

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

CABINET

Minutes from the Meeting of the Cabinet held on Tuesday, 8th January, 2019 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, P Hodson, A Lawrence, Mrs K Mellish
and Mrs E Nockolds

CAB96 **MINUTES**

RESOLVED: The Minutes of the Meeting held on 13 November 2018 were approved as a correct record and signed by the Chairman.

CAB97 **URGENT BUSINESS**

None

CAB98 **DECLARATIONS OF INTEREST**

None

CAB99 **CHAIRMAN'S CORRESPONDENCE**

The Chairman had received correspondence from Councillor Moriarty on the scheme of delegation item which he would refer to when the item was discussed.

CAB100 **MEMBERS PRESENT UNDER STANDING ORDER 34**

Councillor Mrs S Fraser attended for the Custom and Self Build item under Standing Order 34.

CAB101 **CALLED IN MATTERS**

None

CAB102 **FORWARD DECISIONS**

The Forward Decisions list was noted.

CAB103 **MATTERS REFERRED TO CABINET FROM OTHER BODIES**

None

CAB104 **COUNCIL TAX SUPPORT SCHEME 2019/2020 FINAL SCHEME**

Cabinet considered a report which explained that the council must review and agree its 2019/2020 Council Tax Support (CTS) scheme for working age people by 11 March 2019. A 'no change' draft CTS scheme was agreed for 2019/2020 by delegated decision. The draft CTS scheme was then opened to public consultation from 25 September 2018 to 9 November 2018.

This report detailed the results of the consultation and the recommended final CTS scheme for 2019/2020. Disappointment was expressed at the small number of comments received on the draft proposal.

RECOMMENDED: 1) That the responses from the Council Tax Support scheme consultation at Section 3 and Appendix B to the report be noted, and

2) That the draft Council Tax Support scheme be approved as the final Council Tax Support scheme for 2019/2020

Reason for Decision

To ensure a Council Tax Support scheme for 2019/2020 is agreed by full council by the deadline

CAB105 **FINANCIAL ASSISTANCE SCHEME GUIDANCE**

Councillor Nockolds presented a report which sought Cabinet approval to include Social Enterprises (SE's) and Community Interest Companies (CIC's) in the list of organisations eligible to apply to the Borough Council's Financial Assistance Scheme. It was explained that the Norfolk Community Foundation who administered the scheme on behalf of the Council would carry out the checks required under the scheme.

RESOLVED: 1) That the addition of Social Enterprises and Community Interest Companies eligible to apply to the Financial Assistance Scheme be approved.

2) That delegated authority be given to the Deputy Chief Executive (S151 Officer) in consultation with the Portfolio Holder for Culture, Heritage and Health to approve future minor amendments to the

eligibility and award criteria of the Council's Financial Assistance scheme.

Reason for Decision

To ensure the Scheme is completely inclusive.

CAB106 FIXED PENALTY NOTICES FOR FLY TIPPING AND DUTY OF CARE OFFENCES

Councillor Devereux presented a report which explained that the Environmental Protection Act 1990 allowed local authorities to offer Fixed Penalty Notices (FPN's) for:

- Depositing or knowingly causing or permitting the deposit of waste on land where no environmental permit is in place, commonly known as fly-tipping. (Section 33ZA)
- Householders who fail to comply with their duty of care when passing their waste to a third party. (Section 34ZA)

The report sought to confirm the level of penalty payable for each offence.

Cabinet debated the issue of waste and fly tipping on public and private land and the responsibilities of householders to ensure their waste was disposed of by a contractor licensed as a waste carrier by the Environment Agency.

The Principal Environmental Health Officer explained that it was not proposed to concentrate on soft targets but to target those unlicensed contractors who were doing the flytipping. He also confirmed that the Council wasn't able to clear waste from private land but would investigate the flytipping if there was evidence to be obtained.

RESOLVED: That the level of penalty for these offences under the Environmental Protection Act 1990 to be set at:

- Section 33ZA (Fly tipping) £300 reduced to £200 if paid within 10 days.
- Section 34ZA (Household Duty of Care) £200 reduced to £150 if paid within 10 days

Reason for Decision

The council works in partnership with the other Norfolk authorities through the Norfolk Waste Enforcement Group (NWE). NWE is an officer level group with the aim of sharing good practice and, where possible, aligning regulatory processes in the county. The level of penalties have been reviewed and agreed by NWE.

CAB107 CUSTOM AND SELF BUILD ACTION PLAN

Councillor Blunt presented a report which provided information on the Council's first comprehensive Action Plan on Custom and Self-build housing.

The Housing Services Manager explained that the Plan set out the Council's proposed actions to directly meet its own responsibilities to help deliver quality self and custom homes in the Borough to meet local demand. As well as meeting obligations, there were wider benefits to enabling this route of delivery as it provided opportunities to increase housing delivery, fostered creative design providing homes that met people's needs and provided opportunities for smaller house builders.

The Action Plan had been produced by the Council's Custom Build and Self Build Policy Development Task Group. The final draft had been approved by the group. The purpose of the report was to inform Cabinet of the Council's responsibilities in relation to Custom and Self Build Housing and seek approval from Cabinet to implement the actions in the plan. The Action Plan was included as an Appendix to the report.

Councillor Long asked whether the final version had been submitted to the Regeneration and Development Panel and the Task Group for consideration prior to coming to Cabinet.

Under standing order 34 Councillor Mrs S Fraser commented that the draft had been to the task group, and she felt it should go back to Regeneration and Development Panel for their consideration and support as she did not believe that the Panel had seen it.

Councillor Long therefore proposed that the item be deferred for a cycle in order to ascertain if the Chairman of the Regeneration and Development Panel wished it to come to the panel. It would also then be referred to the Task Group. This was agreed.

RESOLVED: That consideration of the Custom and Self Build Action Plan be deferred for a cycle to ascertain whether the Regeneration and Development Panel had previously considered or wished to consider the item if they had not.

Reason for Decision

To give the Panel the opportunity to comment on the final version of the Plan if they had not.

CAB108 MINOR UPDATE TO THE SCHEME OF DELEGATION

The Leader presented a report which recommended an updated scheme of delegation for approval. The Scheme had been amended to take account of an additional area of responsibility, and to provide the Chief Executive with a formal Deputy Returning Officer and Electoral Registration Officer.

Councillor Long reported on a question from Councillor Moriarty which asked if the proposal to create a Deputy returning Officer would cost any more. It was confirmed that it would not cost any more.

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.

Reason for Decision

To ensure that the Delegation Scheme mirrors the decision making structure

CAB109 POLLING DISTRICT AND PLACE REVIEW

Councillor Long presented a report which reminded Members of the Council's duty to undertake a review of the polling districts and polling places in respect of Parliamentary electoral areas that fall within the boundaries of the Borough. The review was last conducted in 2013 and needed to be concluded again by January 2020. However in the meantime the Local Government Boundary Commission for England had published new electoral arrangements for the Borough Council of King's Lynn & West Norfolk, which required an interim review to be undertaken ahead of the May 2019 elections. It was the Returning Officer's responsibility to keep polling stations under review.

Comments had been received as shown with the report, with an amendment proposed for approval with a further review of the other station in the future.

RECOMMENDED: The Polling District and Polling Place Review Schedule attached to the report be adopted.

Reason for Decision

To ensure that the Council meets its statutory obligations.

CAB110 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.

CAB111 WEST NORFOLK PROPERTY COMPANY - GOVERNANCE AND BUSINESS PLAN

The Housing Services Manager presented a report which explained that previous Cabinet reports, most recently on 9 January 2018, agreed the setup of West Norfolk Property Ltd (WNPL), a wholly owned local authority company. WNPL had been established to hold and manage private rented housing units being developed by the Council. The Council continued to look for opportunities to generate additional income to support its revenue budget and the retention of some of its housing development for private rental provides such an opportunity. WNPL would manage the properties and grow a portfolio over time, providing a return to the Council.

This report presented the Business Plan for WNPL and proposed amendments to the structure of WNPL.

The Housing Services Manager reminded Members that the Council as the enforcer of housing standards intended to raise the bar in terms of housing quality and management practices. An assessment of demand would be carried out, the homes would transfer at market value and the future arrangements for developments would be examined. He also responded to questions relating to the level of finance to be held for repairs etc in the future. It was noted that the Business Plan would be regularly reviewed and updated.

The Deputy Chief Executive reminded Cabinet that the company had been set up in order to provide new revenue stream for the Council in times of reducing Government subsidy.

RECOMMENDED: 1) That the Business Plan for WNPL be approved and delegated authority be granted to the Deputy Chief Executive (S151 Officer) to make amendments to the Business Plan in respect of recommendation 3 in consultation with the Portfolio Holders for Corporate Projects and Assets, Portfolio Holder for Housing and Community, Chief Executive, Monitoring Officer and Housing Services Manager

2) That the principle of retention for private rent of a minimum of 20% of the housing units developed by the Council on the large urban sites over 50 units as detailed in the report be approved.

3) That delegated authority be given to the Deputy Chief Executive (S151 Officer) to approve the amendments to the Articles of Association for WNPL as set out in the report in consultation with the Portfolio Holders for Corporate Projects and Assets, Portfolio Holder for Housing and Community, Chief Executive, Monitoring Officer and Housing Services Manager.

4) That delegated authority be given to the Deputy Chief Executive (S151 Officer) to agree the financing arrangements as detailed in the report in consultation with the Portfolio Holders for Corporate Projects and Assets, Portfolio Holder for Housing and Community, Chief Executive, Monitoring Officer and Housing Services Manager.

Reason for Decision

To ensure that the Council has a suitable vehicle to hold, manage and develop private rented housing.

The meeting closed at 6.50 pm