree the draft Council Tax Support scheme to go out to public consultation.

Reason for Decision

To ensure a Council Tax Support scheme for 2018/2019 is agreed by full Council by
31 January 2018

CAB94 MEMBER CHAMPIONS

Councillor Long presented a report which invited Cabinet to agree the protocol and Terms of Reference for Member Champions because over the years Champions had been appointed but there were no guidelines or role descriptions for them to follow.

Under Standing Order 34, Councillor Mrs Wright addressed the Cabinet expressing dissatisfaction that as the current Heritage Champion she had not been consulted on the Job Description.

Cabinet considered that the formality being introduced was helpful, and the clear guidelines for new Champions were helpful.

Councillor Long explained that neither of the current Champions had been consulted on the process and it was aimed at being sufficiently generic for all roles. He asked Councillor Mrs Wright if she was content to continue in the Heritage Champion role under the new arrangements. Councillor Mrs Wright confirmed that she would like to continue. It was acknowledged that as Champion, Councillor Mrs Wright had contributed a lot to the Borough.

Councillor Long also confirmed that the position of Coastal Champion was now vacant. With regard to the Armed Forces Champion it was noted that the Leader would consider making an appointment in the near future.

- RESOLVED:** 1) That the Terms of Reference for Member Champions be approved.
- 2) That the Protocol for Member Champions be approved.
- 3) That the Disability Champion be appointed as Councillor S Fraser.
- 4) That an Armed Forces Champion be appointed by the Leader at a later date.

Reason for Decision

To give structure and regulation to the role of Member Champions.

CAB95 **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.

CAB96 **STALLED SITES**

Councillor Beales presented a report which proposed a process that could be used to progress stalled sites across the Borough and allow for smaller development sites to be purchased and developed to provide housing for local people whilst tackling sites which were in need of attention. He hoped the relevant Panel would review the scheme in due course.

The Corporate Project Officer explained that the proposals could not be carried out within the existing resources so the appointment of an additional post to be funded from the scheme was proposed.

RESOLVED: 1) That officers be authorised to set up a framework agreement to allow builders to develop sites for the Council that are too small to be developed efficiently as part of the Major housing contract with Lovell.

2) That the creation of a new project officer post as set out in sections 6 and 8 of the report be approved.

RECOMMENDED: 1) That the process for progressing stalled sites within the Borough be agreed as laid out in the report.

2) That the Scheme of delegation laid out in section 5 of the report be approved.

3) That officers be authorised to use the funds identified in section 6.2 of the report to help fund the initial cost of the legal costs and officer resource.

4) That officers be authorised to use the same scheme to acquire further sites for development using the major housing contract.

Reason for Decision

To progress the delivery of sustainable housing.

To achieve a commercial return for the Council (through capital and revenue receipts).

To deal with poor or blighted sites across the Borough.

The meeting closed at 7.30 pm

