

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

**Minutes from the Meeting of the Cabinet held on Monday, 25th June, 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 R Blunt, I Devereux, A Lawrence, Mrs K Mellish and Mrs E Nockolds

Apologies for absence were received from Councillors A Beales and P Hodson

CAB20 **MINUTES**CAB21 **URGENT BUSINESS**CAB22 **DECLARATIONS OF INTEREST**

Councillors Lawrence and Long declared a personal interest in the West Norfolk Housing Company item as Directors of the Company appointed by the Council

Councillor I Devereux and K Mellish declared a personal interest in the Energy Efficiency (Private Rented Property) item.

CAB23 **CHAIRMAN'S CORRESPONDENCE**CAB24 **MEMBERS PRESENT UNDER STANDING ORDER 34**

Under Standing Order 34, Councillor G Middleton attended for the Audit & Risk Committee Effectiveness

CAB25 **CALLED IN MATTERS**

None

CAB26 **FORWARD DECISIONS**

The Forward Decision List was noted.

CAB27 **MATTERS REFERRED TO CABINET FROM OTHER BODIES**

None

CAB28 **COMPLIANCE AND ENFORCEMENT - ENERGY EFFICIENCY (PRIVATE RENTED PROPERTY) (ENGLAND AND WALES) REGULATIONS 2015**

Cabinet considered a report which explained that the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 fulfilled a duty placed upon the Secretary of State in the Energy Act 2011 to introduce Regulations to improve the energy efficiency of buildings in the domestic private rented sector.

Every Local Authority was the enforcement authority for their area and would be responsible for enforcing compliance with the minimum level of energy efficiency provisions.

The report outlined these duties and set out proposals regarding the levels of financial penalties to be adopted.

RECOMMENDED: 1) That the policy statement in relation to the enforcement of the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 be approved.

2) The financial penalties be adopted in line with the maximums as set by the Regulations and the issuing of publication penalties for a period of 12 months.

Reason for Decision

To note the new duties placed upon the Council and adopt a policy in relation to enforcement and the imposition of penalties in accordance with the Regulations.

CAB29 **AUDIT & RISK COMMITTEE EFFECTIVENESS 2017-18**

The Audit Manager presented the report provided Cabinet with the results of the 'Review of the Effectiveness of the Audit Committee' for 2017-18. The report found that the Committee was fulfilling its stated purpose which was 'to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the Council's financial and non-financial performance to the extent that it affected the Council's exposure to risk and weakened the control environment, and to oversee the financial reporting process'.

Under Standing Order 34, Councillor G Middleton as current chairman of the Audit and Risk Committee presented the report and confirmed that it had been hoped that Councillor Pope as the former Chairman of the Committee for the duration of the report would be able to address Cabinet on the item, but he was unable to attend.

Councillor G Middleton, drew attention to the aspiration that the Committee have a compulsory training plan for members and subs where there were decisions being taken by the Committee. He also made reference to a CIPFA publication for audit committees. In highlighting the relationship with the external auditors he drew attention to potential additional cost to the Council caused by some of the methods chosen by the auditors.

In response to questions Councillor Middleton said they could look into a Code for Audit Members, but wanted to concentrate on the training element.

It was confirmed that the Council had already decided that the training for the decision making elements of the Audit Committee should be obligatory.

In response to a question on the selection of external auditors the Deputy Chief Executive explained that they had recently been selected through a tender process, but that the selection of the external auditors for the Local Authority Companies could involve more local companies.

Councillor Long thanked Councillor Pope for his Chairmanship the previous year, and Councillor Middleton for presenting the report.

RESOLVED: That the evidence presented in the report as confirming that the Audit Committee operated effectively during 2017-18 be accepted.

Reason for Decision

To ensure the Council continues to meet its obligations under the Accounts and Audit Regulations 2015.

CAB30 **REVENUE OUTTURN 2017/18**

Cabinet considered a report which set out in summary the revenue outturn 2017/2018 for the General Fund (council tax accounts). The report showed details of the major differences between actual costs/income and the revised estimates for 2017/2018 reported in February 2018 monitoring.

The accounts showed actual Borough spend of £17,796,456, which was £4,114 less than the February Revised Estimate for 2017/2018. This additional saving would be held within the General Fund balance that was carried forward to 2018/2019.

The Council's continuing strategy was to identify budget savings in year, as part of the monitoring process and at year end. These savings were then transferred to the General Fund Balance for use in future years. Councillor Long congratulated all elements of the organisation

who had worked to deliver the savings and addition money going into Reserves to deal with Government settlements in future years.

RESOLVED: 1) The revenue outturn and proposed transfers to reserves for 2017/2018 be agreed.
2) That the amendments to the Earmarked Reserves policy be agreed.

Reason for Decision

To approve the revenue outturn for 2017/2018 of the Council.

CAB31 **CAPITAL OUTTURN 2017/18**

Cabinet considered a report which provided details of the outturn of the 2017/2018 capital programme and outlined amendments and rephrasing to the spending on schemes, revising the programme for 2018/2022. The capital programme outturn for 2017/2018 totalled £21,564,901 against an approved budget of £29,771,350. It had been necessary to rephase a total of £7,961,630 of scheme costs to future years. Useable capital receipts generated in the year totalled £5,519,000. The capital resources available to fund expenditure in 2017/2018 were detailed in section 3 of the report.

Councillor Long reminded Members of the high value capital projects which were on the Council's books and confirmed that where they had not drawn down it would be slipped to the following year.

RESOLVED: 1) That the outturn of the capital programme for 2017/2018 of £21,564,901 be noted.

2) That the financing arrangements for the 2017/2018 capital programme be noted.

3) That the revised 2018/2022 capital programme and financing as detailed in the report be approved.

Reason for Decision

To report the outturn 2017/2018 for the Capital Programme and update members on capital spending and resources for 2018/2022.

CAB32 **CODE OF GOOD PRACTICE FOR LICENSING**

Cabinet considered a report which recommended adoption of a Code of Good Practice for Licensing. It promoted high standards of decision making for Licensing Matters and was in line with the Planning Committee requirements.

RECOMMENDED: That the Code of Good Practice for Licensing as attached to the report be adopted.

Reason for Decision

To ensure high standards of decision making and conduct of Members.

CAB33 **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.

CAB34 **ONE PUBLIC ESTATE AND HUNSTANTON SOUTHERN SEAFRONT MASTER PLAN**

The Property Services Manager presented a report which reminded Members that the Borough Council had been involved with the One Public Estate (OPE) initiative with its public sector partners in Norfolk, and had successfully secured feasibility funding for a variety of projects within the borough. In addition, the Borough Council had successfully secured funding from the Norfolk Business Rates Pool to support the next phase of delivery in its regeneration programme for Hunstanton.

The report provided Cabinet with a progress update on the projects and sought authority to commit funds to the next stages of some of the project strands, particularly the regeneration proposals in Hunstanton.

In response to questions it was confirmed that the project was being undertaken working closely with coastal engineers to maximise the coastal defence element. It was also noted that the plans should have a positive impact all around the coastline.

RESOLVED: 1) That the content of the report, which provides background and current position with the three OPE projects and the Hunstanton Southern Seafront Masterplan project be noted.

2) That agreement to the seven proposals listed in section 8 of the report be confirmed.

Reason for Decision

1 To ensure that OPE grant monies received are used as per the council's agreement with the Cabinet Office

2 To help meet the stated objective of driving local economic and housing growth

3 To continue the council's support to the economic development and regeneration of Hunstanton.

CAB35 **KING'S LYNN STRATEGIC LAND PROPERTY ACQUISITION**

Cabinet considered a report which set out outline terms for two proposed strategic land and property acquisitions at a prominent location in King's Lynn. Authority was sought from Cabinet to progress these acquisitions through to completion, subject to agreeing acceptable terms in consultation with the relevant Portfolio Holder.

A discussion was held on other land and properties in the surrounding area.

RECOMMENDED: 1) That the acquisition of the land asset is progressed along the lines set out within the report.

2) That the Capital Programme is adjusted to accommodate the acquisition of the site identified within the report.

3) That delegated authority is given to the Property Services Manager to finalise the terms of the proposed disposals set out within this report in consultation with the Portfolio Holder for Corporate Projects and Assets.

4) That authority is granted to the Legal Services Manager to progress the necessary transfer, or any other associated, documentation through to completion.

Reason for Decision

The sites are located at one of the major vehicle interchanges in King's Lynn and this is considered to be a "gateway" site. The proposal set out within this report fits well with the regeneration proposals for King's Lynn and the recommendations set out by the Regeneration and Economic Development Member Task Group, and the Heritage Member Task Group in 2014.

CAB36 **CHANGES TO WEST NORFOLK HOUSING COMPANY, BUSINESS PLAN AND INTRA GROUP AGREEMENT**

Cabinet considered a report which primarily set out the proposal to change the status of the West Norfolk Housing company (WNHC) from that of a 'for profit' company limited by shares to 'not-for profit' company limited by shares, in order to complete the process of becoming a registered provider of social housing.

It was further proposed that a revised Business Plan attached in appendix A to the report be agreed, and also that future developer contributions for affordable housing were used where appropriate for supporting WNHC by way of grant funding in its investment in new affordable housing.

In response to questions on monitoring the key performance indicators of the Company, Councillor Lawrence explained that information would be collated for member's consideration and monitoring.

RECOMMENDED: 1) That the Council as the shareholder of West Norfolk Housing Co. agree to the required constitutional changes being made to the Company that embed its not-for-profit status – the detailed changes to be agreed by Chief Executive in consultation with Legal Services Manager .

2) That changes be made to the governance documents in relation to 'quorum' to ensure decisions are made that reflect the independent composition of the board, and embed in the governance documents the independent membership of the board and independent Chair.

3) That the WNH Company Business Plan (revised 2018) be approved.

4) That, future affordable housing developer contributions will be utilised to fund affordable housing development sites identified in the Company Business Plan.

5) That the draft intragroup agreement (Appendix B to the report) between the Council and West Norfolk Housing Co. be approved and delegate to an Executive Director (not involved with WNHC) and a Cabinet Member (not involved with WNHC) the finalisation and signing of the agreement and incorporated Service Level Agreement.

Reason for Decision

The proposed changes to the organisation are required in order to successfully complete the registration process to become a registered provider of social housing.

The meeting closed at 6.32 pm