

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

**Minutes from the Meeting of the Cabinet held on
Tuesday, 21st August, 2018 at 5.30 pm in the Council Chamber, Town Hall,
Saturday Market Place, King's Lynn PE30 5DQ**

PRESENT: Councillor B Long (Chairman)
Councillors A Beales, R Blunt, I Devereux and Mrs K Mellish

Apologies for absence were received from Councillors P Hodson, A Lawrence
and Mrs E Nockolds

CAB37 MINUTES

RESOLVED: The Minutes of the Meeting held on 25 June 2018 were approved as a correct record and signed by the Chairman.

CAB38 URGENT BUSINESS

The Chairman informed Members that the following items were deemed as urgent for the reasons shown:

Leisure Services Provision – Under standing order 12.15 the Chairman of the Corporate Performance Panel had agreed for call in to be set aside in order to maintain the required notice periods should that decision be taken. The Environment and Community and Corporate Performance Panels had scrutinised the item at a joint meeting and received information from the Leisure Trust direct.

King's Lynn - Commercial leasing of land at the Willows – This key decision had not been advertised on the forward decisions list for the required 28 days, therefore under standing order 30.6 the Chairman of the Corporate Performance Panel had been consulted and informed of the decision to take the item due to the Government timeframes involved.

CAB39 DECLARATIONS OF INTEREST

Councillor I Devereux declared a personal interest in the Leisure Services Provision as the Council appointed representative on the Alive Trust.

CAB40 CHAIRMAN'S CORRESPONDENCE

None

CAB41 MEMBERS PRESENT UNDER STANDING ORDER 34

Councillor D Pope attended for the whole agenda
Councillor C Sampson attended for the Leisure Services Provision report.

CAB42 CALLED IN MATTERS

None

CAB43 FORWARD DECISIONS

The Forward Decision List was noted.

CAB44 MATTERS REFERRED TO CABINET FROM OTHER BODIES

The recommendations from the Environment and Community Panel on the Provision of Leisure Services were issued to the Cabinet and were considered with the report.

CAB45 REVIEW OF THE PRIVATE SECTOR HOUSING POLICY

Cabinet considered a report, the purpose of which was to recommend changes proposed for the Private Sector Housing Investment Policy. The Policy had not been updated since 2012 and there was a need to reflect the requirements within the Better Care Fund (BCF) and the DFG Locality plan within the policy.

A summary of the intended changes were:-

1. Re-Name the policy to Housing Assistance Policy – Mandatory and Discretionary.
2. The policy to cover key areas of assistance provided by the council. The assistance has been detailed into eight separate appendices. The policy provided authority for minor amendments to be made to the specific appendices by delegated power given to the relevant Director.
3. Adapt Grant:
 - To increase the maximum grant limit to £12,000 and to add a condition of this grant that the council will demand the repayment by the recipient of part of the grant to mirror the same charge conditions within the Disabled Facility Grant legislation.
 - To Include fast tracking all hospital discharge/hospital admission/referrals received from a health professional

- relating to amputee or end of life cases requiring a modular ramp – exclude the means test process for those cases that would normally require the financial assessment and passport them through the application process to assist with an early hospital discharge
- Provide all minor adaptations where the works cost £1,000 and under without a financial assessment.
4. To create a separate Relocation Grant to a maximum of £6,000. This will offer assistance with removal costs and other associated costs.
 5. To introduce a Low Level Preventative Grant for works under £300. This will include minor adaptations and equipment provision and will target those with a health condition that would benefit from an early intervention, to prevent the need for further adaptation services in the future.
 6. To amend existing grants and loans within the policy:
 - Discretionary Adaptation Assistance – reduce loan maximum to £10,000
 - Emergency Repair Grant – increase the grant to £500
 - Safe & Secure Grant – amend eligibility in line with the Prevention grant
 - Careline Grant – amend qualifying criteria to include anyone with dementia or memory loss
 7. The formation of Housing Review Panel to make some decisions regarding policy administration - The aim of the panel is to provide a formalised system for unusual cases to be discussed and considered on their individual merits, thus promoting consistent decision making.
 8. Small projects or Initiatives – to add appendices covering any small project or initiatives that may be funded internally or externally.

In discussing the proposed changes Cabinet supported the proposals which by carrying out works to helping people to go home from hospital, then helped other people by freeing up the hospital beds or with end of life care. It was acknowledged that the removal of the requirement for financial assessments for minor works would speed up urgent work, when the officer time spent chasing many cases was often more than the work involved. It was also noted that the Housing Review Panel would be made up of appropriate officers, who would then report into the Cabinet Member.

RESOLVED: That the revised Private Sector Housing Investment Policy, to be re-named the policy to Housing Assistance Policy –

Mandatory and Discretionary which is attached as Appendix to the report be approved.

CAB46 **TREASURY MANAGEMENT STRATEGY AMENDMENT 2018-19**

Cabinet was reminded that before the start of the financial year Council was required to receive and approve a Treasury Management Strategy Statement, including an Investment Strategy.

The report covered the suggested amendments to the 'Annual Investment Strategy 2018/2019'. The suggested amendments to the strategy were to allow the Council to make available loan facilities to West Norfolk Housing Company Ltd (WNHC). WNHC was a wholly owned local authority company and was in the process of becoming a registered provider of social housing. WNHC is 100% owned by the Borough Council of King's Lynn and West Norfolk.

The Deputy Chief Executive responded to questions and confirmed that the loan would be secured by the housing assets, and a sinking fund for the properties would be established in due course by the Housing Company.

Under Standing Order 34 Councillor Pope asked if the Council would borrow the money to loan to the Housing Company, to which the Deputy Chief Executive explained that the Council could not borrow to onward lend, but unearmarked balances, would be used, giving a greater rate of return than currently received. She also confirmed that when the loan was made to the Company for a specific time, this would not prevent the Council from borrowing for alternative projects.

In supporting the proposal, points were made regarding the superior use of balances which were providing homes for the wholly owned company for the people of west Norfolk which would otherwise be sold.

RECOMMENDED: That the amendments to 'The Investment Strategy 2018/2019.' as detailed in the report be approved.

CAB47 **TREE AND WOODLAND STRATEGY**

Cabinet considered a report which explained that the proposed Tree and Woodland strategy highlighted the immense value of the Borough's urban forest to the wellbeing of its residents and the substantial contribution it made to the Borough's sustainable future.

Considerable progress had been made to put systems in place to manage the Borough's trees and woodlands, particularly the steps that had been taken to fulfil the Council's duty of care in respect of health and safety. The new strategy built on these achievements.

The focus for the ten year period of the new strategy was consolidation of the Council's trees stocks in particular making provision for the long term renewal in the light of the ageing nature of the tree stocks

The tree stock must be carefully managed to provide a degree of resilience to both imported pests and diseases and the climate change.

The expansion of the urban forest would be a priority to ensure that the ecosystem services can be maintained to meet the needs of a growing population. However, this would be carefully planned and targeted. The aim to increase canopy cover towards the national average will be over a period of at least ten years.

Development in the Borough presented both challenges and opportunities for its tree cover. The Council would seek to ensure suitable trees were retained on development sites and commensurate and appropriate provision was made for new tree planting and green space.

It was noted that the drafts of the report had been submitted to the Environment and Community Panel for amendment before coming to Cabinet. It was agreed that the Strategy would provide a framework for those taking decisions on those issues to refer to.

Under Standing Order 34, Councillor Sampson reported that at a recent Parish Council meeting he had reported that the Borough Council was considering this issue, the parish council had been very supportive, and would be happy should the Council wish to assist in the provision of trees in parishes. It was noted that it was possible that parishes could use the CIL money awarded to them for this purpose. It was acknowledged that the strategy was helpful as everyone loved trees until they were deemed to be causing a problem.

RESOLVED: That the Tree and Woodland Strategy be adopted.

Reason for Decision

To ensure the long term effective management of the Borough Councils tree stock.

CAB48 **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 involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act.

CAB49 LEISURE SERVICES PROVISION

Cabinet was informed that due to the potential timeframes involved, and the fact that the Special Meeting of the Environment and Community Panel, along with Corporate Performance Members the Chairman of the Corporate Performance Panel, Councillor H Humphrey had assented to standing order 12.15 which set aside the call in process for this meeting.

The Chairman welcomed: Peter Lemon, Michael Andrews, Dr Ian Mack and Simon McKenna from the Alive Trust; Colin Mitchell from the East of England Talent Bank, who had carried out the review on behalf of the Council and Sue Payne from Unison to the meeting

Cabinet considered the report which set out the detail of the management of the Borough Council's principal arts and leisure facilities, and sports development work which had been in place since September 2014.

A number of factors led to a decision by the Council earlier this year to review the model against alternative models which were not open to the Council in 2013/14. The results of that review were set out in the report.

The representatives from Alive Leisure addressed Cabinet in support of the continuation of the Trust and the work carried out by them to date.

Colin Mitchell from the East of England talent bank who had carried out a review of the arrangements on behalf of the Borough Council presented his report.

Representations from the Environment and Community Panel supporting the report's recommendations were received along with comments from Unison.

Cabinet debated the report and the advice received from the Council's Legal Services Manager. Acknowledgement of the achievements they had made and thanks for the hard work put in by the trustees was given.

In considering the recommendations it was suggested that the Chief Executive be instructed to engage positively with the Trust to try to seek an agreed way forward for the future provision of the leisure services in the borough. A report to be brought back to Cabinet on 2 October 2018.

It was also proposed that business be represented on any LACC Board created. Both amendments were agreed.

The Chief Executive summed up the discussions held, and the reasoning behind the proposals and the requirement for the Council to ensure the right model was being operated for the Borough. He acknowledged the passion and effort put in by members of the Trust, thanked them for that, and encouraged further discussions to provide the best solution for the Borough.

RESOLVED: 1) That the findings and conclusions of the Leisure Options Appraisal report be noted and endorsed.

2) That the positive features of and outcomes from the current model of service delivery via Alive Leisure and Alive Management be noted.

3) That the preferred option for the future delivery of leisure services be to move to a new Not for Profit Local Authority Controlled Company (LACC) be confirmed, and within the LACC the Council would look to include representation from the business community. Recognising the achievements and enhancements made to leisure services under the stewardship of Alive Leisure Trustees over the past four years, the Chief Executive be instructed to engage positively with the Trust to seek an agreed way forward for the future provision of these services in the Borough and to report back to Cabinet on the outcome of these discussions to the meeting scheduled for 2nd October.

4) That the Property Services Manager be authorised to implement the break clauses in the leases for each of the leisure facilities, currently leased to Alive Leisure

5) That the Chief Executive and the Executive Director of Commercial Services in consultation with the Leader and Portfolio Holder for Culture, Heritage and Health be authorised to take the necessary actions to implement the new arrangements.

Reason for Decision

To reduce the current level of subsidy required to deliver the Council's leisure services, to maximise the return to the Borough Council of any future capital investment in the leisure facilities, to reduce the complexity and duplication inherent in the current model to release resources in order to seek to reverse the declining levels of participation in physical activity in West Norfolk and to provide flexibility for service delivery in the future.

CAB50 KING'S LYNN COMMERCIAL LEASING OF LAND AT THE WILLOWS

Councillor Beales presented a report which explained that the Borough Council owned a freehold parcel of land at The Willows, Saddlebow in King's Lynn. The report set out a proposal to terminate a commercial

lease arrangement with Norfolk County Council and grant a new lease to another party to facilitate a significant development on the site.

IT was noted that EP UK needed to have secured all the necessary consents and land agreements by mid-September otherwise they may be prohibited from bidding at the Capacity Auction that would secure their ability to supply energy into the Grid therefore it was necessary for this proposal to be considered by Cabinet on the 21st August 2018 when it had not been included within the Forward Decision list for 28 days.

Councillor H Humphrey, as the Chairman of the Corporate Performance Panel of The Borough Council of King's Lynn and West Norfolk, had been informed that the meeting of the Cabinet on Tuesday 21 August 2018 may consider the report in private, pursuant to regulation 5 (6) of the regulations, it being impracticable to comply with the publication requirements of regulation 5 in respect of decision being made in private and in accordance with standing order 30.6.

RESOLVED: 1) That the lease surrender and the grant of a new lease on the terms set out within this report be agreed.

2) That delegated authority be granted to the Property Services Manager, in consultation with the Portfolio Holder for Assets and Corporate Projects, to agree the rent level for the new lease; and

3) That delegated authority be granted to the Legal Services Manager to conclude all necessary lease and any other contractual arrangements to facilitate the proposal set out within the report.

Reason for Decision

To facilitate a significant development proposal for King's Lynn that will provide a significant number of construction jobs during the build period, a significant number of operational employment opportunities when the facility is completed and enhance the borough council's revenue income.

CAB51 KING'S LYNN - STRATEGIC PROPERTY ACQUISITION

Councillor Beales presented a report which sought approval to the freehold acquisition of land relating to the King's Lynn Riverfront Delivery Plan (Nelson Quay).

RECOMMENDED: That the freehold acquisition of the property on the terms as outlined within the report be approved and delegated powers be granted to the Legal Services Manager to conclude the transaction.

Reason for Decision

To acquire the strategic site.

CAB52 **NORA PHASE 4**

Councillor Beales presented the report which considered a viability appraisal for Nar Valley Park Phase Four. The land was acquired from the Receiver of Morston Assets in December 2016, following Morston Assets going into receivership.

The report considered the tenure of the finished units and the business case for including private rental properties in this mix. It was proposing that, subject to contract, to develop the site using modular construction.

Cabinet discussed the pros and cons of the proposals and supported the recommendations. The Corporate Project Manager was requested to inform members of the EPC ratings for the proposed properties.

RECOMMENDED:

1. That the site be developed using the Major Housing contract with Lovell Partnerships Limited.
2. That the scheme be developed as a modular development (using Legal and General's modules); subject to the scheme appraisals net cost being the same or better than the traditional build appraisal contained within this report. The appraisal taking account of any grant from Homes England offered to accelerate the development and any reduction in price offered by Legal and General to enable the scheme to go forward.
3. That if the modular scheme does not meet the criteria shown in 2. Above, develop the land using traditional methods.
4. That 'Private Rental Properties' be included in the tenure mix as shown in section 5 of this report.
5. That a further report be brought to Cabinet to determine the most financially advantageous arrangement for the Borough Council in terms of the ownership and lease arrangements with the council owned West Norfolk Property Company.

Reason for Decision

To progress the Major Housing Project.

- To achieve significant delivery of sustainable housing over a 4-5 year period.
- To achieve a commercial return for the Council (through capital and revenue receipts).
- To stimulate economic activity in the local area through direct and indirect activity.
- To create apprenticeships.

- To complete the housing at the Nar Ouse Regeneration Area (NORA)

CAB53 **NORA BUSINESS PARK ENTERPRISE ZONE PREMISES**

Councillor Beales presented a report which outlined that the Nar Ouse Business Park was designated Enterprise Zone status by 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 reports to Cabinet to outline the arrangements and approvals required for delivery of the first phase premises on the Enterprise Zone to facilitate development of the employment land at the Nar Ouse Business Park. This first phase aimed to attract business and developer interest in the Enterprise Zone and kick start the delivery of new business premises and jobs.

In supporting the proposals, Cabinet drew attention to the development ensuring some new industrial units were available.

RECOMMENDED:

1. That the development of 3 semi-detached light industrial and offices units totalling 40,000sq ft as phase 1 of premises development on the Nar Ouse Business Park, subject to securing funding (grant and / or equity) from Local Enterprise Partnership(s) be approved
2. That delegated authority be granted to the Deputy Chief Executive (Section 151 Officer) in consultation with the Portfolio Holder for Corporate Projects and Assets to complete the Agreement related to the Enterprise Zone Accelerator Fund with NALEP.
3. That delegated authority be granted to the Property Services Manager in consultation with the Portfolio Holder for Corporate Projects and Assets to progress development opportunities on Nar Ouse Business Park, including entering into pre-let or freehold disposal agreements with potential business occupiers.
4. That delegated authority be granted to the Director of Commercial Services in consultation with the Portfolio Holder for Corporate Projects and Assets to commence with the procurement and complete the necessary legal documentation for the design and build of the phase 1 premises construction and the establishment of a contractor framework to design and build future units to meet future interested occupier enquiries.
5. That the capital programme 2018/22 be amended to include the costs associated with the funding arrangements for phase 1 premises on the Nar Ouse Business Park detailed in section 3.3 of the report.
6. That delegated authority be granted to the Director of Commercial Services in consultation with the Portfolio Holder for Corporate Projects and Assets to agree the planning strategy

and further reserved matters applications for the remaining site based on the site wide masterplan in Appendix1.

Reason for Decision

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

The meeting closed at 8.29 pm